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TECHNICAL REPORT

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Justice Assistance Grant Program, 2016

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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.

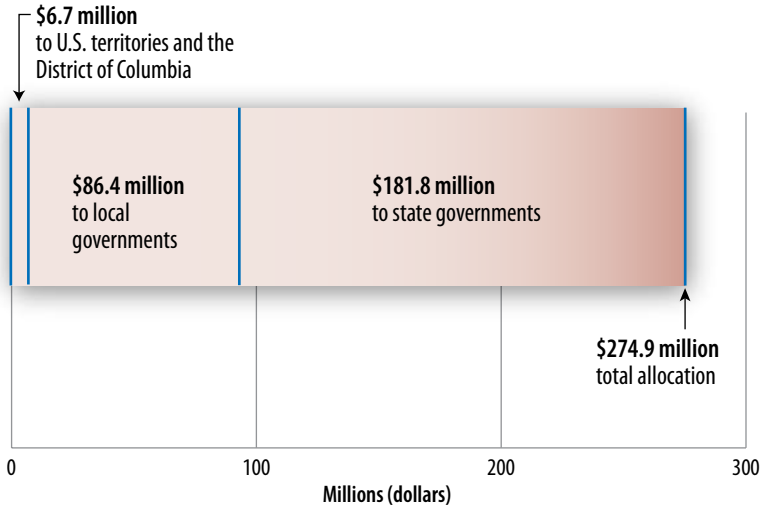
JAG awards may be used for the following seven purposes—

- 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 $274,906,565 was available for the 2016 JAG awards (figure 1). This report describes the steps in the JAG award calculation process and presents summary results of the 2016 JAG formula calculations.

HIGHLIGHTS

FIGURE 1
Distribution of fiscal year 2016 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 2016 JAG funding was approximately $274.9 million, of which $268.2 million went to states and $6.7 million to U.S. territories and the District of Columbia.
- The five states with the largest total allocations included California ($30.5 million), Texas ($21.4 million), Florida ($17.8 million), New York ($15.6 million), and Illinois ($10.4 million).
- A total of 1,501 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 ($4.3 million), Chicago ($2.1 million), Houston ($1.7 million), Philadelphia ($1.7 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 (118).

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Overview of process

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

- Computing an initial allocation for each state and U.S. 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 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 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 U.S. territories

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

Using the congressional appropriation and formula for the 2016 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 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 data for states and U.S. territories from the FBI covered the period between 2011 and 2013. The population shares for the 50 states, the District of Columbia, and U.S. territories were determined based on the results of the 2015 midyear population estimates published by the U.S. Census Bureau.

Examples—

- California accounts for 12.89% of the nation's total violent crime and 12.03% of the nation's total population. Therefore, California's initial allocation equals 12.89% of $137,453,283 (half of $274,906,565) plus 12.03% of $137,453,283, totaling $34,255,164
- 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 $137,453,283 plus 0.18% of $137,453,283, totaling $380,324.

Step 2: De minimus awards

[Legislative mandate: 42 USC § 3755(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 ($687,266 in 2016), regardless of its population or crime average. If a state 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 or U.S. territory's initial allocation exceeds the minimum amount, it receives the minimum award plus the amount based on its share of the 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% ($460,468) and the Northern Mariana Islands receiving 33% ($226,798). (See *Methodology*.)

In 2016, 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 $37,799,653 was allocated for minimum awards under the 2016 JAG program, leaving $237.1 million to be allocated based on the states' share of population and violent crime.

Examples—

- Wyoming's initial allocation of $380,324 is less than the minimum value, so Wyoming's total JAG allocation will be the minimum amount of $687,266.
- California's initial allocation of $34,255,164 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, and the remaining JAG funds are reallocated to the rest of the states based on violent crime and population as in Step 1.

[1]For purposes of the initial calculations for the 2016 state and U.S. 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*.

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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 12.96% of violent crime and 12.15% of the nation's population. California's new JAG allocation is equal to $15,360,486 (12.96% of half of $237.1 million) plus $14,409,349 (12.15% of half of $237.1 million), plus the minimum amount of $687,266. These three components equal $30,457,101. ($237.1 million equals the original $274.9 million total JAG 2016 award allocation minus the $37.8 million JAG 2016 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 $30,457,101, or $18,274,260. The remaining 40%, or $12,182,840, is set aside for distribution to local governments in California.
- Wyoming's state government retains 60% of the minimum award of $687,266, or $412,359. The remaining 40%, or 274,907, is set aside for distribution to local governments in Wyoming.

Step 4: Determining local award allocations

[Legislative mandate: 42 USC § 3755(c)(d)(e)(f)(g)(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 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 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 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 $12.2 million set aside for local awards. The 3-year violent crime averages reported by local jurisdictions in California equal 152,220.67 crimes. Dividing the $12.2 million set-aside by the state crime total (152,220.67) results in the number of dollars available for each crime ($80.03). Therefore, a local California jurisdiction needs a 3-year violent crime average of at least 124.95 violent crimes ($10,000 divided by $80.03) to be eligible for a direct award.
- Wyoming has $274,907 set aside for local governments. The sum of 3-year average violent crimes reported is 1138.67. The dollars per crime ratio in Wyoming equals $274,907 divided by 1138.67 crimes, or $247.43 per crime (after rounding). The threshold is 41.42 violent crimes ($10,000 divided by $247.43) to be eligible for a direct award.

[2]For purposes of the 2016 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*.

[3]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 42 USC § 3755(d)(2)(B).

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TABLE 1
State and local allocation amounts, fiscal year 2016

State	Initial allocations: State government	Initial allocations: Local governments	Dollars per crime	Threshold	Eligible local awards: Number	Eligible local awards: Amount	Reallocated to state	Total state government award	Total allocation
Total	$160,940,804	$107,293,869	~	~	$1,501	$79,523,714	$20,862,037	$181,802,841	$268,234,673
Alabama	2,727,487	1,818,325	$89.96	$111.16	28	1,069,493	626,248	3,353,735	4,545,812
Alaska	846,506	564,337	160.31	62.38	6	455,275	70,696	917,203	1,410,844
Arizona	3,541,625	2,361,083	87.35	114.48	32	1,922,528	245,959	3,787,584	5,902,708
Arkansas	1,890,836	1,260,557	92.58	108.02	26	804,516	387,322	2,278,159	3,151,394
California	18,274,260	12,182,840	80.03	124.95	214	10,291,887	1,141,661	19,415,922	30,457,101
Colorado	2,571,827	1,714,552	106.83	93.61	27	1,347,132	231,990	2,803,817	4,286,379
Connecticut	1,758,045	1,172,030	130.67	76.53	17	953,437	172,132	1,930,177	2,930,075
Delaware	901,210	600,807	188.16	53.15	10	494,825	46,540	947,750	1,502,017
Florida	10,654,235	7,102,823	77.33	129.32	118	5,795,701	684,953	11,339,188	17,757,058
Georgia	4,892,851	3,261,901	89.63	111.57	60	2,188,767	797,871	5,690,722	8,154,752
Hawaii	937,517	625,011	253.97	39.38	4	577,958	0	937,517	1,562,528
Idaho	979,852	653,234	193.26	51.74	15	404,126	201,899	1,181,751	1,633,086
Illinois	6,260,165	4,173,444	84.07	118.95	42	3,105,966	850,726	7,110,891	10,433,609
Indiana	3,254,115	2,169,410	98.36	101.66	25	1,600,759	404,176	3,658,291	5,423,525
Iowa	1,595,275	1,063,517	131.93	75.80	17	620,502	393,497	1,988,772	2,658,792
Kansas	1,651,202	1,100,801	111.53	89.66	17	687,929	325,682	1,976,884	2,752,003
Kentucky	1,948,730	1,299,153	154.03	64.92	15	890,943	327,934	2,276,664	3,247,883
Louisiana	2,836,034	1,890,689	82.28	121.54	34	1,358,666	402,574	3,238,609	4,726,724
Maine	805,839	537,226	357.44	27.98	13	270,062	239,720	1,045,559	1,343,065
Maryland	3,368,259	2,245,506	86.29	115.88	21	1,936,802	171,435	3,539,694	5,613,765
Massachusetts	3,497,694	2,331,796	89.17	112.15	39	1,701,242	511,413	4,009,106	5,829,489
Michigan	5,196,955	3,464,637	80.75	123.83	52	2,608,255	695,810	5,892,765	8,661,592
Minnesota	2,363,729	1,575,820	124.56	80.28	15	909,443	559,694	2,923,423	3,939,549
Mississippi	1,552,532	1,035,021	159.75	62.60	26	630,073	337,282	1,889,814	2,587,553
Missouri	3,331,900	2,221,267	83.35	119.97	21	1,381,219	713,433	4,045,332	5,553,166
Montana	817,995	545,330	184.82	54.11	15	296,276	196,089	1,014,085	1,363,326
Nebraska	1,126,185	750,790	156.88	63.74	5	543,742	159,079	1,285,264	1,876,975
Nevada	2,065,865	1,377,243	81.65	122.48	9	1,183,308	57,151	2,123,016	3,443,108
New Hampshire	871,073	580,715	235.71	42.42	9	301,744	257,632	1,128,705	1,451,788
New Jersey	3,859,921	2,573,281	106.62	93.79	43	1,813,444	630,250	4,490,171	6,433,202
New Mexico	1,601,499	1,067,666	93.04	107.48	20	783,554	198,920	1,800,420	2,669,166
New York	9,349,451	6,232,967	82.69	120.93	27	5,359,612	505,567	9,855,018	15,582,418
North Carolina	4,609,949	3,073,299	96.14	104.02	54	2,049,823	817,743	5,427,692	7,683,248
North Dakota	412,360	274,907	143.83	69.53	7	164,975	98,379	510,738	687,266
Ohio	4,971,782	3,314,521	102.92	97.16	29	2,414,222	786,071	5,757,853	8,286,303
Oklahoma	2,278,235	1,518,824	89.96	111.16	16	1,053,034	400,091	2,678,326	3,797,059
Oregon	1,859,790	1,239,860	131.93	75.80	18	828,034	334,538	2,194,328	3,099,650
Pennsylvania	5,760,492	3,840,328	98.99	101.02	29	2,588,651	1,121,056	6,881,548	9,600,820
Rhode Island	796,449	530,966	211.91	47.19	10	424,595	69,010	865,460	1,327,416
South Carolina	2,962,180	1,974,787	80.00	125.00	42	1,439,257	448,034	3,410,214	4,936,967
South Dakota	412,360	274,907	103.83	96.31	3	158,378	118,920	531,279	687,266
Tennessee	4,209,060	2,806,040	71.05	140.74	29	1,967,521	705,044	4,914,104	7,015,100
Texas	12,853,519	8,569,013	80.30	124.54	96	6,498,782	1,398,464	14,251,983	21,422,532
Utah	1,445,707	963,805	149.68	66.81	15	653,725	233,004	1,678,711	2,409,512
Vermont	412,360	274,907	487.14	20.53	7	109,956	139,483	551,842	687,266
Virginia	3,213,588	2,142,392	135.31	73.90	35	1,558,265	427,141	3,640,728	5,355,979
Washington	3,191,998	2,127,998	106.19	94.17	39	1,528,027	426,833	3,618,831	5,319,996
West Virginia	1,157,136	771,424	192.81	51.87	25	498,526	206,110	1,363,246	1,928,560
Wisconsin	2,650,810	1,767,207	109.72	91.14	17	1,178,998	445,306	3,096,116	4,418,017
Wyoming	412,360	274,907	241.43	41.42	8	119,759	141,477	553,836	687,266

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, 2012–14, and U.S. Census Bureau, 2015; and local calculations based on data from the UCR Program, 2005–14.

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BJS 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 18,080.67 violent crimes, or about 12.0% of all violent crimes reported by potentially eligible jurisdictions in California. Los Angeles exceeds the state threshold of 124.95 violent crimes and is eligible for 12.0% of the $12.2 million set aside for local governments in California, or about $1,447,069 (18,080.67 multiplied by $80.03).
- The town of Pine Bluffs, Wyoming, has a 3-year average of 5.67 violent crimes. This does not meet the state threshold of 41.42, so it is ineligible for a direct JAG award. Its crimes, less than 1.0% of all violent crimes in Wyoming, account for about $1,368 of award funds. These funds are transferred to the state for redistribution.

Results of the calculations for the 2016 JAG program

For the 2016 JAG awards, approximately $268.2 million of the $274.9 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 ($107.3 million) was initially reserved for local governments. A total of 1,501 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 within their county. These local governments were eligible for a collective total of $86.4 million. The balance of unawarded local allocations ($20.9 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 (118). The five local governments eligible to receive the largest awards were New York City ($4.3 million), Chicago ($2.1 million), Houston ($1.7 million), Philadelphia ($1.7 million), and Los Angeles ($1.4 million).

In addition, the District of Columbia was eligible for $1.7 million and Puerto Rico was eligible for $2.9 million (table 2). Guam and the U.S. Virgin Islands were each eligible for the minimum award of $687,266. American Samoa ($460,468) and the Northern Mariana Islands ($226,798) split one minimum award.

TABLE 2
Allocations to U.S. territories and the District of Columbia, fiscal year 2016

	Award amount
Total	$6,671,892
American Samoa	460,468
Guam	687,266
Northern Mariana Islands	226,798
Puerto Rico	2,874,288
Virgin Islands	687,266
District of Columbia	1,735,805

Note: Detail may not sum to total due to rounding.
Source: Bureau of Justice Statistics, based on data from the Uniform Crime Reporting program, 2012–14, and the U.S. Census Bureau, 2015.

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 its 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 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—

- Lansing City, Michigan, is eligible for an award of $95,990. Ingham County, Michigan (which includes the city of Lansing), is not eligible for a direct award, but it provides criminal justice services to Lansing. In this case, Ingham County and Lansing are considered zero-county disparate. Lansing must share its award funds with Ingham 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—

- Pima County, Arizona, is eligible for a direct award of $62,574. The city of Tucson in Pima County is eligible for a direct award of $310,484. Tucson's award amount is more than 150% of Pima County's award

amount. Consequently, the two governments' awards are pooled together ($373,058) 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 2016 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—

- Alameda County, California, is eligible for an award of $50,341. The cities of Alameda ($12,352), Berkeley ($39,483), Emeryville ($11,311), Fremont ($23,023), Hayward ($48,207), Livermore ($21,529), Newark ($10,698), Oakland ($609,780), San Leandro ($32,014), and Union ($17,607) (all located in Alameda County) are also all eligible for awards. The award for Oakland ($609,780) 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 nine cities' awards sum to $216,224. This summed amount is more than 400% of Alameda County's direct award of $50,341. As a result, the funds for all 11 jurisdictions ($876,345) are pooled together and must be shared.
- Allegheny County, Pennsylvania, is eligible for an award of $12,044. The jurisdictions of McKeesport ($39,629), Pittsburgh ($232,988), Wilkinsburg ($15,475), and Penn Hills ($14,586), 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 $284,661. The remaining jurisdictions of Wilkinsburg 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: 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 the most recent 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 2016 JAG program and can be found on the BJA website at https://www.bja.gov/ProgramDetails.aspx?Program_ID=59.

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Sex Offender Registration and Notification Act 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 2016, a total of 36 states and U.S. territories were not compliant with SORNA's requirements. As a result, these jurisdictions received a combined $6,168,218 reduction to their FY 2016 Byrne JAG award. These jurisdictions were allowed to apply to reallocate the 10% penalty to promote SORNA implementation. Six states were SORNA noncompliant and did not apply to reallocate the penalty. Per the SORNA legislation, the $1,003,487 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 as part of the FY 2017 JAG award.

Bonus funds from FY 2015

Per 42 USC § 16925(c), any state or U.S. 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 using SORNA penalty funds from nonimplementing states and U.S. territories during the current fiscal year. For example, any state that substantially implemented SORNA in FY 2015 would have bonus funds added to its FY 2016 state JAG award, made up of SORNA penalty funds from nonimplementing states and U.S. territories in FY 2015. 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 U.S. territory using 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 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 receives the minimum award plus an additional amount based on its share of violent crime and population for the remaining states and U.S. territories.

For FY 2016, a total of $1,038,782 was available from the FY 2015 SORNA reductions from the noncompliant states. These funds were distributed to the 20 states and U.S. territories that substantially implemented SORNA during the fiscal year. Of the 20 states eligible for bonus funds, Florida ($203,389) and Pennsylvania ($113,613) received the largest awards (table 3). Of the eligible U.S. territories, the U.S. Virgin Islands received $2,597, Guam received $2,597, and the Northern Mariana Islands received $857.

For additional information regarding the SORNA penalty and bonus funds, including implementation

TABLE 3
Sex Offender Registration and Notification Act bonus fund allocations, fiscal year 2016

	Bonus award amount
Total	$1,038,781
Alabama	49,020
Colorado	45,927
Delaware	12,548
Florida	203,389
Guam*	2,597
Kansas	27,700
Louisiana	51,724
Maryland	62,862
Michigan	99,109
Mississippi	25,804
Missouri	61,384
Nevada	34,416
Northern Mariana Islands*	857
Ohio	96,166
Pennsylvania	113,613
South Carolina	54,911
South Dakota	9,418
Tennessee	78,021
Virgin Islands*	2,597
Wyoming	6,719

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, 2015.

requirements and a list of states and U.S. territories that were affected in FY 2016, contact the SMART Office Policy Advisor assigned to assist the jurisdiction of interest: http://www.ojp.usdoj.gov/smart/sorna.htm.

Prison Rape Elimination Act certification reduction and bonus funds

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

Reduction

The Prison Rape Elimination Act (PREA) statute dictates 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 2016, 39 states, District of Columbia, and 5 U.S. territories were not compliant with PREA requirements. As a result, these jurisdictions suffered a combined $3,877,473 reduction to their FY 2016 Byrne JAG award. These jurisdictions were allowed to apply to reallocate the 5% reduction to achieve compliance with PREA standards and become certified. Two states and two U.S. territories were PREA noncompliant and did not apply to reallocate the reduction. Per the PREA legislation, the $150,562 withheld from these jurisdictions was reallocated to jurisdictions that either were certified or were 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 if it is less than the minimum award amount (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 receives the minimum award plus an additional amount based on its share of violent crime and population for the remaining states and U.S. territories.

For the FY 2016 JAG awards, a total of $150,562 was available from PREA reductions from the four noncompliant states and U.S. territories that did not apply to reallocate the reduction. 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 ($17,134) and Texas ($12,048) received the largest awards (table 4). Of the eligible U.S. territories, Puerto Rico ($1,608) received the largest bonus award.

TABLE 4
Prison Rape Elimination Act bonus fund allocations, fiscal year 2016

	Bonus award amount
Total	$150,562
Alabama	2,548
Alaska	784
American Samoa*	252
Arizona	3,312
California	17,134
Colorado	2,403
Connecticut	1,639
Delaware	835
District of Columbia*	966
Florida	9,984
Georgia	4,580
Guam*	869
Hawaii	909
Illinois	5,863
Indiana	3,043
Iowa	1,486
Kansas	1,539
Kentucky	1,818
Louisiana	2,650
Maine	746
Maryland	3,149
Massachusetts	3,271
Michigan	4,865
Minnesota	2,208
Mississippi	1,446
Missouri	3,115
Montana	757
Nebraska	1,046
Nevada	1,927
New Hampshire	807
New Jersey	3,611
New Mexico	1,492
New York	8,761
North Carolina	4,315
North Dakota	376
Ohio	4,654
Oklahoma	2,127
Oregon	1,735
Pennsylvania	5,394
Puerto Rico*	1,608
Rhode Island	737
South Carolina	2,768
South Dakota	376
Tennessee	3,938
Texas	12,048
Vermont	376
Virgin Islands*	376
Virginia	3,005
Washington	2,985
West Virginia	1,075
Wisconsin	2,477
Wyoming	376

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, 2016.

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For additional information regarding the PREA reduction and bonus funds, including implementation requirements and a list of states and U.S. territories that were affected in FY 2016, contact the PREA Management Office at PREACompliance@usdoj.gov.

Maximum allocation to units of local 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 2015 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 its annual publication, *Crime in the United States*. The 2016 JAG program used state-level crime data for the years 2012 through 2014.

The UCR program also provided the crime data used to calculate local JAG allocation amounts. BJS obtained 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 2016 JAG used local crime data from 2005 through 2014.

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 the local award.

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]

[4]Frequently 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 and 2014 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 (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. BJS will begin using the revised rape counts once there are 3 years of published revised rape counts, which is anticipated to occur in 2017.

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 2016 JAG calculations for local awards.

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

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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 current JAG legislation specifies that 40% of the total allocation for Puerto Rico be set aside for local awards. However, as of 2016, 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.

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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. Jeri M. Mulrow is acting director.

This technical report was prepared by Alexia D. Cooper. Marshay Lentini verified the report.

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