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The Edward Byrne Memorial Justice Assistance Grant (JAG) Program

The Edward Byrne Memorial Justice Assistance Grant (JAG) program is a Department of Justice (DOJ) formula grant program. The JAG program allocates funds to the 50 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands (collectively referred to as “states” hereinafter) for a variety of state and local criminal justice initiatives. The program is administered by the Bureau of Justice Assistance (BJA).

Calculating Allocations

Under the JAG formula, each state’s allocation is based on its population and the number of reported violent crimes in the state. Specifically, half of a state’s allocation is based on the state’s respective share of the U.S. population. The other half is based on the state’s respective share of the average number of reported violent crimes in the United States for the three most recent years for which data are available. Under current law, each state is guaranteed to receive no less than 0.25% of the amount appropriated for the JAG program in a given fiscal year (i.e., the minimum allocation). Therefore, after each state’s initial allocation is calculated using the JAG formula, states that would have received less than 0.25% of the total amount appropriated for the JAG program are funded at the minimum allocation. If a state’s initial allocation is greater than the minimum amount, then the state receives the minimum allocation plus a share of the remaining funds based on the state’s proportion of the country’s population and the reported number of violent crimes. Both population and violent crime data for the states that received the minimum allocation as their award are excluded when allocating the remaining funds for the states that receive more than the minimum allocation.

After each state’s allocation is determined, 40% of it is directly awarded to units of local government in the state (this does not occur in the District of Columbia or the territories). Awards to units of local government, which includes Indian tribes that have law enforcement responsibilities, are based on the jurisdiction’s proportion of the three-year average number of violent crimes committed in its respective state. Only units of local government that would receive \$10,000 or more are eligible for a direct allocation. The balance of funds not awarded directly to units of local government is administered by the state and must be distributed to the state police department or to units of local government that were not eligible to receive a direct award from BJA. Also, each state is required to “pass through” to units of local government a certain percentage of the funds directly awarded to the state. The pass-through percentage is calculated as the ratio of the total amount of state expenditures on criminal justice for the most recent

fiscal year to the total amount of expenditures on criminal justice by both the state and all units of local government in the past fiscal year.

Disparate Allocation

In some instances, a unit of local government or multiple units of local government are required to collaborate on a single joint award with the county. This happens when BJA certifies that there is a “disparate allocation,” meaning that one city qualifies for an amount that is one-and-a-half times more than the amount for the county with concurrent jurisdiction, or when the total amount cities in a single county qualify for is four-times more than the amount for the county. The unit or units of local government and county representatives must sign and submit a memorandum of understanding stating that they all agree on how the joint award, which is the sum of all of the individual awards, will be allocated and used.

Program Purpose Areas

Grant recipients can use their JAG funds for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and criminal justice information systems for

- law enforcement;
- prosecution and courts;
- prevention and education;
- corrections and community corrections;
- drug treatment;
- planning, evaluation, and technology improvement;
- crime victim and witness assistance (other than compensation); and
- mental health and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

JAG’s eight broad program purpose areas are intended to give states and local units of government flexibility in creating programs to address local needs.

Appropriations

There are two numbers to consider when evaluating changes in appropriations for the JAG program: the total (or “top-line”) appropriation, and the amount available to be allocated through the JAG program after set-asides. Traditionally, Congress has dedicated some of the annual JAG appropriation for other purposes, as specified in the

annual Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Act. In many fiscal years, as a part of its annual budget submission, the Administration has requested that Congress set aside a portion of the annual JAG funding for specific purposes.

Total funding for JAG has averaged \$442 million per fiscal year (not including \$2 billion in funding appropriated pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5)). Funding was first appropriated for the program in FY2005 (see **Table 1**).

Table 1. Appropriations for the JAG Program, FY2005-FY2020

Appropriations in millions of dollars

Fiscal Year	Top-Line Appropriation	Appropriation after Set-Asides	Percent Set Aside
2005	\$626	\$529	15%
2006	411	317	23%
2007	520	500	4%
2008	170	166	2%
2009	2,546	539	1%
2010	519	511	2%
2011	430	423	2%
2012	470	352	25%
2013	365	345	5%
2014	376	345	8%
2015	376	333	12%
2016	476	347	27%
2017	403	335	17%
2018	416	340	18%
2019	424	330	22%
2020	547	349	36%

Source: Appropriations were taken from the conference report or explanatory statement to accompany the annual Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Act for each fiscal year, with the exception of FY2013. The FY2013 appropriation was provided by DOJ.

Notes: Amounts shown in the table are in nominal, not inflation-adjusted, dollars. The FY2009 amounts include \$2 billion in emergency funding that was appropriated for JAG pursuant to the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). The

FY2013 appropriation also includes the amount sequestered per the Budget Control Act of 2011 (P.L. 112-25).

In FY2005 and FY2006, Congress required 15% and 23%, respectively, of the appropriation for JAG to be set aside for other purposes. These set-asides are largely attributable to the approximately \$84 million that was dedicated to the Boys and Girls Club of America, a carryover from one of JAG’s predecessor programs, the Local Law Enforcement Block Grant. After Congress declined to dedicate JAG funding to the Boys and Girls Club in FY2007, set-asides accounted for 1%-4% of JAG’s total appropriation through FY2011 (for FY2009, the proportion dedicated to set-asides does not include ARRA funding). Since then, set-asides have accounted for an increasing share of JAG’s funding. In FY2012, FY2016, and FY2020 at least one-quarter of the total JAG appropriation was dedicated for other purposes. In each of those fiscal years, Congress directed \$100 million in JAG funding toward reimbursing cities that hosted presidential nominating conventions for security-related costs they incurred. Excluding these anomalies, set-asides accounted for 5% of total JAG funding in FY2013, 8% in FY2014, 12% in FY2015, 17% in FY2017, 18% in FY2018, and 22% in FY2019.

Since FY2017, Congress and the President have also started to fund several DOJ grant programs (e.g., Project Safe Neighborhoods, the John R. Justice program, programs authorized under the Prison Rape Elimination Act, and the Capital Litigation Improvement and Wrongful Conviction Review program), which had traditionally received their own appropriation in the annual CJS appropriations act, through set-asides from JAG. Congress might have started setting aside JAG funding for these programs as a way to continue to fund them while minimizing increases in appropriations for the State and Local Law Enforcement Assistance (S&LLEA) account in the CJS appropriations act. During this period, funding for S&LLEA has increased somewhat as funding has been provided for programs to address the opioid crisis, combat human trafficking, improve the completeness of records in the National Instant Criminal Background Check System, and improve police-community relations.

Since FY2012, appropriations that are available to be allocated through the JAG program have generally been around \$340 million each fiscal year. This indicates that even though more JAG funding has been set-aside for other purposes, Congress has increased the top-line appropriation to account for additional set-asides. However, funding available to be allocated to state and local governments since FY2012 was generally lower than what it was for FY2005 to FY2011.

Nathan James, Analyst in Crime Policy

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