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Bureau of Justice Statistics Technical Report

Anti-Drug Abuse Formula Grants

Justice Variable Passthrough Data, 1990

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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). Public Law 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 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. The grants, officially entitled the Edward Byrne Memorial State and Local Law Enforcement Assistance Program Grants, are now authorized by the Anti-Drug Abuse Act of 1988, as amended.

At present, the Bureau of Justice Assistance (BJA), Office of Justice Programs of the U.S. Department of Justice, administers the grant program. BJA funded the collection of the 1990 VPT data contained in this report.

This BJS Technical Report is the second devoted to the VPT. It is designed to publish the 1990 VPT data and to provide comprehensive technical information about the VPT data.

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 *Further reading* on page 8.

Since 1971, BJS and its predecessor agency have provided the variable passthrough (VPT) data for use in the Public Law 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.

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.

Steven D. Dillingham, Ph. D.
Director

- This BJS Technical Report —
- describes the Public Law 90-351 variable passthrough formula and its history
 - discusses how the VPT data are derived
 - defines own-sources revenue as used in VPT data
 - publishes the 1990 VPT data required by Public Law 90-351
 - analyzes changes in VPT percents since 1988 (the last year they were collected)

- describes the impact of changes since 1988 on State and local award amounts.

How the block grant formula works

The following jurisdictions, referred to as States in Public Law 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.

Public Law 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
- allocates the remaining funds to each State according to its percentage of the total U.S. population.

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

Public Law 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 Public Law 90-351 indicates that 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).

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

Figure 1

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.

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 every jurisdiction did not spend all the money received, the total balanced out because some jurisdictions spent money received in 1989 while others did not spend all money received in 1990.

The local government totals within a State are estimates based on a sample 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.

1990 variable passthrough percents

In fiscal 1990 the VPT share for local governments ranged from 22% in Alaska to 67% in Minnesota (table 1). Conversely, the State share in these States delimits the State-share range, from 78% in Alaska to 33% in Minnesota. Most States show less dramatic differences between the State and local shares, with most mirroring the national ratio of 57.4% local and 42.6% 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 percents 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 78%, Delaware with 73%, Vermont with 75% and Connecticut with 63% reflect State-level organization of all courts and public defense systems and State-administered correctional systems.

Table 1. Total State and local expenditures from own sources revenue and variable passthrough percents, by State, fiscal 1990

State	Criminal justice expenditures from own sources, in thousands			
	Total	State	Local	Percent of total by: State Local
U.S. total	\$64,306,000	\$27,370,000	\$36,936,000	42.60% 57.40%
Alabama	640,374	314,120	326,254	49.05 50.95
Alaska	328,915	256,667	72,248	78.03 21.97
Arizona	1,146,367	446,628	699,738	38.96 61.04
Arkansas	266,444	120,239	146,205	45.13 54.87
California	11,102,591	4,090,867	7,011,724	36.85 63.15
Colorado	793,759	326,853	466,906	41.18 58.82
Connecticut	965,381	608,607	356,774	63.04 36.96
Delaware	199,056	145,562	53,493	73.13 26.87
District of Columbia	725,055	0	725,055	0 100.00
Florida	3,701,271	1,422,737	2,278,535	38.44 61.56
Georgia	1,536,078	715,995	820,083	46.61 53.39
Hawaii	315,099	168,746	146,353	53.55 46.45
Idaho	161,590	76,907	84,682	47.59 52.41
Illinois	2,648,303	939,972	1,708,331	35.49 64.51
Indiana	785,565	339,500	446,064	43.22 56.78
Iowa	441,400	261,348	180,051	59.21 40.79
Kansas	547,311	287,397	259,914	52.51 47.49
Kentucky	538,157	364,322	173,836	67.70 32.30
Louisiana	811,102	386,958	424,144	48.08 51.92
Maine	203,186	118,674	84,512	58.41 41.59
Maryland	1,431,585	794,953	636,631	55.53 44.47
Massachusetts	1,805,122	1,143,694	661,428	63.36 36.64
Michigan	2,405,199	1,127,977	1,277,222	46.90 53.10
Minnesota	811,004	267,417	543,587	32.97 67.03
Mississippi	313,837	149,003	164,834	47.48 52.52
Missouri	911,793	380,954	530,838	41.78 58.22
Montana	111,685	46,284	65,401	41.44 58.56
Nebraska	244,238	96,821	147,417	39.64 60.36
Nevada	427,701	162,467	265,235	37.99 62.01
New Hampshire	225,502	109,449	116,053	48.54 51.46
New Jersey	2,542,203	1,076,104	1,466,099	42.33 57.67
New Mexico	351,960	203,341	148,618	57.77 42.23
New York	8,626,100	3,166,929	5,459,171	36.71 63.29
North Carolina	1,222,076	716,682	505,394	58.64 41.36
North Dakota	76,185	33,401	42,784	43.84 56.16
Ohio	1,995,859	710,213	1,285,646	35.58 64.42
Oklahoma	533,990	291,521	242,469	54.59 45.41
Oregon	670,331	355,429	314,902	53.02 46.98
Pennsylvania	2,208,046	776,672	1,431,373	35.17 64.83
Rhode Island	248,377	144,659	103,718	58.24 41.76
South Carolina	653,004	375,258	277,747	57.47 42.53
South Dakota	91,223	48,203	43,020	52.84 47.16
Tennessee	936,479	479,657	456,822	51.22 48.78
Texas	3,479,206	1,196,794	2,282,412	34.40 65.60
Utah	277,019	139,160	137,858	50.24 49.76
Vermont	98,969	74,114	24,855	74.89 25.11
Virginia	1,437,128	1,005,360	431,769	69.96 30.04
Washington	1,020,015	405,480	614,535	39.75 60.25
West Virginia	171,256	89,165	82,091	52.07 47.93
Wisconsin	1,012,220	384,855	627,365	38.02 61.98
Wyoming	110,044	49,572	60,473	45.05 54.95

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 *Further reading*, page 8.)

Why variable passthrough percents change

Since 1971, when variable passthrough percents were first computed, the State share has increased from 28.9% to 40.4% in 1985 and 42.6% in 1990.

State share of variable passthrough, by year

1971	28.9%
1972	29.4
1973	29.4
1974	31.3
1975	32.2
1976	33.7
1977	34.3
1978	35.5
1979	36.9
1980	...
1981	...
1982	...
1983	...
1984	...
1985	40.4
1986	...
1987	...
1988	40.6
1989	...
1990	42.6

...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 State's attorneys previously paid by county governments
- instituted State-level indigent defense systems that either replaced local systems or inaugurated such services
- increased operating and capital outlay expenditures for State prisons with more prisoners.

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

Table 2. Percentage-point changes in variable passthrough percents and impact of changes, by State, 1988 to 1990

State	Change in percentage points ^a		Percent Impact ^b	
	State	Local	State	Local
U.S. total	2.0	-2.0	4.8%	-3.3%
Alabama	.3	-.3	.6	-.6
Alaska	2.7	-2.7	3.5	-10.8
Arizona	.2	-.2	.5	-.3
Arkansas	2.9	-2.9	6.9	-5.0
California	1.2	-1.2	3.4	-1.9
Colorado	5.2	-5.2	14.5	-8.1
Connecticut	7.8	-7.8	14.1	-17.4
Delaware	1.6	-1.6	2.2	-5.6
District of Columbia	—	0	—	0
Florida	3.6	-3.6	10.4	-5.6
Georgia	4.8	-4.8	11.4	-8.2
Hawaii	.6	-.6	1.2	-1.4
Idaho	10.4	-10.4	28.0	-16.6
Illinois	2.0	-2.0	6.0	-3.0
Indiana	2.1	-2.1	5.2	-3.6
Iowa	5.5	-5.5	10.2	-11.8
Kansas	7.1	-7.1	15.6	-13.0
Kentucky	-2.0	2.0	-2.8	6.5
Louisiana	3.2	-3.2	7.1	-5.8
Maine	4.4	-4.4	8.1	-9.5
Maryland	-1.3	1.3	-2.3	3.1
Massachusetts	7.6	-7.6	13.7	-17.3
Michigan	4.3	-4.3	10.2	-7.5
Minnesota	3.9	-3.9	13.4	-5.5
Mississippi	4.7	-4.7	10.9	-8.1
Missouri	-.1	.1	-.3	.2
Montana	0	0	0	0
Nebraska	.2	-.2	-.6	.4
Nevada	.1	-.1	-.2	.1
New Hampshire	3.4	-3.4	7.6	-6.3
New Jersey	.9	-.9	2.1	-1.5
New Mexico	2.6	-2.6	4.7	-5.8
New York	1.2	-1.2	3.5	-1.9
North Carolina	-2.1	2.1	-3.4	5.2
North Dakota	4.1	-4.1	10.3	-6.8
Ohio	-2.5	2.5	-6.6	4.1
Oklahoma	.9	-.9	1.6	-1.9
Oregon	2.4	-2.4	4.7	-4.9
Pennsylvania	2.9	-2.9	9.1	-4.3
Rhode Island	3.0	-3.0	5.4	-6.7
South Carolina	-1.6	1.6	-2.7	3.8
South Dakota	2.2	-2.2	4.3	-4.5
Tennessee	3.4	-3.4	7.2	-6.6
Texas	1.9	-1.9	5.9	-2.8
Utah	1.1	-1.1	2.3	-2.2
Vermont	3.1	-3.1	4.3	-11.0
Virginia	1.6	-1.6	2.3	-4.9
Washington	2.7	-2.7	7.2	-4.2
West Virginia	1.9	-1.9	3.8	-3.9
Wisconsin	5.4	-5.4	16.6	-8.0
Wyoming	.5	-.5	1.0	-.8

—Not applicable.

^a1988 VPT percents are displayed in *Justice Expenditure and Employment in the U.S., 1988* final report, table 1 and in *Justice Variable Passthrough Data, 1988*, BJS Technical Report, NCJ-120070, 1990, table 1.

^bFor explanation, see the section *Impact of changes in variable passthrough percents*.

considerable impact on the VPT because the expenditures are tabulated in the year they are made, even if a government borrows the money to make the expenditure. State governments that had large

capital outlays for prison construction in 1988, but not in 1990, had State-share decreases in the VPT percents in 1990, all other factors being constant. Prison

construction in 1988, combined with reduced construction expenditures in 1990, contributed to the following decreases in State VPT percents:

- Ohio, down 2.5 percentage points
- North Carolina, down 2.1 points
- South Carolina, down 1.6 points.

Large capital outlays by States for corrections and increases in current operations expenditure tended to increase the State VPT share for 1990, relative to 1988. This was the situation in —

- Idaho, up 10.4 percentage points
- Connecticut, up 7.8 points
- Massachusetts, up 7.6 points
- Kansas, up 7.1 points
- Iowa, up 5.5 points
- Wisconsin, up 5.4 points
- Colorado, up 5.2 points.

Although more prevalent in the 1970's than recently, the establishment of a State court system to replace local courts often moves a substantial amount of court-related expenditure from the local level to the State level in a single year, with considerable impact on the variable passthrough. In 1990 the Wisconsin State government assumed responsibility for the district attorneys; this contributed to moving 5.4 percentage points from the local VPT share to the State share from 1988 to 1990.

Other factors can affect the VPT percents. In Kansas and Massachusetts, for example, notable increases in State aid to local corrections contributed to overall State VPT increases.

Across the States, the VPT percents changed by less than 1.5 points in either direction in a quarter of the States (figure 3). State governments lost more than 1.5 points in four States: Ohio, North Carolina, Kentucky, and South Carolina. In the remaining 32 States the State government share increased by more than 1.5 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 share that changes from 42.4% to 46.4% has an increase of 4 percentage points while the local 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 1988 to 1990 — 1.6 points (table 2). The impact of this change will be much greater on the local level than the State level because local expenditures are less than half the State expenditures. The 1.6 point increase for the State government increases its grant allocation by 2.2% but decreases the amounts for local awards by 5.6% from what they would have been 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, in Texas the State-to-local spending ratio is opposite that of Delaware. In Texas the change of 1.9 percentage points impacts more heavily on the State government than local government, increasing the State grant by 5.9%, while decreasing the local awards by 2.8%.

For the United States as a whole, the 2.0 percentage-point change results in 3.3% less that must be passed through to local governments and an increase of 4.8% that may be kept at the State level. Across the States the percent impact on State governments ranged from -6.6% in Ohio to +28% in Idaho. For local governments, the range was from -17.4% in Connecticut to +6.5% in Kentucky.

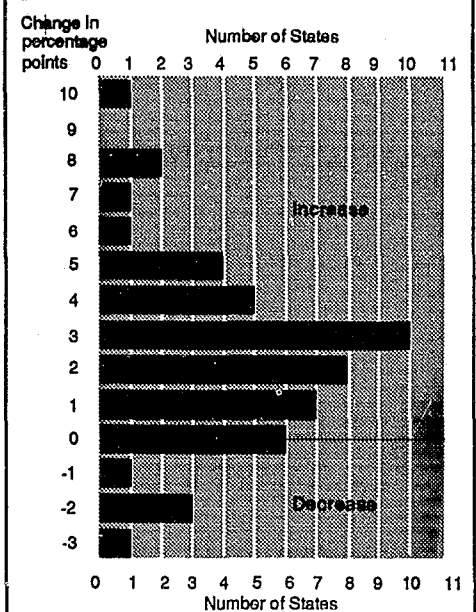
Why 1990 variable passthrough data are the most recent data available for fiscal 1992 grants

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:

- Public Law 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

*This 5.6% impact figure is computed by dividing the percentage-point difference from 1988 to 1990 by the 1988 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 if the VPT percents had not changed.

Number of States, by change in VPT percentage points, 1988-90



Note: Percentage-point changes are rounded to the nearest whole number. The figure does not include the District of Columbia, classified as a local government.

Figure 3

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, process, and analyze data from the sample of more than 8,000 governments is 6 months.

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

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

October 1990. All State and local governments had completed spending for the reference period.

December 1990. Most local governments had closed their financial records for the reference period; the Census Bureau mailed questionnaires to the 8,737 local governments in the mail panel of the survey.

July 1991. Data collection (including followup letters and telephone calls to encourage nonrespondents) was completed.

September 1991. The Census Bureau completed data processing and editing and delivered the 1990 VPT data to BJS for transmittal to BJA.

October 1, 1991. Federal fiscal 1992 began, and BJA was authorized to begin making anti-drug abuse block grants to be allocated according to the 1990 VPT data.

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 1986 population of 10,000 or more

- a sample of the remaining municipalities and townships.

The survey panel included a total of 8,867 local governments (3,042 county governments, 4,693 municipalities, and 1,132 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 August 1990 to June 1991 specially trained Census Bureau employees compiled expenditure and employment data from government records for the —

- 50 States
- 78 largest counties
- 52 largest cities.

The Census Bureau mailed questionnaires to the other sample units in December 1990. *Justice Expenditure and Employment in the U.S., 1990* (forthcoming) will exhibit the 1990 mail questionnaire; it is very similar to the questionnaire displayed in appendix 2 of the 1985 and 1988 reports. (See *Further reading* on page 8.)

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 87%. Response for field-completed units was 100%.

The survey period

The State expenditure data presented in this report cover the fiscal year ending June 30, 1990, for all States except four whose fiscal years ended as follows: New York, March 31, 1990; Texas, August 31, 1990; and Alabama and Michigan, September 30, 1990. Some State agencies operate on a different fiscal year basis than the State government. In such instances, the 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, Public Law 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 by units of general local government will be made available to such units or combinations of such units."

The 1970 amendment also added: "Per centum determinations under this paragraph for law enforcement funding and expenditures for such 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 Public Law 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 appropriated, 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 Public Law 90-351 and reverted to the population and variable passthrough formulas.

The State and Local Law Enforcement Assistance Act of 1986 added to Public Law 90-351 an anti-drug abuse grant program while retaining the general law enforcement assistance grant program. Public Law 90-351 thus authorized two grant programs, each using population and variable passthrough formulas. However, only the anti-drug abuse grant program was funded after fiscal 1987, and in 1988 the Anti-Drug Abuse Act authorized a consolidated drug control and system improvement grant program with both its population and variable passthrough formulas.

In this report are for the agency's fiscal year that ended within the State's regular fiscal year.

For local governments the expenditure data here are for the governments' fiscal years that ended between July 1, 1989, and June 30, 1990. Most municipalities and counties ended their fiscal years on December 31, 1989, or June 30, 1990. By using the July 1, 1989, to June 30, 1990, reference period, some governments' data are for a fiscal year that the local government may refer to as fiscal 1989, for example, those that ended December 31, 1989. The fiscal year reported for Washington, D.C., ended September 30, 1990.

Limitations of the survey data

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.

The data reported for local governments came from a sample and therefore are an estimate that might vary from the data of a complete enumeration. This variation, together with variations that would occur from all possible samples of the same size and procedure, is known as sampling error. Sampling error can itself be estimated.

The local government sample for the 1990 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 1988 survey. (See *Further reading* on page 8.)

Data for local governments and the total State and local governments rely on samples. State government figures are not subject to sampling error because all State governments were included in the survey.

All data are subject to possible inaccuracies in classification, response, and processing. Every effort was made to keep such errors to a minimum through care in examining, editing, and tabulating the data submitted

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 and the Census Bureau adopted this procedure to improve comparability of data between governments and to not penalize in VPT calculations the governments unable to report their contributions for justice employee benefits.

Periodically BJS and the Census Bureau have examined the data collected on employee benefit contributions to determine if they can be used to estimate such expenditures by non-reporting governments. To date, BJS and the Census Bureau have determined that reliable estimation is not possible.

by government officials and through extensive followup procedures to clarify inadequate or inconsistent survey returns.

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, 1990* and in the final report *Justice Expenditure and Employment in the U.S., 1990*. The definitions are the same as those presented in the 1988 reports. (See *Further reading* on page 8.)

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 left).

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 as payments 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 Public Law 90-351 sec. 901(a)(3) are "... any city, county, township, town, 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."

Public Law 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 Public Law 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 Public Law 90-351 specifies that the grants are for general purpose governments.

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 tabulated as direct expenditures 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 attorneys 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 —

- *Justice expenditure and employment, 1990*, BJS Bulletin, (forthcoming).
- *Justice expenditure and employment in the U.S., 1990*, Final report, (forthcoming).
- *Justice variable passthrough data, 1988*, BJS Technical Report, 2/90, NCJ-120070.
- *Justice expenditure and employment in the U.S., 1988* Final report, 8/91, NCJ-125619.
- *Justice expenditure and employment 1988*, BJS Bulletin, 7/89, NCJ-123132.
- *Justice expenditure and employment in the U.S., 1979* Final report, 12/83, NCJ-87242 (and annual volumes from 1971 to 1979).
- *Trends in justice expenditure and employment 1971-1979*, 11/84, NCJ-92596.

To obtain information about the Bureau of Justice Assistance grant program, order BJA reports, or to be added to the BJA mailing list, write to the Bureau of Justice Assistance Clearinghouse/NCJRS, Box 6000, Rockville, MD 20850 or call 1-800-688-4252. Of particular relevance is —

- *The Edward Byrne Memorial State and Local Law Enforcement Assistance Program: Formula Grant Program Guidance and Application Kit*, April 1991.

Sue A. Lindgren, who monitored data collection, wrote this Technical Report. It was edited by Tom Hester and produced by Marilyn Marbrook, Jayne Pugh, and Donna Oliphant. Michael W. Agopian and Lawrence A. Greenfeld reviewed the report. In the Bureau of the Census, Governments Division, general supervision was provided by Diana Cull and William Fanning. Sheryl Jones directed the mail canvass survey, and George Beaven and Donald Muterspaugh directed the office and field compilation. Dawn Crawford, Victoria E. Campbell, and Theresa Reitz 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) 307-0760. For information about the anti-drug abuse formula grant program, contact the Bureau of Justice Assistance Clearinghouse/NCJRS, Box 6000, Rockville, MD 20850, 1-800-688-4252.

February 1992, NCJ-133018

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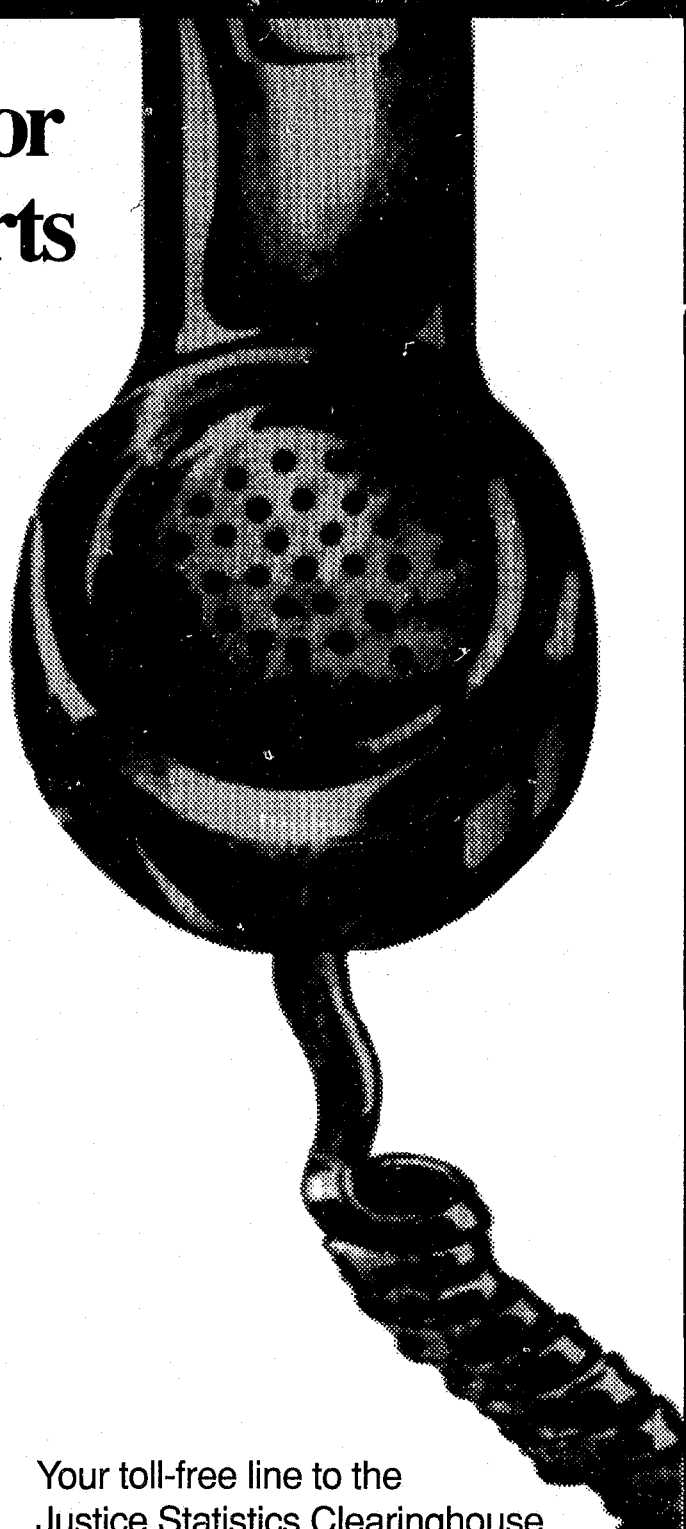
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