



## The Formula

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## Background - Authorizations

- DNA Analysis Backlog Elimination Act of 2000, Public Law 106-546, Sec. 2.
- Amended and reauthorized by the Justice of 2004; Public Law 108-405, Title II.
- Amended and reauthorized by the Debbie Smith Reauthorization Act of 2008, Public Law 110-360.



## Background - Authorizations

(c) FORMULA FOR DISTRIBUTION OF GRANTS.—

(1) IN GENERAL.—The **Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among eligible States and units of local government** that—

(A) maximizes the effective utilization of DNA technology to solve crimes and protect public safety; and

(B) allocates grants among eligible entities fairly and efficiently to address jurisdictions in which significant backlogs exist, by considering—

(i) the number of offender and casework samples awaiting DNA analysis in a jurisdiction;

(ii) the population in the jurisdiction; and

(iii) the number of part 1 violent crimes in the jurisdiction.

(2) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriation.

(3) LIMITATION.—Grant amounts distributed under paragraph (1) shall be awarded to conduct DNA analyses of samples from casework or from victims of crime under subsection (a)

(2) in accordance with the following limitations:

(A) For fiscal year 2009, not less than 40 percent of the grant amounts

(B) For each of the fiscal years 2010 through 2014, **not less than 40 percent of the grant amounts shall be awarded for the purposes under subsection (a)(2).**



## Background - Authorizations

...(a)(2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect





## Allocation of Funds

- Once the funds are appropriated, NIJ determines the amount of funding to be assigned to the Forensic DNA Backlog Reduction Program.
- Again, the authorizing legislation states “for each of the fiscal years 2010 through 2014, **not less than 40 percent of the grant amounts shall be awarded for the purposes under subsection (a)(2).**”
- Therefore, of the 40% of \$151,000,000 = \$60,400,000 for the purposes of section (a)(2).
- In FY 2010, NIJ set aside 65,000,000 (43 percent of the appropriation) for these purposes in the FY 2010 Forensic DNA Backlog Reduction Program solicitation.



## Funding Chart from Solicitation

Estimated Aggregate Amounts for Awards to State and Local Applicants, by State—FY 2010<sup>9</sup>

Alabama	\$977,422	Nebraska	\$250,756
Alaska	\$207,143	Nevada	\$872,138
Arizona	\$1,345,408	New Hampshire	\$150,000
Arkansas	\$665,504	New Jersey	\$1,312,628
California	\$8,573,359	New Mexico	\$597,074
Colorado	\$784,586	New York	\$3,592,122
Connecticut	\$482,762	North Carolina	\$1,995,449
Delaware	\$284,323	North Dakota	\$150,000
District of Columbia	\$393,960	Ohio	\$1,851,829
Florida	\$5,845,967	Oklahoma	\$888,204
Georgia	\$2,147,541	Oregon	\$451,278
Hawaii	\$162,603	Pennsylvania	\$2,362,925
Idaho	\$161,260	Puerto Rico	439,101,
Illinois	\$3,138,159	Rhode Island	\$150,000
Indiana	\$985,386	South Carolina	\$1,513,567
Iowa	\$394,469	South Dakota	\$150,000
Kansas	\$532,672	Tennessee	\$2,078,695
Kentucky	\$585,500	Texas	\$5,720,913
Louisiana	\$1,340,084	Utah	\$281,036
Maine	\$150,000	Vermont	\$150,000
Maryland	\$1,638,667	Virginia	\$920,520
Massachusetts	\$1,350,732	Washington	\$1,004,276
Michigan	\$2,322,645	West Virginia	\$230,014
Minnesota	\$635,086	Wisconsin	\$713,980
Mississippi	\$387,663	Wyoming	\$150,000
Missouri	\$1,380,595		
Montana	\$150,000	<b>TOTAL</b>	<b>\$65,000,000</b>



## How Does NIJ Determine the Distribution?

- The FY 2010 allocation was based on:
  - The number of Uniform Crime Report (UCR) Part I Violent Crimes reported to the FBI for 2008 (the most current year for which data was available).
  - The minimum aggregate amount available to eligible applicants from each State.
  - For FY 2010, if the aggregate amount for a State, based on the number of UCR Part I Violent Crimes reported to the FBI, would have been less than \$150,000, that aggregate amount for that State was increased to \$150,000.





## Part I Violent Crimes by State

State0	2008 Part I	State	2008 Part I
ALABAMA	21,111	MONTANA	2,497
ALASKA	4,474	NEBRASKA	5,416
ARIZONA	29,059	NEVADA	18,837
ARKANSAS	14,374	NEW HAMPSHIRE	2,069
CALIFORNIA	185,173	NEW JERSEY	28,351
COLORADO	16,946	NEW MEXICO	12,896
CONNECTICUT	10,427	NEW YORK	77,585
DELAWARE	6,141	NORTH CAROLINA	43,099
DISTRICT OF COLUMBIA	8,509	NORTH DAKOTA	1,068
FLORIDA	126,265	OHIO	39,997
GEORGIA	46,384	OKLAHOMA	19,184
HAWAII	3,512	OREGON	9,747
IDAHO	3,483	PENNSYLVANIA	51,036
ILLINOIS	67,780	PUERTO RICO	9,484
INDIANA	21,283	RHODE ISLAND	2,621
IOWA	8,520	SOUTH CAROLINA	32,691
KANSAS	11,505	SOUTH DAKOTA	1,620
KENTUCKY	12,646	TENNESSEE	44,897
LOUISIANA	28,944	TEXAS	123,564
MAINE	1,547	UTAH	6,070
MARYLAND	35,393	VERMONT	844
MASSACHUSETTS	29,174	VIRGINIA	19,882
MICHIGAN	50,166	WASHINGTON	21,691
MINNESOTA	13,717	WEST VIRGINIA	4,968
MISSISSIPPI	8,373	WISCONSIN	15,421
MISSOURI	29,819	WYOMING	1,236

**TOTAL = 1,391,496**



## Proportion for FY 2010

- Once the number of Part I Violent Crimes for each State is determined, NIJ then assigns a proportion for each State.
- Example: Maryland
  - Part I Violent Crimes in 2008 = 35,393
  - $35,393/1,391,496$  (total number of Part I) = 0.025435215
  - Preliminary base funding amount:  $\$65,000,000 \times 0.025435215 = \mathbf{\$1,653,289}$
- If the preliminary base funding amount is less than \$150,000, the funding amount is then adjusted to be equal to \$150,000
- Example: Maine
  - Part I Violent Crimes in 2008 = 1,547
  - $1547/1,391,496$  (total number of Part I) = 0.001111753
  - Preliminary base funding amount:  $\$65,000,000 \times 0.001111753 = \mathbf{\$72,264}$





## Minimum Aggregate Amount Adjustment for FY 2010

- In FY 2010, 8 States fell in to the category requiring an adjustment to reach the minimum aggregate amount:
  - Maine
  - Montana
  - New Hampshire
  - North Dakota
  - Rhode Island
  - South Dakota
  - Vermont
  - Wyoming
- Each of the 8 States are then assigned the aggregate minimum amount of \$150,000.



## After the Aggregate Minimum Adjustment...

- Once the aggregate minimum adjustments are made, NIJ then recalculates the funding amount for the remaining States using an adjusted proportion, and a new funding value.
  - 8 States X \$150,000 = \$1,200,000
  - \$65,000,000 – 1,200,000 = 63,800,000 (total amount for States not subject to the minimum aggregate adjustment)
- To determine the final funding amounts, the 8 States are removed from the equation.
- Example: Maryland
  - Part I Violent Crimes in 2008 = 35,393
  - $35,393 / 1,377,994$  (ADJUSTED total number of Part I) = 0.025684437
  - Final base funding amount: \$63,800,000 X 0.025684437 = \$1,638,690
  - **After the aggregate minimum adjustment, Maryland's preliminary base funding amount was reduced by \$14,621.90**



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Montana	\$150,000	<b>TOTAL</b>	<b>\$65,000,000</b>



## FY 2011 DNA Backlog Reduction Program

- Casework and Database programs to be combined.
- **Casework:**
  - In general, the aggregate amount of FY 2011 funds allocated to eligible applicants from a particular State (including the State and its units of local government) will be based on:
    - The number of Uniform Crime Report (UCR), Part 1 Violent Crimes reported to the FBI for 20XX (the most current year for which such data are available),
    - The minimum aggregate amount available to eligible applicants from each State. For FY 2011, if the aggregate amount, based on the number of UCR, Part 1 Violent Crimes reported to the FBI, would have been less than \$150,000, that aggregate amount has been increased to \$150,000, and
    - The number of State and local applicants also may affect funding allocations.
    - UCR Violent Crimes statistics are published at the FBI website <http://www.fbi.gov/ucr/ucr.htm> annually.



## Proposed FY 2011 Casework Formula

- Formula distribution methodology for casework to remain the same as FY 2010.
- The minimum aggregate amount will likely remain \$150,000, depending on the availability of funds.
- State and/or local government DNA laboratories that have both forensic casework and offender database responsibilities will file a single application that takes into consideration the needs of their laboratory.



## What's in Store for FY 2011?

- Database:
  - Funds apportioned by this solicitation for the DNA database laboratory must be used for the reduction of offender database samples or building the capacity of the database operation, unless the needs of the database operation have been satisfied by other means.
  - Funds allocated for the DNA laboratory may be used to support the reduction of DNA backlogs as well as the capacity building needs of both the forensic casework and DNA database units.
  - **Database funding was distributed on the basis of need in the past. NIJ funded 100 percent of eligible requests.**
  - **Database funding will be based on a formula distribution in FY 2011.**





## Database Formula

- In general, the aggregate amount of FY 2011 funds allocated to eligible applicants from each State will be based on:
  - The number of offender profiles uploaded to NDIS by each State as posted on the FBI CODIS website at the solicitation release date.
  - There will also be a minimum aggregate amount available to eligible applicants from each State for database purposes.. For FY 2011, if the aggregate amount, based on the number of offender profiles uploaded to NDIS, would have been less than the minimum amount (TBD), that aggregate amount has been increased to meet that minimum.
  - Offender profiles uploaded to NDIS are published by the FBI.



# Proposed Database Formula - Source

## Maine

Statistical Information	Total
Offender Profiles	16,815
Forensic Samples	1,864
Number of CODIS Labs	1
NDIS Participating Labs	1
Investigations Aided	73

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## Maryland

Statistical Information	Total
Offender Profiles	89,940
Forensic Samples	5,820
Number of CODIS Labs	6
NDIS Participating Labs	6
Investigations Aided	1,818



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#### CODIS—NDIS Statistics



Alabama | Alaska | Arizona | Arkansas | California | Connecticut | Delaware | D.C., FBI Lab | Florida | Georgia | Hawaii | Idaho | Illinois | Indiana | Iowa | Kansas | Kentucky | Louisiana | Maine | Maryland | Massachusetts | Michigan | Minnesota | Mississippi | Missouri | Montana | Nebraska | Nevada | New Hampshire | New Jersey | New Mexico | New York | North Carolina | North Dakota | Ohio | Oklahoma | Oregon | Pennsylvania | Rhode Island | South Carolina | South Dakota | Tennessee | Texas | US Army | Utah | Vermont | Virginia | Washington | West Virginia | Wisconsin | Wyoming

- CODIS
- Chemistry
- DNA-Nuclear
- DNA-Mitochondrial
- Trace Evidence
- Firearms/Toolmarks

- Operational Response**
- Chemical Biological Sciences
- Explosives
- Evidence Response Team
- Hazardous Material Response
- Photographic & Imaging

- Forensic Science**
- Counterterrorism & Forensic Science Research
- Forensic Science Support
- Crime Scene Survey
- Forensic Facial Imaging

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## As of September 2010...

State	Offender Profiles	Proportion	State	Offender Profiles	Proportion
Alabama	185,790	0.0237	Montana	16,040	0.0020
Alaska	21,065	0.0027	Nebraska	5,288	0.0007
Arizona	180,295	0.0230	Nevada	55,500	0.0071
Arkansas	109,005	0.0139	New Hampshire	3,260	0.0004
California	1,301,440	0.1662	New Jersey	216,984	0.0277
Colorado	127,420	0.0163	New Mexico	53,475	0.0068
Connecticut	78,130	0.0100	New York	351,890	0.0449
Delaware	3,885	0.0005	North Carolina	184,984	0.0236
District of Columbia	0	0.0000	North Dakota	7,637	0.0010
Florida	713,501	0.0911	Ohio	364,420	0.0465
Georgia	205,640	0.0263	Oklahoma	92,270	0.0118
Hawaii	17,144	0.0022	Oregon	116,901	0.0149
Idaho	3,976	0.0005	Pennsylvania	231,676	0.0296
Illinois	378,813	0.0484	Rhode Island	12,350	0.0016
Indiana	154,771	0.0198	South Carolina	149,300	0.0191
Iowa	60,180	0.0077	South Dakota	23,872	0.0030
Kansas	70,583	0.0090	Tennessee	121,853	0.0156
Kentucky	31,551	0.0040	Texas	525,032	0.0671
Louisiana	105,236	0.0134	Utah	50,009	0.0064
Maine	16,815	0.0021	Vermont	11,873	0.0015
Maryland	89,940	0.0115	Virginia	311,222	0.0398
Massachusetts	82,981	0.0106	Washington	189,181	0.0242
Michigan	285,958	0.0365	West Virginia	9,900	0.0013
Minnesota	100,181	0.0128	Wisconsin	136,630	0.0175
Mississippi	44,191	0.0056	Wyoming	15,618	0.0020
Missouri	203,520	0.0260	<b>TOTAL</b>	<b>7,829,176</b>	<b>1.0000</b>



## What's Next?

- Once NIJ receives an FY 2011 Appropriation, the funding amount available for casework and database will be determined.
- NIJ will determine how the total funding amount available for:
  - Casework
  - Database
- Each State allocation will equal the formula proportion for casework + formula proportion for database.



## FY 2011 Funding for DNA Backlog Reduction

# GOOD QUESTION!

- OJP has not yet received a budget for FY 2011.
- Grant awards will be based on the availability of funds.



## **Contact Information**

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