



# Justice Assistance Grant (JAG) Program, 2020

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## Introduction

In fiscal year (FY) 2020, a total of \$244,237,411 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.

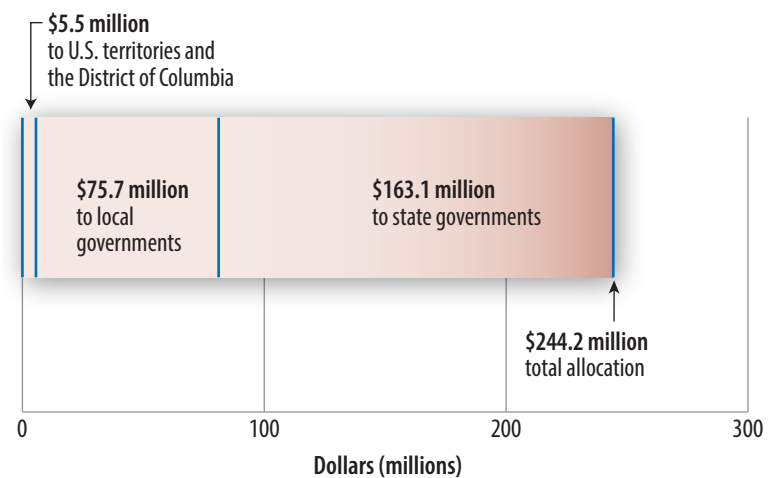
JAG awards may be used for—

- 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 2020 JAG formula calculations.

## HIGHLIGHTS

**FIGURE 1**  
Distribution of fiscal year 2020 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 2020 JAG funding was approximately \$244.2 million, of which \$238.7 million went to states and \$5.5 million to United States territories and the District of Columbia.
- The five states with the largest total allocations were California (\$27.9 million), Texas (\$19.9 million), Florida (\$14.5 million), New York (\$12.7 million), and Illinois (\$9.2 million).
- A total of 1,362 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 (\$3.5 million), Chicago (\$2.0 million), Los Angeles (\$1.9 million), Houston (\$1.6 million), and Philadelphia (\$1.3 million).
- Two states had 100 or more local governments eligible to receive award funds either directly or through a shared award: California (197) and Florida (112).

## 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 2020 JAG program, BJS calculates the initial allocation amounts for the 50 states and U.S. territories. BJS allocates half of the available funds using a state’s or U.S. territory’s share of violent crime and half of the funds using its share of the nation’s population.<sup>1</sup> The most recent 3-year period of official violent crime estimates for states and U.S. territories from the FBI covered 2016 to 2018. The population shares for the 50 states, District of Columbia, and U.S. territories were based on the U.S. Census Bureau’s 2019 midyear population estimates.

#### Examples—

- Florida accounts for 6.68% of the nation’s total violent crime and 6.47% of the nation’s total population. Therefore, Florida’s initial allocation equals 6.68% of \$122,118,706

<sup>1</sup>To maintain consistency with the FBI’s published crime totals, BJS used the FBI’s revised definition of rape to calculate the initial 2020 state and U.S. territory allocations. (See *Methodology*.)

(half of \$244.2 million) plus 6.47% of \$122,118,706, totaling \$16,061,577.

- Vermont accounts for 0.08% of the nation’s total violent crime and 0.19% of the nation’s total population. Vermont’s initial allocation is 0.08% of \$122,118,706 plus 0.19% of \$122,118,706, totaling \$325,433.

### 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 (\$610,594 in 2020), 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% (\$409,098) and the Northern Mariana Islands receiving 33% (\$201,496). (See *Methodology*.)

In 2020, 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 \$33,582,644 was allocated for minimum awards under the 2020 JAG program.

#### Examples—

- Vermont's initial allocation of \$325,433 is less than the minimum value, so Vermont's total JAG allocation will be the minimum amount of \$610,594.
- Florida's initial allocation of \$16,061,577 exceeds the minimum value, so Florida 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—

- Vermont receives only the minimum award, so its crime and population data are removed from the pool.
- After removing the crime and population data for the states and U.S. territories receiving only the minimum award, Florida accounts for 6.70% of violent crime and 6.52% of the nation's population. Florida's new JAG allocation is equal to \$7,060,612 (6.70% of half of \$210.7 million) plus \$6,865,223 (6.52% of half of \$210.7 million), plus the minimum amount of \$610,594. These three components equal \$14,536,329. (\$210.7 million equals the original \$244.2 million total JAG 2020 award allocation minus the \$33.6 million JAG 2020 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—

- Florida's state government retains 60% of the total allocated \$14,536,429, or \$8,721,857. The remaining 40%, or \$5,814,571, is set aside for distribution to local governments in Florida.
- Vermont's state government retains 60% of the minimum award of \$610,594, or \$366,356. The remaining 40%, or \$244,237, is set aside for distribution to local governments in Vermont.

### Step 4: Local award allocations

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

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

<sup>2</sup>To calculate the 2020 local award allocations, Part I violent crime totals included the definition of rape—legacy or 2013 revised—that an agency reported to the FBI. (See *Methodology*.)

from the calculations and are not eligible to receive an award.

The 10-year limit on the age of UCR data used for JAG local award calculations was applied for the first time as part of the American Recovery and Reinvestment Act of 2009.<sup>3</sup> For the 2010 JAG, the 10-year window for eligible UCR data was waived because some agencies experienced difficulty meeting the new requirements. Instead, all of the FBI's UCR data were used to meet the 3-year reporting requirement. Agencies that used this waiver signed an agreement indicating they would begin to report timely data on Part I violent crimes to the FBI starting no later than the end of FY 2010 (September 30, 2010). All agencies that used the waiver in 2010 reported updated UCR data by the required deadline, making it unnecessary to authorize any further waivers of the 10-year rule. The 10-year limit was applied for the first time in FY 2012 and has been in effect for each year since.

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

Because awards to local governments are based on their share of all violent crimes reported by the law enforcement agencies in their state, BJS computes the sum of

<sup>3</sup>Before 2009, all years of the FBI's UCR data could be used to meet the 3-year reporting requirement. Although the 10-year limit was stipulated in the 2005 legislation that created the JAG program, it was not implemented until 2009 per the "Transitional rule." (See 34 U.S.C. § 10156(d)(2)(B).)

**TABLE 1**  
**Allocations to state and local governments, fiscal year 2020**

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	\$143,226,067	\$95,484,045	~	~	1,362	\$75,650,971	\$19,833,072	\$163,059,139	\$238,710,111
Alabama	2,575,319	1,716,879	\$70.10	142.64	32	1,182,870	534,009	3,109,328	4,292,198
Alaska	817,913	545,276	109.71	91.15	6	496,200	49,076	866,989	1,363,189
Arizona	3,452,440	2,301,627	68.11	146.82	29	2,088,208	213,419	3,665,859	5,754,067
Arkansas	1,770,679	1,180,453	72.74	137.48	28	794,249	386,204	2,156,883	2,951,132
California	16,711,271	11,140,847	64.38	155.32	197	9,988,360	1,152,487	17,863,758	27,852,118
Colorado	2,504,827	1,669,884	80.50	124.22	26	1,441,906	227,978	2,732,805	4,174,711
Connecticut	1,443,043	962,029	126.37	79.13	15	778,368	183,661	1,626,704	2,405,072
Delaware	773,503	515,669	166.69	59.99	8	464,274	51,395	824,898	1,289,172
Florida	8,721,857	5,814,571	68.38	146.24	112	5,200,514	614,057	9,335,914	14,536,429
Georgia	4,249,693	2,833,128	80.81	123.75	49	2,010,020	823,108	5,072,801	7,082,821
Hawaii	812,473	541,648	153.64	65.09	4	541,648	0	812,473	1,354,121
Idaho	906,953	604,635	150.28	66.54	14	422,192	182,443	1,089,396	1,511,588
Illinois	5,496,307	3,664,205	67.60	147.92	34	2,830,055	834,150	6,330,457	9,160,512
Indiana	2,953,509	1,969,006	82.66	120.98	22	1,593,743	375,263	3,328,772	4,922,514
Iowa	1,402,900	935,267	112.86	88.60	19	559,051	376,216	1,779,116	2,338,167
Kansas	1,521,833	1,014,556	86.47	115.65	14	735,204	279,352	1,801,185	2,536,389
Kentucky	1,722,577	1,148,385	125.74	79.53	9	806,426	341,959	2,064,536	2,870,962
Louisiana	2,539,192	1,692,795	66.44	150.52	30	1,321,249	371,546	2,910,738	4,231,986
Maine	702,839	468,560	326.75	30.60	10	223,388	245,172	948,011	1,171,399
Maryland	2,974,840	1,983,227	70.71	141.41	17	1,819,028	164,199	3,139,039	4,958,067
Massachusetts	2,905,335	1,936,890	81.35	122.92	35	1,426,968	509,922	3,415,257	4,842,226
Michigan	4,522,863	3,015,242	71.37	140.11	48	2,294,215	721,027	5,243,890	7,538,105
Minnesota	2,093,930	1,395,953	108.05	92.55	14	885,928	510,025	2,603,955	3,489,883
Mississippi	1,318,500	879,000	149.34	66.96	22	561,010	317,990	1,636,490	2,197,501
Missouri	3,112,575	2,075,050	65.23	153.30	15	1,402,248	672,802	3,785,377	5,187,625
Montana	766,336	510,890	129.20	77.40	16	344,743	166,147	932,483	1,277,226
Nebraska	1,020,571	680,381	124.38	80.40	6	522,298	158,083	1,178,654	1,700,952
Nevada	1,833,285	1,222,190	70.00	142.86	7	1,163,484	58,706	1,891,991	3,055,475
New Hampshire	753,732	502,488	207.84	48.11	6	250,311	252,177	1,005,909	1,256,220
New Jersey	3,078,191	2,052,127	103.47	96.65	38	1,480,138	571,989	3,650,180	5,130,319
New Mexico	1,575,717	1,050,478	70.39	142.06	18	876,205	174,273	1,749,990	2,626,196
New York	7,627,328	5,084,885	74.51	134.21	24	4,599,825	485,060	8,112,388	12,712,213
North Carolina	4,279,089	2,852,726	84.45	118.41	48	2,131,951	720,775	4,999,864	7,131,814
North Dakota	366,356	244,237	119.02	84.02	6	148,464	95,773	462,129	610,594
Ohio	4,312,441	2,874,960	87.02	114.92	26	2,090,614	784,346	5,096,787	7,187,401
Oklahoma	2,021,563	1,347,709	74.72	133.83	15	977,995	369,714	2,391,277	3,369,271
Oregon	1,746,829	1,164,553	104.38	95.80	18	847,154	317,399	2,064,228	2,911,381
Pennsylvania	4,798,752	3,199,168	90.18	110.88	25	2,142,420	1,056,748	5,855,500	7,997,920
Rhode Island	690,525	460,350	193.10	51.79	9	381,051	79,299	769,824	1,150,876
South Carolina	2,599,729	1,733,153	69.23	144.46	40	1,321,236	411,917	3,011,646	4,332,881
South Dakota	717,172	478,115	141.19	70.83	9	353,022	125,093	842,265	1,195,287
Tennessee	3,802,249	2,534,832	59.09	169.24	28	1,904,936	629,896	4,432,145	6,337,081
Texas	11,927,286	7,951,524	66.32	150.78	82	6,581,000	1,370,524	13,297,810	19,878,810
Utah	1,349,648	899,766	120.67	82.87	13	669,445	230,321	1,579,969	2,249,414
Vermont	366,356	244,237	335.03	29.85	6	122,844	121,393	487,749	610,594
Virginia	2,885,020	1,923,346	111.56	89.64	33	1,520,009	403,337	3,288,357	4,808,366
Washington	2,951,743	1,967,828	86.90	115.08	37	1,581,610	386,218	3,337,961	4,919,571
West Virginia	1,014,760	676,507	145.26	68.84	22	502,490	174,017	1,188,777	1,691,266
Wisconsin	2,367,861	1,578,574	89.12	112.20	15	1,149,389	429,185	2,797,046	3,946,435
Wyoming	366,356	244,237	189.18	52.86	6	121,015	123,222	489,578	610,594

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, 2016–2018, and the U.S. Census Bureau, 2019; local calculations based on data from the UCR program, 2009–2018.

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

**Examples—**

- Florida has \$5.8 million set aside for local awards. The 3-year violent crime averages reported by local jurisdictions in Florida equal 85,032.33 crimes. Dividing the \$5.8 million by the state crime total (85,032.33) results in the number of dollars available for each crime (\$68.38). Therefore, a local Florida jurisdiction needs a 3-year violent crime average of at least 146.24 violent crimes (\$10,000 divided by \$68.38) to be eligible for a direct award.
- Vermont has \$244,237 set aside for local governments. The sum of 3-year average violent crimes reported is 729.00. The ratio of dollars per crime in Vermont equals \$244,237 divided by 729.00 crimes, or \$335.03 per crime. The threshold is 29.85 violent crimes (\$10,000 divided by \$335.03) 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—**

- Miami-Dade County in Florida has a 3-year average of 5,865.67 violent crimes, or about 7% of all violent crimes reported by potentially eligible jurisdictions in Florida. Miami-Dade exceeds the state threshold of 146.24 violent crimes and is eligible for approximately 7% of the \$5.8 million set aside for local governments in Florida, or about \$401,098 (5,865.67 multiplied by \$68.38).
- Hartford, Vermont, has a 3-year average of 22.67 violent crimes. This does not meet the state threshold of 29.85, so the town is ineligible for a direct JAG award. Its crimes, which account for around 3% of all violent crimes in Vermont, amount to about \$7,594 of the award funds. These funds are transferred to the state for redistribution.

**Results of the calculations for the 2020 JAG program**

For the 2020 JAG awards, approximately \$238.7 million of the \$244.2 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 states was initially reserved for local governments (\$94.5 million). A total of 1,362 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 \$75.7 million. The balance of unawarded local allocations (\$19.8 million) was returned to state

governments for redistribution to state law enforcement agencies and local governments.

A total of 1,362 local governments were eligible to receive award funds, 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 (\$3.5 million), Chicago (\$2.0 million), Los Angeles (\$1.9 million), Houston (\$1.6 million), and Philadelphia (\$1.3 million).

In addition, the District of Columbia was eligible for \$1.4 million and Puerto Rico was eligible for \$2.2 million (table 2). Guam and the U.S. Virgin Islands were each eligible for the minimum award of \$610,594. American Samoa (\$409,098) and the Northern Mariana Islands (\$201,496) split one minimum award.

**TABLE 2**  
**Allocations to U.S. territories and the District of Columbia, fiscal year 2020**

	Award amount
Total	\$5,527,300
American Samoa	409,098
Guam	610,594
Northern Mariana Islands	201,496
Puerto Rico	2,247,513
U.S. Virgin Islands	610,594
District of Columbia	1,448,006

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, 2016–2018, and the U.S. Census Bureau, 2019.

## 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—

- Bloomington, Indiana, is eligible for an award of \$35,377. Monroe County, Indiana (which includes the city of Bloomington), is not eligible for a direct award, but it provides criminal justice services to Bloomington. In this case, Monroe County and Bloomington are considered zero-county disparate. Bloomington must share its award funds with Monroe County through a mutual agreement.

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

#### Example—

- Buncombe County, North Carolina, is eligible for a direct award of \$13,118. The city of Asheville in Buncombe County is eligible for a direct award of \$48,926. Asheville's award amount is more than 150% of Buncombe County's award amount. Consequently, the two governments' awards are pooled together (\$62,044) 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 2020 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 \$41,507. The Alameda County cities of Alameda (\$12,619), Berkeley (\$39,790), Fremont (\$29,038), Hayward (\$39,983), Livermore (\$11,289), Oakland (\$366,136), San Leandro (\$31,849), and Union City (\$17,105) are also all eligible for awards. The award for Oakland (\$366,136) 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 seven cities' awards sum to \$181,673. This amount is more than 400% of Alameda County's direct award of \$41,507. As a result, the funds for all nine jurisdictions (\$589,316) are pooled together and must be shared.
- Harris County, Texas, is eligible for an award of \$598,128. The jurisdictions of Baytown (\$19,719), Houston (\$1,631,079), and Pasadena (\$46,005) are also eligible for awards. The award amount for Houston is more than 150% of the award amount for Harris County. This jurisdiction is disparate with the county, and the two jurisdictions will share the combined total of \$2,229,207. The remaining jurisdictions of Baytown and Pasadena are individually less than 150% of the award amount for Harris 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 2020 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 2020, a total of 34 states and U.S. territories were not compliant with SORNA’s requirements. These jurisdictions received a combined \$5,265,649 reduction to their FY 2020 JAG awards. These jurisdictions were allowed to apply to reallocate the 10% penalty to promote SORNA implementation. Eleven SORNA-noncompliant states did not apply to reallocate the penalty. Per the act, the \$2,014,088 withheld from these jurisdictions will be reallocated to SORNA-compliant states as part of the FY 2021 JAG award.

### Bonus funds from FY 2019

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 2019

would have bonus funds added to its FY 2020 state JAG award, made up of SORNA penalty funds from nonimplementing states and U.S. territories in FY 2019. 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 2020, a total of \$1,972,552 was available from the FY 2019 SORNA reductions from the noncompliant states. These funds were distributed to the 22 states and U.S. territories that substantially implemented SORNA during FY 2020. Of these states, Florida (\$378,143) and Michigan (\$184,632) received the largest awards (table 3). Of the eligible U.S. territories, the U.S. Virgin Islands (\$4,931) and Guam (\$4,931) received the largest awards.

For information on the SORNA penalty and bonus funds, including implementation requirements and

a list of states and U.S. territories affected in FY 2020, 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 2020**

	Bonus award amount
Total	\$1,972,552
Alabama	99,508
American Samoa*	3,304
Colorado	94,595
Delaware	23,134
Florida	378,143
Guam*	4,931
Kansas	54,944
Louisiana	99,845
Maryland	118,749
Michigan	184,632
Mississippi	48,644
Missouri	124,303
Nevada	70,937
Northern Mariana Islands*	1,627
Ohio	180,504
Oklahoma	76,052
South Carolina	101,674
South Dakota	20,120
Tennessee	152,548
U.S. Virgin Islands*	4,931
Virginia	116,560
Wyoming	12,865

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 2019.

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

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

#### Reduction

The Prison Rape Elimination Act of 2003 (PREA) dictates that a state or U.S. territory whose governor does not certify full compliance with the U.S. Department of Justice (DOJ)

National Standards to Prevent, Detect, and Respond to Prison Rape (34 U.S.C. § 30307(e)(2)) is subject to the loss of 5% of any DOJ grant funds that it would otherwise receive for prison purposes. However, the state may not lose these funds if the governor submits to the Attorney General an assurance that such 5% will be used only to enable the state to adopt and achieve full compliance with the national PREA standards in future years.

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

The reduction does not apply to the VPT, which is the portion of JAG funds awarded directly to local law enforcement, as the state cannot retain any portion of that award. An example of how the PREA reduction was assessed can be found on the BJA website at [https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/JAG-PREA-FAQ\\_0.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/JAG-PREA-FAQ_0.pdf).

Thirty-five states and U.S. territories were not compliant with PREA in FY 2020. As a result, these jurisdictions sustained a combined \$2,589,932 reduction to their FY 2020 JAG award. These jurisdictions could apply to reallocate the 5% reduction to achieve compliance with PREA standards and become certified. Two states and two U.S. territories were noncompliant with PREA and did not apply to reallocate the reduction. Per the PREA



legislation, the \$126,273 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 2020 JAG awards, a total of \$126,273 was available from PREA reductions from the four 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 (\$14,796) and Texas (\$10,558) received the largest awards (table 4). Of the eligible U.S. territories, Puerto Rico (\$1,186) received the largest bonus award (table 5).

For additional information on PREA reduction and bonus funds, including implementation requirements and a list of states

**TABLE 4**  
**Prison Rape Elimination Act bonus fund allocations for states, fiscal year 2020**

	Bonus award amount
Total	\$123,695
Alabama	2,273
Alaska	716
Arizona	3,050
California	14,796
Colorado	2,210
Connecticut	1,270
Delaware	676
Florida	7,718
Georgia	3,756
Hawaii	711
Idaho	795
Illinois	4,860
Indiana	2,608
Iowa	1,234
Kansas	1,339
Kentucky	1,517
Louisiana	2,241
Maine	614
Maryland	2,627
Massachusetts	2,565
Michigan	3,998
Minnesota	1,846
Mississippi	1,159
Missouri	2,749
Montana	670
Nebraska	895
Nevada	1,615
New Hampshire	659
New Jersey	2,718
New Mexico	1,387
New York	6,748
North Carolina	3,782
North Dakota	316
Ohio	3,812
Oklahoma	1,782
Oregon	1,539
Pennsylvania	4,242
Rhode Island	603
South Carolina	2,294
South Dakota	626
Tennessee	3,360
Texas	10,558
Vermont	316
Virginia	2,547
Washington	2,606
West Virginia	890
Wisconsin	2,089
Wyoming	316

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 2020.

**TABLE 5**  
**Prison Rape Elimination Act bonus fund allocations for U.S. territories and the District of Columbia, fiscal year 2020**

	Bonus award amount
Total	\$2,578
Guam	316
Puerto Rico	1,186
U.S. Virgin Islands	316
District of Columbia	761

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 2020.

and U.S. territories that were affected in FY 2020, contact the PREA Management Office at [PREACompliance@usdoj.gov](mailto:PREACompliance@usdoj.gov).

## Maximum allocation to units of local government

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

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

## Methodology

The Bureau of Justice Statistics (BJS) used population data from the U.S. Census Bureau’s 2019 midyear population estimates to calculate Justice Assistance Grant (JAG) allocations to states and U.S. territories. The 2020 JAG calculations included state-level violent crime estimates for 2016 through 2018 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 2020 JAG calculations used local crime data from 2009 through 2018.

The sum of the UCR violent crimes for all local governments within a state for a given year will not equal the estimated crime total

published by the FBI for that state. These state-level estimates are based on crimes reported by all state, local, and special district law enforcement agencies within a state, plus an imputation adjustment to account for nonreporting agencies and agencies reporting less than 12 months of data. These imputed values do not appear on the electronic data file that BJS used and are not used to calculate local awards.

## UCR modification to the definition of rape

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

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

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,

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

2013. However, in 2013, some agencies reported rape counts using only the legacy definition, while other agencies reported data using only the revised definition. Accordingly, the FBI chose to report rape counts collected under both definitions in the CIUS publication. At this time, although the FBI continues to publish estimates for both definitions of rape to allow for past-year comparisons, the revised definition of rape was used to calculate the violent crime counts in any tables that showed trend data (multiyear estimates).

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

For local award allocations, BJS used an electronic data file provided by the FBI. The file includes agency-level counts of homicide, rape, robbery, and aggravated assault that are summed to create the violent crime total used in the formula. Unlike the estimates published in CIUS, the electronic file has only a single category for rape for each agency. This category reflects the counts provided by the agency but does not indicate which definition of rape was reported. This variable was used in the 2020 JAG calculations for local awards.

For additional information on the UCR program’s changes to the definition of rape and how the changes affect CIUS, contact the FBI’s UCR program at [crimestatsinfo@fbi.gov](mailto:crimestatsinfo@fbi.gov).

### **Allocations to U.S. territories**

Puerto Rico was the only U.S. territory to receive an initial allocation larger than the minimum amount, and it was also the only U.S. territory for which violent crime data were available. The JAG calculations for the other U.S. territories were based solely on population data. Because the other U.S. territories have relatively small populations (none exceeding 170,000), 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 2020, 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 Erica Smith verified the report.

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