



# Justice Assistance Grant (JAG) Program, 2023

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## Introduction

In fiscal year (FY) 2023, a total of \$318,686,951 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, territories, tribes, and local governments with critical funding necessary to support a range of criminal justice areas.

JAG awards may be used for—

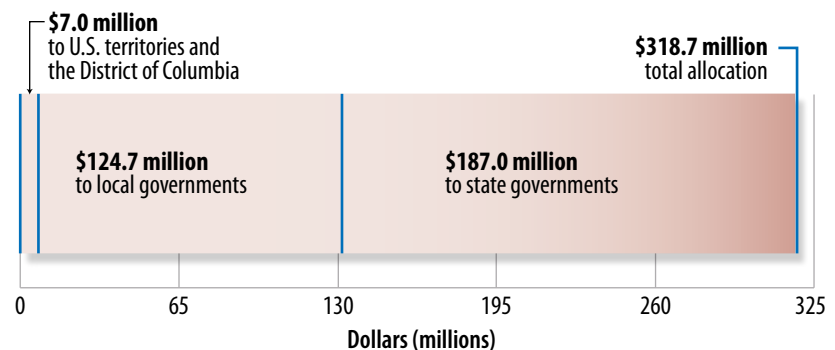
- law enforcement
- prosecution and courts
- prevention and education
- corrections and community corrections
- drug treatment
- planning, evaluation, and technology improvement
- crime victim and witness programs.

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. This report describes the steps in the JAG award calculation process and presents summary results of the 2023 JAG formula calculations. Please note that some calculations in this report are based on rounded numbers and percentages, while totals reflect precise dollar figures.

## HIGHLIGHTS

**FIGURE 1**

### Distribution of fiscal year 2023 Justice Assistance Grant program awards



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

Source: Bureau of Justice Statistics calculations based on crime data from the FBI Uniform Crime Reporting program and population data from the U.S. Census Bureau.

- The total allocation for the 2023 JAG funding was approximately \$318.7 million, of which \$311.7 million went to states and \$7.0 million to U.S. territories and the District of Columbia.
- The five states with the largest total allocations were California (\$35.7 million), Texas (\$26.5 million), Florida (\$18.8 million), New York (\$16.4 million), and Illinois (\$11.7 million).
- A total of 1,710 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 (\$4.7 million), Los Angeles (\$2.4 million), Chicago (\$2.4 million), Houston (\$2.3 million), and Philadelphia (\$1.9 million).
- Three states had 100 or more local governments eligible to receive award funds either directly or through a shared award: California (229), Florida (123), and Texas (101).

## Overview of process

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

1. Compute an initial allocation for each state and U.S. territory, based on its share of violent crime as reported to the FBI and its U.S. Census Bureau population (weighted equally).
2. Review 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 amount based on the state's share of the total U.S. violent crime and population.
3. Divide each state's final amount at a share of 60% for the state government and 40% for local governments.
4. 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 2023 JAG program, BJS calculates the initial allocation amounts for the 50 states, the District of Columbia, and U.S. territories. BJS allocates half of the available funds based on a state's or U.S. 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 U.S. territories from the FBI covered 2018 to 2020.<sup>1</sup> The population shares for the 50 states, District of Columbia, and U.S. territories were based on the U.S. Census Bureau's 2022 midyear population estimates.

#### Examples—

- For FY 2023, the total allocation for JAG was \$318.7 million. Half of the total (\$159,343,476) was allocated to states and U.S. territories based on their proportion of violent crime, and the other half of the total was allocated based on their proportion of the nation's population.
- Florida accounts for 6.43% of the nation's total violent crime and 6.61% of the nation's total population. Therefore, Florida's initial allocation equals 6.43% of \$159,343,476 plus 6.61% of \$159,343,476, totaling \$20,776,084.

<sup>1</sup>Although the most recent 3-year period of official violent crime data is 2019 to 2021, changes in the FBI Uniform Crime Reporting program led to missing data in 2021. See *Methodology*.

- Montana accounts for 0.35% of the nation's total violent crime and 0.33% of the nation's total population. Montana's initial allocation is 0.35% of \$159,343,476 plus 0.33% of \$159,343,476, totaling \$1,096,076.

### Step 2: De minimus 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 (\$796,717, after rounding, in 2023), 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% (\$533,801) and the Northern Mariana Islands receiving 33% (\$262,917). (See *Methodology*.)

In 2023, 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 \$43,819,456 was allocated for minimum awards under the 2023 JAG program.

### Examples—

- North Dakota's initial allocation of \$658,568 is less than the minimum value, so North Dakota's total JAG allocation is the minimum amount of \$796,717.
- Florida's initial allocation of \$20,776,084 exceeds the minimum value, so Florida receives the minimum award 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. The total amount to be awarded for JAG 2023 is \$274.9 million, which equals the original \$318.7 million award allocation minus the \$43.8 million minimum allocation.

### Examples—

- North Dakota 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 6.46% of violent crime and 6.65% of the nation's population. Florida's new JAG allocation is thus equal to \$8,874,271 (based on the share of violent crime) plus \$9,142,907 (based on the share of the U.S. population), plus the minimum award amount of \$796,717. These three components equal \$18,813,896.

### 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 \$18,813,896, or \$11,288,337. The remaining 40%, or \$7,525,558, is set aside for distribution to local governments in Florida.
- North Dakota's state government retains 60% of the minimum award of \$796,717, or \$478,030. The remaining 40%, or \$318,687, is set aside for distribution to local governments in North Dakota.

### 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 upon 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 the UCR program with a count of Part I violent crimes known to law enforcement each year for a minimum of 3 years during the past 10 years. Jurisdictions that have not met the reporting requirements are excluded from the calculations and are not eligible to receive an award.

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 those agencies based on the most complete or most recent 3 years of data reported within the past 10 years. 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 these averages within each state to determine the jurisdiction's share of the total local award allocation.

### Examples—

- Florida has \$7.5 million set aside for local awards. The sum of the 3-year average violent crimes reported by local jurisdictions in Florida equals 81,513.66 crimes. Dividing the amount set aside (\$7.5 million) by the state crime total (81,513.66) results in the number of dollars available per crime (\$92.32). Therefore, a local Florida jurisdiction needs a 3-year violent crime average of at least 108.32 violent crimes (\$10,000 divided by \$92.32) to be eligible for a direct award.
- North Dakota has \$318,687 set aside for local governments. The sum of 3-year average violent crimes reported is 2,327.65. The ratio of dollars per crime in North Dakota equals \$318,687 divided by 2,327.65 crimes, or \$136.91 per crime (after rounding). The threshold is 73.04 violent crimes (\$10,000 divided by \$136.91) 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 "Allocations under \$10,000," 34 U.S.C. § 10156(e)(2).)

#### Examples—

- Tallahassee, Florida, has a 3-year average of 1,426.33 violent crimes, which is less than 2% of all violent crimes reported by potentially eligible jurisdictions in Florida. Tallahassee exceeds the state threshold of 108.32 violent crimes and is eligible for approximately 2% of the \$7.5 million in JAG funds set aside for local governments in Florida. This results in about \$131,682, or 1,426.33 multiplied by \$92.32, the dollars-per-crime rate for Florida from the prior example.
- Lincoln, North Dakota has a 3-year average of 5.00 violent crimes. This does not meet the state threshold of 73.04, so the town is ineligible for a direct JAG award. Lincoln's share of JAG funds set aside for local governments in North Dakota amounts to about \$684, below the \$10,000 statutory minimum threshold for receiving a direct award. Given that they cannot be disbursed, these funds are transferred to the state administering agency for redistribution.

#### Results of the calculations for the 2023 JAG program

For the 2023 JAG awards, approximately \$311.7 million of the \$318.7 million available was allocated to the 50 states, with the remainder allocated to the District of Columbia and U.S. territories ([table 1](#)). As required by the legislation, 40% of this amount (\$124.7 million) was initially reserved for local governments. A total of 1,710 local governments had law enforcement agencies with a sufficient number of Part I 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 \$102.8 million. The balance of unawarded local allocations (\$21.9 million) was returned to state governments for redistribution to state law enforcement agencies and local governments. The five local governments eligible to receive the largest awards were New York City (\$4.7 million), Los Angeles (\$2.4 million), Chicago (\$2.4 million), Houston (\$2.3 million), and Philadelphia (\$1.9 million).

**TABLE 1****Allocations to state and local governments, fiscal year 2023**

	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	\$187,036,981	\$124,691,320	~	~	1,710	\$102,778,619	\$21,912,701	\$208,949,681	\$311,728,300
Alabama	3,297,967	2,198,645	93.28	107.21	37	1,572,030	626,615	3,924,582	5,496,612
Alaska	1,069,702	713,135	145.73	68.62	6	654,117	59,018	1,128,719	1,782,836
Arizona	4,508,621	3,005,747	87.83	113.85	34	2,773,696	232,051	4,740,672	7,514,368
Arkansas	2,412,459	1,608,306	82.19	121.67	37	1,186,701	421,605	2,834,064	4,020,765
California	21,436,295	14,290,864	82.59	121.08	229	13,190,263	1,100,601	22,536,896	35,727,159
Colorado	3,420,112	2,280,075	90.88	110.04	30	2,025,763	254,312	3,674,424	5,700,187
Connecticut	1,815,427	1,210,285	197.62	50.60	18	989,414	220,871	2,036,298	3,025,712
Delaware	998,362	665,574	222.85	44.87	10	614,839	50,735	1,049,097	1,663,936
Florida	11,288,337	7,525,558	92.32	108.32	123	6,890,099	635,459	11,923,797	18,813,896
Georgia	5,611,643	3,741,095	98.05	101.99	66	2,937,121	803,974	6,415,617	9,352,738
Hawaii	1,069,437	712,958	188.90	52.94	4	712,957	0	1,069,437	1,782,394
Idaho	1,232,328	821,552	182.93	54.66	16	592,951	228,601	1,460,928	2,053,879
Illinois	7,003,840	4,669,227	88.89	112.50	51	3,736,373	932,854	7,936,694	11,673,067
Indiana	3,764,457	2,509,638	112.27	89.07	26	2,055,406	454,232	4,218,690	6,274,096
Iowa	1,849,976	1,233,317	133.81	74.73	22	792,241	441,076	2,291,052	3,083,293
Kansas	2,002,359	1,334,906	101.85	98.18	18	1,005,419	329,487	2,331,846	3,337,265
Kentucky	2,264,167	1,509,445	143.22	69.82	10	1,128,251	381,194	2,645,361	3,773,612
Louisiana	3,360,629	2,240,420	81.25	123.07	40	1,845,597	394,823	3,755,452	5,601,049
Maine	917,419	611,612	438.32	22.81	18	376,816	234,796	1,152,215	1,529,031
Maryland	3,726,571	2,484,381	96.84	103.27	23	2,337,834	146,547	3,873,117	6,210,951
Massachusetts	3,654,342	2,436,228	114.49	87.35	40	1,840,210	596,018	4,250,359	6,090,569
Michigan	5,901,723	3,934,482	88.38	113.15	64	3,189,298	745,184	6,646,907	9,836,205
Minnesota	2,783,768	1,855,845	120.34	83.10	24	1,279,444	576,401	3,360,169	4,639,613
Mississippi	1,728,664	1,152,443	182.08	54.92	30	805,760	346,683	2,075,347	2,881,107
Missouri	4,047,309	2,698,206	82.35	121.43	27	1,916,739	781,467	4,828,775	6,745,514
Montana	1,048,304	698,869	139.26	71.81	18	516,713	182,156	1,230,460	1,747,173
Nebraska	1,350,698	900,465	155.36	64.37	7	706,477	193,988	1,544,686	2,251,163
Nevada	2,265,429	1,510,286	105.02	95.22	9	1,441,988	68,298	2,333,726	3,775,714
New Hampshire	963,639	642,426	344.03	29.07	9	366,048	276,378	1,240,017	1,606,065
New Jersey	3,933,665	2,622,444	154.56	64.70	44	1,887,396	735,048	4,668,713	6,556,109
New Mexico	2,107,377	1,404,918	87.18	114.70	21	1,214,452	190,466	2,297,844	3,512,296
New York	9,844,957	6,563,305	98.54	101.48	28	6,021,721	541,584	10,386,541	16,408,262
North Carolina	5,733,090	3,822,060	89.55	111.67	59	2,997,049	825,011	6,558,101	9,555,150
North Dakota	478,030	318,687	136.91	73.04	10	243,524	75,163	553,193	796,717
Ohio	5,647,151	3,764,767	106.88	93.56	37	2,853,028	911,739	6,558,890	9,411,918
Oklahoma	2,640,196	1,760,130	100.00	100.00	18	1,267,449	492,681	3,132,877	4,400,326
Oregon	2,320,469	1,546,979	119.28	83.83	28	1,234,811	312,168	2,632,637	3,867,448
Pennsylvania	6,441,476	4,294,317	127.52	78.42	39	3,117,105	1,177,212	7,618,688	10,735,793
Rhode Island	901,528	601,019	268.51	37.24	10	504,266	96,753	998,281	1,502,547
South Carolina	3,496,211	2,330,808	87.19	114.69	49	1,915,559	415,249	3,911,460	5,827,019
South Dakota	950,279	633,519	164.16	60.91	11	488,005	145,514	1,095,793	1,583,798
Tennessee	5,021,786	3,347,857	75.08	133.20	35	2,654,858	692,999	5,714,785	8,369,643
Texas	15,904,626	10,603,084	82.54	121.16	101	9,105,097	1,497,987	17,402,613	26,507,710
Utah	1,821,466	1,214,311	156.78	63.78	19	922,909	291,402	2,112,867	3,035,776
Vermont	478,030	318,687	364.08	27.47	11	207,894	110,793	588,823	796,717
Virginia	3,767,942	2,511,961	139.05	71.92	42	2,060,319	451,642	4,219,584	6,279,903
Washington	3,896,522	2,597,681	107.75	92.81	45	2,210,031	387,650	4,284,172	6,494,203
West Virginia	1,293,337	862,225	196.43	50.91	26	667,359	194,866	1,488,203	2,155,562
Wisconsin	3,086,829	2,057,886	112.58	88.83	20	1,504,179	553,707	3,640,536	5,144,715
Wyoming	478,030	318,687	258.54	38.68	11	221,043	97,644	575,674	796,717

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

~Not applicable.

Source: Bureau of Justice Statistics state calculations based on crime data from the FBI Uniform Crime Reporting (UCR) program, 2018–2020, and population data from the U.S. Census Bureau, 2022; and local calculations based on crime data from the UCR program, 2012–2021.

In addition, the District of Columbia was eligible for \$1.8 million and Puerto Rico was eligible for \$2.7 million (table 2). Guam and the U.S. Virgin Islands were each eligible for the minimum award of \$796,717. American Samoa (\$533,801) and the Northern Mariana Islands (\$262,917) split one minimum award.

**TABLE 2**  
**Allocations to U.S. territories and the District of Columbia, fiscal year 2023**

	Award amount
Total	\$6,958,650
American Samoa	533,801
Guam	796,717
Northern Mariana Islands	262,917
Puerto Rico	2,721,174
U.S. Virgin Islands	796,717
District of Columbia	1,847,324

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

Source: Bureau of Justice Statistics calculations based on crime data from the FBI Uniform Crime Reporting program, 2018–2020, and population data from the U.S. Census Bureau, 2022.

## 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 at least one municipality within a county is 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 disparity type is the most common.

### Example—

- Laramie City, Wyoming, is eligible for an award of \$14,046. Albany County (which includes the city of Laramie) is not eligible for a direct award, but it provides criminal justice services to Laramie. In this case, Albany County and Laramie are considered zero-county disparate. Laramie must share its award funds with Albany County through a mutual agreement.

A second type of disparity exists when both a county and municipality within that county qualify for a direct award but the award amount for the municipality is larger than the county’s award amount by 150% or more. The 150% threshold for this disparity type was established by legislative mandate.

### Example—

- Houston County, Georgia, is eligible for a direct award of \$11,178. The city of Warner Robins in Houston County is eligible for a direct award of \$46,771. Warner Robins’ award amount is more than 150% of Houston County’s award amount. Consequently, the two governments’ awards are pooled together (\$57,949) 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 is larger than the county's award amount by 400% or more. The 400% threshold for this disparity type was established by legislative mandate. In the 2023 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).

When calculating award eligibility, these three types of disparity are examined in the order described above. 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. 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 \$65,691. The King County cities of Auburn (\$39,795), Bellevue (\$19,861), Kent (\$53,694), Kirkland (\$10,703), Renton (\$36,455), Seattle (\$567,979), Tukwila (\$17,024), SeaTac (\$15,624), Federal Way (\$44,608), Burien (\$24,423), Shoreline (\$11,745), and Des Moines (\$11,278) also are eligible for awards. The award for Seattle (\$567,979) is individually more than 150% of King County's award, so Seattle's award will be pooled together with the county's award. The other 11 cities' awards sum to \$285,210. This amount is more than 400% of King County's direct award of \$65,691. As a result, the funds for all 13 jurisdictions (\$918,880, accounting for rounding) are pooled together and must be shared.
- Jefferson County, Alabama, is eligible for an award of \$65,979. The jurisdictions of Bessemer (\$62,963), Birmingham (\$346,749), Fairfield (\$16,386), and Hoover (\$10,074) also are eligible for awards. The award amount for Birmingham is more than 150% of the award amount for Jefferson County. This jurisdiction is disparate with the county, and the two jurisdictions will share the combined total of \$412,728. The remaining jurisdictions of Bessemer, Fairfield, and Hoover are individually less than 150% of the award amount for Jefferson

County, and the three awards combined are less than 400% of the county's award. Accordingly, they are eligible for direct awards, and the awards for these three 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 for state and local governments, 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 [www.USAspending.gov](http://www.USAspending.gov). 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 2023 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 inhabited 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 jurisdictions that failed to substantially implement SORNA by the deadline. That 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 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 be detrimental to 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 2023, a total of 34 states and U.S. territories were not compliant with SORNA's requirements. The combined FY 2023 JAG award for these jurisdictions was reduced by \$6,570,827. These jurisdictions were allowed to apply to reallocate the 10% penalty to promote SORNA implementation. Thirteen SORNA-noncompliant states did not apply to reallocate the penalty. Per the act, the \$2,487,747 withheld from these jurisdictions will be reallocated to SORNA-compliant states as part of the FY 2024 JAG award.

#### Bonus funds from FY 2022

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 2022 would have bonus funds added to its FY 2023 state JAG award, made up of SORNA penalty funds from nonimplementing states and U.S. territories in FY 2022. 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 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 and U.S. territories receives the minimum award plus an amount based on its share of violent crime and population for the remaining jurisdictions.



For FY 2023, a total of \$2,648,742 was allocated (after rounding) from the FY 2022 SORNA reductions from the noncompliant states. These funds were distributed to the 22 states and U.S. territories that substantially implemented SORNA during FY 2023. Of these states, Florida (\$491,477) and Michigan (\$251,722) received the largest awards (table 3). Of the eligible U.S. territories, the U.S. Virgin Islands (\$6,622) and Guam (\$6,622) 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 2023, contact the SMART Office Policy Advisor assigned to assist the jurisdiction of interest: <https://smart.ojp.gov/sorna>.

### 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 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 the 5% will be used only to enable the state to adopt and achieve full compliance with the national PREA standards in future years.

**TABLE 3**  
**Sex Offender Registration and Notification Act bonus fund allocations, fiscal year 2023**

	Bonus award amount
Total	\$2,648,742
Alabama	133,420
American Samoa*	4,437
Colorado	139,521
Delaware	29,995
Florida	491,477
Guam*	6,622
Kansas	75,533
Louisiana	136,478
Maryland	153,461
Michigan	251,722
Mississippi	63,801
Missouri	167,277
Northern Mariana Islands*	2,185
Nevada	86,816
Ohio	242,382
Oklahoma	103,886
South Carolina	141,552
South Dakota	27,812
Tennessee	209,628
U.S. Virgin Islands*	6,622
Virginia	157,147
Wyoming	16,968

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 2022.

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).

Twenty-nine states and U.S. territories were not compliant with PREA in FY 2023. As a result, these jurisdictions sustained a combined \$2,674,735 reduction to their FY 2023 JAG awards. These jurisdictions could apply to reallocate the 5% reduction to achieve compliance with PREA standards and become certified. Two states and one U.S. territory were noncompliant with PREA and did not apply to reallocate the reduction. Per the PREA legislation, the \$105,356 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 jurisdictions. Finally, each bonus is rounded down to the nearest dollar to ensure that the amount awarded does not exceed the total bonus funds available.

For the FY 2023 JAG awards, a total of \$105,356 was available (after rounding) from PREA reductions from the noncompliant states and U.S. territories. These funds were distributed to the states, the District of Columbia, and U.S. territories that were PREA certified or were working to become certified. Of the states that were eligible for bonus funds, California (\$12,026) and Texas (\$8,922) received the largest awards (table 4). Of the eligible U.S. territories, Puerto Rico (\$911) received the largest bonus award (table 5).

For additional information on PREA reduction and bonus funds, including implementation requirements and a list of states and U.S. territories that were affected in FY 2023, contact the PREA Management Office at [PREACompliance@usdoj.gov](mailto:PREACompliance@usdoj.gov).

**TABLE 4**  
**Prison Rape Elimination Act bonus fund allocations for states, fiscal year 2023**

	Bonus award amount
Total	\$103,104
Alabama	1,846
Arizona	2,525
Arkansas	1,349
California	12,026
Colorado	1,914
Connecticut	1,014
Delaware	555
Florida	6,331
Georgia	3,144
Hawaii	595
Idaho	686
Illinois	3,926
Indiana	2,108
Iowa	1,033
Kansas	1,118
Kentucky	1,266
Louisiana	1,881
Maine	510
Maryland	2,086
Massachusetts	2,046
Michigan	3,307
Minnesota	1,557
Mississippi	965
Missouri	2,266
Montana	583
Nebraska	753
Nevada	1,266
New Hampshire	536
New Jersey	2,203
New Mexico	1,177
New York	5,521
North Carolina	3,213
North Dakota	263
Ohio	3,165
Oklahoma	1,476
Oregon	1,297
Pennsylvania	3,610
Rhode Island	501
South Carolina	1,957
South Dakota	528
Tennessee	2,813
Texas	8,922
Vermont	263
Virginia	2,110
Washington	2,182
West Virginia	721
Wisconsin	1,727
Wyoming	263

Note: Details may not sum to totals due to rounding. All awards were rounded down to the nearest dollar to ensure the total did not exceed the available bonus funds.

Source: Bureau of Justice Statistics calculations based on data from Justice Assistance Grant awards, fiscal year 2023.

## 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.”

**TABLE 5**  
**Prison Rape Elimination Act bonus fund allocations for U.S. territories and the District of Columbia, fiscal year 2023**

	Bonus award amount
Total	\$2,230
American Samoa	176
Guam	263
Puerto Rico	911
U.S. Virgin Islands	263
District of Columbia	617

Note: Details may not sum to totals due to rounding. All awards were rounded down to the nearest dollar to ensure the total did not exceed the available bonus funds.

Source: Bureau of Justice Statistics calculations based on data from Justice Assistance Grant awards, fiscal year 2022.

## Methodology

The Bureau of Justice Statistics (BJS) used population data from the U.S. Census Bureau's 2022 midyear population estimates to calculate Edward Byrne Memorial Justice Assistance Grant (JAG) allocations to states and U.S. territories. The 2023 JAG calculations included state-level violent crime estimates for 2018 through 2020 that were published through the FBI's 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 2023 JAG calculations used local crime data from 2012 through 2021.

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.

### FBI transition to the National Incident-Based Reporting System (NIBRS) and the implications for JAG allocation calculations

On January 1, 2021, the FBI's NIBRS became the law enforcement crime data reporting standard for the

nation. This transition has resulted in more detailed data on the attributes of crime incidents and the characteristics of victims. However, not all law enforcement agencies were able to make the transition by the January 2021 deadline. This gap in crime data coverage impacts the availability and completeness of the data used to calculate the JAG award allocations.

To mitigate any potential negative impact of the FBI's move to NIBRS data reporting on allocation amounts and to maintain consistency and fairness in the calculations, BJS implemented two changes to the JAG formula beginning with FY 2023: using existing state estimates for Step 1 of the award calculation process (initial allocation to states and U.S. territories) and prioritizing complete-year over partial-year data for Step 4 of the process (local award allocations).

### Use of existing state estimates for Step 1

For each state and territory, the initial allocation to states and U.S. territories is calculated using the violent crime estimates for each state as published annually by the FBI in *CIUS*. Following the transition to NIBRS, several states did not have enough agencies reporting NIBRS data to generate accurate or reliable state-level crime estimates.<sup>2</sup> To address this gap in the state data, BJS used the last available complete set of state violent crime estimates, which was years 2018 through 2020.

<sup>2</sup>In 2021, the states that did not report enough NIBRS data to generate crime estimates were Alaska, Arizona, Hawaii, Nebraska, New York, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

### Use of complete-year over partial-year data for Step 4

Byrne JAG funding allocations are tied statutorily to the jurisdiction's proportion of overall state's UCR crime total, and reporting of 3 years of data is a prerequisite for funding eligibility. JAG local award allocations are calculated using the 3 most recent years of violent crime counts reported to the FBI, regardless of whether the data are complete. (Data are considered complete if the law enforcement agency reported data for each of the 12 months of the calendar year and are considered partial if the agency reported 11 or fewer months of data.) If an agency fails to report in a given year, the allocation formula defaults to using an older year of data within the 10-year statutory window. If an agency reports any data at all in a year, that year is included in the formula calculations and no adjustments are made for partial reporting.

Since the January 2021 NIBRS transition date, the number of jurisdictions reporting partial data has increased. Some agencies were not able to report crime data because they had not yet transitioned to NIBRS and their state UCR program could not accept data in the previous format. For example, the Georgia state UCR program became NIBRS certified in late 2019, at which time the program only accepted crime data in the NIBRS format. Therefore, any agency in Georgia that could not submit NIBRS data by late 2019 has either no data or incomplete data in subsequent years, depending on when (or if) the agency became NIBRS-compliant. Additionally, an agency may transition to NIBRS in the middle of a year and thus may not be able to report a complete 12 months of data. As a result, the FBI will receive partial data for that jurisdiction for that year.

To support the transition to NIBRS and avoid penalizing agencies for doing so in the middle of a year, BJS prioritized complete years of data over partial years of data when calculating the local award allocations, only using partial years of data when no complete data were available.

### 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 more completely and accurately measure the scope and volume of rape. The 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>3</sup>

The revised definition was officially approved in 2011, and the FBI encouraged agencies to begin reporting data using the revised

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<sup>3</sup>For FAQs on the revised definition of rape, visit <https://ucr.fbi.gov/recent-program-updates/new-rape-definition-frequently-asked-questions>.

definition starting on January 1, 2013. However, in 2013, some agencies reported rape counts using only the legacy definition, while other agencies reported data using only the revised definition. Accordingly, the FBI chose to report rape counts collected under both definitions in the *CIUS* publication. At this time, although the FBI continues to publish estimates for both definitions of rape to allow for past-year comparisons, the revised definition of rape was used to calculate the violent crime counts in any tables that showed trend data (multiyear estimates).

For the initial part of the JAG calculations, which determine the initial allocation to each state and how much is available for local awards within each state, the formula used the most complete or 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.

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@ic.fbi.gov](mailto:crimestatsinfo@ic.fbi.gov).

### Allocations to U.S. territories

Puerto Rico is the only U.S. territory to receive an initial allocation larger than the minimum amount, and it is also the only U.S. territory for which violent crime data were available. The JAG calculations for the other U.S. territories are 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 2023, 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 is \$0.

### Sources of additional information

More information about the JAG program and application process can be found on the BJA website at <https://bja.ojp.gov/program/jag/overview>.



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. Kevin M. Scott, PhD, is the acting director.

This report was written by Lizabeth Remrey, PhD, and Alexia D. Cooper, PhD. Stephanie Mueller verified the report.

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