



BJA Bureau of Justice Assistance Fact Sheet

Nancy E. Gist, Director

Fiscal Year 1994 Review of State Formula Grant Strategies

Bureau of Justice Assistance Review Highlights:

- ❑ All States will comply with the local passthrough requirement, with 46 (92 percent) providing more funds to local units of government than required by statute.
- ❑ States have allocated \$38,738,827 more to local units of government than required by statute (\$222,633,419 proposed versus \$183,894,592 required).
- ❑ Locally implemented projects will receive 65.86 percent of the Byrne Formula Grant Program funding.
- ❑ States have designated \$22,106,383 as set-aside for criminal justice records improvement programs.
- ❑ By close of fiscal year (FY) 1994, 47 States and territories were in compliance with the HIV legislative mandate.

Introduction

The Edward Byrne Memorial State and Local Law Enforcement Assistance (Byrne) Program, authorized by the Anti-Drug Abuse Act of 1988, is administered by the Bureau of Justice Assistance (BJA) of the Office of Justice Programs (OJP), U.S. Department of Justice. The Formula Grant Program, a component of the Byrne Program, is designed to assist States and local units of government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system. Special emphasis is placed on drug-related and violent crime, serious offenders, and multijurisdictional and multi-State efforts to support the National Drug Control Strategy.

In accordance with Section 501(b) of the Act, States may award formula grant funds to State agencies and units of local government. These subgrants are awarded to support enforcement of State and local laws that establish offenses similar to those called out in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders. These grants provide personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication and detention, and rehabilitation of persons who violate such laws and for assistance to the victims of such crimes (other than compensation).

Section 506(a) of the Act provides that at least 80 percent of the total Byrne appropriation must be allocated for the Formula Grant Program component, with 20 percent or \$50 million, whichever is less, reserved for the Discretionary Grant Program component. Although the appropriation of \$433 million for FY 1994 was slightly less than that for the 3 prior years, a waiver of the \$50 million limitation for the Discretionary Grant Program allowed an additional \$25 million for community policing, thus raising the total for that grant program to \$75 million. A balance of \$358 million, representing 82.68 percent of the total appropriation, remained for the Formula Grant Program. This amount was divided among the 50 States, 5 territories, and the District of Columbia. Each entity received a base amount of 0.25 percent of the total formula allocation or \$500,000, whichever was greater. (The base amount for FY 1994 was \$895,000.) The remaining funds were then allocated on the basis of each State's relative share of the Nation's total population. While the average allocation was \$6,392,857, actual funding ranged from a high of \$37,807,808 for California to a low of \$948,600 for Guam. American Samoa and the Northern Mariana Islands, which are considered a single unit for funding purposes, received a total allocation of \$1,105,808 (American Samoa, \$740,891; Northern Mariana Islands, \$364,917).

Application Submission and Review Process

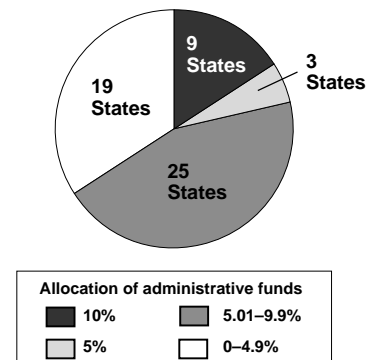
The Anti-Drug Abuse Act of 1988 establishes specific time frames within which formula grant funds must be awarded. Within 60 days after the enactment of BJA's annual appropriation, the States are required to submit an application and comprehensive statewide strategy to BJA. For the FY 1994 funding cycle, December 27, 1993, was established as the deadline for the States' application submission. The legislation also mandates that BJA conduct a full review and approve or deny the application within 45 days after receipt of a State's complete submission. These reviews require multilevel coordination between BJA and the offices within OJP, to ascertain the State's compliance with regulations and legislative mandates, in addition to an indepth assessment of data and compilation of the strategy's information into a summary format.

Key Findings

Administrative Funding Allocations Remain Steady. Each State or territory may use up to 10 percent of its allocation for the administration of the grant program. BJA encourages States to use the necessary resources, within the 10 percent, for proper program administration. Twenty-two States (39.29 percent) will use 5 percent or less of their funds for administrative purposes, while 34 States (60.71 percent) anticipate using up to 10 percent of their allocation for administration. It should be noted that the primary reason for using administrative funds in excess of 5 percent is to support enhanced evaluation and monitoring efforts. (See Exhibits 1 and 2).

Exhibit 1

Administrative Funds Percent of States' Allocation—FY 1994



Source: Attachment A

States Continue to Exceed Passthrough Requirement. The statutory variable passthrough is the amount of funds that must be made available to local units of government out of the State's program allocation. Because administrative funds serve both State and local units of government and are generally expended in the same proportion as the expenditure of program funds, they are subtracted from the award before actual dollar amounts to be passed through are calculated.

The minimum passthrough amount for each State is based on the percentage of funds expended for criminal justice purposes by local units of government relative to total State and local criminal justice expenditures in the State. These expenditures must be from a government's own revenue source (e.g., taxes,

Exhibit 2

**Drug Control and System Improvement
Formula Grant
Fiscal Year 1994
State Allocations and Administrative Funds**

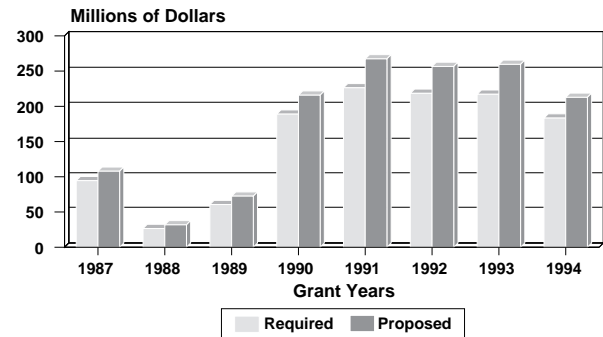
State	Allocation	Administrative Funds	Percent Administration
Alabama	\$ 5,930,808	\$ 524,430	8.84
Alaska	1,698,809	169,881	10.00
American Samoa	740,891	74,089	10.00
Arizona	5,568,808	389,816	7.00
Arkansas	3,859,809	159,927	4.14
California	37,807,808	1,383,618	3.66
Colorado	5,136,809	487,997	9.50
Connecticut	4,911,808	276,072	5.62
Delaware	1,820,808	151,127	8.30
District of Columbia	1,437,300	142,800	9.94
Florida	17,083,809	838,745	4.91
Georgia	9,049,808	750,000	8.29
Guam	948,600	52,700	5.56
Hawaii	2,050,200	102,510	5.00
Idaho	2,270,809	216,700	9.54
Illinois	14,868,809	743,440	5.00
Indiana	7,750,809	387,540	5.00
Iowa	4,351,809	230,000	5.29
Kansas	4,007,809	107,100	2.67
Kentucky	5,476,809	268,650	4.91
Louisiana	6,110,809	420,490	6.88
Maine	2,131,200	129,600	6.08
Maryland	6,851,809	441,209	6.44
Massachusetts	7,243,200	724,320	10.00
Michigan	12,252,809	350,000	2.86
Minnesota	5,613,300	311,850	5.56
Mississippi	4,115,808	411,580	10.00
Missouri	7,191,809	304,400	4.23
Montana	1,981,809	96,278	4.86
Nebraska	2,913,808	76,000	2.61
Nevada	2,580,809	160,000	6.20
New Hampshire	2,323,809	111,000	4.78
New Jersey	10,287,809	261,804	2.54
New Mexico	2,883,809	278,000	9.64
New York	20,251,800	461,700	2.28
N. Mariana Islands	364,917	36,492	10.00
North Carolina	9,158,809	915,809	10.00
North Dakota	1,756,809	175,681	10.00
Ohio	14,135,809	1,403,200	9.93
Oklahoma	4,828,809	150,000	3.11
Oregon	4,548,809	225,000	4.95
Pennsylvania	15,319,808	880,435	5.75
Puerto Rico	5,198,808	500,000	9.62
Rhode Island	1,883,700	188,370	10.00
South Carolina	5,295,808	300,000	5.66
South Dakota	1,846,809	129,277	7.00
Tennessee	6,989,809	350,000	5.01
Texas	22,053,809	401,323	1.82
Utah	3,160,809	100,000	3.16
Vermont	1,417,500	48,000	3.39
Virgin Islands	1,119,808	111,981	10.00
Virginia	8,603,809	850,000	9.88
Washington	7,123,809	610,618	8.57
West Virginia	3,159,809	305,600	9.67
Wisconsin	6,969,808	257,900	3.70
Wyoming	1,554,809	0	0.00
TOTAL	\$358,000,000	\$ 19,935,059	

charges and fees, utility revenues, and interest earnings). This requirement applies only to the 50 States. The District of Columbia, because of its designation as a local unit of government, is required to pass through 100 percent of its award. The five territories of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands have no passthrough requirement because of their single-level government structure.

Passthrough requirements for the 50 States range from a low of \$335,905 (21.97 percent) in Alaska to a high of \$3,726,389 (70.29 percent) in Minnesota, with an average of \$3,677,892. All 50 States will meet the minimum requirement, and 46 States (92 percent) will exceed the amount required. Consistent with previous years, States indicate that they will retain less funding for State-level projects and have allocated more funding to local units of government. FY 1994 funding required that \$183,894,592 be passed through to the local governments; however, the States indicate that they will actually surpass

Exhibit 3

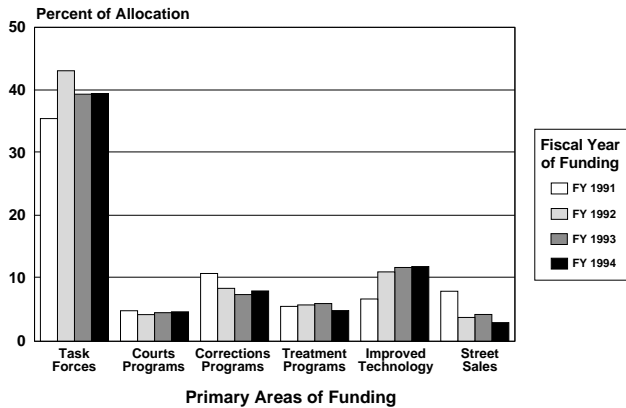
**Variable Passthrough
A Comparison: Required Versus Proposed**



this requirement by \$38,738,827, making a total passthrough of \$222,633,419. These figures indicate that, although States are permitted to retain an average 45.60 percent of the allocation for the implementation of State level programs, they are actually retaining an average of only 34.14 percent. Thus nationally, the majority of the funding (65.86 percent) is being used for the implementation of programs specifically to assist local units of government in their war against drugs and violent crime. (See Exhibit 3.)

Exhibit 4

Priority Funding Trends



Multijurisdictional Task Force Activities Continue to Receive Highest Priority. Data on proposed and actual funding levels submitted to BJA by States indicate that multijurisdictional task force activities will continue to receive the greatest portion of the total allocation (39.48 percent). Further analyses of data gathered reveal that since FY 1991, States have consistently dedicated larger portions of their allocations to programs that improve technology, including criminal justice information systems, corrections resources, treatment, court delay reduction, and street sales enforcement. However, current data indicate that the States are placing greater emphasis on crime prevention, many by funding more community policing programs. (See Exhibit 4.)

Criminal Justice Records Improvement 5 Percent Set Aside. The Crime Control Act of 1990 requires each State receiving Byrne Program formula grant funds to allocate at least 5 percent of its total award for the improvement of criminal justice records. This requirement, which applied to FY 1992 and subsequent formula grant awards, is for the following improvements:

- Completion of criminal histories to include the final disposition of all arrests for felony offenses;
- Full automation of all criminal justice histories and fingerprint records; and
- Frequency and quality of criminal history reports forwarded to the Federal Bureau of Investigation.

Exhibit 5

FY 1994 State Allocations Criminal Justice Records Improvement (CJRI)

State	FY 1994 Award	CJRI Plan Allocation	Percent Set Aside
Alabama	\$5,930,808	\$323,350	5.45
Alaska	1,698,809	84,940	5.00
American Samoa	740,891	37,045	5.00
Arizona	5,568,808	278,440	5.00
Arkansas	3,859,809	192,990	5.00
California	37,807,808	3,706,983	9.80
Colorado	5,136,809	256,840	5.00
Connecticut	4,911,808	245,591	5.00
Delaware	1,820,808	91,040	5.00
District of Columbia	1,437,300	225,000	15.65
Florida	17,083,809	906,602	5.31
Georgia	9,049,808	452,490	5.00
Guam	948,600	485,300	51.16
Hawaii	2,050,200	102,510	5.00
Idaho	2,270,809	113,540	5.00
Illinois	14,868,809	743,440	5.00
Indiana	7,750,809	824,882	10.64
Iowa	4,351,809	217,590	5.00
Kansas	4,007,809	200,390	5.00
Kentucky	5,476,809	273,840	5.00
Louisiana	6,110,809	480,091	7.86
Maine	2,131,200	118,600	5.56
Maryland	6,851,809	342,591	5.00
Massachusetts	7,243,200	362,160	5.00
Michigan	12,252,809	612,640	5.00
Minnesota	5,613,300	311,850	5.56
Mississippi	4,115,808	295,790	7.19
Missouri	7,191,809	479,590	6.67
Montana	1,981,809	200,000	10.09
Nebraska	2,913,808	145,690	5.00
Nevada	2,580,809	129,041	5.00
New Hampshire	2,323,809	116,190	5.00
New Jersey	10,287,809	514,390	5.00
New Mexico	2,883,809	149,000	5.17
New York	20,251,800	1,012,500	5.00
N. Mariana Islands	364,917	18,246	5.00
North Carolina	9,158,809	457,940	5.00
North Dakota	1,756,809	87,840	5.00
Ohio	14,135,809	706,790	5.00
Oklahoma	4,828,809	241,441	5.00
Oregon	4,548,809	227,450	5.00
Pennsylvania	15,319,808	765,990	5.00
Puerto Rico	5,198,808	300,000	5.77
Rhode Island	1,883,700	94,185	5.00
South Carolina	5,295,808	437,056	8.25
South Dakota	1,846,809	92,340	5.00
Tennessee	6,989,809	349,490	5.00
Texas	22,053,809	1,617,114	7.33
Utah	3,160,809	180,190	5.70
Vermont	1,417,500	70,875	5.00
Virgin Islands	1,119,808	55,990	5.00
Virginia	8,603,809	430,190	5.00
Washington	7,123,809	356,191	5.00
West Virginia	3,159,809	157,909	5.00
Wisconsin	6,969,808	348,490	5.00
Wyoming	1,554,809	77,740	5.00
	\$358,000,000	\$22,106,383	

Exhibit 6

**Final Allocations to States
Fiscal Year 1994
Reflects HIV Compliance Supplement**

State	Initial FY 1994 Allocation	FY 1994 Award	HIV Compliance Supplement	Final FY 1994 Allocation
Alabama	\$5,827,000	\$5,827,000	\$103,808	\$5,930,808
Alaska	1,595,000	1,595,000	103,809	1,698,809
American Samoa	671,340	671,340	69,551	740,891
Arizona	5,465,000	5,465,000	103,808	5,568,808
Arkansas	3,756,000	3,756,000	103,809	3,859,809
California	37,704,000	37,704,000	103,808	37,807,808
Colorado	5,033,000	5,033,000	103,809	5,136,809
Connecticut	4,808,000	4,808,000	103,808	4,911,808
Delaware	1,717,000	1,717,000	103,808	1,820,808
District of Columbia	1,597,000	1,437,300	0	1,437,300
Florida	16,980,000	16,980,000	103,809	17,083,809
Georgia	8,946,000	8,946,000	103,808	9,049,808
Guam	1,054,000	948,600	0	948,600
Hawaii	2,278,000	2,050,200	0	2,050,200
Idaho	2,167,000	2,167,000	103,809	2,270,809
Illinois	14,765,000	14,765,000	103,809	14,868,809
Indiana	7,647,000	7,647,000	103,809	7,750,809
Iowa	4,248,000	4,248,000	103,809	4,351,809
Kansas	3,904,000	3,904,000	103,809	4,007,809
Kentucky	5,373,000	5,373,000	103,809	5,476,809
Louisiana	6,007,000	6,007,000	103,809	6,110,809
Maine	2,368,000	2,131,200	0	2,131,200
Maryland	6,748,000	6,748,000	103,809	6,851,809
Massachusetts	8,048,000	7,243,200	0	7,243,200
Michigan	12,149,000	12,149,000	103,809	12,252,809
Minnesota	6,237,000	5,613,300	0	5,613,300
Mississippi	4,012,000	4,012,000	103,808	4,115,808
Missouri	7,088,000	7,088,000	103,809	7,191,809
Montana	1,878,000	1,878,000	103,809	1,981,809
Nebraska	2,810,000	2,810,000	103,808	2,913,808
Nevada	2,477,000	2,477,000	103,809	2,580,809
New Hampshire	2,220,000	2,220,000	103,809	2,323,809
New Jersey	10,184,000	10,184,000	103,809	10,287,809
New Mexico	2,780,000	2,780,000	103,809	2,883,809
New York	22,502,000	20,251,800	0	20,251,800
N. Mariana Islands	330,660	330,660	34,257	364,917
North Carolina	9,055,000	9,055,000	103,809	9,158,809
North Dakota	1,653,000	1,653,000	103,809	1,756,809
Ohio	14,032,000	14,032,000	103,809	14,135,809
Oklahoma	4,725,000	4,725,000	103,809	4,828,809
Oregon	4,445,000	4,445,000	103,809	4,548,809
Pennsylvania	15,216,000	15,216,000	103,808	15,319,808
Puerto Rico	5,095,000	5,095,000	103,808	5,198,808
Rhode Island	2,093,000	1,883,700	0	1,883,700
South Carolina	5,192,000	5,192,000	103,808	5,295,808
South Dakota	1,743,000	1,743,000	103,809	1,846,809
Tennessee	6,886,000	6,886,000	103,809	6,989,809
Texas	21,950,000	21,950,000	103,809	22,053,809
Utah	3,057,000	3,057,000	103,809	3,160,809
Vermont	1,575,000	1,417,500	0	1,417,500
Virgin Islands	1,016,000	1,016,000	103,808	1,119,808
Virginia	8,500,000	8,500,000	103,809	8,603,809
Washington	7,020,000	7,020,000	103,809	7,123,809
West Virginia	3,056,000	3,056,000	103,809	3,159,809
Wisconsin	6,866,000	6,866,000	103,808	6,969,808
Wyoming	1,451,000	1,451,000	103,809	1,554,809
Total	\$358,000,000	\$353,224,800	\$4,475,200	\$358,000,000

An analysis of information supplied by the States indicates that, while 39 States (69.64 percent) will minimally comply by setting aside the required 5 percent, 17 States (30.36 percent) intend to surpass this amount with Guam setting aside 51.16 percent. (See Exhibit 5.)

HIV Legislation Mandate. Section 1804 of the Crime Control Act of 1990 mandates that by the end of FY 1994 each State must enact and enforce statutes that provide for the testing of certain convicted sex offenders for HIV if the State is to continue to receive its full Formula Grant Program award. States that had not complied with this mandate by September 30, 1994, forfeited 10 percent of their allocation for FY 1994 and will continue this forfeiture each fiscal year until they reach compliance. These forfeited funds will be equitably distributed among the compliant States and territories.

By the end of FY 1994, 47 States and territories had complied with this mandate, and supplemental awards of the forfeited funds were made on October 13, 1994. Award amounts were based on the \$4,775,200 penalty imposed on the nine States that failed to comply with the HIV legislative mandate, and that amount was equitably distributed among the compliant States and territories, with each receiving more than \$103,800. (See Exhibit 6.)

For Further Information

For further information on the Byrne Formula Grant Program, contact:

State and Local Assistance Division
Bureau of Justice Assistance
 633 Indiana Avenue NW.
 Washington, DC 20531
 Tel: 1-202-514-6638

Exhibit 7

**Formula Grant Program Allocation of Funds
Reflecting Required and Proposed Variable Passthrough**

States	FY 1994 Award	Admin. Funds	Percent Admin.	Required Passthrough	Percent Required Passthrough	Proposed Passthrough	Percent Proposed Passthrough	Difference in Passthrough
Alabama	\$ 5,930,808	\$524,430	8.84	\$2,754,550	50.95	\$3,858,012	71.36	\$1,103,462
Alaska	1,698,809	169,881	10.00	335,905	21.97	335,905	21.97	0
American Samoa	740,891	74,089	10.00	0	0.00	0	0.00	0
Arizona	5,568,808	389,816	7.00	3,161,257	61.04	4,444,977	85.83	1,283,720
Arkansas	3,859,809	159,927	4.14	2,030,125	54.87	3,158,283	85.36	1,128,158
California	37,807,808	1,383,618	3.66	23,001,876	63.15	25,249,962	69.32	2,248,086
Colorado	5,136,809	487,997	9.50	2,734,431	58.82	3,082,085	66.30	347,654
Connecticut	4,911,808	276,072	5.62	1,713,368	36.96	2,452,153	52.90	738,785
Delaware	1,820,808	151,127	8.30	448,643	26.87	695,482	41.65	246,839
District of Columbia	1,437,300	142,800	9.94	1,294,500	100.00	1,294,500	100.00	0
Florida	17,083,809	838,745	4.91	10,000,461	61.56	10,519,576	64.76	519,115
Georgia	9,049,808	750,000	8.29	4,431,267	53.39	5,410,600	65.19	979,333
Guam	948,600	52,700	5.56	0	0.00	0	0.00	0
Hawaii	2,050,200	102,510	5.00	904,702	46.45	971,430	49.88	66,728
Idaho	2,270,809	216,700	9.54	1,076,559	52.41	1,190,131	57.94	113,572
Illinois	14,868,809	743,440	5.00	9,112,276	64.51	9,112,276	64.51	0
Indiana	7,750,809	387,540	5.00	4,180,864	56.78	4,397,858	59.73	216,994
Iowa	4,351,809	230,000	5.29	1,681,286	40.79	2,252,212	54.64	570,926
Kansas	4,007,809	107,100	2.67	1,852,447	47.49	2,073,478	53.16	221,031
Kentucky	5,476,809	268,650	4.91	1,682,235	32.30	1,846,559	35.46	164,324
Louisiana	6,110,809	420,490	6.88	2,954,414	51.92	4,830,558	84.89	1,876,144
Maine	2,131,200	129,600	6.08	832,465	41.59	1,292,664	64.58	460,199
Maryland	6,851,809	441,209	6.44	2,850,794	44.47	2,935,111	45.79	84,317
Massachusetts	7,243,200	724,320	10.00	2,388,518	36.64	2,983,299	45.76	594,781
Michigan	12,252,809	350,000	2.86	6,320,392	53.10	7,962,752	66.90	1,642,360
Minnesota	5,613,300	311,850	5.56	3,726,389	70.29	4,897,969	92.39	1,171,580
Mississippi	4,115,808	411,580	10.00	1,945,461	52.52	3,000,000	80.99	1,054,539
Missouri	7,191,809	304,400	4.23	4,009,850	58.22	4,345,439	63.09	335,589
Montana	1,981,809	96,278	4.86	1,104,167	58.56	1,172,460	62.18	68,293
Nebraska	2,913,808	76,000	2.61	1,712,901	60.36	1,765,463	62.21	52,562
Nevada	2,580,809	160,000	6.20	1,501,144	62.01	1,501,145	62.01	1
New Hampshire	2,323,809	111,000	4.78	1,138,712	51.46	1,257,765	56.84	119,053
New Jersey	10,287,809	261,804	2.54	5,781,987	57.67	8,336,184	83.15	2,554,187
New Mexico	2,883,809	278,000	9.64	1,100,433	42.23	1,712,082	65.70	611,649
New York	20,251,800	461,700	2.28	12,525,154	63.29	13,489,020	68.16	963,866
N. Mariana Islands	364,917	36,492	10.00	0	0.00	0	0.00	0
North Carolina	9,158,809	915,809	10.00	3,409,305	41.36	6,170,937	74.86	2,761,632
North Dakota	1,756,809	175,681	10.00	887,961	56.16	887,962	56.16	1
Ohio	14,135,809	1,403,200	9.93	8,202,347	64.42	10,761,913	84.52	2,559,566
Oklahoma	4,828,809	150,000	3.11	2,124,647	45.41	3,216,982	68.76	1,092,335
Oregon	4,548,809	225,000	4.95	2,031,325	46.98	2,749,467	63.59	718,142
Pennsylvania	15,319,808	880,435	5.75	9,361,046	64.83	9,423,019	65.26	61,973
Puerto Rico	5,198,808	500,000	9.62	0	0.00	0	0.00	0
Rhode Island	1,883,700	188,370	10.00	707,970	41.76	841,496	49.64	133,526
South Carolina	5,295,808	300,000	5.66	2,124,717	42.53	3,934,189	78.75	1,809,472
South Dakota	1,846,809	129,277	7.00	809,988	47.16	858,685	50.00	48,697
Tennessee	6,989,809	350,000	5.01	3,238,899	48.78	3,490,200	52.56	251,301
Texas	22,053,809	401,323	1.82	14,204,031	65.60	19,668,477	90.84	5,464,446
Utah	3,160,809	100,000	3.16	1,523,059	49.76	1,755,509	57.35	232,450
Vermont	1,417,500	48,000	3.39	343,881	25.11	343,882	25.11	1
Virgin Islands	1,119,808	111,981	10.00	0	0.00	0	0.00	0
Virginia	8,603,809	850,000	9.88	2,329,244	30.04	3,324,370	42.87	995,126
Washington	7,123,809	610,618	8.57	3,924,198	60.25	4,504,000	69.15	579,802
West Virginia	3,159,809	305,600	9.67	1,368,022	47.93	1,842,515	64.55	474,493
Wisconsin	6,969,808	257,900	3.70	4,160,041	61.98	4,160,041	61.98	0
Wyoming	1,554,809	0	0.00	854,368	54.95	872,385	56.11	18,017
Total	\$358,000,000	\$19,935,059		\$183,894,592		\$222,633,419		\$38,738,827

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