



Justice Assistance Grant (JAG) Program, 2015

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Introduction

As part of the Consolidated Appropriations Act of 2005, the 108th Congress merged the discretionary Edward Byrne Memorial Grant Program with the formula-based Local Law Enforcement Block Grant program to establish the Edward Byrne Memorial Justice Assistance Grant (JAG) program. The Bureau of Justice Assistance (BJA) administers the JAG program, and the Bureau of Justice Statistics (BJS) calculates the JAG formula-based award amounts using specifications outlined in the legislation.

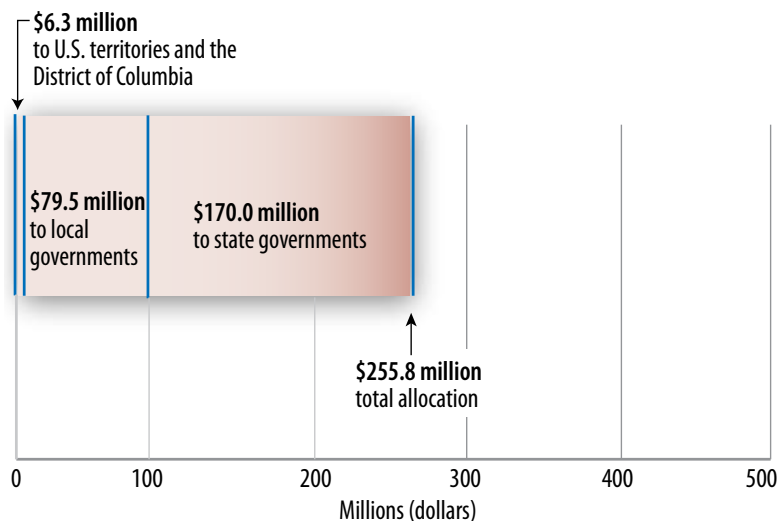
JAG awards may be used for the following seven purposes—

- law enforcement
- prosecution and courts
- prevention and education
- corrections and community corrections
- drug treatment
- planning, evaluation, and technology improvement
- crime victim and witness programs.

A total of \$255,795,278 was available for the 2015 JAG awards ([figure 1](#)). This report describes the steps in the JAG award calculation process and presents summary results of the 2015 JAG formula calculations.

HIGHLIGHTS

FIGURE 1
Distribution of FY 2015 JAG awards



Note: Detail may not sum to total due to rounding.

Source: Bureau of Justice Statistics calculations based on data from the Uniform Crime Reporting program and the U.S. Census Bureau.

- The total allocation for the 2015 JAG funding was approximately \$255.8 million, of which \$249.5 million went to states and \$6.3 million went to U.S. territories and the District of Columbia.
- The five states with the largest total allocations included California (\$28.4 million), Texas (\$19.7 million), Florida (\$16.2 million), New York (\$14.6 million), and Illinois (\$9.9 million).
- A total of 1,408 local governments were eligible for awards, either directly or through a joint award with other governments within their county. The five local governments eligible to receive the largest awards included New York City (\$4.0 million), Chicago (\$2.0 million), Philadelphia (\$1.6 million), Houston (\$1.6 million), and Los Angeles (\$1.4 million).
- Two states had 100 or more local governments eligible to receive award funds either directly or through a shared award: California (214) and Florida (114).

Overview of process

Once the fiscal year JAG allocation has been determined, BJS begins its four-step award calculation process:

- Computing an initial allocation for each state and territory, based on its share of violent crime and population (weighted equally).
- Reviewing the initial allocation amount to determine if it is less than the minimum (*de minimus*) award amount defined in the JAG legislation (0.25% of the total). If this is the case, the state or territory is funded at the minimum level, and the funds required for this are deducted from the overall pool of funds. Each of the remaining states receives the minimum award plus an additional amount based on its share of violent crime and population.
- Dividing each state's final amount at a rate of 60% for state governments and 40% for local governments.
- Determining local award allocations, which are based on a jurisdiction's proportion of the state's 3-year violent crime average. If a local jurisdiction's calculated award is less than \$10,000, the funds are returned to the state to distribute. If the calculated local award is \$10,000 or more, then the local government is eligible to apply for an award.

The four-step award calculation process

Step 1: Initial allocation to states and territories

[Legislative mandate: 42 USC § 3755 (a)(1)]

Based on the congressional appropriation for the 2015 JAG program, BJS calculates the initial allocation amounts for the 50 states and U.S. territories. Using the congressionally established formula, BJS allocates half of the available

funds based on a state's or territory's share of violent crime and half of the funds based on its share of the nation's population.¹ The most recent 3-year period of official violent crime data for states and territories from the FBI covered from 2011 to 2013. The population shares for the 50 states, the District of Columbia, and U.S. territories were determined based on results of the 2014 midyear population estimates published by the U.S. Census Bureau.

Examples—

- California accounts for 12.94% of the nation's total violent crime and 12.02% of the nation's total population. Therefore, California's initial allocation equals 12.94% of \$127,897,639 (half of \$255,795,278) plus 12.02% of \$127,897,639, totaling \$31,919,362.
- Vermont accounts for 0.07% of the nation's total violent crime and 0.19% of the nation's total population. Vermont's initial allocation is 0.07% of \$127,897,639 plus 0.19% of \$127,897,639, totaling \$337,965.

Step 2: De minimus awards

[Legislative mandate: 42 USC § 3755 (a)(2)]

The JAG legislation requires that each state or territory be awarded a minimum allocation equal to 0.25% of the total JAG allocation (\$639,488 in 2015), regardless of its population or crime average. If a state or territory's initial allocation based on crime and population is less than the minimum amount, that state or territory receives the minimum award amount as its total JAG allocation. If a state or territory's initial allocation exceeds the minimum amount, it receives the minimum award plus the amount based on its share of violent crime and population.

¹For purposes of the initial calculations for the 2015 state and territory allocations, the FBI legacy definition of rape was used for the 2014 violent crime total to maintain consistency within the 3-year violent crime average. See *Methodology*.

Congress has made one exception to this rule: American Samoa and the Northern Mariana Islands are required to split one minimum award, with American Samoa receiving 67% (\$428,457) and the Northern Mariana Islands receiving 33% (\$211,031). (See *Methodology* for more information on allocation procedures for the territories.)

In 2015, four states (North Dakota, South Dakota, Vermont, and Wyoming) and four U.S. territories (American Samoa, Guam, Northern Mariana Islands, and the Virgin Islands) received only the minimum award as their total JAG allocation. The remainder of the states, the District of Columbia, and Puerto Rico were all awarded the minimum award plus an additional allocation. A total of \$35,171,851 was allocated for minimum awards under the 2015 JAG program.

Examples—

- Vermont's initial allocation of \$337,965 is less than the minimum value, so Vermont's total JAG allocation will be the minimum amount of \$639,488.
- California's initial allocation of \$31,919,362 exceeds the minimum value, so California will receive the minimum plus an award based on its share of total violent crime and population.

To compute the additional amounts, the crime and population data for states and territories receiving only the minimum award are removed from the pool, and the remaining JAG funds are reallocated to the rest of the states based on violent crime and population as in Step 1.

Examples—

- Vermont receives only the minimum award, so its crime and population data are removed from the pool.
- After removing the crime and population data for the states and U.S. territories receiving only the minimum award, California accounts for 13.00% of violent crime and 12.14% of the nation's population. California's new JAG allocation is equal to \$14,343,532 (13.00% of half of \$220.6 million) plus \$13,392,811 (12.14% of half of \$220.6 million), plus the minimum amount of \$639,488. These three components equal \$28,375,832. (The total amount of \$220.6 million equals the original \$255.8 million total JAG 2015 award allocation minus the \$35.2 million JAG 2015 minimum allocation.)

Step 3: 60%/40% split to state and local governments

[Legislative mandate: 42 USC § 3755 (b)]

Except for the U.S. territories and the District of Columbia, 60% of the total allocation to a state is retained by the state government, and 40% is set aside to be allocated to local governments.

Examples—

- California's state government retains 60% of \$28,375,832, or \$17,025,499. The remaining 40%, or \$11,350,333, is set aside for distribution to local governments in California.
- Vermont's state government retains 60% of the minimum award of \$639,488, or \$383,693. The remaining 40%, or \$255,795, is set aside for distribution to local governments in Vermont.

Step 4: Determining local award allocations

[Legislative mandate: 42 USC § 3755 (c)(d)(e)(f)(g)(h)]

In order to determine local awards, BJS determines which jurisdictions should be included in the calculation of the 3-year violent crime averages on which local awards are based. These crime averages are computed using data reported to the FBI's Uniform Crime Reporting (UCR) program. To be eligible, a jurisdiction must have provided to the UCR a count of the number of Part I violent crimes known to law enforcement each year for a minimum of 3 years in the past 10 years.² Jurisdictions that have not met the reporting requirements are excluded from the calculations and are not eligible to receive an award.

The 10-year limit on the age of UCR data used for JAG local award calculations was applied for the first time during the 2009 Recovery Act.³ For the 2010 JAG, the 10-year window for eligible UCR data was waived because some agencies were having difficulty meeting the new requirements. Instead, all of the FBI's UCR data dating back to 1991 were used to meet the 3-year reporting requirement. Agencies that used this waiver signed an agreement indicating they would begin to report timely data on Part I violent crimes to the FBI starting no later than the end of FY 2010 (September 30, 2010). All agencies that used the waiver in 2010 reported updated UCR data by the required deadline, making it unnecessary to authorize any further waivers of the 10-year rule. The

²For purposes of the 2015 local award calculations, Part I violent crime totals included the definition of rape (legacy or 2013 revised) that an agency reported to the FBI. See *Methodology*.

³Before 2009, all years of the FBI's UCR data could be used to meet the 3-year reporting requirement. Although the 10-year limit was stipulated in the 2005 legislation that created the JAG program, it was not implemented until 2009 per the "Transitional Rule." See 42 USC § 3755(d)(2)(B).

10-year limit was applied for the first time in FY 2012 and has been in effect for each year since.

After determining which law enforcement agencies have the 3 years of reported violent crime data required to be included in the calculations, BJS computes the average number of violent crimes reported by all law enforcement agencies in each jurisdiction (e.g., local government) for the 3 most recent years in which they reported data.

Since awards to local governments are based on their share of all violent crimes reported by the law enforcement agencies in their state, BJS computes the sum of these averages within each state to determine the jurisdiction's share of the total local award allocation.

Examples—

- California has \$11.4 million set aside for local awards. The 3-year violent crime averages reported by local jurisdictions in California equal 153,562.67 crimes. Dividing the \$11,350,333 set-aside by the state crime total (153,562.67) results in the number of dollars available for each crime (\$73.91). Therefore, a local California jurisdiction needs a 3-year violent crime average of at least 135.29 violent crimes (\$10,000 divided by \$73.91) to be eligible for a direct award.
- Vermont has \$255,795 set aside for local governments. The sum of 3-year average violent crimes reported is 629.67. The dollars per crime ratio in Vermont equals \$255,795 divided by 629.67 crimes, or \$406.24 per crime (after rounding). The threshold is 24.62 violent crimes (\$10,000 divided by \$406.24) to be eligible for a direct award.

TABLE 1
State and local allocation amounts, FY 2015

State	Initial allocations		Dollars per crime	Threshold	Eligible local awards		Reallocated to state	Total state government award	Total allocation
	State government	Local governments			Number	Amount			
Total	\$149,703,334	\$99,802,223	~	~	\$1,408	\$79,523,714	\$20,278,509	\$169,981,843	\$249,505,557
Alabama	2,529,927	1,686,618	\$83.35	\$119.98	25	1,069,493	617,125	3,147,052	4,216,545
Alaska	780,189	520,126	151.29	66.10	6	455,275	64,851	845,041	1,300,316
Arizona	3,281,941	2,187,961	80.74	123.86	29	1,922,528	265,433	3,547,374	5,469,902
Arkansas	1,756,292	1,170,861	86.40	115.75	24	804,516	366,345	2,122,637	2,927,153
California	17,025,499	11,350,333	73.91	135.29	214	10,291,887	1,058,446	18,083,945	28,375,832
Colorado	2,364,527	1,576,351	99.31	100.69	25	1,347,132	229,219	2,593,746	3,940,878
Connecticut	1,666,227	1,110,818	117.95	84.78	17	953,437	157,381	1,823,609	2,777,046
Delaware	846,564	564,376	170.75	58.57	7	494,825	69,551	916,114	1,410,939
Florida	9,696,055	6,464,037	68.66	145.64	114	5,795,701	668,336	10,364,390	16,160,091
Georgia	4,505,581	3,003,721	83.88	119.21	50	2,188,767	814,954	5,320,534	7,509,301
Hawaii	866,936	577,958	191.00	52.36	4	577,958	0	866,936	1,444,894
Idaho	903,401	602,267	182.45	54.81	14	404,126	198,141	1,101,542	1,505,668
Illinois	5,922,514	3,948,342	76.37	130.94	38	3,105,966	842,376	6,764,890	9,870,856
Indiana	2,985,371	1,990,247	93.94	106.46	23	1,600,759	389,488	3,374,859	4,975,618
Iowa	1,470,775	980,516	125.35	79.77	16	620,502	360,014	1,830,789	2,451,291
Kansas	1,536,656	1,024,438	102.86	97.22	14	687,929	336,509	1,873,165	2,561,094
Kentucky	1,832,230	1,221,487	139.90	71.48	13	890,943	330,544	2,162,774	3,053,717
Louisiana	2,667,991	1,778,661	77.16	129.61	32	1,358,666	419,995	3,087,986	4,446,652
Maine	748,909	499,273	333.00	30.03	12	270,062	229,211	978,120	1,248,182
Maryland	3,178,539	2,119,026	78.81	126.89	19	1,936,802	182,224	3,360,764	5,297,566
Massachusetts	3,295,109	2,196,740	82.27	121.55	37	1,701,242	495,498	3,790,607	5,491,849
Michigan	4,850,345	3,233,563	74.62	134.00	51	2,608,255	625,308	5,475,654	8,083,909
Minnesota	2,191,661	1,461,108	115.80	86.36	13	909,443	551,665	2,743,326	3,652,769
Mississippi	1,441,200	960,800	147.75	67.68	25	630,073	330,727	1,771,927	2,402,000
Missouri	3,103,664	2,069,109	77.62	128.83	19	1,381,219	687,890	3,791,555	5,172,774
Montana	742,891	495,261	178.62	55.98	13	296,276	198,985	941,876	1,238,152
Nebraska	1,034,336	689,557	147.84	67.64	4	543,742	145,815	1,180,151	1,723,893
Nevada	1,867,849	1,245,233	78.52	127.36	8	1,183,308	61,925	1,929,774	3,113,082
New Hampshire	812,036	541,357	222.96	44.85	9	301,744	239,613	1,051,650	1,353,394
New Jersey	3,676,135	2,450,757	96.14	104.02	39	1,813,444	637,313	4,313,448	6,126,892
New Mexico	1,478,067	985,378	86.88	115.10	19	783,554	201,824	1,679,892	2,463,446
New York	8,770,721	5,847,147	76.79	130.22	26	5,359,612	487,535	9,258,256	14,617,868
North Carolina	4,301,922	2,867,948	87.56	114.21	50	2,049,823	818,125	5,120,046	7,169,869
North Dakota	383,693	255,795	141.25	70.80	7	164,975	90,820	474,513	639,488
Ohio	4,660,444	3,106,963	94.54	105.77	29	2,414,222	692,741	5,353,184	7,767,406
Oklahoma	2,141,625	1,427,750	82.50	121.21	16	1,053,034	374,716	2,516,341	3,569,375
Oregon	1,736,267	1,157,511	124.08	80.59	16	828,034	329,477	2,065,744	2,893,778
Pennsylvania	5,484,063	3,656,042	90.33	110.71	28	2,588,651	1,067,391	6,551,454	9,140,105
Rhode Island	745,994	497,329	191.75	52.15	9	424,595	72,734	818,728	1,243,323
South Carolina	2,819,403	1,879,602	72.14	138.63	41	1,439,257	440,345	3,259,748	4,699,005
South Dakota	383,693	255,795	107.96	92.63	4	158,378	97,417	481,110	639,488
Tennessee	3,906,655	2,604,437	66.52	150.32	31	1,967,521	636,916	4,543,571	6,511,092
Texas	11,797,526	7,865,017	74.77	133.75	88	6,498,782	1,366,235	13,163,761	19,662,543
Utah	1,316,146	877,430	142.91	69.97	14	653,725	223,705	1,539,851	2,193,576
Vermont	383,693	255,795	406.24	24.62	5	109,956	145,839	529,532	639,488
Virginia	2,976,660	1,984,440	126.01	79.36	31	1,558,265	426,175	3,402,835	4,961,100
Washington	2,951,488	1,967,659	98.36	101.67	35	1,528,027	439,632	3,391,120	4,919,147
West Virginia	1,076,175	717,450	178.81	55.92	22	498,526	218,924	1,295,099	1,793,625
Wisconsin	2,424,055	1,616,036	105.19	95.06	16	1,178,998	437,038	2,861,093	4,040,091
Wyoming	383,693	255,795	217.08	46.07	7	119,759	136,036	519,729	639,488

Note: Detail may not sum to total due to rounding.

~Not applicable.

Source: Bureau of Justice Statistics, state calculations based on data from the Uniform Crime Reporting (UCR) program, 2011–2013, and U.S. Census Bureau, 2014; and local calculations based on data from the UCR Program, 2004–2013.

BJA then calculates the initial amount of each local award. Each local award amount is equal to the product of a local jurisdiction's 3-year violent crime average and the dollars per crime ratio for the state in which it is located. By statute, the minimum award a local jurisdiction may receive is \$10,000. Jurisdictions that are eligible for an initial award greater than or equal to \$10,000 are eligible to apply to receive the funds for their own use. If the initial award is less than \$10,000, the award funds are transferred to the state administering agency for distribution to the state police or any units of local government that were ineligible for a direct award greater than or equal to \$10,000. (See "Pass-through requirement" [42 USC § 3755(c)].)

Examples—

- The city of Los Angeles, California, has a 3-year average of 18,372.00 violent crimes, or about 12.0% of all violent crimes reported by potentially eligible jurisdictions in California. Los Angeles exceeds the state threshold of 135.29 violent crimes and is eligible for 12.0% of the \$11.4 million set aside for local governments in California, or about \$1,357,936 (18,372.00 multiplied by \$73.91).
- The city of Vergennes, Vermont, has a 3-year average of 4.00 violent crimes. This does not meet the state threshold of 24.62, so it is ineligible for a direct JAG award. Its crimes, less than 1% of all violent crimes in Vermont, account for about \$1,625 of award funds. These funds are transferred to the state for redistribution.

Results of the calculations for the 2015 Justice Assistance Grant program

For the 2015 JAG awards, approximately \$249.5 million of the \$255.8 million available was allocated to the 50 states, with the remainder

allocated to the District of Columbia and U.S. territories (table 1). As required by the legislation, 40% of this amount (\$99.8 million) was initially reserved for local governments. A total of 1,408 local governments had law enforcement agencies that provided a sufficient number of reported crimes to the FBI to receive a JAG award—either directly or through a joint award with other governments within their county—and were eligible for a collective total of \$79.5 million. The balance of unawarded local allocations (\$20.3 million) was returned to state governments for redistribution to state law enforcement agencies and local governments.

Two states had 100 or more local governments eligible to receive award funds either directly or through a shared award: California (214) and Florida (114). The five local governments eligible to receive the largest awards included New York City (\$4.0 million), Chicago (\$2.0 million), Philadelphia (\$1.6 million), Houston (\$1.6 million), and Los Angeles (\$1.4 million).

In addition, the District of Columbia was eligible for \$1.6 million and Puerto Rico was eligible for \$2.8 million (table 2). Guam and the U.S. Virgin Islands were each eligible for the minimum award of \$639,488. American Samoa (\$428,457) and the Northern Mariana Islands (\$211,031) split one minimum award.

TABLE 2
Allocations to U.S. territories and the District of Columbia, FY 2015

	Award amount
Total	\$6,289,721
American Samoa	428,457
Northern Mariana Islands	639,488
Guam	211,031
Puerto Rico	2,781,111
Virgin Islands	639,488
District of Columbia	1,590,146

Note: Detail may not sum to total due to rounding.
Source: Bureau of Justice Statistics, based on data from the Uniform Crime Reporting program, 2011–2013, and the U.S. Census Bureau, 2014.

Additional JAG provisions

Disparate jurisdictions and joint allocations

[Legislative mandate: 42 USC § 3755 (d)(3)(4)]

In some cases, as defined by the legislation, a disparity may exist between the funding eligibility of a county and associated municipalities. Three different types of disparities may exist.

The first type is a zero-county disparity. This situation exists when one or more municipalities within a county are eligible for a direct award and the county is not, yet the county is responsible for providing criminal justice services (such as prosecution and incarceration) for the municipality. In this case, the county is entitled to part of the municipality's award because it shares in the cost of criminal justice operations, although it may not report crime data to the FBI. This is the most common type of disparity.

Example—

- Sioux Falls, South Dakota, is eligible for an award of \$62,365. Minnehaha County, South Dakota (which includes the city of Sioux Falls), is not eligible for a direct award, but it provides criminal justice services to Sioux Falls. In this case, Minnehaha County and Sioux Falls are considered zero-county disparate. Sioux Falls must share its award funds with Minnehaha County as mutually agreed upon.

A second type of disparity exists when both a county and a municipality within that county qualify for a direct award, yet the award amount for the municipality exceeds 150% of the county's award amount.

Example—

- Montgomery County, Ohio, is eligible for a direct award of \$23,383. The city of Dayton in Montgomery County is eligible for a direct award of \$126,403. Dayton's

award amount is more than 150% of Montgomery County's award amount. Consequently, the two governments' awards (\$149,786) are pooled together and shared as mutually agreed upon.

The third type of disparity occurs when a county and multiple municipalities within that county are all eligible for direct awards, but the sum of the awards for the individual municipalities exceeds 400% of the county's award amount. In the 2015 JAG calculations, this type of disparity only occurred with another type of disparity within the same county. An example of a situation in which this was the only type of disparity within a county is available in *Justice Assistance Grant (JAG) Program, 2014* (NCJ 247137, BJS web, August 2014).

These three types of disparity are examined in order. If a municipality is found to be disparate in one of these three ways, its award is not included in calculations to test other disparity situations. For instance, if a municipality is found to be 150% disparate with the county, its award is set aside, and the rest of the municipalities within the same county are checked for 400% disparity. If no other disparity is found, the single municipality and county share the sum of their two awards. However, it is possible for a county to have both a 150% disparity and a 400% disparity simultaneously. For instance, counties can have one or more municipalities whose individual awards are more than 150% of the county's award and other municipalities whose combined award is more than 400% of the county's award.

Examples—

- King County, Washington, is eligible for an award of \$39,737. The cities of Auburn (\$26,950), Bellevue (\$13,967), Burien (\$21,868), Federal Way (\$27,344), Kent (\$47,212), Renton (\$27,409), Seatac (\$14,819), Seattle (\$367,401), and Tukwila (\$18,229) (all located in King County) are also eligible for awards. The award for Seattle (\$367,401)

is individually more than 150% of King County's award, so Seattle's award will be pooled together with the county's award. The other eight cities' awards sum to \$197,798. This summed amount is more than 400% of King County's direct award of \$39,737. As a result, the funds for all 12 jurisdictions (\$604,936) are pooled together and must be shared.

- Jefferson County, Alabama, is eligible for an award of \$54,178. The cities of Bessemer (\$43,703), Birmingham (\$257,052), and Fairfield (\$14,586) are also eligible for awards. The award amount for the city of Birmingham is more than 150% of the award amount for Jefferson County. This jurisdiction is disparate with the county, and the two jurisdictions will share the combined total of \$311,230. The remaining cities of Bessemer and Fairfield are individually less than 150% of the award amount for Jefferson County, and the two awards combined are less than 400% of the county's award. Accordingly, the awards for these two cities remain separate.

For disparate situations, regardless of the type, the total of all award funds of the separate units of local governments (counties and municipalities) are pooled together and split among the units of local government as agreed upon by the affected jurisdictions. To qualify for payment, the disparate units of local government must submit a joint application for the aggregated funds.

Pass-through requirement

[Legislative mandate: 42 USC § 3755]

According to the JAG legislation, states may only retain award amounts that bear the same ratio of "(A) total expenditures on criminal justice by the state government in the most recently completed fiscal year to (B) the total expenditure on criminal justice by the state government and units of local government within the state in such year."

The determination of proportionate criminal justice spending by state and local governments is referred to as the variable pass-through (VPT) process under JAG. The VPT process identifies the amounts each state must pass down to local governments within the state.

During 2014, the U.S. Census Bureau finished compiling current criminal justice expenditure information from FY 2010 to calculate updated VPT amounts. Several sources of data were used to calculate the percentages, including initial expenditure data from the 2010 Annual Survey of State and Local Government Finances conducted by the U.S. Census Bureau (http://www.census.gov/govs/local/historical_data_2010.html) and federal justice grant data from the Federal Award Assistance Data System (<http://www.census.gov/govs/www/faads.html>). Source data were assigned to state and local governments. Intergovernmental expenditures and grants were removed from the total justice expenditure for the appropriate type of government. The resulting expenditure data were then used to calculate the VPT percentages by comparing the total justice expenditures of all local governments in a state to the expenditures of the state government itself. A simple percentage resulted, which represented the combined local government expenditures within the state divided by the total state criminal justice expenditures. These updated VPT percentages were used for the 2015 JAG program and can be found on the BJA website.

Sex Offender Registration and Notification Act (SORNA) penalty and compliance bonus funds

[Legislative mandate: 42 USC § 16925 (a)(c)]

Penalty

The Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and

Safety Act of 2006, required that the 50 states, the District of Columbia, the five principal U.S. territories, and some federally recognized tribes substantially implement SORNA by July 27, 2009. Two full-year deadline extensions were provided, and a final statutory deadline of July 27, 2011, was established. SORNA mandated a 10% reduction in JAG funding for any jurisdictions that failed to substantially implement SORNA by the deadline. For those jurisdictions that failed to meet this deadline, the SORNA penalty was calculated by subtracting 10% from the state government's allocation (60% of the total award), after deducting the mandatory VPT that states are required to send to local governments. The penalty applies to the portion of JAG funding that is returned to the state to be shared with local governments that were not eligible for a direct JAG award (less than \$10,000 jurisdictions).

The penalty does not apply to the VPT, which is the portion of JAG funds awarded directly to local law enforcement, as the state cannot retain any portion of that award. Penalizing local agencies would also seriously undermine the purpose of the statute, since doing so would be detrimental to local law enforcement efforts, including the investigation, prosecution, and apprehension of sex offenders. An example of how the SORNA penalty was assessed can be found in BJA's JAG Frequently Asked Questions (FAQ) on the BJA website at <https://www.bja.gov/Funding/JAGFAQ.pdf>.

In FY 2015, a total of 36 states and U.S. territories were not compliant with SORNA's requirements. As a result, these jurisdictions suffered a combined \$5,812,248 reduction to their FY 2015 Byrne JAG award. These jurisdictions were allowed to apply to reallocate the 10% penalty to promote SORNA implementation. Seven states were SORNA noncompliant and did not apply to reallocate the penalty. Per the SORNA legislation, the \$1,038,781 withheld from these jurisdictions will

be reallocated to jurisdictions that did substantially implement SORNA [(42 USC § 16925(c)]. These funds will be reallocated to compliant states in the FY 2016 JAG award.

Bonus funds from FY 2014

Per 42 USC § 16925(c), any state or territory that has substantially implemented SORNA during the current fiscal year, as determined by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), will be eligible to receive compliant bonus funds in addition to its JAG award for the following year. This bonus allocation is calculated based on SORNA penalty funds from nonimplementing states and territories during the current fiscal year. For example, any state that substantially implemented SORNA in FY 2014 would have bonus funds added to its FY 2015 state JAG award, made up of SORNA penalty funds from nonimplementing states and territories in FY 2014. The amounts available for compliant bonus funds will vary from year to year, depending on the amount of SORNA penalty funds from the previous year.

Bonus funds are allocated using the same general approach as the overall JAG award allocation calculations. First, an initial allocation is calculated for each eligible state and territory, based on its share of violent crime and population (weighted equally). Next, this initial allocation is reviewed to determine if it is less than the minimum award amount (defined as 0.25% of the total funds available). If this is the case, the state or territory is allocated 0.25% of the total funds available, and the funds required for this are deducted from the overall pool of funds. These states and territories are then removed from the calculations. Each of the remaining states receives the minimum award plus an additional amount based on its share of violent crime and population for the remaining states and territories.

For FY 2015, a total of \$1,137,459 was available from the FY 2014 SORNA reductions from the noncompliant states. These funds were distributed to the 20 states and territories that substantially implemented SORNA during the fiscal year. Of the 20 states eligible for bonus funds, Florida (\$222,906) and Pennsylvania (\$124,748) received the largest awards (table 3). Of the eligible U.S. territories, Guam received \$2,844, the Northern Mariana Islands received \$938, and the U.S. Virgin Islands received \$2,844.

For additional information regarding the SORNA penalty and bonus funds, including implementation requirements and a list of states and territories that were impacted in FY 2015, contact the SMART Office Policy Advisor assigned to assist the jurisdiction of interest at <http://www.ojp.usdoj.gov/smart/sorna.htm>.

TABLE 3
Sex Offender Registration and Notification Act bonus fund allocations, FY 2015

	Bonus award amount
Total	\$1,137,459
Alabama	52,263
Colorado	49,865
Delaware	13,995
Florida	222,906
Guam*	2,844
Kansas	30,436
Louisiana	56,443
Maryland	69,275
Michigan	109,610
Mississippi	28,063
Missouri	67,098
Nevada	37,491
Northern Mariana Islands*	938
Ohio	106,002
Pennsylvania	124,748
South Carolina	60,705
South Dakota	10,071
Tennessee	84,549
Virgin Islands*	2,844
Wyoming	7,314

Note: Detail may not sum to total due to rounding.

*U.S. territory.

Source: Bureau of Justice Statistics, based on data from Justice Assistance Grant awards, 2014.

Prison Rape Elimination Act (PREA) certification reduction and bonus funds

[Legislative mandate: 42 USC § 15607 (e)]

Reduction

The PREA statute provides that a state whose governor does not certify full compliance with the U.S. Department of Justice (DOJ) National Standards to Prevent, Detect, and Respond to Prison Rape, 42 U.S.C. 15607(e), is subject to the loss of 5% of any DOJ grant funds that it would otherwise receive for prison purposes, unless the governor submits to the Attorney General an assurance that such 5% will be used only to enable the state to adopt and achieve full compliance with the National PREA Standards in future years.

For those without a certification of full compliance, the PREA reduction was calculated by subtracting 5% from the state government's allocation (60% of the total award), after deducting the VPT that states are required to send to local governments. The reduction applies to the portion of JAG funding returned to the state to be shared with local governments that were not eligible for a direct JAG award (less than \$10,000 jurisdictions).

The reduction does not apply to the VPT, which is the portion of JAG funds awarded directly to local law enforcement, as the state cannot retain any portion of that award. An example of how the PREA reduction was assessed can be found in BJA's JAG Program FAQ regarding the PREA certification requirement and 5% reduction FAQ located on the BJA website at <https://www.bja.gov/Programs/JAG-PREA-FAQ.pdf>.

For FY 2015, a combination of 45 states and U.S. territories were not compliant with PREA requirements. As a result, these jurisdictions suffered a combined \$3,641,486 reduction to their FY 2015 Byrne JAG award. These jurisdictions were allowed to apply to reallocate the 5% reduction to achieve compliance with PREA standards and

become certified. A combination of five states and U.S. territories were PREA noncompliant and did not apply to reallocate the reduction. Per the PREA legislation, the \$166,341 withheld from these jurisdictions were reallocated to jurisdictions that either were certified or were working to achieve certification. These funds were allocated to compliant states and territories.

Bonus funds

PREA bonus funds are allocated using the same general approach as the overall JAG award allocation calculations. First, an initial allocation is calculated for each eligible state and territory, based on its share of violent crime and population (weighted equally). Next, the initial allocation is reviewed to determine if it is less than the minimum award amount (0.25% of the total funds available). If this is the case, the state or territory is allocated 0.25% of the total funds available, and the funds required for this are deducted from the overall pool of funds. These states and territories are then removed from the calculations. Each of the remaining states receives the minimum award plus an additional amount based on its share of violent crime and population for the remaining states and territories.

For the FY 2015 JAG awards, a total of \$166,341 was available from PREA reductions from the five noncompliant states and territories. These funds were distributed to the 46 states, 4 territories, and the District of Columbia that were PREA certified or were working to become certified. Of the 46 states eligible for bonus funds, California (\$19,133) and Texas (\$13,254) received the largest awards (table 4). Of the eligible U.S. territories, Puerto Rico (\$1,862) received the largest bonus award.

For additional information regarding the PREA reduction and bonus funds, including implementation requirements and a list of states and U.S. territories that were impacted in FY 2015, contact the PREA Management Office at PREACompliance@usdoj.gov.

TABLE 4
Prison Rape Elimination Act bonus fund allocations, FY 2015

	Bonus award amount
Total	\$166,341
Alabama	2,830
American Samoa*	279
Arizona	3,676
California	19,133
Colorado	2,644
Connecticut	1,859
Delaware	936
District of Columbia*	1,057
Florida	10,888
Georgia	5,052
Guam*	416
Hawaii	960
Illinois	6,646
Indiana	3,342
Iowa	1,639
Kansas	1,713
Kentucky	2,046
Louisiana	2,985
Maine	827
Maryland	3,559
Massachusetts	3,690
Michigan	5,439
Minnesota	2,450
Mississippi	1,606
Missouri	3,475
Montana	820
Nebraska	1,148
Nevada	2,085
New Hampshire	898
New Jersey	4,120
New Mexico	1,646
New York	9,849
North Carolina	4,823
North Dakota	416
Ohio	5,227
Oklahoma	2,393
Oregon	1,938
Pennsylvania	6,153
Puerto Rico*	1,862
Rhode Island	824
South Carolina	3,155
South Dakota	416
Tennessee	4,377
Texas	13,254
Vermont	416
Virgin Islands*	416
Virginia	3,334
Washington	3,305
West Virginia	1,195
Wisconsin	2,711
Wyoming	416

Note: Detail may not sum to total due to rounding.

*U.S. territory or the District of Columbia.

Source: Bureau of Justice Statistics, based on data from Justice Assistance Grant awards, 2015.

Maximum allocation to local units of government

[Legislative mandate: 42 USC § 3755 (e)(1)]

According to the legislation, units of local government may not receive a JAG award that “exceeds such unit’s total expenditures on criminal justice services for the most recently completed fiscal year for which data are available.” Award amounts in excess of total expenditures “shall be allocated proportionately among units of local government whose allocations do not exceed their total expenditures on such services.”

Methodology

The population data used to calculate state and U.S. territory Justice Assistance Grant (JAG) allocations are from the 2014 census estimates provided to the Bureau of Justice Statistics (BJS) by the U.S. Census Bureau. The state-level violent crime data are estimates published by the FBI’s Uniform Crime Reporting (UCR) program in the annual publication, *Crime in the United States*. For the 2015 JAG program, state-level crime data from 2011 to 2013 were used.

The crime data used to calculate local JAG allocation amounts are also provided by the UCR program. Data for local jurisdictions are obtained in an electronic format directly from the FBI and processed by BJS to link each crime-reporting entity to a local government. For the 2015 JAG, local crime data from 2004 through 2013 were used.

The sum of the UCR violent crimes for all local governments within a state for a given year will not equal the estimated crime total reported for that state published by the FBI. These state-level estimates are based on crimes reported by all state, local, and special district law enforcement agencies within a state, plus an imputation adjustment to account for nonreporting agencies and agencies reporting less than 12 months of data. These imputed values do not appear on the electronic data file provided to BJS and are not used in the local award calculations.

UCR modification to the definition of rape

Historically, the UCR program defined rape as “the carnal knowledge of a female forcibly and against her will.” Many agencies recognized that this definition excludes a long list of sex offenses that are criminal in most jurisdictions, such as offenses involving oral or anal penetration, penetration with objects, and rapes of males. Because these sex offenses were excluded, the UCR rape data represented an undercount of rape known to law enforcement.

To be more inclusive and increase accuracy in the scope and volume of rape, in December 2011, FBI Director Robert S. Mueller, III approved revisions to the UCR’s 80-year-old definition of rape. The new definition (referred to as the “revised” definition) was broadened to “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”⁴

⁴Frequently asked questions about the revised definition of rape are available at <https://www.fbi.gov/about-us/cjis/ucr/recent-program-updates/new-rape-definition-frequently-asked-questions>.

The new definition was approved in 2011, and the FBI encouraged agencies to begin reporting data using the revised definition starting on January 1, 2013. However, in 2013, some agencies reported rape counts using only the legacy definition while other agencies reported data using only the revised definition. Accordingly, the FBI chose to report rape counts collected under both definitions in the *Crime in the United States* (CIUS) publication. The published 2013 violent crime totals were created using the revised definition. However, to be consistent with prior years, the legacy definition of rape was used to calculate the violent crime counts in any tables that showed trend data (i.e., multiyear estimates).

For the initial part of the JAG calculations, which determines the initial allocation to each state and how much is available for local awards within each state, the formula uses the most recent 3 years of crime data as published by the FBI. Therefore, to be consistent with the totals published in CIUS, BJS used the FBI’s legacy rape counts for the first part of the formula.

For local award allocations, BJS uses an electronic data file provided by the FBI. The file includes agency-level counts of homicide, rape, robbery, and aggravated assault that are summed together to create the violent crime total used in the formula. Unlike the estimates published in CIUS, the electronic file has only a single category for “rape” for each agency. This category reflects the counts provided by the agency but does not indicate which definition of rape was reported. This variable was used in the 2015 JAG calculations for local awards.

For additional information on the UCR program changes to the definition of rape and how the changes impact CIUS, contact the FBI’s UCR program via email at crimestatsinfo@ic.fbi.gov.

Allocations to U.S. territories

Puerto Rico was the only U.S. territory to receive an initial allocation larger than the minimum amount, and it was also the only territory for which violent crime data were available. The JAG calculations for the other territories were based solely on population data. Because the other territories have relatively small populations (none exceeding 162,000), it is unlikely the inclusion of crime data would have changed their minimum status.

The current JAG legislation specifies that 40% of the total allocation for Puerto Rico be set aside for local awards. However, as of 2015, the local-level UCR data provided by the FBI did not include any crime data for local jurisdictions in Puerto Rico. Therefore, the local government JAG program allocation in Puerto Rico was \$0.

Sources of additional information

For more information on the legal foundation of the allocation formula, see 42 USC § 3754 and 42 USC § 3755.

The Edward Byrne Memorial Justice Assistance Grant program was established to streamline justice funding and grant administration. Administered by the Bureau of Justice Assistance (BJA), the JAG program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on local needs and conditions. JAG consolidates the previous Byrne Formula and Local Law Enforcement Block Grant Programs. More information about the JAG program and application process can be found on the BJA website at <http://www.bja.gov>.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable and valid statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. William J. Sabol is director.

This technical report was prepared by Alexia D. Cooper and Shelley S. Hyland. Marshay Lentini verified the report.

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