



# Justice Assistance Grant (JAG) Program, 2017

Alexia D. Cooper, Ph.D., *BJS Statistician*  
Shelley S. Hyland, Ph.D., *former BJS Statistician*

## Introduction

In fiscal year (FY) 2017, a total of \$265,679,692 was available to be awarded through the Edward Byrne Memorial Justice Assistance Grant (JAG) program, the leading source of federal justice funding to state and local jurisdictions (figure 1). The JAG program provides states, tribes, and local governments with critical funding necessary to support a range of criminal justice areas.

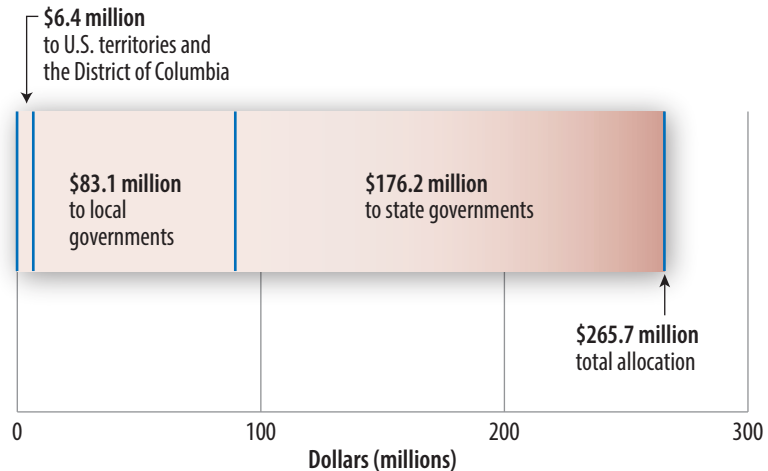
JAG awards may be used for—

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

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 2005 Consolidated Appropriations Act's legislation on JAG. This report describes the steps in the JAG award calculation process and presents summary results of the 2017 JAG formula calculations.

## HIGHLIGHTS

**FIGURE 1**  
Distribution of fiscal year 2017 Justice Assistance Grant program awards



Note: Details may not sum to totals 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 2017 JAG funding was approximately \$265.7 million, of which \$259.3 million went to states and \$6.4 million to U.S. territories and the District of Columbia.
- The five states with the largest total allocations were California (\$29.5 million), Texas (\$21.0 million), Florida (\$16.7 million), New York (\$14.9 million), and Illinois (\$9.9 million).
- A total of 1,464 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 were New York City (\$4.1 million), Chicago (\$2.0 million), Houston (\$1.7 million), Philadelphia (\$1.6 million), and Los Angeles (\$1.6 million).
- Two states had 100 or more local governments eligible to receive award funds either directly or through a shared award: California (204) and Florida (114).

## Overview of process

Named after Edward “Eddie” R. Byrne, an officer in the New York City Police Department who was murdered while protecting a witness in a drug case, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the leading federal source of criminal justice funding to state and local jurisdictions. Each fiscal year, the total amount of funding for the JAG program is set by Congress in the annual Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill. BJA, as the administrator of the program, provides BJS with the allocation amount and, per the authorizing statute (codified at 34 U.S.C. §§ 10151-10158), BJS uses this information to determine the grant award totals for state, U.S. Territories, and units of local government using a 4-step process described below.

- Compute an initial allocation for each state and U.S. territory, based on its share of violent crime and population (weighted equally).
- Review the initial allocation amount to determine whether it is less than the minimum (de minimis) award amount defined in the JAG legislation (0.25% of the total). If this is the case, the state or U.S. 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 amount based on the state’s share of violent crime and population.
- Divide each state’s final amount at a rate of 60% for state governments and 40% for local governments.

- Determine 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.

## Award calculation process

### Step 1: Initial allocation to states and U.S. territories

[Legislative mandate: 34 U.S.C. §§ 10151-10158]

Using the congressional appropriation and formula for the 2017 JAG program, BJS calculates the initial allocation amounts for the 50 states and U.S. territories. BJS allocates half of the available funds using a state’s or U.S. territory’s share of violent crime and half of the funds using its share of the nation’s population.<sup>1</sup> The most recent 3-year period of official violent crime estimates for states and U.S. territories from the FBI covered 2013 to 2015. The population shares for the 50 states, District of Columbia, and U.S. territories were based on the U.S. Census Bureau’s 2016 midyear population estimates.

#### Examples—

- California accounts for 13.05% of the nation’s total violent crime and 12.01% of the nation’s total population. Therefore, California’s initial allocation equals 13.05% of \$132,839,846

<sup>1</sup>To maintain consistency with the FBI’s published crime totals, BJS used the FBI’s revised definition of rape to calculate the initial 2017 state and U.S. territory allocations. (See *Methodology*.)

(half of \$265,679,692) plus 12.01% of \$132,839,846, totaling \$33,284,839.

- Wyoming accounts for 0.10% of the nation’s total violent crime and 0.18% of the nation’s total population. Wyoming’s initial allocation is 0.10% of \$132,839,846 plus 0.18% of \$132,839,846, totaling \$371,239.

### Step 2: De minimis awards

[Legislative mandate: 34 U.S.C. § 10156(a)(2)]

The JAG legislation requires that each state or U.S. territory be awarded a minimum allocation equal to 0.25% of the total JAG allocation (\$664,199 in 2017), regardless of its population or crime average. If a state’s or U.S. territory’s initial allocation based on crime and population is less than the minimum amount, that state or U.S. territory receives the minimum award amount as its total JAG allocation. If a state’s or U.S. 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.

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% (\$445,013) and the Northern Mariana Islands receiving 33% (\$219,186). (See *Methodology*.)

In 2017, three states (North Dakota, Vermont, and Wyoming) and four U.S. territories (American Samoa, Guam, the Northern Mariana Islands, and the U.S. 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 \$36,530,958 was allocated for minimum awards under the 2017 JAG program.

#### Examples—

- Wyoming's initial allocation of \$371,239 is less than the minimum value, so Wyoming's total JAG allocation will be the minimum amount of \$664,199.
- California's initial allocation of \$33,284,839 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 U.S. territories receiving only the minimum award are removed from the pool. The remaining JAG funds are reallocated to the rest of the states based on violent crime and population as in Step 1.

#### Examples—

- Wyoming 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 13.09% of violent crime and 12.09% of the nation's population. California's new JAG allocation is equal to \$14,999,831 (13.09% of half of \$229.2 million) plus \$13,855,363 (12.09% of half of \$229.2 million), plus the minimum amount of \$664,199. These three components equal \$29,519,393. (\$229.2 million equals the original \$265.7 million total JAG 2017 award allocation minus the \$36.5 million JAG 2017 minimum allocation.)

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

[Legislative mandate: 34 U.S.C. § 10156(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 the total allocated \$29,519,393, or \$17,711,636. The remaining 40%, or \$11,807,757, is set aside for distribution to local governments in California.
- Wyoming's state government retains 60% of the minimum award of \$664,199, or \$398,520. The remaining 40%, or \$265,680, is set aside for distribution to local governments in Wyoming.

### Step 4: Local award allocations

[Legislative mandate: 34 U.S.C. §§ 10156(c)-10156(h)]

To allocate 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 Part I violent crimes known to law enforcement each year for a minimum of 3 years during the past 10 years.<sup>2</sup> Jurisdictions that have not met the reporting requirements are excluded

<sup>2</sup>To calculate the 2017 local award allocations, Part I violent crime totals included the definition of rape—legacy or 2013 revised—that an agency reported to the FBI. (See *Methodology*.)

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 as part of the American Recovery and Reinvestment Act of 2009.<sup>3</sup> For the 2010 JAG, the 10-year window for eligible UCR data was waived because some agencies experienced difficulty meeting the new requirements. Instead, all of the FBI's UCR data 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 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, such as a local government, for the 3 most recent years in which they reported data.

Because 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

<sup>3</sup>Before 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 34 U.S.C. § 10156(d)(2)(B).)

**TABLE 1**  
**Allocations to state and local governments, fiscal year 2017**

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	\$155,592,652	\$103,728,435	~	~	1,464	\$83,071,551	\$20,656,884	\$176,249,536	\$259,321,086
Alabama	2,649,922	1,766,615	\$86.17	116.06	27	1,149,617	616,998	3,266,920	4,416,537
Alaska	835,561	557,040	145.52	68.72	5	480,790	76,250	911,811	1,392,601
Arizona	3,419,129	2,279,420	81.91	122.08	31	2,044,775	234,645	3,653,774	5,698,549
Arkansas	1,854,572	1,236,381	87.47	114.33	26	837,445	398,936	2,253,508	3,090,953
California	17,711,636	11,807,757	76.68	130.42	204	10,612,996	1,194,761	18,906,397	29,519,393
Colorado	2,520,519	1,680,346	101.78	98.26	27	1,457,120	223,226	2,743,744	4,200,864
Connecticut	1,645,576	1,097,050	133.31	75.01	16	909,704	187,346	1,832,922	2,742,626
Delaware	863,718	575,812	182.78	54.71	9	524,392	51,420	915,138	1,439,530
Florida	10,007,698	6,671,798	72.72	137.51	114	5,994,513	677,285	10,684,983	16,679,496
Georgia	4,761,646	3,174,431	87.66	114.08	62	2,400,545	773,886	5,535,532	7,936,077
Hawaii	912,142	608,095	242.11	41.30	4	608,095	0	912,142	1,520,237
Idaho	953,379	635,586	183.64	54.45	15	448,273	187,313	1,140,692	1,588,965
Illinois	5,932,355	3,954,904	81.29	123.02	41	3,131,934	822,970	6,755,325	9,887,259
Indiana	3,192,722	2,128,481	94.19	106.17	24	1,730,107	398,374	3,591,096	5,321,203
Iowa	1,552,086	1,034,724	124.94	80.04	17	638,425	396,299	1,948,385	2,586,810
Kansas	1,610,943	1,073,962	104.94	95.30	14	745,751	328,211	1,939,154	2,684,905
Kentucky	1,876,907	1,251,271	147.19	67.94	12	905,680	345,591	2,222,498	3,128,178
Louisiana	2,778,146	1,852,098	77.22	129.50	33	1,452,620	399,478	3,177,624	4,630,244
Maine	778,747	519,165	345.27	28.96	11	266,660	252,505	1,031,252	1,297,912
Maryland	3,234,006	2,156,004	84.50	118.34	20	1,987,675	168,329	3,402,334	5,390,009
Massachusetts	3,365,560	2,243,707	86.51	115.59	40	1,751,120	492,587	3,858,147	5,609,267
Michigan	4,934,901	3,289,934	79.69	125.49	53	2,591,396	698,538	5,633,440	8,224,836
Minnesota	2,297,173	1,531,449	119.13	83.94	14	976,201	555,248	2,852,420	3,828,621
Mississippi	1,502,711	1,001,808	157.94	63.32	25	664,504	337,304	1,840,015	2,504,519
Missouri	3,267,164	2,178,109	78.81	126.88	17	1,451,101	727,008	3,994,172	5,445,273
Montana	806,676	537,784	166.36	60.11	15	348,412	189,372	996,048	1,344,460
Nebraska	1,093,280	728,854	150.31	66.53	5	559,655	169,199	1,262,479	1,822,134
Nevada	2,063,406	1,375,604	76.50	130.72	8	1,317,082	58,522	2,121,928	3,439,010
New Hampshire	837,021	558,014	220.59	45.33	9	314,705	243,309	1,080,330	1,395,035
New Jersey	3,655,041	2,436,694	105.61	94.69	41	1,824,325	612,369	4,267,409	6,091,734
New Mexico	1,580,197	1,053,465	89.62	111.58	20	863,737	189,728	1,769,925	2,633,662
New York	8,910,309	5,940,206	80.77	123.80	26	5,441,992	498,214	9,408,523	14,850,515
North Carolina	4,462,711	2,975,141	94.64	105.67	51	2,192,135	783,006	5,245,717	7,437,852
North Dakota	398,520	265,680	133.96	74.65	7	167,087	98,593	497,112	664,199
Ohio	4,765,843	3,177,228	100.94	99.07	29	2,363,012	814,216	5,580,059	7,943,071
Oklahoma	2,171,299	1,447,533	88.27	113.29	16	1,058,932	388,601	2,559,900	3,618,832
Oregon	1,839,118	1,226,079	147.84	67.64	22	910,048	316,031	2,155,149	3,065,197
Pennsylvania	5,443,599	3,629,066	97.62	102.44	27	2,540,660	1,088,406	6,532,005	9,072,665
Rhode Island	766,003	510,668	206.80	48.35	10	438,906	71,762	837,765	1,276,671
South Carolina	2,831,334	1,887,556	78.65	127.15	41	1,448,479	439,077	3,270,411	4,718,890
South Dakota	748,859	499,240	172.69	57.91	10	376,344	122,896	871,755	1,248,099
Tennessee	4,049,764	2,699,843	68.57	145.83	31	2,037,295	662,548	4,712,312	6,749,607
Texas	12,579,450	8,386,300	77.02	129.84	92	6,972,185	1,414,115	13,993,564	20,965,749
Utah	1,426,797	951,198	139.17	71.85	15	726,712	224,486	1,651,283	2,377,995
Vermont	398,520	265,680	479.57	20.85	8	146,586	119,094	517,613	664,199
Virginia	3,113,038	2,075,359	129.04	77.50	35	1,656,037	419,322	3,532,360	5,188,397
Washington	3,093,222	2,062,148	102.99	97.10	39	1,660,846	401,302	3,494,524	5,155,370
West Virginia	1,122,162	748,108	184.67	54.15	23	532,471	215,637	1,337,800	1,870,271
Wisconsin	2,579,046	1,719,364	104.39	95.79	15	1,288,670	430,694	3,009,740	4,298,410
Wyoming	398,520	265,680	225.09	44.43	8	123,799	141,881	540,400	664,199

Note: Details may not sum to totals due to rounding.

~Not applicable.

Source: Bureau of Justice Statistics state calculations based on data from the Uniform Crime Reporting (UCR) program, 2013–2015, and the U.S. Census Bureau, 2016; local calculations based on data from the UCR program, 2006–2015.

these averages within each state to determine the jurisdiction's share of the total local award allocation.

**Examples—**

- California has \$11.8 million set aside for local awards. The 3-year violent crime averages reported by local jurisdictions in California equal 153,996 crimes. Dividing the \$11.8 million by the state crime total (153,996) results in the number of dollars available for each crime (\$76.68). Therefore, a local California jurisdiction needs a 3-year violent crime average of at least 130.42 violent crimes (\$10,000 divided by \$76.68) to be eligible for a direct award.
- Wyoming has \$265,680 set aside for local governments. The sum of 3-year average violent crimes reported is 1,180.33. The ratio of dollars per crime in Wyoming equals \$265,680 divided by 1,180.33 crimes, or \$225.09 per crime. The threshold is 44.43 violent crimes (\$10,000 divided by \$225.09) to be eligible for a direct award.

BJS then calculates the initial amount of each local award. Each of these is equal to the product of a local jurisdiction's 3-year violent crime average and the ratio of dollars per crime for the state in which it is located. By statute, the minimum award a local jurisdiction may receive is \$10,000. Jurisdictions eligible for an initial award greater than or equal to \$10,000 can 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," 34 U.S.C. § 10156(e)(2).)

**Examples—**

- Los Angeles has a 3-year average of 20,283.67 violent crimes, or about 13.2% of all violent crimes reported by potentially eligible jurisdictions in California. Los Angeles exceeds the state threshold of 130.42 violent crimes and is eligible for 13.2% of the \$11.8 million set aside for local governments in California, or about \$1,555,265 (20,283.67 multiplied by \$76.68).
- Manchester, Vermont, has a 3-year average of 3.67 violent crimes. This does not meet the state threshold of 20.85, so the jurisdiction is ineligible for a direct JAG award. Its crimes, which account for less than 1.0% of all violent crimes in Vermont, amount to about \$1,758 of the award funds. These funds are transferred to the state for redistribution.

**Results of the calculations for the 2017 JAG program**

For the 2017 JAG awards, approximately \$259.3 million of the \$265.7 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 the amount allocated to the states was initially reserved for local governments (\$103.7 million). A total of 1,464 local governments had law enforcement agencies with a sufficient number of Part 1 violent crimes that were reported to the FBI to receive a JAG award—either directly or through a joint award with other governments in their county. These local governments were eligible for a collective total of \$83.1 million. The balance of unawarded local allocations (\$20.7 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 (204) and Florida (114). The five local governments eligible to receive the largest awards were New York City (\$4.1 million), Chicago (\$2.0 million), Houston (\$1.7 million), Philadelphia (\$1.6 million), and Los Angeles (\$1.6 million).

In addition, the District of Columbia was eligible for \$1.7 million, and Puerto Rico was eligible for \$2.7 million (table 2). Guam and the U.S. Virgin Islands were each eligible for the minimum award of \$664,199. American Samoa (\$445,013) and the Northern Mariana Islands (\$219,186) split one minimum award.

**TABLE 2**  
**Allocations to U.S. territories and the District of Columbia, fiscal year 2017**

	Award amount
Total	\$6,358,606
American Samoa	445,013
Guam	664,199
Northern Mariana Islands	219,186
Puerto Rico	2,667,953
U.S. Virgin Islands	664,199
District of Columbia	1,698,055

Note: Details may not sum to totals due to rounding.  
Source: Bureau of Justice Statistics calculations based on data from the Uniform Crime Reporting program, 2013–2015, and the U.S. Census Bureau, 2016.

## Additional JAG provisions

### Disparate jurisdictions and joint allocations

[Legislative mandate: 34 U.S.C. §§ 10156(d)(3), 10156(d)(4)]

In some cases, as defined by the legislation, a disparity could exist between the funding eligibility of a county and its associated municipalities. Three different types of disparities might 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 eligible but 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 the cost of criminal justice operations, although the county may not report crime data to the FBI. This is the most common type of disparity.

#### Example—

- Topeka, Kansas, is eligible for an award of \$69,398. Shawnee County, Kansas (which includes the city of Topeka), is not eligible for a direct award, but it provides criminal justice services to Topeka. In this case, Shawnee County and Topeka are considered zero-county disparate. Topeka must share its award funds with Shawnee County through a mutual agreement.

A second type of disparity exists when both a county and a municipality within that county qualify for a direct award but 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 \$18,303. The city of Dayton in Montgomery County is eligible for a direct award of \$128,391. Dayton's award amount is more than 150% of Montgomery County's award amount. Consequently, the two governments' awards are pooled together (\$146,694) and shared through a mutual agreement.

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 2017 JAG calculations, this type of disparity occurred only 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, 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 for other disparities. 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 \$39,993. The King County cities of Auburn (\$31,514), Bellevue (\$14,555), Burien (\$21,730), Des Moines (\$11,466), Federal Way (\$35,393), Kent (\$35,049), Renton (\$26,948), SeaTac (\$17,954), Seattle (\$406,964), and Tukwila (\$16,409) are also all eligible for awards.

The award for Seattle (\$406,964) 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 nine cities' awards sum to \$211,018. This amount is more than 400% of King County's direct award of \$39,993. As a result, the funds for all 11 jurisdictions (\$657,975) are pooled together and must be shared.

- Allegheny County, Pennsylvania, is eligible for an award of \$11,551. The jurisdictions of McKeesport (\$38,070), Pittsburgh (\$223,896), Wilkesburg (\$15,065), and Penn Hills (\$15,228) are also eligible for awards. The award amount for Pittsburgh is more than 150% of the award amount for Allegheny County. The award amount for McKeesport is also more than 150% of the award amount of the county. These two jurisdictions are disparate with the county, and the three jurisdictions will share the combined total of \$273,517. The remaining jurisdictions of Wilkesburg and Penn Hills are individually less than 150% of the award amount for Allegheny County, and the two awards combined are less than 400% of the county's award. Accordingly, they are eligible for direct awards, and the awards for these two cities will remain separate.

For disparate situations, regardless of the type, the total of all award funds for 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: 34 U.S.C. § 10156(c)]

According to the JAG legislation, states may retain only 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.

The U.S. Census Bureau uses several sources of data to calculate the VPT percentages, including initial expenditure data from the Annual Survey of State and Local Government Finances conducted by the U.S. Census Bureau and federal justice grant data from the Federal Award Assistance Data System. 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 VPT percentages were used for the 2017 JAG program and can be found on the BJA website at <https://bja.ojp.gov/program/jag/jag-variable-pass-through-vpt-information>.

### Sex Offender Registration and Notification Act penalty and compliance bonus funds

[Legislative mandate: 34 U.S.C. §§ 20927(a), 20927(c)]

#### Penalty

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 the Sex Offender Registration and Notification Act (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 jurisdiction that failed to substantially implement SORNA by the deadline. That penalty was calculated by subtracting 10% from the state or U.S. territory 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.

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 because 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 on the BJA website at <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/jag-faqs.pdf>.

In FY 2017, a total of 37 states and U.S. territories were not compliant with SORNA’s requirements. These jurisdictions received a combined \$6,079,120 reduction to their FY 2017 JAG awards. These jurisdictions were allowed to apply to reallocate the 10% penalty to promote SORNA implementation. Seven SORNA-noncompliant states did not apply to reallocate the penalty. Per the act, the \$1,159,063 withheld from these jurisdictions will be reallocated to SORNA-compliant states as part of the FY 2018 JAG award.

#### Bonus funds from FY 2016

Per 34 U.S.C. § 20927(c), as determined by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), any state or U.S. territory that has substantially implemented SORNA during the current fiscal year will be eligible to receive compliant bonus funds in addition to its JAG award for the following year. This bonus allocation is calculated using SORNA penalty funds from noncompliant states and U.S. territories during the current fiscal year. For example, any state or U.S. territory that substantially

implemented SORNA in FY 2016 would have bonus funds added to its FY 2017 state JAG award, made up of SORNA penalty funds from nonimplementing states and U.S. territories in FY 2016. The amounts available for compliant bonus funds 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 U.S. territory using its share of violent crime and population (weighted equally). Next, this initial allocation is reviewed to determine whether 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 U.S. 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 U.S. territories are then removed from the calculations. Each of the remaining states and U.S. territories receives the minimum award plus an amount based on its share of violent crime and population for the remaining states and U.S. territories.

For FY 2017, a total of \$1,003,487 was available from the FY 2016 SORNA reductions from the noncompliant states. These funds were distributed to the 20 states and U.S. territories that substantially implemented SORNA during FY 2017. Of these states, Florida (\$200,822) and Pennsylvania (\$107,241) received the largest awards (table 3). Of the eligible U.S. territories, the U.S. Virgin Islands received \$2,509, Guam received \$2,509, and the Northern Mariana Islands received \$828.

For information on the SORNA penalty and bonus funds, including

implementation requirements and a list of states and U.S. territories affected in FY 2017, contact the SMART Office Policy Advisor assigned to assist the jurisdiction of interest: <https://smart.ojp.gov/sorna>.

**TABLE 3**  
**Sex Offender Registration and Notification Act bonus fund allocations, fiscal year 2017**

	Bonus award amount
Total	\$1,003,487
Alabama	47,483
Colorado	44,950
Delaware	11,963
Florida	200,822
Guam*	2,509
Kansas	26,740
Louisiana	49,371
Maryland	59,826
Michigan	95,393
Mississippi	24,976
Missouri	59,202
Nevada	34,323
Northern Mariana Islands*	828
Ohio	92,166
Pennsylvania	107,241
South Carolina	51,801
South Dakota	9,392
Tennessee	75,539
U.S. Virgin Islands*	2,509
Wyoming	6,454

Note: Details may not sum to totals due to rounding.

\*U.S. territory.

Source: Bureau of Justice Statistics calculations based on data from Justice Assistance Grant awards, fiscal year 2016.

**Prison Rape Elimination Act certification reduction and bonus funds**

**[Legislative mandate: 34 U.S.C. § 30307(e)(2)]**

**Reduction**

The Prison Rape Elimination Act of 2003 (PREA) dictates that a state or U.S. territory 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 (34 U.S.C. § 30307(e)(2)) is subject to the loss of 5% of any DOJ grant funds that it would otherwise receive for prison purposes. However, the state may not lose these funds if 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 (jurisdictions whose award would have been less than \$10,000).

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 on the BJA website at [https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/JAG-PREA-FAQ\\_0.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/JAG-PREA-FAQ_0.pdf).

Thirty-seven states and U.S. territories were not compliant with PREA in FY 2017. As a result, these jurisdictions sustained a combined \$3,202,604 reduction to their FY 2017 JAG award. These jurisdictions could apply to reallocate the 5% reduction to achieve compliance with PREA standards and become certified. Two states and one U.S. territory were noncompliant with PREA and did not apply to reallocate the reduction. Per the PREA legislation, the \$113,178 withheld from these jurisdictions



was reallocated to jurisdictions that were either certified or working to achieve certification.

### 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 U.S. territory, using its share of violent crime and population (weighted equally). Next, the initial allocation is reviewed to determine whether it is less than the minimum award amount (0.25% of the total funds available). If it is, the state or U.S. territory is allocated 0.25% of the total funds available, and the required funds are deducted from the overall pool of funds. These states and U.S. territories are then removed from the calculations. Each of the remaining states and U.S. territories receives the minimum award plus an amount based on its share of violent crime and population for the remaining states and U.S. territories.

For the FY 2017 JAG awards, a total of \$113,178 was available from PREA reductions from the three noncompliant states and U.S. territories. These funds were distributed to the states, the District of Columbia, and U.S. territories that were PREA certified or were working to become certified. Of the states that were eligible for bonus funds, California (\$12,886) and Texas (\$9,150) received the largest awards (table 4). Of the eligible U.S. territories, Puerto Rico (\$1,158) received the largest bonus award (table 5).

**TABLE 4**  
**Prison Rape Elimination Act bonus fund allocations for states, fiscal year 2017**

	Bonus award amount
Total	\$110,530
Alabama	1,922
Alaska	601
Arizona	2,482
California	12,886
Colorado	1,828
Connecticut	1,191
Delaware	622
Florida	7,277
Georgia	3,459
Hawaii	657
Idaho	687
Illinois	4,311
Indiana	2,317
Iowa	1,123
Kansas	1,166
Kentucky	1,359
Louisiana	2,015
Maine	560
Maryland	2,347
Massachusetts	2,443
Michigan	3,585
Minnesota	1,665
Mississippi	1,087
Missouri	2,371
Montana	580
Nebraska	789
Nevada	1,495
New Hampshire	602
New Jersey	2,654
New Mexico	1,143
New York	6,479
North Carolina	3,242
North Dakota	283
Ohio	3,462
Oklahoma	1,573
Oregon	1,332
Pennsylvania	3,956
Rhode Island	550
South Carolina	2,054
South Dakota	538
Tennessee	2,940
Texas	9,150
Vermont	283
Virginia	2,259
Washington	2,245
West Virginia	810
Wisconsin	1,870
Wyoming	283

Note: Details may not sum to totals due to rounding.

Source: Bureau of Justice Statistics calculations based on data from Justice Assistance Grant awards, fiscal year 2017.

**TABLE 5**  
**Prison Rape Elimination Act bonus fund allocations for U.S. territories and the District of Columbia, fiscal year 2017**

	Bonus award amount
Total	\$2,648
American Samoa	190
Guam	283
Puerto Rico	1,158
U.S. Virgin Islands	283
District of Columbia	734

Note: Details may not sum to totals due to rounding.

Source: Bureau of Justice Statistics calculations based on data from Justice Assistance Grant awards, fiscal year 2017.

For additional information on PREA reduction and bonus funds, including implementation requirements and a list of states and U.S. territories that were affected in FY 2017, contact the PREA Management Office at [PREACompliance@usdoj.gov](mailto:PREACompliance@usdoj.gov).

### Maximum allocation to units of local government

[Legislative mandate: 34 U.S.C. § 10156(e)(1)]

The JAG legislation prohibits units of local government from receiving 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 Bureau of Justice Statistics (BJS) used population data from the U.S. Census Bureau’s 2016 midyear population estimates to calculate Justice Assistance Grant (JAG) allocations to states and U.S. territories. The 2017 JAG calculations included state-level violent crime estimates for 2013 through 2015 that were published by the Uniform Crime Reporting (UCR) program in *Crime in the United States* (CIUS).

To calculate local JAG allocation amounts, BJS obtained reported UCR data for local jurisdictions in electronic format directly from the FBI and processed the data to link each crime-reporting entity to a local government. The 2017 JAG calculations used local crime data from 2006 through 2015.

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 published by the FBI for that state. 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 that BJS used and are not used to calculate local awards.

### 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.

In December 2011, the FBI revised the UCR’s 80-year-old definition of rape to be more inclusive and increase accuracy in the scope and volume 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.”<sup>4</sup>

<sup>4</sup>For FAQs on the revised definition of rape, visit <https://ucr.fbi.gov/recent-program-updates/new-rape-definition-frequently-asked-questions>.

The new definition was officially 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 CIUS publication. At this time, although the FBI continues to publish estimates for both definitions of rape to allow for past-year comparisons, the revised definition of rape was used to calculate the violent crime counts in any tables that showed trend data (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 used 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 revised rape counts for the first part of the formula.

For local award allocations, BJS used an electronic data file provided by the FBI. The file includes agency-level counts of homicide, rape, robbery, and aggravated assault that are summed 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 2017 JAG calculations for local awards.

For additional information on the UCR program’s changes to the definition of rape and how

the changes affect CIUS, contact the FBI's UCR program at [crimestatsinfo@fbi.gov](mailto:crimestatsinfo@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 U.S. territory for which violent crime data were available. The JAG calculations for the other U.S. territories were based solely on population data. Because the other U.S. territories have relatively small populations (none exceeding 162,000), it is unlikely the inclusion

of crime data would have changed their minimum status.

The JAG legislation specifies that 40% of the total allocation for Puerto Rico be set aside for local awards. However, as of 2017, 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**

The Edward Byrne Memorial JAG 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 <https://bja.ojp.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 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. Doris J. James is the acting director.

This report was written by Alexia Cooper and Shelley Hyland. Stephanie Mueller and Shelley Hyland verified the report.

Eric Hendrixson and Jill Thomas edited the report. Carrie Epps-Carey produced the report.

July 2021, NCJ 252951



NCJ 252951

Office of Justice Programs  
Building Solutions • Supporting Communities • Advancing Justice  
[www.ojp.gov](http://www.ojp.gov)