Anti-Drug Abuse Formula Grants

Justice Variable Passthrough Data, 1988

By Sue A. Lindgren
BJS Statistician

The Bureau of Justice Statistics (BJS) provides the Bureau of Justice Assistance (BJA) with the variable passthrough (VPT) data for use in BJA's State and local formula grant program. The grant program is authorized by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Public Law 90-351). P.L. 90-351 includes a formula to determine the amount of each State's grant and requires the passthrough of funds to local governments using VPT data. The VPT data tell each State government how much of its total award it can use at the State level and how much it must pass through to local governments.

The U.S. Bureau of the Census collects the VPT data for BJS as a part of the BJS Survey of Justice Expenditure and Employment. The survey also collects extensive justice expenditure and employment data covering the full range of justice activities — police protection, judicial, legal services and prosecution, public defense, and corrections — for all levels of government. BJS publishes these data in a variety of reports listed in the Further reading section of this report.

This BJS Technical Report —
- describes the P.L. 90-351 variable passthrough formula and its history
- publishes the 1988 VPT data required by P.L. 90-351
- analyzes changes in VPT percents since 1985 (the last year they were collected) and describes the impact of these changes on State and local award amounts

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (Public Law 90-351), authorizes Federal grants to State and local governments for law enforcement assistance. From 1968 to 1985 this grant program was for general criminal justice purposes. Now the grants are known as "anti-drug abuse grants" because 1986 and 1988 amendments to P.L. 90-351 authorized the grant program for drug law enforcement purposes.

Since 1971, BJS and its predecessor agency have provided the variable passthrough (VPT) data for use in the P.L. 90-351 formula grant program. Until 1979, the justice statistics program was in the Law Enforcement Assistance Administration (LEAA), which distributed law enforcement assistance grants.

How the variable passthrough formula works

The following jurisdictions, referred to as States in P.L. 90-351 and in this report, are eligible for block grants under the formula:
- the 50 States
- the District of Columbia
- Puerto Rico
- the Virgin Islands
- the combined territories of Guam, American Samoa, and the Northern Mariana Islands.

P.L. 90-351 contains a formula for distributing the funds available for block grants to the States. In general, this formula —
- reserves some funds for BJA discretionary grants and administrative costs
- awards to each State a base amount of money specified in the legislation

At present, the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice administers the grant program.

This BJS Technical Report is the first devoted to the VPT. It is designed to publish the 1988 VPT data and to provide comprehensive technical information about the VPT data.

The Bureau of the Census, the Bureau of Justice Assistance, and the Bureau of Justice Statistics are indebted to the many Federal, State, and local government officials who provided the information and gave other assistance for the preparation of this report.

Joseph M. Bessette
Acting Director
• allocates the remaining funds to each State according to its population's percentage of the total population.¹

P.L. 90-351 requires further allocation in the variable passthrough provision of the formula. Amounts awarded to each State are allocated between the State government and local governments according to the State-to-local ratio of criminal justice expenditure using the most recent data available.

How own-sources expenditure amounts and variable passthrough percents are calculated

The legislative history of P.L. 90-351 indicates that the expenditures to be used in the variable passthrough formula are to be from a government's "own revenue sources." Thus, a government would not benefit from spending another government's money, as in revenue from payments for boarding prisoners. Expenditures from sales or property tax revenue are included; amounts expended from intergovernmental revenue, such as Federal grant monies, are excluded (figure 1).

The Survey of Justice Expenditure and Employment, which produces the VPT data, collects extensive, detailed data for six justice functions (police protection, judicial, prosecution and legal services, public defense, corrections, and a residual "other" category) and for three character and object classes:

• current operations
• capital outlay
• intergovernmental expenditure.

The computation of own-sources expenditure involves summing certain character and object classes of expenditure within each State. From this total are subtracted certain revenue amounts for the State government and for the aggregate of local governments within the State (figure 2).

In general, the own-sources computations assume that all intergovernmental payments received by a government will be expended during the same fiscal year. While this may not be the case in a particular year, discrepancies will cancel out over time.

¹The specific features of the formula used to distribute the block grants among the States have changed several times since 1968, when P.L. 90-351 was first enacted. Because of the changes, this report will deal only with the variable passthrough formula that operates once each State's total block grant amount has been determined.

### Examples of what is and is not revenue from a government's own sources

**Own-sources revenue**

- Taxes
  - Property
  - General sales
  - Motor fuel
  - Motor vehicle license
  - Income — Individual and corporate
  - Death and gift
- Charges and fees
  - Parking
  - Sanitation
  - Parks and recreation
  - Airport
  - Toll roads
  - College tuition
  - Hospital fees
- Utility revenue
  - Liquor store revenue
  - Insurance trust receipts for:
    - Employee retirement
    - Unemployment compensation
  - Interest earnings
  - Sale of government property
  - Special assessments
  - Bond issue proceeds

**Not own-sources revenue**

- Federal grants
  - Juvenile Justice grants
  - Anti-Drug Abuse grants
  - Alcohol Safety Program
  - Witness/Victim Assistance
  - Child support enforcement
  - Research participation
- Federal payments received for:
  - Housing Federal prisoners
  - Police overtime in emergencies
  - Housing Mariel Cubans
  - State assistance payments received for:
    - Aid to local police
    - Aid to local corrections
  - State or local payments received for:
    - Housing another government's prisoners
    - Providing police protection to another government
    - Training another government's justice personnel

### Own-sources expenditure computations

**For State governments**
The State government's total justice expenditure is derived by summing the State government's justice expenditures for —

• current operations
• capital outlay
• intergovernmental expenditure to local governments.

To produce the State government's own-sources expenditure, the following are deducted from the total:

• Justice revenue received directly from the Federal Government
• local justice payments to the State government
• revenue received from State and local governments outside the State that could be identified.

**For local governments**
The total justice expenditure for all local governments in the State is derived by summing the estimated total local justice expenditures for —

• current operations
• capital outlay
• intergovernmental expenditure to the State.

To produce own-sources expenditure for all local governments in the State the following are deducted from the total:

• estimated revenue received directly from the Federal Government and used for justice purposes
• State payments to local governments for justice purposes, including Federal grants "passed through" the State government
• revenue received from State and local governments outside the State that could be identified.
The local government totals within a State are estimates based on a sample’s survey. The estimates are made by applying the sample weights and nonresponse adjustments to the collected data. The local government own-sources calculations —

- use estimated expenditures for all local governments in the State
- use estimated Federal revenue amounts received by all local governments
- use the actual amount of payments made by the State government to local governments according to State records
- do not use intergovernmental expenditures between local governments within the State because they cancel out one another in the totals.

1988 variable passsthrough percents

In 1988 the VPT share for local governments ranged from 24.6% in Alaska to 70.9% in Minnesota (table 1). Conversely, the State share in these States delimits the State-share range, from 75.4% in Alaska to 29.1% in Minnesota. Most States show less dramatic differences between the State and local shares, with most mirroring the national ratio of 59.4% local and 40.6% State.

The differences among States in the ratio of State-to-local own-sources expenditure reflect differences in the organization of criminal justice functions across the States. For the most part, State governments with high VPT percent have organized more criminal justice services at the State level relative to other States where similar services are organized at the local level. For example —

- Alaska, with a State share of 75.4%, and Delaware, with 71.5%, reflect State-level organization of all courts and public defense systems and State-administered correctional systems
- Vermont also has no local courts contributing to its State share of 71.8%.

Why variable passsthrough percents change

Since 1971, when variable passsthrough percents were first computed, the State share has increased from 28.9% in 1971 to 40.4% in 1985 and 40.6% in 1988.

### Table 1. Total State and local expenditures from own sources and variable passsthrough percents, by State, fiscal 1988

<table>
<thead>
<tr>
<th>State</th>
<th>Total</th>
<th>State</th>
<th>Local</th>
<th>Percent of total by State</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. total</td>
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<td>$21,519,000</td>
<td>$31,467,000</td>
<td>40.61%</td>
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<td>Alabama</td>
<td>559,049</td>
<td>272,483</td>
<td>286,565</td>
<td>48.74</td>
</tr>
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<td>Alaska</td>
<td>279,361</td>
<td>210,558</td>
<td>68,794</td>
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<td>948,496</td>
<td>368,109</td>
<td>580,387</td>
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<td>98,077</td>
<td>131,490</td>
<td>42.22</td>
</tr>
<tr>
<td>California</td>
<td>8,879,276</td>
<td>3,163,497</td>
<td>5,715,781</td>
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<td>Colorado</td>
<td>694,592</td>
<td>249,820</td>
<td>444,772</td>
<td>35.97</td>
</tr>
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<td>690,905</td>
<td>380,795</td>
<td>306,663</td>
<td>55.24</td>
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<tr>
<td>Delaware</td>
<td>155,918</td>
<td>111,935</td>
<td>44,383</td>
<td>71.93</td>
</tr>
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<td>District of Columbia</td>
<td>529,456</td>
<td>0</td>
<td>529,456</td>
<td>100.00</td>
</tr>
<tr>
<td>Florida</td>
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<td>970,917</td>
<td>1,817,227</td>
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<td>492,392</td>
<td>684,469</td>
<td>41.84</td>
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<td>265,210</td>
<td>140,860</td>
<td>124,350</td>
<td>52.91</td>
</tr>
<tr>
<td>Idaho</td>
<td>129,339</td>
<td>48,090</td>
<td>81,249</td>
<td>71.62</td>
</tr>
<tr>
<td>Illinois</td>
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<td>761,114</td>
<td>1,661,493</td>
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<tr>
<td>Indiana</td>
<td>681,322</td>
<td>279,958</td>
<td>401,363</td>
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<td>Iowa</td>
<td>362,125</td>
<td>194,557</td>
<td>167,568</td>
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<td>Kansas</td>
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<td>182,632</td>
<td>219,454</td>
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<td>474,718</td>
<td>330,714</td>
<td>144,005</td>
<td>69.67</td>
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<td>329,676</td>
<td>404,423</td>
<td>44.81</td>
</tr>
<tr>
<td>Maine</td>
<td>167,400</td>
<td>50,422</td>
<td>116,978</td>
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</tr>
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<td>800,120</td>
<td>635,762</td>
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<td>899,614</td>
<td>1,223,614</td>
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</tr>
<tr>
<td>Minnesota</td>
<td>705,799</td>
<td>205,153</td>
<td>500,646</td>
<td>70.93</td>
</tr>
<tr>
<td>Mississippi</td>
<td>258,849</td>
<td>110,857</td>
<td>147,992</td>
<td>42.83</td>
</tr>
<tr>
<td>Missouri</td>
<td>817,161</td>
<td>342,555</td>
<td>474,606</td>
<td>45.92</td>
</tr>
<tr>
<td>Montana</td>
<td>90,534</td>
<td>41,246</td>
<td>49,285</td>
<td>45.44</td>
</tr>
<tr>
<td>Nebraska</td>
<td>213,778</td>
<td>65,231</td>
<td>148,547</td>
<td>69.87</td>
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<tr>
<td>Nevada</td>
<td>928,448</td>
<td>125,053</td>
<td>203,395</td>
<td>61.93</td>
</tr>
<tr>
<td>New Hampshire</td>
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<td>78,373</td>
<td>90,110</td>
<td>45.50</td>
</tr>
<tr>
<td>New Jersey</td>
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<td>861,585</td>
<td>1,217,189</td>
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</tr>
<tr>
<td>New Mexico</td>
<td>267,993</td>
<td>158,478</td>
<td>109,515</td>
<td>44.84</td>
</tr>
<tr>
<td>New York</td>
<td>7,126,818</td>
<td>2,327,810</td>
<td>4,800,000</td>
<td>48.44</td>
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<tr>
<td>North Carolina</td>
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<td>627,525</td>
<td>406,417</td>
<td>39.31</td>
</tr>
<tr>
<td>North Dakota</td>
<td>68,906</td>
<td>27,400</td>
<td>41,506</td>
<td>60.24</td>
</tr>
<tr>
<td>Ohio</td>
<td>1,766,538</td>
<td>680,863</td>
<td>1,080,676</td>
<td>38.11</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>435,624</td>
<td>234,015</td>
<td>201,609</td>
<td>45.72</td>
</tr>
<tr>
<td>Oregon</td>
<td>575,814</td>
<td>291,485</td>
<td>284,329</td>
<td>49.38</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>1,878,685</td>
<td>605,737</td>
<td>1,272,947</td>
<td>67.76</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>192,351</td>
<td>106,272</td>
<td>86,079</td>
<td>45.26</td>
</tr>
<tr>
<td>South Carolina</td>
<td>550,002</td>
<td>324,712</td>
<td>225,290</td>
<td>40.96</td>
</tr>
<tr>
<td>South Dakota</td>
<td>80,897</td>
<td>40,969</td>
<td>39,928</td>
<td>50.64</td>
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<tr>
<td>Tennessee</td>
<td>749,599</td>
<td>355,933</td>
<td>393,666</td>
<td>52.21</td>
</tr>
<tr>
<td>Texas</td>
<td>2,805,172</td>
<td>940,401</td>
<td>1,864,771</td>
<td>67.52</td>
</tr>
<tr>
<td>Utah</td>
<td>277,592</td>
<td>136,289</td>
<td>141,304</td>
<td>49.10</td>
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<tr>
<td>Vermont</td>
<td>82,936</td>
<td>59,116</td>
<td>23,820</td>
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<td>811,092</td>
<td>374,514</td>
<td>68.41</td>
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<td>Washington</td>
<td>881,136</td>
<td>326,815</td>
<td>554,321</td>
<td>62.91</td>
</tr>
<tr>
<td>West Virginia</td>
<td>165,016</td>
<td>62,735</td>
<td>62,281</td>
<td>49.86</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>856,775</td>
<td>279,952</td>
<td>577,423</td>
<td>66.21</td>
</tr>
<tr>
<td>Wyoming</td>
<td>97,359</td>
<td>43,417</td>
<td>53,942</td>
<td>55.41</td>
</tr>
</tbody>
</table>

Note: The expenditure-from-own-sources data in this table are comparable only to data in table 1 of the appropriate annual volume in the Justice expenditure and employment in the U.S. series. By definition, the own-sources data exclude certain types of justice expenditure that are included in the total justice expenditure amounts that are reported elsewhere and that are used as indicators of total public spending for justice purposes. More comprehensive expenditure data are forthcoming. (See the section on Further reading.)
State share of variable passthrough, by year

<table>
<thead>
<tr>
<th>Year</th>
<th>State Share</th>
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<tbody>
<tr>
<td>1971</td>
<td>28.9%</td>
</tr>
<tr>
<td>1972</td>
<td>29.4%</td>
</tr>
<tr>
<td>1973</td>
<td>29.4%</td>
</tr>
<tr>
<td>1974</td>
<td>31.3%</td>
</tr>
<tr>
<td>1975</td>
<td>32.2%</td>
</tr>
<tr>
<td>1976</td>
<td>33.7%</td>
</tr>
<tr>
<td>1977</td>
<td>34.9%</td>
</tr>
<tr>
<td>1978</td>
<td>35.5%</td>
</tr>
<tr>
<td>1979</td>
<td>36.9%</td>
</tr>
<tr>
<td>1980</td>
<td>36.9%</td>
</tr>
<tr>
<td>1981</td>
<td>35.5%</td>
</tr>
<tr>
<td>1982</td>
<td>34.9%</td>
</tr>
<tr>
<td>1983</td>
<td>33.7%</td>
</tr>
<tr>
<td>1984</td>
<td>32.2%</td>
</tr>
<tr>
<td>1985</td>
<td>31.3%</td>
</tr>
<tr>
<td>1986</td>
<td>30.0%</td>
</tr>
<tr>
<td>1987</td>
<td>28.9%</td>
</tr>
<tr>
<td>1988</td>
<td>27.6%</td>
</tr>
</tbody>
</table>

... Not available.

One reason the State share of the VPT percents increased and local governments' share decreased is that State governments began to fund criminal justice activities previously funded by local governments, for example, State governments —
- developed State court systems that replaced county and municipal courts
- replaced local juvenile detention and correctional facilities with State facilities
- began paying salaries of States' attorneys previously paid by county governments
- institutes State-level indigent defense systems that either replaced local systems or inaugurated services
- increased operating and capital outlay expenditures for State prisons with more prisoners serving longer sentences.

Changes in local spending sometimes offset such changes in State spending. Local governments, for example —
- began to fund criminal justice programs previously funded by the General Revenue Sharing and CETA programs (Federal funds that were excluded from own-sources expenditure)
- increased their current operating and capital outlay expenditures to house rising jail populations.

The VPT percents for individual States can vary widely from year to year (table 2). Recently prison construction has had considerable impact because the expenditures are tabulated in the year they are made, even if the government borrows the money. State governments that had large capital outlays for prison construction in

### Table 2. Percentage-point changes in variable passthrough percents and impact of changes, by State, 1985-88

<table>
<thead>
<tr>
<th>State</th>
<th>Change in percentage points</th>
<th>Percent Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State Local</td>
<td>State Local</td>
</tr>
<tr>
<td>U.S. total</td>
<td>.2 .2 .5% .3%</td>
<td></td>
</tr>
<tr>
<td>Alabama</td>
<td>-2.6 2.6 -5.1 5.3</td>
<td></td>
</tr>
<tr>
<td>Alaska</td>
<td>-10.1 10.1 -11.8 69.7</td>
<td></td>
</tr>
<tr>
<td>Arizona</td>
<td>2.8 2.8 7.8 -.4</td>
<td></td>
</tr>
<tr>
<td>Arkansas</td>
<td>-4.3 4.3 -9.2 8.0</td>
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</tr>
<tr>
<td>California</td>
<td>2.5 -2.5 7.6 -3.7</td>
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</tr>
<tr>
<td>Colorado</td>
<td>.8 .8 2.3 -1.2</td>
<td></td>
</tr>
<tr>
<td>Connecticut</td>
<td>.3 .3 .5 -.7</td>
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<td>-2.8 2.8 -3.8 10.9</td>
<td></td>
</tr>
<tr>
<td>District of Columbia</td>
<td>0 0</td>
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</tr>
<tr>
<td>Florida</td>
<td>-2.4 2.4 -6.5 3.8</td>
<td></td>
</tr>
<tr>
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<td>-1.3 1.3 -3.0 2.3</td>
<td></td>
</tr>
<tr>
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<td></td>
</tr>
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<td>Illinois</td>
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<tr>
<td>Indiana</td>
<td>-.4 .4 1.0 .7</td>
<td></td>
</tr>
<tr>
<td>Iowa</td>
<td>8.5 -8.5 16.6 -15.5</td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td>.1 -.1 .2       -.2</td>
<td></td>
</tr>
<tr>
<td>Kentucky</td>
<td>1.5 -1.5 2.2 -4.7</td>
<td></td>
</tr>
<tr>
<td>Louisiana</td>
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<td></td>
</tr>
<tr>
<td>Maine</td>
<td>-.2 -.2 -4 .4</td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td>-1.9 1.9 -3.2 4.6</td>
<td></td>
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<td>Massachusetts</td>
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<tr>
<td>Michigan</td>
<td>3.3 -3.3 8.4 -5.4</td>
<td></td>
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<tr>
<td>Minnesota</td>
<td>-3.6 3.6 -11.0 5.3</td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td>-6.3 6.3 -12.8 12.4</td>
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--Not applicable.


bFor explanation, see the section on Impact of changes in variable passthrough percents.
States had large changes in the State-to-local ratios. The changes ranged from 10.1 percentage points in Alaska to 10.5 in Nevada. In three States (Iowa, Ohio, and Tennessee) the changes were between 6 and 9 percentage points, and in two States (Mississippi and Washington) the changes were between 6 and 7 points.

**Impact of changes in variable passthrough percents**

Examination of changes in VPT percents traditionally has focused on differences in percentage points — for example, a State or local share that changes from 42.4% to 46.4% has an increase of 4 percentage points while the other level of government has a 4-point decrease.

These percentage-point changes do not reveal the proportionate effect of an increase or decrease relative to a previous year's grant award level. For example, Delaware had a relatively small change in VPT percentage-points from 1985 to 1988 — 2.8 points (table 2). The impact of this change will be much greater on the local level than the State level because the local share is about half the State share. The 2.8-point decrease for the State government reduces its grant allocation by 3.8% but increases the amounts for local awards by 10.9% from what they would have been if the VPT percents had not changed.

This 10.9% impact figure is computed by dividing the percentage-point difference from 1985 to 1988 by the 1985 VPT percent and then multiplying by 100 to convert the proportion into a percent. The resulting percent change shows how much greater or less the grant award would be than if the VPT percents had not changed.

Similar percentage-point changes for the States will affect each State differently according to its State-to-local ratios. For example, the 10.5-percentage-point change in Nevada results in a 33% increase in the grant amount at the State level in 1988 and a decrease of 14.5% at the local level. A change of similar magnitude, the 10.1-percentage-point change in Alaska, results in an 11.8% decrease in the 1988 State government share and a 69.7% increase in the local share. The impact on Alaska and Nevada varies because their 1985 State-to-local ratios differed.

**Why 1988 variable passthrough data are the most recent data available for fiscal 1990 grants**

Since 1971, when the Census Bureau first produced variable passthrough data, it has become clear that 2 years must separate the VPT data and the fiscal year of block grant awards affected by the VPT data. The 2-year gap is the shortest feasible interval for several reasons:

- P.L. 90-351 specifies that the formula be based on expenditures, not budgets, projected outlays, or other financial measures. A fiscal year must be completed before its expenditures can be tabulated.
- State and local governments require time to collect their expenditure data and to produce the financial documents used to compile VPT data. State and local fiscal year ending dates vary, with most ending before July 1. But the 3-month interval between July 1 and the beginning of the next Federal fiscal year on October 1 is insufficient to collect and process the data.
- The minimum time required to collect data from the sample of more than 8,000 governments is 6 months. Several more months are needed to process the data, edit and check the data for accuracy, write
them to computer files, compute the VPT data, examine each State's VPT data for consistency with previous years, and determine reasons for unusually large changes in VPT percents.

The following schedule will be used to collect 1990 VPT data. It illustrates the relationship between VPT data year and BJA grant year.

August 1990. Census Bureau field agents begin compiling data from State and large local governments whose fiscal years have ended and who have had sufficient time to prepare the audit reports, data tapes, and other financial materials used to compile the VPT data.

October 1990. Federal fiscal year 1992 begins, and BJA is authorized to begin making anti-drug abuse block grants to be allocated according to the 1990 VPT data.

History of the variable passthrough formula

When the Omnibus Crime Control and Safe Streets Act of 1968 became law on June 19, 1968, as Public Law 90-351, it authorized a formula block grant State and local assistance program, but it had no variable passthrough provision. Rather, the 1968 act required that State governments distribute to local governments 75% of the Federal block grant funds.

Although local governments accounted for about three-quarters of State and local justice spending nationally, many States organized criminal justice functions mainly at the State level. In 1971, the local share of own-sources expenditure ranged from over 75% in California, Michigan, Missouri, Nevada, New Jersey, New York, and Pennsylvania to less than 50% in Alaska, Delaware, Maine, Maryland, North Carolina, and Vermont.

In 1970, P.L. 90-351 was amended with the following language: "... beginning July 1, 1972, at least the per centum of Federal assistance granted to the State ... under this part ... which corresponds to the per centum of the State and local law enforcement expenditures ... in the immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data."

This variable passthrough formula remained a part of the LEAA block grant program until 1979, when the Justice System Improvement Act (JSIA) amended P.L. 90-351 to change, among other things, the formula used for State and local grants. The 1979 JSIA formula provided for:

- State allocations based on population, crime rates, tax rates, and justice expenditures
- Direct entitlement awards to large local jurisdictions based on their justice expenditures.

Two provisions of the 1979 legislation required minimum dollar amounts necessary for the new JSIA formula to operate — if these amounts were not reached, the grants would be made using the population and variable passthrough formulas. The new JSIA formulas were never applied. The Justice Assistance Act of 1984 deleted them from P.L. 90-351 and reverted to the population and variable passthrough formulas alone.

The State and Local Law Enforcement Assistance Act of 1986 added to P.L. 90-351 an anti-drug abuse grant program while retaining the general law enforcement assistance grant program. P.L. 90-351 thus authorized two grant programs, each using population and variable passthrough formulas. However, only the anti-drug abuse grant program was funded, and in 1988 the Anti-Drug Abuse Act reauthorized it with its population and variable passthrough formulas and deleted the general law enforcement assistance grant program.

2BJS anticipates that it will next receive funding for 1990 VPT data.

3This schedule is based on BJS and Census Bureau experience in collecting variable passthrough data since 1971. However, it was not used for the collection of 1988 VPT data because changes in the formula and the data to be used in it were possible until mid-December 1988, as Congress debated the Anti-Drug Abuse Act of 1988, which amended P.L. 90-351. BJS and the Census Bureau had to delay some parts of the schedule until final details of the formula were determined.
How data for the variable passthrough are collected

The expenditure data used to calculate the variable passthrough percents were collected by the Census Bureau for BJS using a special sample survey of State and local governments. Data were collected for —

• all State governments
• all county governments
• all municipalities (and townships in the six New England States, the three Middle Atlantic States, Michigan, and Wisconsin) having a 1980 population of 10,000 or more
• a sample of the remaining municipalities and townships.

The survey panel included a total of 8,302 local governments (3,041 county governments, 4,296 municipalities, and 965 townships). In the survey the District of Columbia is treated as a municipal government. Expenditure data are not collected for Puerto Rico and the territories because all their justice expenditures occur at one government level without any variable passthrough of BJA grant funds.

Data collection

From November 1988 to August 1989 specially trained Census Bureau employees compiled expenditure and employment data from government records for the —

• 50 States
• 72 largest counties
• 49 largest cities.*

The Census Bureau mailed questionnaires to the other sample units in February 1989.

Justice expenditure and employment in the U.S., 1988 (forthcoming) will exhibit the 1988 mail questionnaire; it is very similar to the questionnaire displayed in appendix 2 of the 1985 report. (See the Further reading section of this report, page 9.)

*Ideally, the fieldwork would have begun in August, and questionnaires would have been mailed in December 1988. These were delayed while Congress debated possible changes to the formula as part of the Anti-Drug Abuse Act of 1988 that became law on December 17, 1988. Only after the law's enactment was it possible to prepare the final questionnaire design and obtain survey clearance from the Office of Management and Budget (usually a 3-month process) prior to printing and mailing the questionnaires.

Nonresponse followup was used until the response rate for the local governments in each State reached 85%. The overall response rate for the mail canvass was 88%. Response for field-compiled units was 100%.

The survey period

The State expenditure data presented in this report cover the fiscal year ending June 30, 1988, for all States except for those that ended December 31, 1987 or June 30, 1988. By using the July 1, 1987, to June 30, 1988, reference period, some governments' data are for a fiscal year that the local government may refer to as fiscal 1987, for example, those that ended December 31, 1987. The fiscal year reported for Washington, D.C., ended September 30, 1988.

Limitations of the survey data

The sample used to collect local government expenditure data is one of a large number of possible samples of equal size that could have been chosen using the same sampling design and selection procedures. Estimates derived from these different samples would differ from each other and also from a complete census using the same data collection procedures. This variation among all possible estimates is sampling error. Because all State governments were included in the survey, State government figures are not subject to sampling error.

The local government sample for the 1988 survey was designed to estimate the portion of total justice expenditure made by local governments in each State with a relative sampling error of less than half of 1.0% at the two-thirds confidence level. Testing has not been completed, but the results are expected to be similar to those reported for the 1985 survey. (See the Further reading section on page 9.)

The data are also subject to the inaccuracies in classification, response, and processing that would occur if a complete census had been conducted under the same conditions as the sample survey. Every effort was made to keep such errors to a minimum through care in examining, editing, and tabulating the data submitted by government officials and through extensive followup procedures to clarify inadequate or inconsistent survey returns.

Readers should compare States with caution. Differences in functional responsibilities from State to State may affect the comparability of the data. Some State governments directly administer activities that local governments administer in other States; for example, the State governments of Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont operate local jails as well as State prisons.
Definitions of terms

This section briefly defines the terms used in this report. More explicit definitions will be contained in the BJS Bulletin Justice expenditure and employment, 1988 and in the final report Justice expenditure and employment in the U.S., 1988.

Total expenditure includes only external cash payments made from any source of monies, including any payments financed from borrowing, fund balances, intergovernmental revenue, and other current revenue. It excludes any intragovernmental transfers and noncash transactions, such as providing employees' meals or housing. It also excludes retirement of debt, investment in securities, extensions of loans, agency transactions, and government contributions for employee benefits (see box at right).

Variable passthrough percents are developed to comply with the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Public Law 90-351), which requires that the block grants made by the Bureau of Justice Assistance (and formerly by the Law Enforcement Assistance Administration) to each State be allocated between the State and local governments according to the ratio of State-to-local criminal justice expenditure. The legislative history of this act indicates that these expenditures are to be own-sources expenditures.

Own-sources expenditure excludes from total expenditure any amounts expended from revenue received from other governments. For example, expenditure from sales or property tax revenue is included, but excluded are amounts expended from intergovernmental revenue, such as Federal grant monies or revenue from other governments for services rendered, such as boarding another government's prisoners. (See the section on calculating these data, beginning on page 2, and figures 1 and 2.)

Local governments as defined in P.L. 90-351 are "... any city, county, township, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands."

P.L. 90-351 specifies that only expenditures of units of general local government are to be included. Of the five broad classes of local government identified by the Census Bureau, the P.L. 90-351 definition encompasses three (counties, municipalities, and township or "town" governments) and excludes two (independent school districts and special districts).

Most of what the Census Bureau classifies as "special districts" are empowered only to provide one particular type of service (such as water supply or fire protection). Others are multifunctional, such as the New York Port Authority, which has a sizable guard force. Neither type of special district is included because P.L. 90-351 specifies that the grants are for general purpose governments.

Why variable passthrough data exclude employee benefits

BJS does not include State and local government contributions for employee benefits in the variable passthrough data or in the other data reported in its justice expenditure and employment series. Many governments make lump-sum contributions to plans covering all employees and cannot report separately for criminal justice employees.

Governments that can report their contributions for justice employee benefits are asked to do so, but these data are not included in the governments' total expenditures. BJS adopted this procedure to improve comparability of data between governments and not to penalize in VPT calculations the governments unable to report their contributions for justice employee benefits.

Periodically BJS has examined the data collected on employee benefit contributions to determine if they can be used to estimate such expenditures by nonreporting governments. To date, BJS has determined that reliable estimation is not possible.

Justice expenditure includes the justice functions of police protection, adjudication, prosecution and legal services, public defense, corrections, and a residual "other" category, as defined below.

Police protection is the function of enforcing the law, preserving order, and apprehending those who violate the law, whether these activities are performed by a city police department, sheriff's department, or State police. Private security police are outside the scope of the survey, but government contract payments to a private security firm would be picked up as a direct expenditure of the government.

Adjudication includes all civil and criminal courts and activities associated with courts such as clerks of court, law libraries, grand juries, and petit juries.

Prosecution and legal services includes the civil and criminal justice activities of the attorney's general, district attorneys, State's attorneys, and their variously named equivalents and corporation counsels, solicitors, and legal departments with various names. It also includes government payments to private legal counsel.

Public defense includes legal counsel and representation in either criminal or civil proceedings as provided by public defenders and other government programs that pay the fees of court-appointed counsel.

 Corrections involves the confinement and rehabilitation of adults and juveniles convicted of offenses against the law and the confinement of persons suspected of a crime awaiting trial or adjudication. It includes jails, prisons, probation, parole, pardon, and correctional administration. It includes drug treatment and rehabilitation programs that are administered by a justice agency.

Other justice activities includes expenditures that are not elsewhere classified, that cut across more than one category, or that are not allocable to separate categories. Examples are crime commissions, neighborhood crime councils, State criminal justice coordinating councils and criminal justice planning agencies.
Further reading

To obtain other BJS justice expenditure and employment reports or to be added to the BJS Bulletin or Justice Expenditure and Employment mailing lists, write to the Justice Statistics Clearinghouse/NCJRS, Box 6000, Rockville, MD 20850 (1-301-251-5500 or toll-free 1-800-732-3277).

Other expenditure and employment reports include--
• Trends in justice expenditure and employment 1971-1979, 11/84, NCJ-92596.

Bureau of Justice Statistics Technical Reports are written principally by BJS staff. This report was written by Sue A. Lindgren, who monitored data collection. Thomas Hester edited the report. Marilyn Marbrook administered publication, assisted by Yvonne Boston and Donna Oliphant. Mari-anne Zewitz produced graphics and provided production assistance.

In the Bureau of the Census, Government's Division, general supervision was provided by Diana Cull and William Fanning. Richard Meyer directed the mail canvass survey and George Beaven and Donald Muterspaugh directed the office and field compilation. Dawn Crawford, Victoria E. Campbell, and Pauline Fain provided significant contributions. Carma Hogue, Statistical Research Division, designed the sample.

For information regarding the data contained in this report, contact Sue A. Lindgren, Bureau of Justice Statistics, Washington, D.C. 20531, (202) 724-7759. For information about the anti-drug abuse formula grant program, contact the Bureau of Justice Assistance, Washington, D.C. 20531, (202) 272-6838.

February 1990, NCJ-120070

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☐ White-collar crime—data on the processing of Federal white-collar crime cases

☐ Privacy and security of criminal history information and information policy—new legislation; maintaining and releasing intelligence and investigative records; data quality issues

☐ Juvenile corrections reports—juveniles in custody in public and private detention and correctional facilities

☐ BJS bulletins and special reports—timely reports of the most current justice data

☐ Prosecution and adjudication in State courts—case processing from prosecution through court disposition, State felony laws, felony sentencing, criminal defense

☐ Corrections reports—results of sample surveys and censuses of jails, prisons, parole, probation, and other corrections data

☐ National Crime Survey reports—the only regular national survey of crime victims

☐ Sourcebook of Criminal Justice Statistics (annual)—broad-based data from 150+ sources (400+ tables, 100+ figures, subject index, annotated bibliography, addresses of sources)

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