



Justice Assistance Grant (JAG) Program, 2018

Alexia D. Cooper, Ph.D., *BJS Statistician*

Introduction

In fiscal year (FY) 2018, a total of \$269,055,122 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.

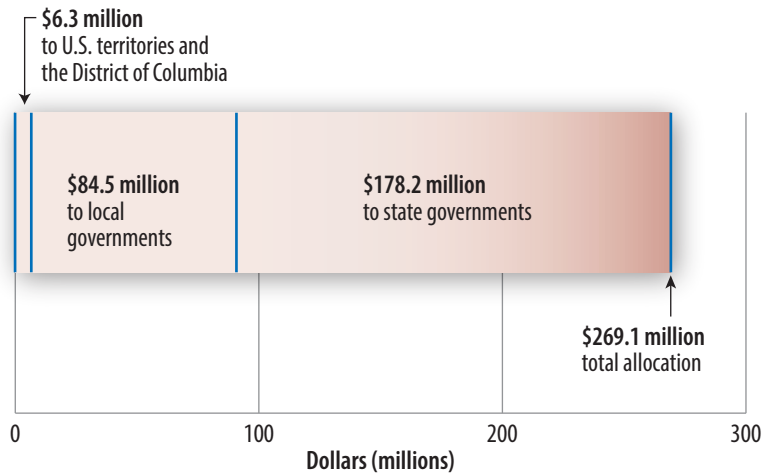
JAG awards may be used for—

- 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 2018 JAG formula calculations.

HIGHLIGHTS

FIGURE 1
Distribution of fiscal year 2018 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 2018 JAG funding was approximately \$269.1 million, of which \$262.7 million went to states and \$6.3 million to United States territories and the District of Columbia.
- The five states with the largest total allocations were California (\$30.2 million), Texas (\$21.5 million), Florida (\$16.7 million), New York (\$14.8 million), and Illinois (\$10.0 million).
- A total of 1,487 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 (\$2.1 million), Los Angeles (\$1.8 million), Houston (\$1.7 million), and Philadelphia (\$1.6 million).
- Two states had 100 or more local governments eligible to receive award funds either directly or through a shared award: California (206) and Florida (116).

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 2018 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.¹ The most recent 3-year period of official violent crime estimates for states and U.S. territories from the FBI covered 2014 to 2016. The population shares for the 50 states, District of Columbia, and U.S. territories were based on the U.S. Census Bureau’s 2017 midyear population estimates.

Examples—

- California accounts for 13.29% of the nation’s total violent crime and 12.00% of the nation’s total population. Therefore, California’s initial allocation equals 13.29% of \$134,527,561

¹To maintain consistency with the FBI’s published crime totals, BJS used the FBI’s revised definition of rape to calculate the initial 2018 state and U.S. territory allocations. (See *Methodology*.)

(half of \$269,055,122) plus 12.00% of \$134,527,561, totaling \$34,027,927.

- 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 \$132,527,561 plus 0.18% of \$132,527,561, totaling \$376,327.

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 (\$672,638 in 2018), 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% (\$450,667) and the Northern Mariana Islands receiving 33% (\$221,970). (See *Methodology*.)

In 2018, 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 \$36,995,079 was allocated for minimum awards under the 2018 JAG program.

Examples—

- Wyoming's initial allocation of \$376,327 is less than the minimum value, so Wyoming's total JAG allocation will be the minimum amount of \$672,638.
- California's initial allocation of \$34,027,927 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 13.34% of violent crime and 12.09% of the nation's population. California's new JAG allocation is equal to \$15,474,159 (13.34% of half of \$232.1 million) plus \$14,024,662 (12.09% of half of \$232.1 million), plus the minimum amount of \$672,638. These three components equal \$30,171,459. (\$232.1 million equals the original \$269.1 million total JAG 2018 award allocation minus the \$37.0 million JAG 2018 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 \$30,171,459, or \$18,102,875. The remaining 40%, or \$12,068,584, is set aside for distribution to local governments in California.
- Wyoming's state government retains 60% of the minimum award of \$672,638, or \$403,583. The remaining 40%, or \$269,055, 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.² Jurisdictions that have not met the reporting requirements are excluded

²To calculate the 2018 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 2009.³ 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

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 34 U.S.C. § 10156(d)(2)(B).)

TABLE 1
Allocations to state and local governments, fiscal year 2018

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	\$157,646,321	\$105,097,547	~	~	1,487	\$84,511,084	\$20,586,463	\$178,232,784	\$262,743,868
Alabama	2,744,831	1,829,887	\$82.15	121.73	31	1,232,512	597,375	3,342,206	4,574,718
Alaska	861,643	574,428	135.87	73.60	6	515,324	59,104	920,747	1,436,071
Arizona	3,526,752	2,351,168	80.07	124.89	31	2,134,971	216,197	3,742,948	5,877,919
Arkansas	1,913,989	1,275,993	84.77	117.97	28	876,470	399,523	2,313,512	3,189,982
California	18,102,875	12,068,584	74.76	133.76	206	10,890,006	1,178,578	19,281,453	30,171,459
Colorado	2,586,783	1,724,522	98.64	101.37	27	1,506,025	218,497	2,805,280	4,311,305
Connecticut	1,628,949	1,085,966	137.80	72.57	16	892,814	193,152	1,822,102	2,714,916
Delaware	873,898	582,599	181.25	55.17	8	521,759	60,840	934,738	1,456,497
Florida	9,998,332	6,665,555	73.46	136.12	116	6,011,400	654,155	10,652,487	16,663,887
Georgia	4,850,289	3,233,526	86.44	115.68	59	2,405,744	827,782	5,678,071	8,083,815
Hawaii	919,342	612,895	210.09	47.60	4	612,894	0	919,342	1,532,236
Idaho	973,423	648,949	180.20	55.49	15	463,347	185,602	1,159,024	1,622,371
Illinois	6,002,695	4,001,796	79.51	125.77	42	3,183,388	818,408	6,821,103	10,004,491
Indiana	3,252,797	2,168,531	92.99	107.54	24	1,774,372	394,159	3,646,956	5,421,328
Iowa	1,564,328	1,042,885	121.44	82.35	21	676,312	366,573	1,930,902	2,607,214
Kansas	1,637,852	1,091,901	102.87	97.21	15	790,483	301,418	1,939,271	2,729,754
Kentucky	1,907,977	1,271,985	142.94	69.96	14	951,762	320,223	2,228,199	3,179,961
Louisiana	2,818,935	1,879,290	74.90	133.51	34	1,501,114	378,176	3,197,112	4,698,226
Maine	782,959	521,973	348.76	28.67	12	275,402	246,571	1,029,530	1,304,932
Maryland	3,253,702	2,169,134	83.07	120.37	20	2,003,234	165,900	3,419,602	5,422,836
Massachusetts	3,340,649	2,227,099	87.24	114.62	39	1,716,701	510,398	3,851,047	5,567,748
Michigan	4,957,074	3,304,716	80.62	124.04	54	2,589,269	715,447	5,672,522	8,261,791
Minnesota	2,325,420	1,550,280	118.85	84.14	15	1,007,399	542,881	2,868,301	3,875,700
Mississippi	1,505,401	1,003,601	159.99	62.50	26	671,893	331,708	1,837,109	2,509,002
Missouri	3,369,192	2,246,128	76.29	131.07	19	1,534,445	711,683	4,080,875	5,615,320
Montana	830,454	553,636	154.35	64.79	16	370,018	183,618	1,014,073	1,384,091
Nebraska	1,110,543	740,362	146.18	68.41	6	565,090	175,272	1,285,815	1,850,905
Nevada	2,130,399	1,420,266	74.15	134.86	8	1,365,441	54,825	2,185,224	3,550,665
New Hampshire	838,433	558,956	226.91	44.07	9	318,506	240,450	1,078,883	1,397,389
New Jersey	3,596,709	2,397,806	109.36	91.44	40	1,767,411	630,395	4,227,104	5,994,515
New Mexico	1,611,758	1,074,505	86.06	116.20	20	896,857	177,648	1,789,406	2,686,263
New York	8,851,874	5,901,249	81.56	122.61	29	5,408,883	492,366	9,344,240	14,753,123
North Carolina	4,561,952	3,041,302	93.93	106.47	49	2,252,667	788,635	5,350,587	7,603,254
North Dakota	403,583	269,055	137.72	72.61	7	169,210	99,845	503,428	672,638
Ohio	4,803,530	3,202,353	99.78	100.22	28	2,354,536	847,817	5,651,347	8,005,883
Oklahoma	2,185,559	1,457,039	86.96	115.00	14	1,039,515	417,524	2,603,083	3,642,598
Oregon	1,881,313	1,254,209	143.78	69.55	21	918,635	335,574	2,216,887	3,135,522
Pennsylvania	5,398,315	3,598,877	98.99	101.02	29	2,521,334	1,077,543	6,475,858	8,997,192
Rhode Island	767,955	511,970	212.73	47.01	9	428,367	83,603	851,557	1,279,924
South Carolina	2,848,112	1,898,741	78.14	127.98	46	1,500,926	397,815	3,245,927	4,746,853
South Dakota	770,904	513,936	160.74	62.21	9	386,363	127,573	898,478	1,284,841
Tennessee	4,136,143	2,757,429	67.36	148.46	32	2,089,875	667,554	4,803,697	6,893,572
Texas	12,873,288	8,582,192	75.57	132.33	90	7,126,357	1,455,835	14,329,124	21,455,481
Utah	1,457,467	971,645	137.31	72.83	15	748,334	223,311	1,680,778	2,429,112
Vermont	403,583	269,055	473.97	21.10	7	148,510	120,545	524,128	672,638
Virginia	3,171,947	2,114,631	126.84	78.84	37	1,712,134	402,497	3,574,444	5,286,578
Washington	3,155,017	2,103,345	101.45	98.57	39	1,703,957	399,388	3,554,405	5,258,362
West Virginia	1,142,445	761,630	173.95	57.49	22	538,388	223,242	1,365,687	1,904,075
Wisconsin	2,611,368	1,740,912	102.39	97.67	15	1,305,318	435,594	3,046,963	4,352,281
Wyoming	403,583	269,055	212.36	47.09	8	135,412	133,643	537,226	672,638

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, 2014–2016, and the U.S. Census Bureau, 2017; local calculations based on data from the UCR program, 2007–2016.

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

Examples—

- California has \$12.1 million set aside for local awards. The 3-year violent crime averages reported by local jurisdictions in California equal 161,426.33 crimes. Dividing the \$12.1 million by the state crime total (161,426.33) results in the number of dollars available for each crime (\$74.76). Therefore, a local California jurisdiction needs a 3-year violent crime average of at least 133.76 violent crimes (\$10,000 divided by \$74.76) to be eligible for a direct award.
- Wyoming has \$269,055 set aside for local governments. The sum of 3-year average violent crimes reported is 1,267.00. The ratio of dollars per crime in Wyoming equals \$269,055 divided by 1,267.00 crimes, or \$212.36 per crime. The threshold is 47.09 violent crimes (\$10,000 divided by \$212.36) 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—

- San Francisco has a 3-year average of 6,553.67 violent crimes, or about 4.1% of all violent crimes reported by potentially eligible jurisdictions in California. San Francisco exceeds the state threshold of 74.76 violent crimes and is eligible for approximately 4.1% of the \$12.1 million set aside for local governments in California, or about \$489,966 (6,553.67 multiplied by \$74.76).
- Berry Hill, Tennessee, has a 3-year average of 5.67 violent crimes. This does not meet the state threshold of 67.36, so the city is ineligible for a direct JAG award. Its crimes, which account for less than 0.01% of all violent crimes in Tennessee, amount to about \$382 of the award funds. These funds are transferred to the state for redistribution.

Results of the calculations for the 2018 JAG program

For the 2018 JAG awards, approximately \$262.7 million of the \$269.1 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 (\$105.1 million). A total of 1,487 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 \$84.5 million. The balance of unawarded local allocations (\$20.6 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 (206) and Florida (116). The five local governments eligible to receive the largest awards were New York City (\$4.1 million), Chicago (\$2.1 million), Los Angeles (\$1.8 million), Houston (\$1.7 million), and Philadelphia (\$1.6 million).

In addition, the District of Columbia was eligible for \$1.7 million and Puerto Rico was eligible for \$2.6 million (table 2). Guam and the U.S. Virgin Islands were each eligible for the minimum award of \$672,638. American Samoa (\$450,667) and the Northern Mariana Islands (\$221,970) split one minimum award.

TABLE 2
Allocations to U.S. territories and the District of Columbia, fiscal year 2018

	Award amount
Total	\$6,311,254
American Samoa	450,667
Guam	672,638
Northern Mariana Islands	221,970
Puerto Rico	2,595,237
U.S. Virgin Islands	672,638
District of Columbia	1,698,103

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, 2014–2016, and the U.S. Census Bureau, 2017.

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—

- Shreveport, Louisiana, is eligible for an award of \$123,039. Caddo Parish, Louisiana (which includes the city of Shreveport), is not eligible for a direct award, but it provides criminal justice services to Shreveport. In this case, Caddo Parish and Shreveport are considered zero-county disparate. Shreveport must share its award funds with Caddo Parish 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—

- Jefferson County, Alabama, is eligible for a direct award of \$60,515. The city of Birmingham in Jefferson County is eligible for a direct award of \$287,406. Birmingham's award amount is more than 150% of Jefferson County's award amount. Consequently, the two governments' awards are pooled together (\$347,921) 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 2018 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—

- Alameda County, California, is eligible for an award of \$42,041. The Alameda County cities of Alameda (\$11,065), Berkeley (\$38,951), Emeryville (\$10,018), Fremont (\$25,942), Hayward (\$44,658), Livermore (\$16,024), Oakland (\$473,992), San Leandro (\$31,599), and Union City (\$18,765) are also all eligible for awards. The award for Oakland (\$473,992) is individually more than 150% of Alameda County's award, so Oakland's award will be pooled together with the county's award. The other eight cities' awards sum to \$197,022. This amount is more than 400% of Alameda County's direct award of \$42,041. As a result, the funds for all 10 jurisdictions (\$713,055) are pooled together and must be shared.
- Jefferson County, Colorado, is eligible for an award of \$18,874. The jurisdictions of Arvada (\$17,361), Lakewood (\$80,460), and Wheat Ridge (\$10,095) are also eligible for awards. The award amount for Lakewood 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 \$99,334. The remaining jurisdictions of Arvada and Wheat Ridge 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, 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 2018 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 2018, a total of 35 states and U.S. territories were not compliant with SORNA’s requirements. These jurisdictions received a combined \$5,803,314 reduction to their FY 2018 JAG awards. These jurisdictions were allowed to apply to reallocate the 10% penalty to promote SORNA implementation. Fourteen SORNA-noncompliant states did not apply to reallocate the penalty. Per the act, the \$2,483,360 withheld from these jurisdictions will be reallocated to SORNA-compliant states as part of the FY 2019 JAG award.

Bonus funds from FY 2017

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 2017

would have bonus funds added to its FY 2018 state JAG award, made up of SORNA penalty funds from nonimplementing states and U.S. territories in FY 2017. 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 2018, a total of \$1,159,063 was available from the FY 2017 SORNA reductions from the noncompliant states. These funds were distributed to the 19 states and U.S. territories that substantially implemented SORNA during FY 2018. Of these states, Florida (\$230,374) and Pennsylvania (\$123,413) received the largest awards (table 3). Of the eligible U.S. territories, the U.S. Virgin Islands received \$2,898, Guam received \$2,898, and the Northern Mariana Islands received \$956.

For information on the SORNA penalty and bonus funds, including implementation requirements and a list of states and U.S. territories

affected in FY 2018, 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 2018

	Bonus award amount
Total	\$1,159,063
Alabama	56,213
Colorado	53,677
Florida	230,374
Guam*	2,898
Kansas	31,768
Louisiana	58,997
Maryland	69,985
Michigan	110,396
Mississippi	29,380
Missouri	70,773
Nevada	41,962
Northern Mariana Islands*	956
Ohio	107,525
Pennsylvania	123,413
South Carolina	60,347
South Dakota	11,254
Tennessee	88,681
U.S. Virgin Islands*	2,898
Wyoming	7,566

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 2017.

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.

Forty states and U.S. territories were not compliant with PREA in FY 2018. As a result, these jurisdictions sustained a combined \$3,451,165 reduction to their FY 2018 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 \$115,246 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 2018 JAG awards, a total of \$115,246 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 (\$13,247) and Texas (\$9,418) received the largest awards (table 4). Of the eligible U.S. territories, Puerto Rico (\$1,133) received the largest bonus award (table 5).

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 2018, contact the PREA Management Office at PREACompliance@usdoj.gov.

TABLE 4
Prison Rape Elimination Act bonus fund allocations for states, fiscal year 2018

	Bonus award amount
Total	\$112,606
Alabama	2,002
Alaska	623
Arizona	2,575
California	13,247
Colorado	1,887
Connecticut	1,185
Delaware	632
Florida	7,313
Georgia	3,544
Hawaii	666
Idaho	705
Illinois	4,388
Indiana	2,374
Iowa	1,138
Kansas	1,192
Kentucky	1,390
Louisiana	2,057
Maine	566
Maryland	2,375
Massachusetts	2,439
Michigan	3,622
Minnesota	1,695
Mississippi	1,095
Missouri	2,459
Montana	601
Nebraska	806
Nevada	1,552
New Hampshire	607
New Jersey	2,626
New Mexico	1,173
New York	6,474
North Carolina	3,333
North Dakota	288
Ohio	3,510
Oklahoma	1,593
Oregon	1,370
Pennsylvania	3,945
Rhode Island	555
South Carolina	2,078
South Dakota	557
Tennessee	3,021
Texas	9,418
Vermont	288
Virginia	2,315
Washington	2,303
West Virginia	829
Wisconsin	1,905
Wyoming	288

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 2018.

TABLE 5
Prison Rape Elimination Act bonus fund allocations for U.S. territories and the District of Columbia, fiscal year 2018

	Bonus award amount
Total	\$2,641
American Samoa	193
Guam	288
Puerto Rico	1,133
U.S. Virgin Islands	288
District of Columbia	739

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 2018.

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 2017 midyear population estimates to calculate Justice Assistance Grant (JAG) allocations to states and U.S. territories. The 2018 JAG calculations included state-level violent crime estimates for 2014 through 2016 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 2018 JAG calculations used local crime data from 2007 through 2016.

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.”⁴

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.

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

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 2018 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.

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 168,000), 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 2018, 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. Stephanie Mueller and Shelley Hyland verified the report.

Edrienne Su edited the report. Carrie Epps-Carey produced the report.

July 2021, NCJ 300289



NCJ 300289

Office of Justice Programs
Building Solutions • Supporting Communities • Advancing Justice
www.ojp.gov