



# Justice Assistance Grant (JAG) Program, 2013

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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 (LLEBG) 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—

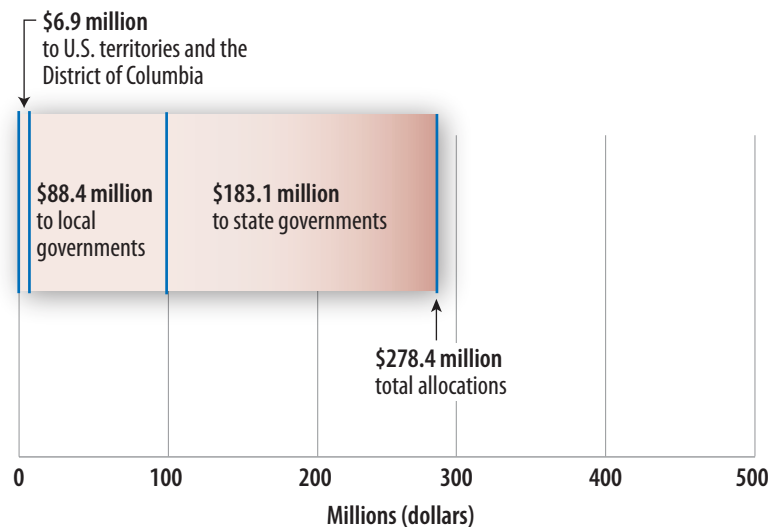
- law enforcement
- prosecution and courts
- prevention and education
- corrections and community corrections
- drug treatment
- planning, evaluation, and technology improvement
- crime victim and witness programs.

A total of \$278,392,240 was available for the 2013 JAG awards (figure 1). This report describes the steps in the JAG award calculation process and presents summary results of the 2013 JAG formula calculations.

## HIGHLIGHTS

FIGURE 1

### Distribution of FY 2013 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 2013 JAG funding was approximately \$278.4 million, of which \$271.5 million went to states and \$6.9 million to territories and the District of Columbia.
- The five largest total state allocations included California (\$30.8 million), Texas (\$21.4 million), Florida (\$18.0 million), New York (\$15.4 million), and Illinois (\$11.2 million).
- A total of 1,541 local governments were eligible for awards, either directly or through a joint award with other governments within their county. The five local governments eligible to receive the largest awards included New York City (\$4.0 million), Chicago (\$2.7 million), Philadelphia (\$1.8 million), Houston (\$1.7 million), and Los Angeles (\$1.7 million).
- Three states had around 100 or more local governments eligible to receive award funds either directly or through a shared award: California (221), Florida (126), and Texas (94).

## Overview of process

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

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

The JAG award calculation process, with examples, is explained in more detail below.

## The four-step award calculation process

### Step 1: Initial allocation to states and territories

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

Based on the congressional appropriation for the 2013 JAG program, BJS calculates the initial

allocation amounts for the 50 states and U.S. territories. Using the congressionally established formula, BJS allocates half of the available funds based on a state's or territory's share of violent crime and half of the funds based on its share of the nation's population. The most recent 3-year period of official violent crime data for states and territories from the Federal Bureau of Investigation (FBI) covered the period between 2009 and 2011. The population shares for the 50 states, the District of Columbia, and U.S. territories were determined based on the results of the 2012 midyear population estimates published by the U.S. Census Bureau.

#### Examples—

- California accounts for 12.96% of the nation's total violent crime and 11.96% of the nation's total population. Therefore, California's initial allocation equals 12.96% of \$139,196,120 (half of \$278,392,240) plus 11.96% of \$139,196,120, totaling \$34,693,113.
- Vermont accounts for 0.07% of the nation's total violent crime and 0.20% of the nation's total population. Vermont's initial allocation is 0.07% of \$139,196,120 plus 0.20% of \$139,196,120, totaling \$365,495.

### Step 2: De minimus awards

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

The JAG legislation requires that each state or territory be awarded a minimum allocation equal to 0.25% of the total JAG allocation (\$695,981 in 2013), regardless of its population or crime average. If a state's or territory's initial allocation based on crime and population is less than the minimum amount, that state or territory receives the minimum award amount as its total JAG allocation. If a state's or 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% (\$466,307) and the Northern Mariana Islands receiving 33% (\$229,674). (See *Methodology* for more information on allocation procedures for the territories.)

In 2013, four states (North Dakota, South Dakota, Vermont, and Wyoming) and four of the 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, Washington, DC, and Puerto Rico were all awarded the minimum award plus an additional allocation. A total of \$38,278,933 was allocated for minimum awards under the 2013 JAG program.

#### Examples—

- Vermont's initial allocation of \$365,495 is less than the minimum value, so Vermont's total JAG allocation will be the minimum amount of \$695,981.
- California's initial allocation of \$34,693,113 exceeds the minimum value, so California will receive the minimum plus an award based on its share of total violent crime and population.

After removing the \$38.3 million allocated to minimum awards, \$240.1 million remained for additional awards. To compute the additional amounts, the crime and population data for states and territories receiving only the minimum award are removed from the pool, and the remaining JAG funds are reallocated to the rest of the states based on violent crime and population as in Step 1.

#### Examples—

- Vermont received 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 territories receiving only the minimum award, California accounts for 13.02% of violent crime and 12.08% of the nation's population. California's new JAG allocation is equal to \$15,628,704 (13.02% of one half of \$240.1 million) plus \$14,505,920 (12.08% of one half of \$240.1 million), plus the minimum amount of \$695,981. These three components equal \$30,830,605.

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

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

Except for the 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 \$30,830,605, or \$18,498,363. The remaining 40%, or \$12,332,242, is set aside for distribution to local governments in California.
- Vermont's state government retains 60% of the minimum award of \$695,981, or \$417,588. The remaining 40%, or \$278,392, is set aside for distribution to local governments in Vermont.

### Step 4: Determining local award allocations

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

In order to determine local awards, BJS determines which jurisdictions should be included in the calculation of the 3-year violent crime averages on which local awards are based. These crime averages are computed using data reported to the FBI's Uniform Crime Reporting (UCR) Program. To be eligible, a jurisdiction must have provided to the UCR a count of the number of violent crimes known to law enforcement each year for a

minimum of 3 years in the last 10. Jurisdictions that have not reported data for at least 3 of the last 10 years 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. 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 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 the federal fiscal year 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.<sup>1</sup> The 10-year limit was applied in FY 2013 and the UCR data used for the 2013 JAG award calculations included the 10-year period from 2002 to 2011.

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

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

<sup>1</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 42 USC § 3755 (d)(2)(B).]

#### Examples—

- California has \$12.3 million set aside for local awards. The 3-year violent crime averages reported by local jurisdictions in California sum to 161,997 crimes. Dividing the \$12.3 million set aside by the state crime total results in the number of dollars available for each crime: \$12,332,242/161,997 crimes = \$76.13 per crime. Therefore, a local California jurisdiction needs a 3-year average of at least 131.36 violent crimes (\$10,000/\$76.13) to be eligible for an award.
- Vermont has \$278,392 set aside for local governments. The sum of 3-year average violent crimes reported is 623. The dollars per crime ratio in Vermont equals \$278,392/623 crimes, or \$446.86 per crime. The threshold is 22.38 violent crimes (\$10,000/\$446.86) to be eligible for an award.

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)] on page 5.)

#### Examples—

- The city of Oakland, California, has a 3-year average of 6,570.67 violent crimes, or 4.1% of all violent crimes reported by jurisdictions in California. Oakland exceeds the state threshold of 131.36 violent crimes. It is eligible for 4.1% of the \$12.3 million set aside for local governments in California, or about \$500,200 (6,570.67 X \$76.13).

**TABLE 1****State and local allocation amounts, FY 2013**

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	\$162,923,114			\$108,615,409				
Alabama	2,654,628	1,769,752	\$94.66	105.64	31	1,175,520	594,232	3,248,860	4,424,380
Alaska	838,231	558,821	161.31	61.99	5	479,027	79,794	918,024	1,397,051
Arizona	3,453,817	2,302,545	85.90	116.42	30	2,021,658	280,887	3,734,703	5,756,361
Arkansas	1,922,683	1,281,789	89.64	111.56	27	914,065	367,724	2,290,407	3,204,472
California	18,498,363	12,332,242	76.13	131.36	221	11,284,613	1,047,629	19,545,992	30,830,605
Colorado	2,548,694	1,699,129	102.59	97.48	28	1,470,432	228,697	2,777,391	4,247,823
Connecticut	1,816,797	1,211,198	123.44	81.01	17	1,029,658	181,540	1,998,337	3,027,995
Delaware	938,637	625,758	173.18	57.74	8	560,295	65,463	1,004,100	1,564,395
Florida	10,792,046	7,194,697	67.96	147.15	126	6,581,448	613,249	11,405,296	17,986,744
Georgia	4,922,769	3,281,846	86.92	115.05	61	2,511,612	770,234	5,693,003	8,204,615
Hawaii	946,874	631,249	180.60	55.37	4	631,249	0	946,874	1,578,123
Idaho	981,094	654,063	190.19	52.58	13	439,591	214,472	1,195,566	1,635,157
Illinois	6,714,840	4,476,560	91.20	109.65	37	3,968,603	507,957	7,222,797	11,191,400
Indiana	3,129,325	2,086,217	104.75	95.47	25	1,713,114	373,103	3,502,427	5,215,541
Iowa	1,586,028	1,057,352	133.57	74.87	19	721,258	336,094	1,922,122	2,643,380
Kansas	1,689,528	1,126,352	108.89	91.83	17	797,714	328,638	2,018,167	2,815,881
Kentucky	2,027,397	1,351,598	142.36	70.25	16	1,032,955	318,643	2,346,041	3,378,996
Louisiana	2,979,990	1,986,660	78.50	127.39	36	1,537,170	449,490	3,429,480	4,966,650
Maine	813,511	542,341	367.61	27.20	14	310,994	231,347	1,044,858	1,355,852
Maryland	3,548,766	2,365,844	78.35	127.64	21	2,184,393	181,451	3,730,217	5,914,610
Massachusetts	3,636,263	2,424,175	84.15	118.83	40	1,906,203	517,972	4,154,235	6,060,438
Michigan	5,383,743	3,589,162	78.71	127.05	53	2,923,030	666,132	6,049,875	8,972,905
Minnesota	2,354,678	1,569,785	122.83	81.41	16	1,010,385	559,400	2,914,079	3,924,464
Mississippi	1,565,302	1,043,535	148.25	67.45	28	678,940	364,595	1,929,897	2,608,837
Missouri	3,386,840	2,257,894	81.63	122.50	22	1,569,390	688,504	4,075,344	5,644,734
Montana	803,226	535,484	191.52	52.21	18	365,031	170,453	973,679	1,338,710
Nebraska	1,126,027	750,685	154.12	64.88	5	593,531	157,154	1,283,181	1,876,712
Nevada	2,033,527	1,355,685	79.30	126.10	8	1,296,735	58,950	2,092,477	3,389,212
New Hampshire	848,966	565,978	266.51	37.52	9	325,675	240,303	1,089,269	1,414,944
New Jersey	3,990,299	2,660,199	100.09	99.91	46	1,993,873	666,326	4,656,625	6,650,498
New Mexico	1,590,861	1,060,574	89.25	112.05	20	839,453	221,121	1,811,983	2,651,436
New York	9,243,676	6,162,451	82.95	120.56	28	5,594,604	567,847	9,811,523	15,406,127
North Carolina	4,668,424	3,112,283	90.27	110.78	62	2,346,529	765,754	5,434,178	7,780,707
North Dakota	417,588	278,392	184.33	54.25	7	192,128	86,264	503,853	695,981
Ohio	5,148,610	3,432,407	99.63	100.38	29	2,698,927	733,480	5,882,090	8,581,017
Oklahoma	2,313,563	1,542,375	85.95	116.34	17	1,123,017	419,358	2,732,921	3,855,938
Oregon	1,864,034	1,242,689	133.21	75.07	18	919,485	323,204	2,187,238	3,106,723
Pennsylvania	5,995,988	3,997,325	94.32	106.03	30	2,883,982	1,113,343	7,109,332	9,993,314
Rhode Island	809,532	539,688	205.94	48.56	10	466,374	73,314	882,846	1,349,220
South Carolina	3,120,939	2,080,626	72.41	138.09	48	1,645,173	435,453	3,556,391	5,201,564
South Dakota	417,588	278,392	144.92	69.00	4	178,301	100,091	517,680	695,981
Tennessee	4,168,476	2,778,984	69.89	143.08	31	2,083,550	695,434	4,863,910	6,947,460
Texas	12,829,501	8,553,001	75.97	131.63	94	7,148,183	1,404,818	14,234,318	21,382,501
Utah	1,401,460	934,306	161.90	61.77	14	702,739	231,567	1,633,027	2,335,766
Vermont	417,588	278,392	446.86	22.38	8	170,551	107,841	525,430	695,981
Virginia	3,264,249	2,176,166	129.79	77.05	33	1,744,888	431,278	3,695,527	5,440,415
Washington	3,204,156	2,136,104	102.21	97.84	38	1,690,927	445,177	3,649,333	5,340,260
West Virginia	1,164,801	776,534	203.44	49.15	24	570,786	205,748	1,370,548	1,941,334
Wisconsin	2,531,600	1,687,733	118.48	84.40	19	1,237,610	450,123	2,981,723	4,219,333
Wyoming	417,588	278,392	232.70	42.97	6	127,833	150,559	568,148	695,981

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

Source: Bureau of Justice Statistics calculations. State calculations are based on 2009–2011 data from the Uniform Crime Reporting (UCR) Program and 2012 population estimates from the U.S. Census Bureau. Local calculations are based on 2002–2011 UCR data.



- The city of Swanton, Vermont, has a 3-year average of 4.00 violent crimes. This does not meet the state threshold of 22.38, so it is ineligible for a JAG award. Its crimes, less than 1% of all violent crimes in Vermont, account for about \$1,787 of award funds. These funds are transferred to the state for redistribution.

### Results of the calculations for the 2013 Justice Assistance Grant Program

For the 2013 JAG awards, approximately \$271.5 million of the \$278.4 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 (\$108.6 million) was initially reserved for local governments. A total of 1,541 local governments had law enforcement agencies that provided a sufficient number of reported crimes to the FBI to receive a JAG award either directly or through a joint award with other governments within their county. These governments were eligible for a collective total of \$88.4 million. The balance of unawarded local allocations (\$20.2 million) was returned to state governments for redistribution to state law enforcement agencies and local governments.

Three states had around 100 or more local governments eligible to receive award funds either directly or through a shared award: California (221), Florida (126), and Texas (94). The five local governments eligible to receive the largest awards included New York City (\$4.0 million), Chicago (\$2.7 million), Philadelphia (\$1.8 million), Houston (\$1.7 million), and Los Angeles (\$1.7 million).

In addition, the District of Columbia was eligible for \$1.7 million and Puerto Rico was eligible for \$3.1 million (table 2). Guam and the U.S. Virgin Islands were each eligible for the minimum award of \$695,981. American Samoa (\$466,307) and the Northern Mariana Islands (\$229,674) split one minimum award.

**TABLE 2**

### Allocations to U.S. territories and the District of Columbia, FY 2013

Territories and D.C.	Award amount
Total	\$6,853,716
American Samoa	466,307
Northern Mariana Islands	229,674
Guam	695,981
Puerto Rico	3,083,831
Virgin Islands	695,981
District of Columbia	1,681,944

Note: Detail may not sum to total due to rounding.  
Source: Bureau of Justice Statistics calculations based on 2009–2011 data from the Uniform Crime Reporting Program and 2012 population estimates from the U.S. Census Bureau.

### Additional JAG provisions

#### Disparate jurisdictions and joint allocations

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

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

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

#### Example—

- Decatur, Illinois, is eligible for an award of \$46,084. Macon County, Illinois, (which includes the city of Decatur) is not eligible for a direct award, but it provides criminal justice services to Decatur. In this case, Macon County and Decatur are considered zero-county

disparate. Decatur must share its award funds with Macon 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—

- Pierce County, Washington, is eligible for a direct award of \$110,859. The city of Tacoma in Pierce County is eligible for a direct award of \$175,760. Tacoma's award amount is more than 150% of Pierce County's award amount. Consequently, the two governments' awards (\$286,619) are pooled together and shared as mutually agreed upon.

The third type of disparity occurs when a county and multiple municipalities within that county are all eligible for direct awards, but the sum of the awards for the individual municipalities exceeds 400% of the county's award amount.

#### Example—

- Riverside County, California, was eligible for a direct award of \$79,831. The cities of Banning (\$12,053), Coachella (\$18,372), Corona (\$15,555), Hemet (\$28,014), Indio (\$33,267), Palm Springs (\$21,188), Perris (\$13,068), Riverside (\$108,937), Moreno Valley (\$60,317), Cathedral (\$17,205), La Quinta (\$ 11,368), and Desert Hot Springs (\$26,238) were also eligible for direct awards. The 12 cities' awards summed to \$445,413. This summed amount was more than 400% of Riverside County's direct award amount of \$79,831. Consequently, the funds from all of the jurisdictions (\$445,413) were pooled together and shared among the 13 units of local government as mutually agreed upon.

These three types of disparity are examined in order, and if a municipality is found to be disparate in one of these three ways, its award

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

#### Examples—

- King County, Washington, is eligible for an award of \$50,183. The cities of Auburn (\$26,846), Bellevue (\$14,990), Kent (\$53,999), Renton (\$30,185), Seattle (\$376,118), Tukwila (\$17,375), Seatac (\$12,844), Federal Way (\$31,990), and Burien (\$21,088) (all located in King County), are also eligible for awards. The award for Seattle (\$376,118) is more than 150% of King County's award, so it will be pooled together with the county's award. The other eight cities' awards sum to \$209,317. This amount is more than 400% of King County's direct award of \$50,183. As a result, the funds for all ten jurisdictions (\$635,618) are pooled together and must be shared.
- Pulaski County, Arkansas, is eligible for an award of \$33,226. The cities of Jacksonville (\$20,079), Little Rock (\$258,635), North Little Rock (\$58,623), and Sherwood (\$12,758) are also eligible for awards. The award amounts for the cities of Little Rock and North Little Rock are each individually more than 150% of the award amount for Pulaski County. These two jurisdictions are disparate with the county and the three jurisdictions will share the combined total of \$350,484. The remaining cities of

Jacksonville and Sherwood are individually less than 150% of the award amount for Pulaski County and the two awards combined are less than 400% of the County's award. Accordingly, the awards for these two cities remain separate.

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

#### Pass-through requirement

[Legislative mandate: 42 USC § 3755]

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

After determining the amount spent on criminal justice expenditures by the state government, the state may retain that amount. The remaining funds are passed down to the local governments within the state. These criminal justice expenditure amounts are referred to as "variable pass-through" data for the purpose of JAG awards.

During 2009, the U.S. Census Bureau finished compiling current criminal justice expenditure data in order to determine updated variable pass-through amounts. These pass-through amounts, based on data from 2006, were used for the 2013 JAG program and can be found on the BJA website at <http://www.bja.gov>.

#### Sex Offender Registration and Notification Act Penalty and Compliant 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 (AWA) required that the 50 states, the District of Columbia (DC), 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 "variable pass-through" that states are required to send to local governments. The penalty also 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 mandatory pass-through, 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, which include the investigation, prosecution, and apprehension of sex offenders. An example of how the SORNA penalty was assessed can be found in the Bureau of Justice Assistance's JAG Frequently Asked Questions on the BJA website at <https://www.bja.gov/Funding/JAGFAQ.pdf>.

For FY 2013, 34 states, two U.S. territories, and the District of Columbia were not compliant with SORNA's requirements. As a result, these jurisdictions suffered a combined \$6,564,559 reduction to their FY 2013 Byrne JAG award. These jurisdictions were allowed to apply to reallocate the 10% penalty to promote SORNA implementation. A total of six states that were SORNA noncompliant did not apply to reallocate the penalty. Per the SORNA legislation, the \$1,062,609 withheld from these jurisdictions will be reallocated to jurisdictions that substantially implemented SORNA [(42 USC § 16925 (c))]. These funds will be reallocated to compliant states and added to their FY 2014 JAG award as described below.

### Bonus funds

Per 42 USC § 16925(c), any state or territory that has substantially implemented SORNA during the current fiscal year (FY), as determined by the SMART Office, will be eligible to receive compliant bonus funds in addition to its JAG award for the following year. This bonus allocation is calculated based on SORNA penalty funds from nonimplementing states and territories during that current fiscal year. For example, any state that substantially implemented SORNA in FY 2012 would have bonus funds added to its FY 2013 State JAG award, comprised of SORNA penalty funds from nonimplementing states and territories in FY 2012. The amounts available for compliant bonus funds will vary from year to year, depending on the amount of SORNA penalty funds from the previous year.

Bonus funds are allocated using the same general approach as the overall JAG award allocation calculations. First, an initial allocation is calculated for each eligible state and territory,

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

For the FY 2013 JAG awards, a total of \$1,775,811 was available from the FY 2012 SORNA reductions from the five noncompliant states. These funds were distributed to the 17 states and territories that substantially implemented SORNA during the fiscal year. Of the 17 states eligible for bonus funds, Florida (\$418,204) and Michigan (\$203,600) received the largest awards (table 3). In addition, Guam received \$4,440 and the Northern Mariana Islands received \$1,465.

For additional information regarding the SORNA penalty and bonus funds, including implementation requirements and a list of states and territories that were impacted in FY 2013, contact the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Policy Advisor assigned to assist the jurisdiction of interest: <http://www.ojp.usdoj.gov/smart/pdfs/PolicyAdvisorAssignmentsState2013.pdf>.

**TABLE 3**

### Sex Offender Registration and Notification Act bonus fund allocations, FY 2013

State/territory	Bonus award amount
Total	\$1,775,811
Alabama	94,790
Delaware	25,129
Florida	418,204
Guam*	4,440
Kansas	56,059
Louisiana	106,344
Maryland	129,414
Michigan	203,600
Mississippi	51,674
Missouri	123,711
Nevada	68,458
Northern Mariana Islands*	1,465
Ohio	197,836
South Carolina	111,723
South Dakota	17,091
Tennessee	153,127
Wyoming	12,747

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

\*U.S. territory.

Source: Bureau of Justice Statistics calculations based on allocations from 2012 JAG awards.

### Maximum allocation to local units of government

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

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

## Methodology

The population data used to calculate state and U.S. territory JAG allocations are from the 2012 census estimates provided by the U.S. Census Bureau. The state-level violent crime data are estimates published by the FBI's Uniform Crime Reporting (UCR) Program in the annual publication, *Crime in the United States*. For the 2013 JAG program, state-level crime data for the years 2009 through 2011 were used.

The crime data used to calculate local JAG allocation amounts are also provided by the UCR program. Data for local jurisdictions are obtained in an electronic format directly from the FBI and processed by BJS to link each crime-reporting entity to a local government. For the 2013 JAG, local crime data from 2002 through 2011 were used.

The sum of the UCR violent crimes for all local governments within a state for a given year will not equal the estimated crime total reported for that state and published by the FBI. These state-level estimates are based on crimes reported by all state, local, and special district law enforcement

agencies within a state, plus an imputation adjustment to account for nonreporting agencies and agencies reporting less than 12 months of data for the year. These imputed values do not appear on the electronic data file provided to BJS and are not used in the local award calculations.

### Allocations to U.S. territories

Puerto Rico was the only U.S. territory receiving an initial allocation larger than the minimum amount, and also the only territory for which violent crime data were available. The JAG calculations for the other territories were based solely on population data. Because the other territories have relatively small populations (none exceeding 160,000), it is unlikely the inclusion of crime data would have changed their minimum status.

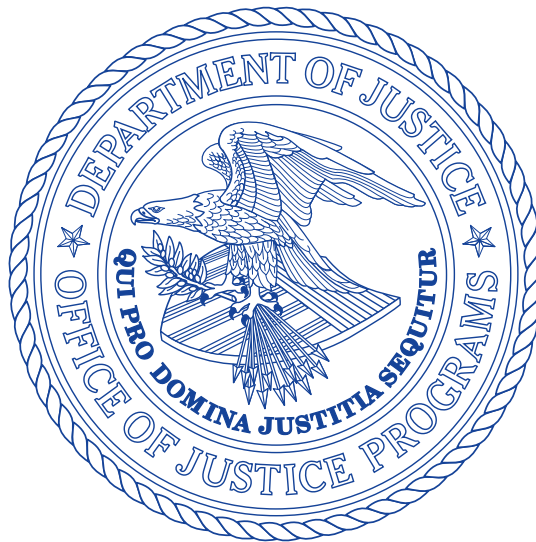
The current JAG legislation specifies that 40% of the total allocation for Puerto Rico be set aside for local awards. As of 2013, however, the local-level UCR data provided by the FBI did not include any crime data for local jurisdictions in Puerto Rico. Therefore, the local government JAG program allocation in Puerto Rico was \$0.

### Sources of additional information

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

The Edward Byrne Memorial Justice Assistance Grant (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 (LLEBG) Programs. More information about the JAG program and application process can be found on the BJA website at <http://www.bja.gov>.





The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. William J. Sabol is acting director.

This technical report was prepared by Alexia D. Cooper. Tara Martin verified the report. Vanessa Curto edited the report, and Barbara Quinn produced the report, under the supervision of Doris J. James.

July 2013, NCJ 242412



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