



# Community Oriented Policing Services (COPS): Current Legislative Issues

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## Summary

The Community Oriented Policing Services (COPS) program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). The mission of the COPS program is to advance community policing in all jurisdictions across the United States. The Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) reauthorized the COPS program through FY2009 and changed the COPS program from a multi-grant program to a single-grant program.

Legislation has been introduced in the 111<sup>th</sup> Congress that would reauthorize the program through FY2014 along with reestablishing COPS as a multi-grant program. This report provides an overview of issues Congress may consider when taking up legislation to reauthorize the COPS program.

As Congress deliberates the future of the COPS program, there are several issues it might choose to consider, including the following:

- Given current trends in violent crime and research findings on the ability of additional law enforcement officers and COPS grants to reduce crime, should Congress consider changing the focus of the COPS program away from providing grants to hire additional officers and toward providing grants to support law enforcement's operations?
- Did the COPS Office meet its goal of placing 100,000 new officers on the street? What does this mean for oversight of the program?
- Are hiring grants a cost-effective way of combating crime?
- Should Congress eliminate or modify the limit on the maximum amount that can be awarded for hiring grants?
- Should Congress eliminate or modify the requirement that half of the total appropriation for hiring grants be awarded to small law enforcement agencies and the other half be awarded to large law enforcement agencies? Also, should Congress eliminate or modify the requirement that each state receive at least 0.5% of the total appropriation for hiring grants?
- Are there structural and/or programmatic overlaps between the COPS Office and the Office of Justice Programs (OJP)? If so, would it be more efficient for OJP to oversee the COPS program?
- Should funding for the COPS program be appropriated as currently authorized in statute?

This report will be updated as warranted.

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## Background<sup>1</sup>

The Community Oriented Policing Services (COPS) program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994<sup>2</sup> (the '94 Crime Act). The mission of the COPS program is to advance community policing in all jurisdictions across the United States.<sup>3</sup> The COPS program awards grants to state, local, and tribal law enforcement agencies throughout the United States so they can hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test new and innovative policing strategies.<sup>4</sup> COPS grants are managed by the COPS Office, which was created in 1994 by the Department of Justice (DOJ) to oversee the COPS program.

According to the COPS Office, it has awarded more than \$11.4 billion to over 13,000 law enforcement agencies across the United States since it started awarding grants in 1994.<sup>5</sup> The COPS Office also reported that it has funded more than 117,000 community policing officers throughout the United States as of the end of FY2004.<sup>6</sup>

The COPS program was originally authorized as a multiple-grant program, and appropriations for the program were authorized through FY2000.<sup>7</sup> The Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) reauthorized the COPS program through FY2009. Along with reauthorizing the COPS program, the act amended current law<sup>8</sup> to change the COPS program into a single-grant program.<sup>9</sup>

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<sup>1</sup> For a more in-depth review of the legislative and funding history of the COPS program and a discussion of H.R. 1139 and S. 167, see CRS Report RL33308, *Community Oriented Policing Services (COPS): Background, Legislation, and Funding*, by Nathan James.

<sup>2</sup> P.L. 103-322; 42 U.S.C. §3796dd.

<sup>3</sup> While there are different definitions of “community policing,” the COPS Office defines “community policing” as “a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.” U.S. Department of Justice, Community Oriented Policing Services Office, *Community Policing Defined*, <http://www.cops.usdoj.gov/default.asp?Item=36>.

<sup>4</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *About Community Oriented Policing Services Office*, <http://www.cops.usdoj.gov/Default.asp?Item=35>.

<sup>5</sup> Carl Peed, “Message from the Director,” <http://www.cops.usdoj.gov/Default.asp?Item=37>.

<sup>6</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *About Community Oriented Policing Services Office*, <http://www.cops.usdoj.gov/Default.asp?Item=35>.

<sup>7</sup> As originally authorized under Title I of the '94 Crime Act, the COPS program had three separate grant programs. Under the first program, the Attorney General was authorized to make grants to states, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia to increase the number of police officers and focus the officers' efforts on community policing. Grant funds under a second program could have been used to hire former members of the armed services to serve as career law enforcement officers engaged in community policing. Grant funds under a third program could have also been used for a variety of other non-hiring purposes.

<sup>8</sup> 42 U.S.C. §3796dd(d).

<sup>9</sup> The Violence Against Women and Department of Justice Reauthorization Act of 2005 amended current law to change the COPS program into a single-grant program. When Congress reauthorized COPS, it took many of the purposes for which COPS grants could be awarded and made them program purpose areas under the new single grant program. As currently authorized, state or local law enforcement agencies may apply for a “COPS grant,” which could be used to, among other things, hire or re-hire community policing officers or fund non-hiring programs.

Legislation introduced in the 111<sup>th</sup> Congress would reauthorize the COPS program through FY2014 and reestablish COPS as a multi-grant program. This report provides an overview and analysis of issues Congress might choose to consider when taking up legislation to reauthorize the COPS program.

## **Current Legislative Issues**

As Congress deliberates the future of the COPS program, there are several issues it might choose to consider, including the following:

- Given current trends in violent crime and research findings on the ability of additional law enforcement officers and COPS grants to reduce crime, should Congress consider changing the focus of the COPS program away from providing grants to hire additional officers and toward providing grants to support law enforcement's operations?
- Did the COPS Office meet its goal of placing 100,000 new officers on the street? What does this mean for oversight of the program?
- Are hiring grants a cost-effective way of combating crime?
- Should Congress eliminate or modify the limit on the maximum amount that can be awarded for hiring grants?
- Should Congress eliminate or modify the requirement that half of the total appropriation for hiring grants be awarded to small law enforcement agencies and the other half be awarded to large law enforcement agencies? Also, should Congress eliminate or modify the requirement that each state receive at least 0.5% of the total appropriation for hiring grants?
- Are there structural and/or programmatic overlaps between the COPS Office and the Office of Justice Programs (OJP)? If so, would it be more efficient for OJP to oversee the COPS program?
- Should funding for the COPS program be appropriated as currently authorized in statute?

## **Violent Crime and the Impact of Additional Law Enforcement Officers and COPS Grants on Crime**

Two bills have been introduced in the 111<sup>th</sup> Congress that would, in addition to reauthorizing the COPS program, require that a certain amount of the authorized appropriations be dedicated for hiring programs.<sup>10</sup> One potential question facing Congress as it considers legislation to reauthorize the COPS program is whether the federal government should continue to provide grants to state and local law enforcement agencies to hire additional officers at a time of historically low crime rates. Opponents of the program stress that state and local governments, not the federal government, should be responsible for providing funding for police forces.<sup>11</sup> They

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<sup>10</sup> See H.R. 1139 and S. 167.

<sup>11</sup> U.S. Congress, House Committee on the Judiciary, *Markup of: H.R. 1139, the "COPS Improvement Act of 2009"* (continued...)

also argue that the purported effect of COPS hiring grants on crime rates in the 1990s is questionable.<sup>12</sup> They maintain that it is not prudent to increase funding for the program at a time when crime is decreasing and the federal government is facing annual deficits.<sup>13</sup>

Proponents of the COPS program assert that COPS hiring grants contributed to the decreasing crime rate in the 1990s.<sup>14</sup> They contend that with the current economic downturn, crime rates might increase and law enforcement agencies might have to lay-off officers; hence it is important to ensure that local law enforcement have the resources to maintain their forces and fight crime.<sup>15</sup> Proponents believe that the federal government has a role to play in supporting local law enforcement because it is the federal government's responsibility to provide for the security of U.S. citizens, which means protecting citizens from crime.<sup>16</sup> They also maintain that the federal government should support local law enforcement because it has become more involved in homeland security and immigration enforcement.<sup>17</sup>

This section of the report analyzes the arguments made by both supporters and opponents of the COPS program by evaluating recent trends in violent crime, the research on the ability of additional law enforcement officers to decrease crime, and the effects that COPS grants had on crime rates in the 1990s.

## **Violent Crime Trends**

**Figure 1** shows data on violent crime rates from 1960 through 2009 (the most recent year for which data are available).<sup>18</sup> The data are from the Uniform Crime Reports (UCR), which is collected and compiled by the Federal Bureau of Investigation (FBI).<sup>19</sup> The data show that, in general, violent crime rates increased from 1961 through 1991 (see **Figure 1**). There is one notable exception to this trend: violent crimes rates decreased three consecutive years starting in

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and H.R. 985, the "Free Flow of Information Act of 2009," 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 25, 2009, pp. 20-21, hereafter "March 25 Markup of H.R. 1139."

<sup>12</sup> March 25 Markup of H.R. 1139, pp. 7-9. U.S. Congress, House Committee on the Judiciary, *Markup of: H.R. 1107, to Enact Certain Laws Relating to Public Contracts as Title 41, United States Code, "Public Contracts;" H.R. 1139, the "COPS Improvement Act of 2009;" and H.R. 1575, the "The End GREED Act,"* 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 18, 2009, p. 47, hereafter "March 18 Markup of H.R. 1139."

<sup>13</sup> Ibid.

<sup>14</sup> Rep. Conyers et al., "COPS Improvement Act of 2007," House Debate, *Congressional Record*, daily edition, vol. 153 (May 15, 2007), pp. H4985-H4995.

<sup>15</sup> March 25 Markup of H.R. 1139, pp. 7-9.

<sup>16</sup> March 18 Markup of H.R. 1139, p. 52.

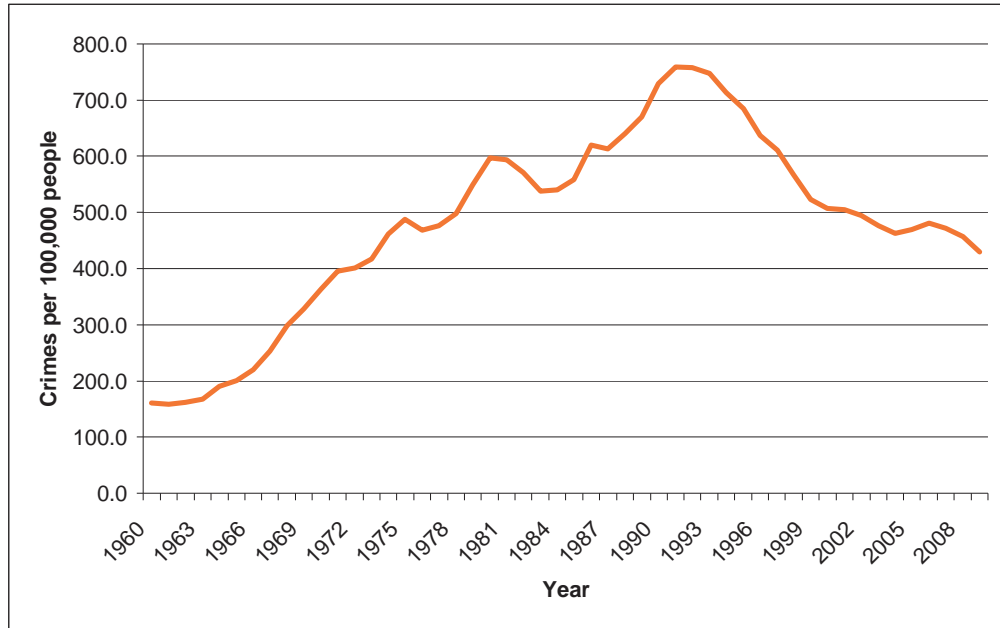
<sup>17</sup> Rep. Conyers et al., "COPS Improvement Act of 2007," House Debate, *Congressional Record*, daily edition, vol. 153 (May 15, 2007), pp. H4985-H4995. March 25 Markup of H.R. 1139, p. 7

<sup>18</sup> Violent crimes include murder/non-negligent manslaughter, rape, robbery, and aggravated assault.

<sup>19</sup> UCR data have a series of limitations, including (1) only collecting known offense data on a limited number of crimes (murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, theft/larceny, motor vehicle theft, and arson); (2) only collecting data on crimes reported to law enforcement, meaning that unreported crimes are not captured by UCR data; and (3) being subject to the reporting practices of law enforcement agencies. As such, changes in crime rates could partially be the result of victims reporting more offenses to law enforcement, law enforcement "crack-downs" on certain types of crimes, or changes in the reporting practices of law enforcement agencies. For more information on these limitations see CRS Report RL34309, *How Crime in the United States Is Measured*, by Nathan James and Logan Rishard Council.

1981; otherwise, violent crime increased unabated for approximately 30 years. However, starting in 1992, the violent crime rate decreased for 13 straight years before increasing in each of 2005 and 2006 and then decreasing again in each of 2007, 2008, and 2009.

**Figure I. Violent Crime Rates, 1960-2009**



**Source:** Violent crime rates for the years 1960-2005 were taken from *Sourcebook of Criminal Justice Statistics*, Table 3.106.2008; violent crime rates for the years 2006-2009 were taken from *Crime in the United States, 2009*, Table 1.

As discussed above, the national violent crime rate increased briefly in the middle of the past decade before decreasing again in recent years (see **Table 1**). However, violent crime rates in cities and towns across the country did not always follow the national trend. In some instances, violent crime rates in some cities and towns decreased, and if the violent crime rate increased, the percent increase was less than the national percent increase. For example, in 2005 the violent crime rate increased 0.9% across cities with populations of 250,000 or more (less than the 1.3% national increase), but in 2006 the violent crime rate in these cities decreased 0.5%. On the other hand, data in **Table 1** also show that while the national violent crime rate decreased 1.4% in 2007, that decrease was not experienced by all cities and towns. In 2007, the violent crime rate increased in cities with populations between 100,000 and 249,999 people and in towns with less than 25,000 people. In the two most recent years, 2008 and 2009, violent crime rates decreased across the board and cities of all sizes saw the same trend in their violent crime rates.



**Table I. Violent Crime Rates, by City Population Groups, 1995-2009**

(Violent crime rates per 100,000 people)

Year	National		250,000 and over		100,000 to 249,999		50,000 to 99,999		25,000 to 49,999		10,000 to 24,999		Under 10,000	
	Rate	% Change	Rate	% Change	Rate	% Change	Rate	% Change	Rate	% Change	Rate	% Change	Rate	% Change
1995	684.5		1,564.3		972.5		717.7		523.9		439.6		408.0	
1996	636.6	-7.0%	1,443.7	-7.7%	887.5	-8.7%	644.3	-10.2%	481.8	-8.0%	393.5	-10.5%	366.2	-10.2%
1997	611.0	-4.0%	1,358.5	-5.9%	863.5	-2.7%	633.3	-1.7%	480.2	-0.3%	394.6	0.3%	394.5	7.7%
1998	567.6	-7.1%	1,218.1	-10.3%	758.2	-12.2%	589.7	-6.9%	454.1	-5.4%	373.1	-5.4%	397.1	0.7%
1999	523.0	-7.9%	1,124.7	-7.7%	694.6	-8.4%	531.5	-9.9%	410.4	-9.6%	338.1	-9.4%	353.7	-10.9%
2000	506.5	-3.2%	1,093.3	-2.8%	656.5	-5.5%	493.8	-7.1%	396.2	-3.5%	322.8	-4.5%	336.0	-5.0%
2001	504.5	-0.4%	1,067.8	-2.3%	668.3	1.8%	479.8	-2.8%	393.1	-0.8%	332.7	3.1%	344.5	2.5%
2002	494.4	-2.0%	1,029.9	-3.5%	633.7	-5.2%	484.4	1.0%	380.6	-3.2%	326.5	-1.9%	350.6	1.8%
2003	475.8	-3.8%	967.5	-6.1%	616.2	-2.8%	482.7	-0.4%	366.5	-3.7%	321.3	-1.6%	337.2	-3.8%
2004	463.2	-2.6%	932.6	-3.6%	603.7	-2.0%	468.5	-2.9%	375.1	2.3%	303.7	-5.5%	327.6	-2.8%
2005	469.0	1.3%	941.2	0.9%	616.2	2.1%	474.4	1.3%	374.1	-0.3%	303.1	-0.2%	330.0	0.7%
2006	480.6	2.5%	936.7	-0.5%	633.7	2.8%	475.7	0.3%	386.7	3.4%	311.7	2.8%	326.4	-1.1%
2007	472.0	-1.8%	893.8	-4.6%	635.6	0.3%	467.6	-1.7%	377.0	-2.5%	319.5	2.5%	330.3	1.2%
2008	457.5	-3.1%	866.5	-3.1%	599.2	-5.7%	451.3	-3.5%	357.0	-5.3%	313.7	-1.8%	320.5	-3.0%
2009	429.4	-6.1%	801.6	-7.5%	563.5	-6.0%	425.8	-5.7%	343.1	-3.9%	307.0	-2.1%	317.3	-1.0%

Source: CSR presentation of Data from U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States*, 1995-2009.

## Impact of Law Enforcement Officers on Crime Rates

The assumption that more law enforcement officers will result in lower levels of crime has its basis in economic theory.<sup>20</sup> Theoretically, criminals act in rational ways, meaning that they balance the costs and benefits of different courses of action. As such, criminals will engage in criminal activity if they believe that the potential benefits outweigh the potential costs. More law enforcement officers, in theory, increase the probability that criminals will be caught and punished, thereby increasing the costs associated with criminal activity and deterring criminal behavior. More arrests can also result in more criminals being incarcerated, which could have an incapacitation effect; in other words, criminals will not be able to commit more crimes because they are imprisoned.

A literature review of the research on the impact of law enforcement on *violent* crime found mixed results. The studies in the review confirmed all possible results—law enforcement increased crime, decreased crime, and had no effect on crime.<sup>21</sup> The review included 27 studies published between 1971 and 1997. The studies contained 89 separate estimates of the effect of law enforcement on violent crime. Of the 89 estimates, 44 (49.4%) found that law enforcement had no effect on crime, 27 (30.3%) found a positive effect (i.e., more law enforcement officers resulted in more crime), and 18 (20.2%) found a negative effect (i.e., more law enforcement officers resulted in less crime). The researchers concluded that there is not a consistent body of evidence to support the assertion that hiring more law enforcement officers can decrease crime. The review found, however, that many of the studies suffered from flaws in design, analysis, or both, so aggregating the results could be misleading.<sup>22</sup> In light of the methodological shortcoming of many of the studies considered in the review, the researchers eliminated all but the most methodologically rigorous studies. They were left with nine studies containing 27 separate estimates of the effect of law enforcement on violent crime, of which 15 (55%) found that law enforcement had no effect on crime, 4 (15%) found a positive effect, and 8 (30%) found a negative effect.

Another review contended that more recent studies support the assertion that increasing the number of law enforcement officers is associated with a decrease in the amount of both violent and property crime.<sup>23</sup> The researcher estimated that the increase in the number of law enforcement officers between 1991 and 2001 accounted for a 5% to 6% reduction in crime. The

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<sup>20</sup> U.S. Government Accountability Office, *Community Policing Grants: COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s*, GAO-06-104, October 2005, p. 72.

<sup>21</sup> “Violent crime” included homicide, rape, robbery, and aggravated assault. John E. Eck and Edward R. Maguire, “Have Changes in Policing Reduced Violent Crime? An Assessment of the Evidence,” in *The Crime Drop in America, Revised Edition*, ed. Alfred Blumstein, Joel Wallman (New York: Cambridge University Press, 2006), pp. 210-214.

<sup>22</sup> One of the challenges in studying the relationship between the number of law enforcement officers and crime is unraveling the simultaneity problem. The simultaneity problem is when the value of one variable ( $x_1$ ) is determined by the value of a second variable ( $x_2$ ), but at the same time, the value of the second variable ( $x_2$ ) is determined by the value of the first variable ( $x_1$ ). In the context of the relationship between the number of law enforcement officers and the amount of crime, the number of law enforcement officers is contingent upon the amount of crime (cities might hire additional officers in response to rising crime rates), but the amount of crime is determined by the number of officers (crime might decrease if more officers are hired or crime could appear to increase because more crimes are reported). If statistical models do not control for this problem, it could appear that more officers leads to more crime. Indeed, many of the cities in the United States with the largest police forces also have the highest number of reported crimes.

<sup>23</sup> Steven D. Levitt, “Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six that Do Not,” *Journal of Economic Perspectives*, vol. 18, no. 1 (Winter 2004), p. 176.

review found that most of the past research did not properly control for the simultaneity problem. Further, more recent research addressed this issue, and the results of these more rigorous studies suggest that law enforcement has a negative impact on crime. The conclusion that additional law enforcement officers can decrease crime is based on a review of four studies published since 1995 (it should be noted that three of these studies were included in the above review). The review included a smaller number of studies than the review discussed above, even after all but the most rigorous studies were eliminated. In fact, another researcher challenged the conclusions of this review because it excluded studies on the topic outside the field of economics.<sup>24</sup>

In all, the total body of research suggests that law enforcement may have little impact on the amount of crime. However, researchers have acknowledged that past research suffered from a series of methodological and analytical problems, which could mean that any conclusions drawn from those studies are dubious. Some of the most recent research—which it has been argued is more methodologically sound than past research—suggests that more law enforcement officers could have a negative impact on crime. Yet, one researcher noted that the ability to study the relationship between law enforcement levels is limited by the amount of data available and the current theory about what factors affect crime rates.<sup>25</sup> The researcher opines,

Still, if the impact of police numbers is ever an important question, we are not well equipped to study it. Because there are few natural experiments with sharp increases in police manpower, measuring the impact of changes in police levels on crime will probably remain the domain of regression analysis. Without good and consistent models for the other factors that influence crime rates, it would be charitable to call such exercises an inexact science.

Because of all the substantial problems associated with studies of police manpower over time, the best hope for reducing the margin of error on estimates of effects is a triangulation of proof, where a variety of differently imperfect methods lead to generally consistent conclusions.

## **Impact of COPS Grants on Crime Rates**

Three other studies identified by CRS attempted to quantify the impact that COPS grants had on crime rates from the mid-1990s to 2001. In general, the studies suggest that COPS grants had a negative impact on crime rates, but the impact was not universal. It appears that some types of COPS grants were more effective at reducing certain types of crimes. The studies also suggest that COPS grants might not have been as effective at reducing crime in cities with populations of more than 250,000 people.

### ***The Government Accountability Office (2005)***

The Government Accountability Office (GAO) used data from 4,247 law enforcement agencies to test whether COPS hiring, Making Officer Redeployment Effective (MORE),<sup>26</sup> Innovative,<sup>27</sup> and

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<sup>24</sup> Franklin E. Zimring, *The Great American Crime Decline* (New York: Oxford University Press, 2007), pp. 78-79.

<sup>25</sup> Ibid.

<sup>26</sup> MORE grants provided funds for purchasing technology or equipment or hiring support staff to allow current law enforcement officers to spend more time engaged in community policing. This grant program is not currently funded. U.S. Department of Justice, Community Oriented Policing Services Office, *COPS MORE (Making Officer Redeployment Effective)*, <http://www.cops.usdoj.gov/Default.asp?Item=55>.

<sup>27</sup> Innovative grants included all funding for the following programs: Advancing Community Policing, COPS 311, (continued...)

other miscellaneous COPS grants<sup>28</sup> influenced crime rates between 1994 and 2001.<sup>29</sup> The GAO's analysis found that after controlling for other factors that might affect crime rates—such as economic conditions, population composition, pre-COPS trends in police agencies' growth rate in sworn officers, growth rates in crime, and changes in state and national criminal justice policy—COPS hiring grants had a statistically significant negative impact on the total crime rate<sup>30</sup> and the homicide, robbery, aggravated assault, burglary, and motor vehicle theft rates.<sup>31</sup> MORE grants had a statistically significant negative impact on the total crime rate and the robbery, aggravated assault, burglary, larceny, and motor vehicle theft rates. Innovative grants had a negative impact on the total crime rate and the homicide, robbery, aggravated assault, burglary, larceny, and motor vehicle theft rates and in all instances the impact of Innovative grants was greater than the impact of hiring and MORE grants. The GAO estimated that every dollar in COPS hiring grant expenditures *per capita* resulted in a decrease of 30 index crimes per 100,000 people.<sup>32</sup> The GAO also found that hiring grants had a negative impact on crime rates in cities of varying size, with the exception of cities of 25,000 to less than 50,000 people.<sup>33</sup> Hiring grants had the largest impact in cities and towns with populations between 50,000 and 149,999 people. The GAO's analysis concluded that factors other than COPS funding accounted for a majority of the decline in the crime rate in the 1990s. The GAO estimated that COPS expenditures accounted for about 5% of the drop in the crime rate between 1993 and 2000.<sup>34</sup>

### *William N. Evans and Emily G. Owens (2007)*

Two researchers used data from 2,074 local law enforcement agencies serving populations of 10,000 or more for 1990 to 2001 to evaluate the impact of COPS hiring, MORE, COPS in Schools (CIS),<sup>35</sup> and Small Communities Grant Program (SCGP)<sup>36</sup> funds on crime rates. Their analysis

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Distressed Neighborhood Pilot Program, Community Policing to Combat Domestic Violence, Anti-gang Initiative, Integrity Initiative, Methamphetamine Initiative, Problem Solving Partnerships, School-based Partnership Programs, and the Youth Firearm Violence Initiative. These grant programs are not currently funded. For a description of these programs, see U.S. Department of Justice, Community Oriented Policing Services Office, *About COPS Funding*, <http://www.cops.usdoj.gov/Default.asp?Item=52>.

<sup>28</sup> "Other miscellaneous COPS grants" included funding for the following programs: COPS in Schools, Demonstration Sites Program, Technology Grants, Regional Community Policing Initiative, Small Community Grant Program, the Tribal Grant Program, and other miscellaneous programs. For a description of these programs, see U.S. Department of Justice, Community Oriented Policing Services Office, *About COPS Funding*, <http://www.cops.usdoj.gov/Default.asp?Item=52>.

<sup>29</sup> Only data from law enforcement agencies that submitted at least a full year's worth of data between 1990 and 2001 and that served populations of 10,000 or more were included. The GAO noted that these agencies accounted for approximately 86% of reported crime and they provided services for approximately 77% of the country's population. U.S. Government Accountability Office, *Community Policing Grants: COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s*, GAO-06-104, October 2005, p. 80.

<sup>30</sup> The total crime rate is the sum of all reported index crimes (homicide, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft) divided by the population and then multiplied by 100,000.

<sup>31</sup> *Ibid.*, p. 84.

<sup>32</sup> *Ibid.*

<sup>33</sup> The GAO analysis estimated the effect of hiring grants on the total crime rate in towns of 10,000 to fewer than 25,000; cities of 25,000 to fewer than 50,000; cities of 50,000 to fewer than 150,000, and cities of 150,000 or more. *Ibid.*, p. 85.

<sup>34</sup> *Ibid.*, p. 64.

<sup>35</sup> The CIS program provided grants to cover the cost of hiring school resource officers. William N. Evans and Emily G. Owens, "COPS and Crime," *Journal of Public Economics*, vol. 91 (2007), p. 184; hereafter "Evans and Owens, (continued...)"

indicated that COPS hiring grants, after controlling for other factors—such as employment levels, income, percentage of population between ages 18 and 24, and percentage of the population that was African American—had a statistically significant impact on burglaries, auto thefts, robberies, and assaults, and had a marginally statistically significant impact on homicides.<sup>37</sup> The researchers estimate that the average COPS hiring grant (about one officer per 10,000 people) decreased burglaries by 2.2%, auto thefts by 3.3%, robberies by 5%, homicides by 3.2%, and assaults by 3.6%.<sup>38</sup> Their analysis also indicated that MORE grants had a statistically significant impact on burglaries, auto thefts, larcenies, robberies, and rapes, though the impact was not as large as the estimated impact of hiring grants.<sup>39</sup> They estimate that the average MORE grant (about \$1 per person per year) reduced burglaries by 0.5%, auto thefts by 0.8%, larcenies by 0.3%, and robberies by 1.5%.<sup>40</sup> CIS and SCGP grants did not have a statistically significant impact on any crimes.<sup>41</sup>

### *David B. Muhlhausen (2006)*

An analyst, using data from 58 large cities (i.e., cities with populations of 250,000 or more) for 1993 to 1999, found that COPS grants had a negative impact on only a handful of crimes. The researcher's analysis suggests that, after controlling for other factors—such as percentage of the population between 15 and 19 and 20 and 29, percentage of the population that is African American, Hispanic, or of another minority ethnic/racial group; the unemployment rate; per capita income; and police expenditures—hiring grants had a statistically significant negative impact on robberies, while MORE grants had a significant impact on robberies, assaults, and burglaries.<sup>42</sup>

### **Policy Implications**

As Congress considers legislation to reauthorize the COPS program, it might want to consider whether continuing to fund hiring programs is an effective way to reduce crime. Research on the impact of law enforcement officers on crime suggests that additional officers may decrease crime, but the conclusions are not definitive. Evaluations of the impact of COPS hiring grants appear to support the assertion that hiring grants can help reduce crime, but the impact of hiring grants in large cities is ambiguous. The GAO's analysis suggests that hiring grants decreased crime in cities with populations over 150,000 people. However, Muhlhausen's analysis suggests that hiring grants were relatively ineffective at reducing crime in large cities. The different results might be the product of the different models used by the GAO and Muhlhausen. The GAO's analysis

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(...continued)

'COPS and Crime,'" p. 184.

<sup>36</sup> SCGP grants were introduced in 1998 to help agencies in cities smaller than 50,000 people retain officers hired with hiring grants one year after the grant expired. *Ibid.*

<sup>37</sup> *Ibid.*, p. 195.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*, p. 196.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> David B. Muhlhausen, *Impact Evaluation of COPS Grants in Large Cities*, The Heritage Foundation, CDA06-03, Washington, DC, May 26, 2006, p. 8, <http://www.heritage.org/Research/Crime/cda06-03.cfm>, p. 14, hereafter "Muhlhausen, *Impact Evaluation of COPS Grants in Large Cities*."

evaluated the impact of hiring grants on *all* index crimes in cities with *populations over 150,000*, while Muhlhausen analyzed the impact of hiring grants on *individual* index crimes in cities with populations of *250,000 or greater*. By evaluating the impact of hiring grants on all index crimes in a greater number of cities, the GAO's analysis may have been able to capture effects that Muhlhausen's research did not. However, GAO's findings may have also been the product of conducting its analysis using the aggregate number of index crimes rather than testing the affect of COPS grants on individual index crimes.

Given that UCR data indicate that cities of 100,000 to 249,999 people and towns of less than 25,000 have recently experienced increases in violent crime while the national violent crime rate decreases (see **Table 1**), Congress could consider amending the COPS program so funding is targeted to either medium-sized cities or small towns, which might be more cost-effective because the GAO's research suggests that hiring grants have the largest impact in medium-sized cities (50,000 to 149,999 people) and a statistically significant impact in small towns (10,000 to 24,999 people). Congress might consider amending the COPS program so that cities and towns with violent crime rates above the average violent crime rate for cities or towns of comparable size receive preference for hiring grants. This would provide the benefit of ensuring that grants go to law enforcement agencies that are facing higher violent crime rates without excluding agencies that serve larger jurisdictions.

Research also suggests that grants that target specific problems, such as gang or domestic violence, or that allow more experienced officers to engage in community policing may be an effective method for decreasing violent crime. Congress could consider amending the current COPS program to focus grants on addressing specific issues rather than on solely placing additional officers on the street. Research by Muhlhausen suggests that putting more senior officers, rather than newly hired officers, on the street may be an effective way to decrease certain crimes in large cities. Congress could also consider amending the authorizing legislation for the program so that the focus of the COPS program is changed from hiring new officers to enabling senior officers to spend more time on patrol. Grants could be provided to hire additional non-sworn support staff, or they could provide grants for technology that would decrease the amount of time officers have to spend on administrative tasks.

## **Did COPS Hiring Grants Increase the Number of Police Officers?**

Another issue related to COPS effect on crime is whether the program actually increased the number of police officers hired in the 1990s. Opponents of the COPS program argue that the federal government should not invest more money in the COPS program because it failed to meet its goal of placing 100,000 new officers on the street and hiring funds were misspent.<sup>43</sup> Proponents of the program, however, argue that COPS was an effective program; it met its goal of placing 100,000 officers on the street, and those additional officers contributed to decreasing crime rates in the 1990s.<sup>44</sup>

As discussed above, legislation introduced in the 111<sup>th</sup> Congress would reauthorize the COPS hiring program. The American Recovery and Reinvestment Act of 2009 (P.L. 111-8) included \$1

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<sup>43</sup> March 25 Markup of H.R. 1139, pp. 10-11; March 18 Markup of H.R. 1139, p. 47.

<sup>44</sup> Rep. Conyers et al., "COPS Improvement Act of 2007," House Debate, *Congressional Record*, daily edition, vol. 153 (May 15, 2007), pp. H4985-H4995.

billion for COPS hiring grants, the highest level of funding for COPS hiring grants since FY1999.<sup>45</sup> Given the interest in COPS hiring programs, Congress might want to consider the issue of whether the COPS program was effective at meeting its goal of increasing the number of police officers.

The actual number of law enforcement officers hired and deployed as a result of COPS hiring grants is a debated topic. According to the COPS Office, it has provided \$12.4 billion in funding to state, local, and tribal law enforcement agencies to hire 117,000 officers.<sup>46</sup> However, other evaluations of the COPS hiring program place the actual number of officers hired below 100,000. The GAO found that COPS funding paid for a total of about 88,000 additional *officer-years* from 1994 to 2001.<sup>47</sup> An evaluation of the COPS program sponsored by the National Institute of Justice (NIJ) found that under the best-case scenario, of the 105,000 officer and officer equivalents funded by the COPS program by May 1999, an estimated 84,600 officers would have been hired by 2001 before declining to 83,900 officers by 2003.<sup>48</sup> Under the worst-case scenario, an estimated 69,000 officers would have been hired by 2001 before declining to 62,700 officers by 2003.

What accounts for the differences in the reported number of officers hired with COPS grants? The figure reported by the COPS Office and the figures reported by the GAO and NIJ differ because they measured different things. The COPS Office reported the number of officers its grants have *funded*, which might not directly correspond to an officer hired and deployed. The GAO estimated the number of officer-years attributable to COPS funds by calculating the difference between actual level of officers employed each year between 1994 and 2001 and the estimated level of officers that would have been employed absent COPS funding. The total number of officer-years resulting from COPS funding is the sum of the number of officers attributable to COPS funds in each year. The GAO acknowledges that in its calculation of officer-years, an individual officer might have been counted in several different years. The GAO warns that the total number of officer-years is not an estimate of the number of sworn officers on the street as a result of COPS funds, nor is it comparable with estimates of the number of officers funded by the COPS Office.

The authors of the NIJ-sponsored evaluation estimated the number of officers hired with COPS grants by extrapolating hiring, deployment, and retention data they collected from a sample of law enforcement agencies in 1998 to all COPS hiring and MORE grant awards made by May 1999. The authors of the evaluation acknowledge that at the time they collected their data, the COPS Office had not announced the amount of time that grantees would be required to retain

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<sup>45</sup> For more information on the funding history of the COPS hiring program, see CRS Report RL33308, *Community Oriented Policing Services (COPS): Background, Legislation, and Funding*, by Nathan James.

<sup>46</sup> U.S. Department of Justice, Community Oriented Police Services Office, *About Us*, <http://www.cops.usdoj.gov/Default.asp?Item=35>.

<sup>47</sup> U.S. Government Accountability Office, *Community Policing Grants: COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s*, GAO-06-104, October 2005, p. 57.

<sup>48</sup> The study noted that 39,600 of the 105,000 funded officers reported by the COPS Office were funded through MORE grants. The researchers also noted that local law enforcement agencies sometimes overestimated the number of officer Full-time Equivalents (FTEs) that they would be able to re-deploy as a result of purchasing new technology or hiring civilians for some positions. Also, in the case of hiring grants, the researchers noted that local law enforcement agencies had to hire and train officers after they received their hiring grant; hence, an officer was not immediately put on the beat after the hiring grant was awarded to the agency. Jeffery A. Roth and Joseph F. Ryan et al., *National Evaluation of the COPS Program*, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, NCJ183643, August 2000, <http://www.ncjrs.gov/pdffiles1/nij/183643.pdf>.

officers hired with grant funds and many of the initial hiring grants had not expired, so their estimate of the long-term impact of COPS hiring grants could be sensitive to the assumptions they made about how many officers would be retained.

The above data suggest that not all of the grant funds awarded by the COPS Office were used to hire officers. Research by Evans and Owens indicates that this might be the case. The researchers estimated that 70% of the hiring funds that went to the 2,074 agencies in their sample were used to increase the size of the police force.<sup>49</sup> An audit by the Department of Justice Office of the Inspector General (OIG) provides some reasons for the discrepancy between the number of officers funded by COPS and the number of officers hired with grant funds.<sup>50</sup> The OIG's findings included the following:

- The COPS Office was counting officers as funded even though law enforcement agencies had not accepted the grant award. The COPS Office had offered \$485 million in grant funds that were not accepted by law enforcement agencies, which would have funded 7,722 officers. However, the COPS Office counted those 7,722 officers toward its goal of funding 100,000 officers. The COPS Office also counted another 2,526 officers toward its goal even though the award documents for the \$96 million in grants had not been provided to the grantee for acceptance.
- During the first four years of the program, grantees had terminated 500 grants for 1,300 positions. Of these 500 grants, 25.4% (127) were not de-obligated, and the remaining grants were not de-obligated promptly. The OIG observed that the failure to promptly de-obligate terminated grants could make it appear that COPS was closer to achieving its goal than it really was.
- There was difficulty determining whether MORE grants actually resulted or would result in officers spending more time doing community policing rather than administrative tasks. The OIG found that 78% of the 67 grantees it audited that had received MORE grants could not demonstrate that the grants resulted or would result in officers being redeployed. The OIG noted that one-third of COPS projected goal of funding 100,000 officers depended on officers being redeployed as a result of MORE grants.
- There was a problem with grantees using COPS funds to supplant local funds. Of the 147 grantees the OIG tested for supplanting, 41% were found to have used federal funds to supplant local funds.
- Grantees were not required to retain through FY2000 at least 31,091 of the total number of positions COPS had funded to that point because COPS did not require grantees to retain officers under the two earliest hiring grant programs, and for the remaining programs, COPS required agencies to retain the officer for only one budget cycle after the grant was completed.<sup>51</sup>

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<sup>49</sup> Evans and Owens, "COPS and Crime," p. 193.

<sup>50</sup> U.S. Department of Justice, Office of the Inspector General, *Management and Administration of the Community Oriented Policing Services Grant Program*, Audit Report 99-21, Washington, DC, July 1999, <http://www.usdoj.gov/oig/reports/COPS/a9921/index.htm>.

<sup>51</sup> Starting in 1995, the COPS Office combined two early hiring programs, the Funding Accelerated for Smaller Towns (FAST) and the Accelerated Hiring, Education, and Deployment (AHEAD), into the Universal Hiring Program (UHP). Most of COPS hiring grants were awarded under the UHP program.



DOJ has testified before Congress that it has taken steps to try to prevent the abuses noted in the OIG audit and to improve the effectiveness of the COPS program.<sup>52</sup> However, the research and audit findings suggest that Congress might need to engage in more oversight of how COPS grants are awarded and monitored, especially in light of the \$1 billion in hiring funds appropriated in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5; ARRA). The hiring funds appropriated as part of the ARRA allow law enforcement agencies to hire new police officers, but agencies can also use grant funds to retain officers that would have been laid off because of budget cuts.<sup>53</sup> The ability to use grants to retain these officers could provide local governments with an incentive to supplant local funds with federal dollars. Also, even though agencies are required to retain all officers for a minimum of 12 months after the grant expires, agencies may not retain the positions after the one-year period if they continue to face budget cuts.

## **Are COPS Hiring Grants Cost-Effective?**

The GAO reported that between 1993 and 2000, COPS obligations contributed to a 1.3% decrease in the overall crime rate and a 2.5% decrease in the violent crime rate.<sup>54</sup> The GAO also reported that from 1994 to 2001, the COPS Office obligated \$4.7 billion in hiring grants.<sup>55</sup> As Congress considers the future of the COPS program, it might want to evaluate whether funding additional law enforcement officer positions is a cost-effective means of reducing crime.

Two cost-benefits analyses suggest that the cost of the COPS program exceeds the value of the benefits derived. Evans and Owens (discussed earlier) estimated that the total cost of hiring grants for law enforcement agencies in their sample was approximately \$4.4 billion.<sup>56</sup> Using their estimates of the impact that COPS hiring grants had on certain crimes and past research on the estimated cost of crime incurred by victims, Evans and Owens estimate that the net benefit (i.e., the monetary benefit resulting from the reduction in crime) associated with COPS hiring grants is \$3.4 billion.<sup>57</sup> If it assumed that COPS hiring grants did not have an impact on larceny and rapes (in their model, the coefficient on these two crime was not statistically significant), the estimated net benefit decreases to \$2.9 billion. Using his models, Muhlhausen (discussed above) estimated that a city of 1 million people would have spent the approximately \$3.1 million in hiring grants, \$1.4 million in MORE grants, and \$621,000 in innovative grants, for a total of approximately \$5 million.<sup>58</sup> The researcher estimated that these grants resulted in approximately \$926,000, \$1.7 million, and \$1.3 million, respectively, in cost-savings to crime victims. His estimates indicate that in total COPS grants for a city of 1 million people cost approximately \$1 million more than they save. However, the total negative net impact is largely the result of the lack of cost-effectiveness of the hiring grants; on the other hand, the MORE and innovative grants were estimated to actually be cost-effective. Both of these cost-benefit analyses are based on

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<sup>52</sup> U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, *Making America's Streets Safer: The Future of the COPS Program*, Testimony of Viet D. Dinh, Assistant Attorney General, Office of Legal Policy, 107<sup>th</sup> Cong., 1<sup>st</sup> sess., December 5, 2001, S.Hrg. 107-705 (Washington: GPO, 2002), pp. 10-13.

<sup>53</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Fact Sheet: COPS Hiring Recovery Program*, Washington, DC, March 6, 2009, p. 1, [http://www.cops.usdoj.gov/pdf/CHRP-Factsheet\\_2009.pdf](http://www.cops.usdoj.gov/pdf/CHRP-Factsheet_2009.pdf).

<sup>54</sup> U.S. Government Accountability Office, *Community Policing Grants: COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s*, GAO-06-104, October 2005, p. 11.

<sup>55</sup> *Ibid.*, p. 14.

<sup>56</sup> Evans and Owens, "COPS and Crime," p. 199.

<sup>57</sup> *Ibid.*, p. 200.

<sup>58</sup> Muhlhausen, *Impact Evaluation of COPS Grants in Large Cities*, p. 16.

assumptions about the cost of individual crimes and the researchers' estimates of the impact that COPS grants had on crime.<sup>59</sup> To the extent that the researchers did not properly estimate the impact of COPS grants on crime or previous research did not properly estimate the costs associated with individual crimes or the value of benefits gained from preventing crime, the above cost-benefit analyses might have over- or underestimated the cost-effectiveness of the COPS program.

Given the apparent lack of cost-effectiveness of the COPS hiring grant program, Congress could consider whether the focus of the COPS program should change from putting additional law enforcement officers on the street to supporting law enforcement through expanding access to new technology and providing resources to address specific problems. It might be argued that in light of past research and the OIG's audit findings that if the effectiveness of hiring grants could be increased so that all of the officers funded are actually hired and deployed, it might increase the cost-effectiveness of the program. However, this would also assume that the additional law enforcement officers would have an impact on crime rates, and as discussed above, the research is ambiguous about the impact that additional officers have on crime. Nevertheless, if Congress continues to appropriate funds for hiring programs, it might consider increasing oversight of the program to ensure that funded positions are being filled and deployed by local law enforcement agencies.

## **Limitation on the Amount Awarded for Hiring Grants**

Current law requires any grantee that receives a COPS hiring grant to provide at least a 25% match for the cost of hiring an officer.<sup>60</sup> For hiring grants, the federal share of the program must decrease each year over the course of the three-year grant period. There is also a requirement that COPS cannot award more than \$75,000 to a law enforcement agency for the cost of hiring or re-hiring an officer. As discussed above, legislation in the 111<sup>th</sup> Congress would eliminate this requirement.<sup>61</sup> Data from the Bureau of Justice Statistics (BJS) Law Enforcement Management and Administrative Statistics survey suggest that the salary for an entry-level police officer or sheriff's deputy in some jurisdictions would require law enforcement agencies to provide more than a 25% match given the current limitation placed on the amount the COPS Office can award for hiring grants (see **Table 2** and **Table 3**). This section of the report analyzes the possible impact of changing the match requirement and the maximum award amount.

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<sup>59</sup> Both Evans and Owens and Muhlhausen cite research conducted by Ted R. Miller, Mark A. Cohen, and Brian Wiersema as the source for estimates of how much individual crimes cost victims. The costs incurred by victims were based on personal expenses (e.g., medical care and property losses); reduced productivity related to work, home, and school; and quality of life losses. See Ted R. Miller, Mark A. Cohen, and Brian Wiersema, *Victim Costs and Consequences: A New Look*, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, NCJ155282, Washington, DC, January 1996, <http://www.ncjrs.gov/pdffiles/victcost.pdf>.

<sup>60</sup> Current law allows the matching requirement to be waived by the Attorney General (see 42 U.S.C. §3796dd(g)). According to the COPS Office, the local match must be a cash match and the source of the funds may not be federal unless authorized by federal statute. The local match funds must be in addition to funds previously budgeted for specific law enforcement purposes and may not have come from other COPS grants. See U.S. Department of Justice, Community Oriented Policing Services Office, *Local Match*, at <http://www.cops.usdoj.gov/default.asp?Item=174>.

<sup>61</sup> See H.R. 1139 and S. 167.

**Table 2. Average Minimum Annual Salary for Entry-Level Police Officers, by Size of Population Served for Select Years**

Population Served	1993	1997	2000	2003
All Agencies	\$21,300	\$23,300	\$25,500	\$28,200
1 million or more	\$28,200	\$30,600	\$33,900	\$37,700
500,000-999,999	\$28,000	\$29,300	\$33,400	\$36,600
250,000-499,999	\$27,000	\$30,600	\$34,200	\$38,300
100,000-249,999	\$27,800	\$30,500	\$34,700	\$39,600
50,000-99,999	\$28,000	\$30,500	\$34,100	\$37,400
25,000-49,999	\$26,900	\$29,200	\$32,800	\$35,900
10,000-24,999	\$24,600	\$26,400	\$29,700	\$33,000
2,500-9,999	\$21,200	\$23,500	\$25,900	\$29,000
Under 2,500	\$17,400	\$18,800	\$20,900	\$23,400

**Source:** CRS presentation of data from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Local Police Departments, 1993, 1997, 2000, and 2003*.

**Note:** Salary figures have been rounded to the nearest \$100. Computation of average salary excludes agencies with no full-time entry-level officers. Amounts presented in the table are in nominal dollars.

**Table 3. Average Minimum Annual Salary for Entry-Level Sheriff's Deputies, by Size of Population Served for Select Years**

Population Served	1993	1997	2000	2003
All Agencies	\$19,300	\$21,500	\$23,700	\$26,300
1 million or more	\$28,300	\$30,200	\$32,900	\$38,800
500,000-999,999	\$23,900	\$27,200	\$31,300	\$35,000
250,000-499,999	\$23,400	\$25,800	\$28,500	\$32,000
100,000-249,999	\$22,200	\$24,000	\$26,700	\$30,000
50,000-99,999	\$20,600	\$22,600	\$24,900	\$28,400
25,000-49,999	\$19,200	\$21,400	\$23,600	\$25,800
10,000-24,999	\$18,500	\$20,100	\$22,200	\$24,900
Under 10,000	\$17,400	\$19,400	\$21,700	\$23,300

**Source:** CRS presentation of data from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Sheriffs' Offices, 1993, 1997, 2000, and 2003*.

**Note:** Salary figures have been rounded to the nearest \$100. Computation of average salary excludes agencies with no full-time entry-level deputies. Amounts presented in the table are in nominal dollars.

As shown in **Table 2** and **Table 3**, the average starting salary for an entry-level police officer or sheriff's deputy steadily increased between 1993 and 2003. As shown in **Table 2**, in 2003 the average starting salaries for entry-level officers ranged from \$23,400 to \$39,600. The average starting salaries for entry-level sheriff's deputies in 2003 ranged from \$23,300 to \$38,800 (see **Table 3**). In general, the average starting salaries for entry-level officers in local police departments exceed those of their counterparts in sheriffs' offices. The one notable exception is that the average starting salary for entry-level officers in police departments serving populations

of 1 million or more is less than the average starting salary for sheriff's deputies working in sheriffs' offices serving 1 million or more people.

In 1993, a few years before the COPS Office started awarding hiring grants, a grant of \$100,000 (assuming an agency received the \$75,000 maximum for a hiring grants and a 25% match) would have covered the average salaries of all entry-level police officers or sheriff's deputies over a three-year grant period. However, based on the 2003 reported average starting salaries for entry-level officers and deputy sheriffs, the \$75,000 limit on the amount that can be awarded for hiring grants could require local police departments that serve populations of 25,000 or more people and sheriffs' offices serving populations of 500,000 or more people to provide more than a 25% match in order to hire an entry-level officer.

Congress could consider either increasing the maximum amount that can be awarded for a hiring grant, or eliminate the maximum amount altogether, in order to provide additional funding to law enforcement agencies that serve cities with larger populations so they would not have to provide more than a 25% match. For example, if a police department serving a city with a population of 800,000 people applies for a COPS hiring grant for hiring 10 new officers, the salaries for the 10 officers would be, assuming that they are all paid the average starting salary as shown in **Table 2**, \$1,098,000 over a three-year grant period. Under current law, the COPS Office could give the department a \$750,000 grant, meaning the department would have to provide a 31.7% match. However, if the maximum amount that could be awarded for a COPS hiring grant were to increase to \$100,000, the COPS Office could award \$823,500 to the department, which would cover 75% of the cost of the officers' salaries.

While increasing the maximum amount that could be awarded for hiring grants could allow COPS to award grants that cover a greater percentage of the cost of hiring officers, it could decrease the number of officers that could be hired with the funding appropriated for the COPS hiring program. For example, if Congress appropriates \$10 million for the COPS hiring program, and only those police departments that serve cities with populations between 100,000 and 249,999 people apply for hiring grants, the COPS Office could provide grants for 133 officers. In this example, assuming that the officers are all paid the average starting salary as shown in **Table 2**, each officer would be paid a salary of \$39,600, meaning that it would cost each department \$118,800 to pay the officer's salary for three years. Under current law, the COPS Office could award \$75,000 to each department and the agency would have to provide a 36.9% match to cover the rest of the officer's salary. However, if the COPS Office is able to award enough to each department to cover 75% of the cost of each officer's salary, the COPS Office could award \$89,100 to each department, meaning that 112 officers could be hired with the \$10 million appropriation.

## **Requirement to Distribute Hiring Grants Between Large and Small Agencies and Amongst all Qualifying States**

Under current law, the COPS Office is required to award half of any appropriation for hiring grants to law enforcement agencies serving jurisdictions with populations over 150,000 people (hereafter "large agencies"), while the other half of appropriated funds are to be awarded to law enforcement agencies serving jurisdictions of 150,000 or fewer (hereafter "small agencies").<sup>62</sup>

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<sup>62</sup> 42 U.S.C. §3793(a)(11)(B).

The COPS Office is also required to ensure that all qualifying states receive at least 0.5% of the total amount appropriated for hiring grants (unless all qualifying applications have been funded).<sup>63</sup> While these provisions help ensure that hiring grants are distributed across the country and to both large and small jurisdictions, it is possible that the policy could have unintended consequences. A CRS analysis of data from the BJS 2003 Law Enforcement Management and Administrative Statistics (LEMAS) survey found that in 2003 there were 584 law enforcement agencies serving jurisdictions with populations greater than 150,000 people, while there were 15,182 agencies serving jurisdictions with populations of 150,000 or fewer. Using data from the 2003 LEMAS survey, this section of the report explores two policy questions:

- Since nearly 96% of all law enforcement agencies serve jurisdictions with populations of 150,000 or fewer, could the requirement that half of the funding be awarded to agencies serving jurisdictions of this size make it more difficult for small law enforcement agencies to receive a hiring grant?
- Could the requirement that each qualifying state receive at least 0.5% of the total appropriation mean that some grant applications in larger states would not be funded even if they had higher peer review scores than grant applications in smaller states?

CRS used data from the 2003 LEMAS survey to simulate how COPS hiring grants might be distributed (1) if there was no requirement to equally split the hiring grant appropriation between large agencies and small agencies; (2) if there was no requirement to equally split the hiring grant appropriation, and if there was no requirement that each qualifying state receive at least 0.5% of the total appropriation; and (3) if the requirement to equally split the hiring grant appropriation was in place but there was no requirement to provide each qualifying state with at least 0.5% of the total appropriation. Grant simulations were conducted by estimating how much an agency might apply for based on the size of the jurisdiction each agency served and the amount it reported paying an entry-level officer. A detailed description of the methods used to conduct the simulations is provided in **Appendix A**.

## **Simulation Results**

In total, 10 different simulations were conducted to test what impact current law might have on the way grants are distributed. To test what impact there might be if Congress chose to modify these provisions, another 10 simulations were conducted where all law enforcement agencies were considered together and the total appropriation (\$1 billion) was not split between large and small agencies. Further, another 10 simulations were conducted where in addition to the total appropriation not being split between large and small agencies, states were not awarded a minimum amount. Finally, another 10 simulations were conducted where the total appropriation was split between large and small agencies, but states were not awarded a minimum amount. A total of 10 simulations were conducted for each scenario so that the results from multiple simulations could be compared to ensure that the result of any one simulation was not an outlier. The *average* of the results from the 10 simulations are presented in **Table 4** (the results from each individual simulation are presented in **Appendix B**).

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<sup>63</sup> A “qualifying state” is defined as “any [s]tate which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in [subchapter XII-E of Chapter 46 of Title 42].” 42 U.S.C. §3796dd(f).

**Table 4. Average of Hiring Grant Simulation Results**

	Current Law		No Split Between Large and Small Agencies, Minimum Allocation for All Qualifying States		No Split Between Large and Small Agencies and No Minimum Allocation for All Qualifying States		Appropriation Split Between Large and Small Agencies but No Minimum Allocation for All Qualifying States	
	Large Agencies	Small Agencies	Large Agencies	Small Agencies	Large Agencies	Small Agencies	Large Agencies	Small Agencies
Number of Grants Awarded	80	1,793	71	1,921	70	1,904	81	1,774
Minimum Number of Grants Awarded	64	1,746	59	1,539	61	1,691	67	1,699
Maximum Number of Grants Awarded	109	1,845	84	2,097	81	2,048	93	1,814
Standard Deviation for Grants Awarded	12.0	34.3	8.0	170.5	6.4	131.3	9.7	36.6
Total Amount Awarded	\$499,473,468	\$499,636,405	\$463,571,510	\$536,258,147	\$468,365,635	\$531,612,508	\$499,457,718	\$499,982,800
Minimum Amount Awarded	\$499,029,806	\$499,032,704	\$412,587,269	\$420,520,552	\$429,350,047	\$480,411,875	\$498,562,729	\$499,950,653
Maximum Amount Awarded	\$499,912,553	\$499,965,961	\$579,441,541	\$587,405,993	\$519,568,224	\$570,627,090	\$499,998,173	\$499,998,123
Standard Deviation for Amount Awarded	\$293,094	\$305,644	\$50,383,982	\$50,331,519	\$33,397,063	\$33,396,269	\$445,363	\$16,426
% of Applicants Receiving Award	27.5%	23.6%	24.3%	25.3%	24.1%	25.1%	27.8%	23.4%
% of all Agencies Receiving Award	13.8%	11.8%	12.1%	12.7%	12.0%	12.6%	13.9%	11.7%
% of all Awards	4.3%	95.7%	3.6%	96.4%	3.6%	96.4%	4.4%	95.6%

**Source:** CRS analysis using data from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2003 Law Enforcement Management and Administrative Statistics Survey.

**Note:** Percentages may not total to 100% due to rounding.

As shown in **Table 4**, in the simulations conducted based on current law, on average, 95.7% of all grants awarded went to small agencies, almost exactly the same percentage as their proportion of all law enforcement agencies in the country. Moreover, there was slightly more competition for grants amongst small agencies. On average, 23.6% of small agencies received a grant, and the total number of grantees represented 11.8% of all small agencies. In comparison, 27.5% of large agencies received a grant, on average, and this represented 13.8% of all large agencies. In the simulations conducted when the appropriation was split between large and small agencies but no state was awarded a minimum amount, 95.6% of all grants went to small agencies, which is almost identical to the result from the simulations conducted based on current law. As shown in **Table 4**, under this scenario, a similar percentage of small and large agencies received a grant, representing a similar percentage of all grant awards.

In the simulations where the total appropriations was not split between large and small agencies but every qualifying state was awarded a minimum amount, small agencies tended, on average, to receive more funding than they would under current law or when the appropriation was split between large and small agencies but no state was given a minimum amount. The same held true when the total appropriation was not split between large and small agencies and no state was awarded a minimum amount. Under both scenarios where the appropriation was not split between large and small agencies, small agencies also tended to receive more grant awards compared to what they would under current law or when the appropriation was split between large and small agencies but no state was given a minimum amount.

Compared to current law, there was greater variability (as indicated by the standard deviation and the minimum and maximum number of grants awarded) in the number of grants awarded to small agencies when there was no requirement to split the appropriation between large and small agencies, regardless of whether there was a requirement to award a minimum amount to each state. However, the opposite was true for large agencies; when there was no requirement to split the appropriation between large and small agencies, the variability in the number of grants awarded to large agencies decreased compared to current law. The same results are observed when the results from the simulations conducted where the appropriations was split between large and small agencies but no state was given a minimum allocation are compared to the results from both of the simulations where the appropriation was not split. The results suggest that there is the potential for small agencies to receive more grants if current requirement to split the total appropriation between large and small agencies were removed because the award process would be more of an open competition, meaning that the number of grants awarded to small agencies would not be constrained by the requirement to award half of the appropriation to small agencies. However, while there is potential for smaller agencies to receive more grants if current conditions on awarding hiring grants were lifted, there is also the potential for them to receive fewer grants since there would be no guarantee that they would receive half of the appropriation.

In the 20 simulations conducted where there was a requirement to award a minimum amount to all qualifying states, no state initially receive at least 0.5% of the total appropriation. Therefore, some grants that did not make the initial cut were funded, while other grants that did make the initial cut were skipped over. Generally, smaller states with fewer law enforcement agencies were more likely to have their initial allocation supplemented by funding additional grants, while larger states with more law enforcement agencies were more likely to have grants cut. The requirement to ensure that every state received at least 0.5% of the total appropriation, or that all viable grants were funded, usually meant that the additional grants funded had lower peer review scores than the grants that were cut. For example, after grants were initially chosen, North Dakota might have received a total of only \$2.5 million. To ensure that the state received at least \$5 million, an

additional eight grants that did not make the initial cut were funded, but their peer review scores were between 55 and 75. However, since additional grants in North Dakota were funded, grants from other states had to be cut, and this meant that grants with peer review scores higher than 75 from larger states, such as California, Texas, and New York, were cut. However, this provision was also more likely to have an impact on grants for small agencies because the states that typically received less than the minimum amount in the simulations were also less likely to have more than one or two large agencies. Therefore, in order to meet the requirement, grants for small enforcement agencies were funded while others were cut.

The simulations are sensitive to some of the assumptions made. As shown in **Table 5**, the estimated grant amount fluctuates if the assumption about how many officers law enforcement agencies would apply for changes. The smaller grant amounts would mean that more grants could be funded, which could mean that the proportion of all grants awarded to agencies serving jurisdictions of more than 150,000 and those serving jurisdictions of 150,000 or fewer would change. Also, changes in the assumption about how many agencies would apply for grants could have an impact on what proportion of grants applications are funded. For example, if it was assumed that 30% of large and small agencies applied, it might mean that a larger percentage of applications from large agencies would be funded compared to the percentage of applications from small agencies (in the simulations it was assumed that 50% of agencies applied; see **Appendix A**).

**Table 5. Mean, Median, Maximum, and Minimum Grant Award, Based on Different Assumptions About How Many Officers Law Enforcement Agencies Would Apply for, by Size of Jurisdiction**

	Agencies Serving Populations of More than 150,000			Agencies Serving Populations of 150,000 or Fewer		
	1.25 Officers per 10,000 in Population	1 Officer per 10,000 in Population	0.5 Officers per 10,000 in Population	1.25 Officers per 10,000 in Population	1 Officer per 10,000 in Population	0.5 Officers per 10,000 in Population
Mean	\$6,780,980	\$5,815,326	\$3,418,954	\$282,577	\$229,893	\$128,084
Median	\$3,257,829	\$2,606,263	\$1,303,132	\$145,069	\$116,055	\$75,000
Maximum	\$37,500,000	\$37,500,000	\$37,500,000	\$1,396,191	\$1,116,953	\$558,476
Minimum	\$868,876	\$695,100	\$347,550	\$22,500	\$22,500	\$22,500

**Source:** CRS analysis using data from the 2003 Law Enforcement Management and Administrative Statistics Survey.

### Policy Implications

Congress might consider whether it wants to continue to require that half of any hiring funds appropriated in a given fiscal year be awarded to large and small agencies. As discussed above, if Congress chose to eliminate this provision, the simulation results suggest that it would create a more open competition between large and small agencies. As shown in **Table 4**, the percentage of large and small agencies receiving an award would be roughly the same as their percentage of all law enforcement agencies. In addition, the percentage of applicants from large and small jurisdictions that receive an award would be closer than it would be when there is a requirement to split the total appropriation between large and small agencies.



Congress might also consider whether to keep the requirement that all qualifying states receive a minimum amount of the total appropriation. This provision appears to have the greatest impact on the “quality” (as determined by peer review scores) of the grants that receive funding; hence eliminating this provision could help ensure that only the grant applications with the highest peer review scores were funded. As discussed above, in all of the simulations conducted by CRS where there was a requirement to award a minimum allocation to all qualifying states, some grants were not funded, and in some cases, these grants had higher peer review scores than the grants that were funded. The simulations suggest that if Congress eliminated this provision and kept the requirement to split the total appropriation between large and small agencies, it would not drastically alter the balance between the number of grants awarded to large and small agencies. However, as discussed above, the simulation results could be sensitive to some of the assumptions made. Moreover, all COPS hiring grants are awarded competitively; hence the number and distribution of final grant awards is a function of the number and size of agencies that apply for grants.

If Congress is concerned about the distribution of COPS grants amongst states, Congress could consider amending current law to establish an initial *maximum* amount each state would be eligible to receive. Congress could include language stating that if the COPS Office funded all of the viable applications from one state and the total amount funded was under that state’s maximum allocation, the COPS Office could fund the next-highest scored applications from other states that met their maximum amount. Each state’s maximum allocation could be calculated based on each state’s proportion of one or more variables. For example, if a state population is 3% of the total U.S. population, then, at least initially, grants awarded to agencies in the state would be less than 3% of the total appropriation. If Congress chooses to set maximum allocations for each state, it could choose variables to calculate each state’s allocation that would reflect the state’s need for additional law enforcement or its current support for law enforcement. Congress could consider using metrics such as reported violent crimes, all reported crimes, population, number of sworn officers, or expenditures on law enforcement. However, this method would not avoid the problem of having to fund some grants that have lower peer review scores in order to ensure that grants are distributed across the country. Under this possible scenario, the grant applications with the highest peer review scores in each state would be funded until the maximum is reached. It is likely that the peer review scores of some grant applications in states with higher maximum limits would be lower than the peer review scores of grants in states with lower maximum limits.

## **Structural and Programmatic Overlap of COPS and OJP**

The COPS Office was created by DOJ in 1994 to award and administer COPS funding.<sup>64</sup> Currently DOJ can use any agency to award and monitor COPS grants, but legislation introduced in the 111<sup>th</sup> Congress would make the COPS Office the sole agency to administer the COPS program.<sup>65</sup> However, before making the COPS Office the only administrator of the COPS program, Congress might want to consider whether, in light of past OIG findings, it would be more efficient to have the Office of Justice Programs (OJP) administer the program.

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<sup>64</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *COPS History*, <http://www.cops.usdoj.gov/Default.asp?Item=44>.

<sup>65</sup> See H.R. 1139 and S. 167.

A 2003 OIG audit of the COPS program concluded that a structural overlap exists between OJP and COPS and that some of OJP's and COPS' grant programs could be used for the same purpose.<sup>66</sup> According to the OIG, COPS entered into a series of reimbursable agreements each year with OJP to have OJP provide services to help the COPS Office carry out its mission.<sup>67</sup> The OIG also found that an increasing percentage of COPS funding was being administered by OJP. The OIG's audit suggests that by moving the COPS program into OJP, the federal government could potentially eliminate some duplicative efforts and realize some economies of scale. This section of the report analyzes whether there is still some structural and programmatic overlap between COPS and OJP.

## **Structural Overlap**

As mentioned above, the OIG found that between FY1999 and FY2002, the COPS Office was transferring an increasing proportion of its annual appropriation to OJP.<sup>68</sup> As shown in **Figure 2**, the trend observed by the OIG has continued. Between FY2003 and FY2005, the COPS Office administered between 62% and 65% of the total annual COPS appropriation; however, for FY2006 and FY2007, it administered less than 50% of the annual COPS appropriation. Starting in FY2008, the COPS Office has been administering a greater share of its appropriation compared to FY2007. As shown in **Figure 2**, in FY2009 the COPS Office administered nearly 85% of its funding. This is because the COPS Office administered all of the \$1.0 billion it received under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5; hereafter, "the ARRA"). In comparison, the COPS Office transferred nearly half of the \$550.5 million Congress appropriated under the Omnibus Appropriations Act, 2009 (P.L. 111-8). Because of the \$1.0 billion in emergency funding COPS received, the COPS Office administered \$1.279 billion of the \$1.551 billion it received for FY2009. Also, in FY2010 the COPS Office administered approximately three-quarters of the funding Congress appropriated for the COPS account. Under the Consolidated Appropriations Act, 2010 (P.L. 111-117), Congress appropriated funding for several programs that are traditionally transferred from COPS to OJP under accounts administered by OJP.

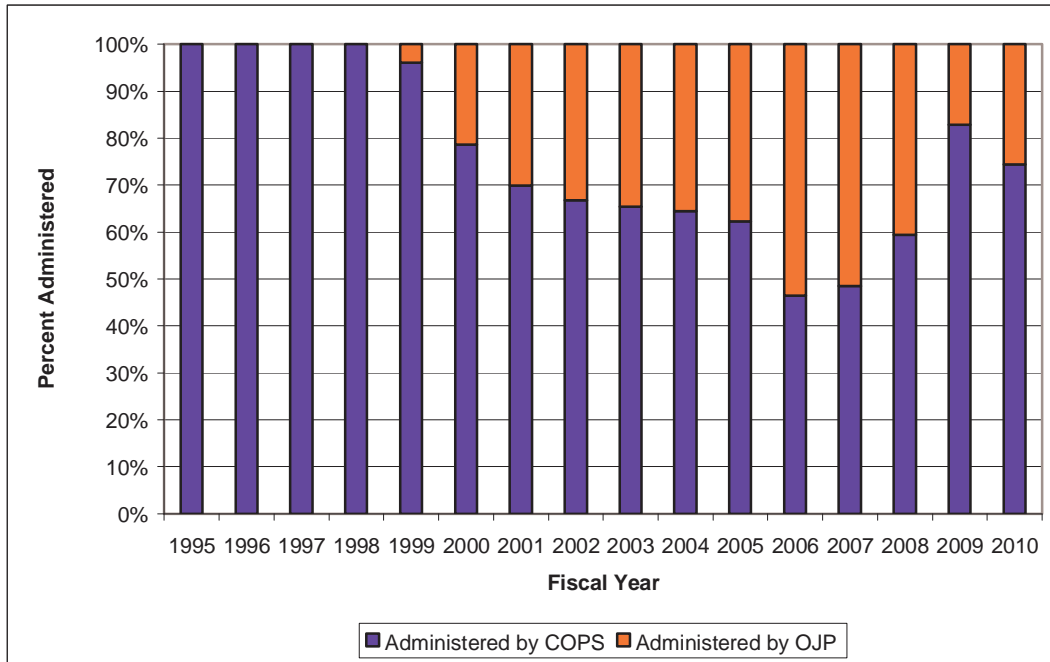
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<sup>66</sup> U.S. Department of Justice, Office of the Inspector General, *Streamlining of Administrative Activities and Federal Financial Assistance Functions in the Office of Justice Programs and the Office of Community Oriented Policing Services*, Audit Report 03-27, August 2003, <http://www.usdoj.gov/oig/reports/plus/a0327/final.pdf>, hereafter "2003 OIG Audit of COPS."

<sup>67</sup> The OIG noted that in the past the COPS Office transferred a significant amount of its appropriated funding to OJP because it was mandated to do so by Congress in appropriations language. COPS has also transferred funds to OJP through discretionary pass-throughs when OJP and COPS agree that a program would be best administered either by OJP or by OJP and COPS. *Ibid.*

<sup>68</sup> 2003 OIG Audit of COPS, p. 11.

**Figure 2. Percentage of the COPS Appropriation Administered by the COPS Office and OJP**



**Source:** CRS presentation of appropriations data provided by the U.S. Department of Justice, Community Oriented Policing Services Office.

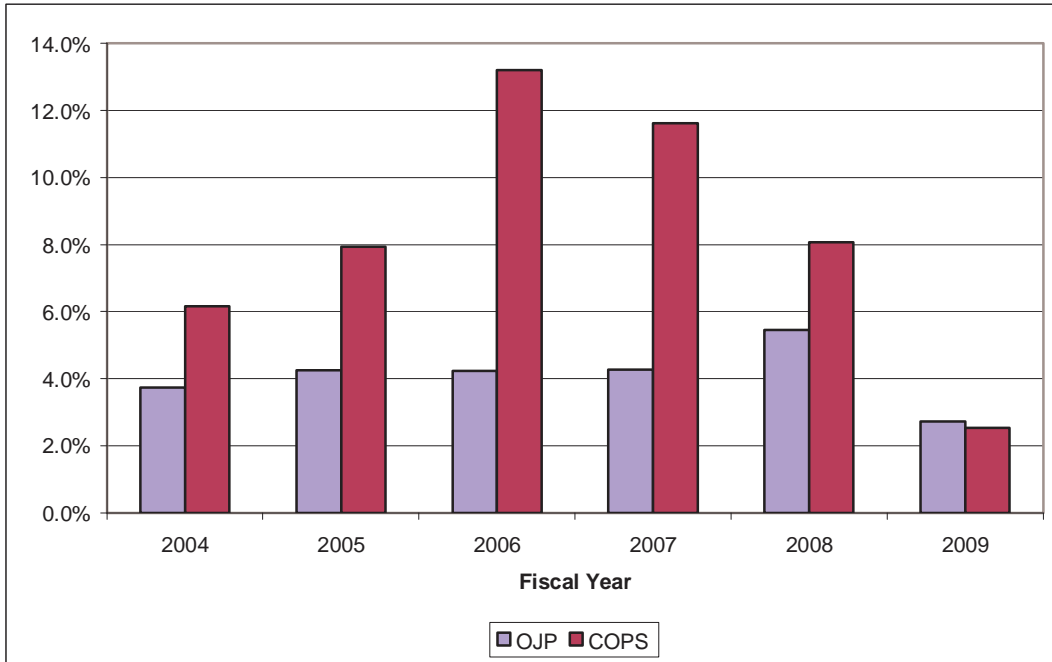
The OIG observed that for each fiscal year between FY1999 and FY2002, the COPS Office spent more on management and administration (M&A) costs per program dollar than OJP.<sup>69</sup> In addition, the OIG found that during the same time period, the COPS Office had lower M&A costs per grant administered than OJP, but the M&A cost per grant administered for the COPS Office increased each fiscal year between FY1999 and FY2002 while OJP’s costs were decreasing.<sup>70</sup> A CRS analysis of data provided by the COPS Office and OJP indicates OJP’s M&A costs have been between 4.0% and 5.5% of the total amount of grant funding OJP administered between FY2004 and FY2008 before decreasing to about 2.5% in FY2009. COPS’ M&A costs increased steadily between FY2004 and FY2006, but they decreased in each of FY2007, FY2008, and FY2009. Some caution must be taken when comparing M&A cost per program dollar for FY2009 to previous fiscal years because the emergency funding that both COPS and OJP received under the ARRA decreased the M&A cost per program dollar (COPS received \$1.0 billion while OJP received \$2.772 billion). CRS was not able to replicate the analysis of the M&A cost per grant administered for COPS and OJP because the OIG calculated the per grant M&A cost by using the total number of *active* grants both COPS and OJP were administering each fiscal year.<sup>71</sup> OJP and COPS could only provide CRS with the total number of grants *awarded* each fiscal year.

<sup>69</sup> Ibid., p. 13.

<sup>70</sup> Ibid.

<sup>71</sup> Grants may be awarded for a period of more than one year. As such, in any given fiscal year the number of grants administered by COPS or OJP will most likely be more than the number of grants the agency awarded for that fiscal year.

**Figure 3. M&A Costs per Program Dollar for COPS and OJP, FY2004-FY2009**  
(M&A costs as a percentage of total grant funds administered)



**Source:** CRS analysis of data provided by the U.S. Department of Justice, Community Oriented Policing Services and U.S. Department of Justice, Office of Justice Programs.

**Note:** M&A costs are the costs associated with OJP and COPS’s administration their respective grant programs. For example, M&A costs would include the salaries of OJP and COPS grant managers.

**Table 6** provides data on the total amount of funding administered by both OJP and the COPS Office, annual M&A costs, the total number of grants awarded each fiscal year, and the authorized number of FTEs for FY2004 through FY2009. As shown in the table, the amount of funding administered by OJP is anywhere from 5 to 13 times the amount administered by the COPS Office. During the same time period, the number of grants awarded by OJP was anywhere from 5 to 19 times the number administered by the COPS Office. Between FY2004 and FY2009, OJP’s M&A funds were 4 to 4.9 times the COPS Office’s M&A funds and OJP’s number of authorized FTEs were 4 to 5.9 times the COPS Office’s number of authorized FTEs. The data suggest that OJP has been able to manage a larger amount of funds and more grant awards than the COPS Office with lower M&A costs and fewer FTEs. It should also be noted that the number of grants awarded each fiscal year might not reflect each agency’s workload. This is because grants may be for a period of years, so the COPS Office and OJP might be managing grants in FY2009 that they awarded in FY2007.<sup>72</sup>

<sup>72</sup> The OIG reported that from FY2000 to FY2002, OJP awarded, on average 13,222 grants, while COPS awarded 2,199 grants. In addition, from FY1995 to FY1999, OJP awarded, on average 4,941 grants, while COPS awarded 5,755 grants. Given that OJP has recently awarded more grants than COPS, it is likely that the total number of active grants OJP is managing is higher than the number of active grants managed by the COPS Office. 2003 OIG Audit of COPS, pp. 2-4.

**Table 6. Total Appropriation Administered, M&A, Number of Grants Awarded, and Number of Authorized FTEs for OJP and COPS, FY2004-FY2009**

(Total appropriation and M&A amounts in thousands of \$)

Fiscal Year	OJP				COPS			
	Total Appropriation Administered	M&A	Number of Grants Awarded	Number of Authorized FTEs	Total Appropriation Administered	M&A	Number of Grants Awarded	Number of Authorized FTEs
FY2004	\$3,202,810 <sup>a</sup>	\$119,521	10,596	629	\$481,932	\$29,684	1,036	153
FY2005	\$2,830,353 <sup>b</sup>	\$120,330	8,442	604	\$372,947	\$29,599	868	151
FY2006	\$2,786,330 <sup>c</sup>	\$117,779	11,369	592	\$219,652	\$29,000	854	148
FY2007	\$2,854,467 <sup>d</sup>	\$121,949	8,666	601	\$263,040	\$30,541	451	124
FY2008	\$2,476,517 <sup>e</sup>	\$134,836	5,464	621	\$349,161	\$28,200	1,061	106
FY2009	\$5,803,810 <sup>f</sup>	\$157,930	8,783	633	\$1,278,500 <sup>g</sup>	\$32,506	1,945	142

**Source:** CRS presentation of data provided by U.S. Department of Justice, Office of Justice Programs and U.S. Department of Justice, Community Oriented Policing Services Office.

**Note:** M&A costs are the costs associated with OJP and COPS's administration their respective grant programs. For example, M&A costs would include the salaries of OJP and COPS grant managers.

- a. Includes a \$266.4 million transfer from the COPS Office and a \$383.6 million transfer from the Office on Violence Against Women (OVW).
- b. Includes a \$225.4 million transfer from the COPS Office and a \$36.7 million transfer from OVW.
- c. Includes a \$252.5 million transfer from the COPS Office and a \$37.7 million transfer from OVW.
- d. Includes a \$278.8 million transfer from the COPS Office and a \$37.8 million transfer from OVW.
- e. Includes a \$241.2 million transfer from the COPS Office and a \$25.4 million transfer from OVW.
- f. Includes a \$270.5 million transfer from the COPS Office, a \$27.9 million transfer from OVW, and \$2.772 billion in funding for OJP appropriated pursuant to the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- g. Includes \$1.0 billion for COPS appropriated pursuant to the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

The OIG also found that the COPS Office had entered into a series of reimbursable agreements with OJP to have OJP provide services related to the administration of COPS grants. The services were mostly related to “[OJP’s grant payment] system costs and accounting services related to the payment of COPS grant funds.”<sup>73</sup> At the time of the OIG’s audit, some of the services OJP reported providing for COPS included

- maintaining the financial records of all COPS grants;
- conducting the financial close-out of all COPS grants;
- processing grant adjustment notices;
- creating and generating financial reports and performing financial analyses, as requested;

<sup>73</sup> Ibid., p. 70.

- analyzing and responding to audit confirmations from independent Certified Public Accountant firms for COPS grants; and
- conducting financial monitoring of COPS grants and providing results to COPS management.<sup>74</sup>

The OIG noted that the COPS Office took steps to try to reduce its reliance on OJP by taking on some of the functions previously provided by OJP, including (1) reviewing and approving final grant award budgets, (2) providing financial management training to grantees, (3) coordinating with the OIG to resolve and close COPS grantee audit reports, and (4) assisting in negotiating repayment agreements with grantees and establishing payment schedules. According to the OIG report, the COPS Office also asserted that its use of OJP's grant payment system was actually more efficient than creating a parallel system.<sup>75</sup>

CRS asked the COPS Office what, if any, services OJP continued to provide for them. The COPS Office reported that OJP continues to provide services related to the administration of COPS grants, but the number of services provided by OJP has decreased since the OIG's audit (see **Appendix D**).<sup>76</sup> The COPS Office now appears to be responsible for, among other things, conducting the financial close-out of grants, maintaining official financial records, and processing all grant adjustment notices.

## **Programmatic Overlap**

Over the past five fiscal years, most of COPS' funding has been dedicated to hiring programs, anti-methamphetamine initiatives, supporting tribal law enforcement, law enforcement technology, school safety projects, and interoperable communications programs. Since FY2005, the COPS Office has awarded grants under various programs, including the following:

- The Universal Hiring Program (UHP), which provides funding to state, local, and tribal governments to cover the cost of the salary and benefits for newly hired entry-level officers engaged in community policing.<sup>77</sup>
- The COPS in Schools (CIS), which provided funds to law enforcement agencies to cover the cost of the salary and benefits for newly hired, additional school resource officers engaged in community policing in and around primary and secondary schools.<sup>78</sup>
- The Tribal Resources Grant Program (TRGP), which provides funds to tribal governments to support the law enforcement needs of tribal communities.<sup>79</sup> TRGP funds can be used to hire additional officers, provide law enforcement

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<sup>74</sup> A complete list of the services the OIG reported that OJP provided for COPS can be found in **Appendix D**.

<sup>75</sup> 2003 OIG Audit of COPS, p. 70.

<sup>76</sup> E-mail from U.S. Department of Justice, Community Oriented Policing Services Office, May 4, 2009.

<sup>77</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *Universal Hiring Program (UHP)*, <http://www.cops.usdoj.gov/Default.asp?Item=53>.

<sup>78</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *COPS in Schools (CIS)*, <http://www.cops.usdoj.gov/Default.asp?Item=54>.

<sup>79</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *Tribal Resources Grant Program (TRGP)*, <http://www.cops.usdoj.gov/Default.asp?Item=1428>.

- training, and purchase uniforms, basic-issue equipment, emerging technologies, and police vehicles.<sup>80</sup>
- The COPS Methamphetamine Initiative, which provides grants to state and local law enforcement agencies to help reduce the production, distribution, and use of methamphetamine.<sup>81</sup> According to the COPS Office, grants awarded under this program have funded “equipment, training, and personnel to improve intelligence-gathering capabilities, enforcement efforts, lab clean-up, training related to drug endangered children, and the prosecution of those who engage in methamphetamine-related crimes.”<sup>82</sup>
  - COPS Technology grants, which provide funding to state, local, and tribal law enforcement agencies so they can purchase technologies to advance communications interoperability, information sharing, crime analysis, intelligence gathering, and crime prevention.<sup>83</sup>
  - The COPS Interoperable Communications Technology program, which provided grants to help communities develop effective interoperable communications systems for public safety and emergency services providers.<sup>84</sup> Grants awarded under this program have been used to (1) purchase interoperable communications equipment for multidisciplinary and multijurisdictional public safety communications projects; (2) provide local jurisdictions with the equipment or services needed to participate on larger public safety, commercial, or other shared networks; (3) provide technologies to upgrade or enhance the ability of law enforcement systems to improve the timeliness, effectiveness, and accuracy of criminal justice information exchanges; and (4) purchase and deploying portable gateway solutions.<sup>85</sup>
  - The Secure Our Schools (SOS) Initiative, which provided grant funds to help cover the cost of school security measures, security assessments, security training for students and personnel, coordination with local law enforcement, and other measures that could increase school security.<sup>86</sup>

The OIG concluded that grants awarded by the COPS Office for hiring officers and purchasing equipment were sometimes duplicative of grants awarded under the Local Law Enforcement Block Grant (LLEBG) program.<sup>87</sup> Specifically, the OIG reported that grants awarded under the

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<sup>80</sup> Ibid.

<sup>81</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *Methamphetamine Initiatives*, <http://www.cops.usdoj.gov/Default.asp?Item=57>.

<sup>82</sup> Ibid.

<sup>83</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Technology Grants*, <http://www.cops.usdoj.gov/Default.asp?Item=58>.

<sup>84</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Interoperable Communications Technology Program*, <http://www.cops.usdoj.gov/Default.asp?Item=1268>.

<sup>85</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Fact Sheet: COPS Interoperable Communications Technology Program*, Oct. 2006, <http://www.cops.usdoj.gov/files/RIC/Publications/e1006525.pdf>.

<sup>86</sup> U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Fact Sheet: Secure Our Schools Initiative*, Sept. 2008, <http://www.cops.usdoj.gov/files/RIC/Publications/e0906119-SOS-08.pdf>.

<sup>87</sup> U.S. Department of Justice, Office of the Inspector General, *Streamlining of Administrative Activities and Federal Financial Assistance Functions in the Office of Justice Programs and the Office of Community Oriented Policing Services*, Audit Report 03-27, August 2003, pp. 13-15, <http://www.usdoj.gov/oig/reports/plus/a0327/final.pdf>.

COPS UHP, CIS, and SOS programs were sometimes duplicative of grants awarded under LLEBG.<sup>88</sup> In 2006, Congress replaced LLEBG and the Edward Byrne Memorial Formula Grant (Byrne Formula Grant) program with the Edward Byrne Memorial Justice Assistance Grant (JAG) program.<sup>89</sup> Any program or initiative that was eligible for funding under LLEBG or the Byrne Formula Grant program is eligible for funding under JAG.<sup>90</sup> However, a wider variety of programs can be funded under JAG compared to LLEBG. According to the Bureau of Justice Assistance (BJA), JAG provides funding to support state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, in one or more of seven program purpose areas, including

- law enforcement programs;
- prosecution and court programs;
- prevention and education programs;
- corrections and community corrections programs;
- drug treatment programs;
- planning, evaluation, and technology improvement programs; and
- crime victim and witness programs (other than compensation).<sup>91</sup>

Since programs and initiatives that could be funded under LLEBG can still be funded under JAG, it appears that state and local governments could use JAG funds for the same purpose as COPS UHP, CIS, and SOS grants.<sup>92</sup> For example, JAG funds can be used to purchase equipment and supplies for technology improvement programs, which might overlap with grants awarded under the COPS Technology and Interoperable Communications Technology programs. In addition, JAG funds can be used to pay for personnel, equipment, and supplies for drug treatment and enforcement programs, meaning that state and local governments might be able to use JAG funds for the same purpose as COPS Methamphetamine Initiative grants.

The COPS Office argued that COPS grants and JAG grants are complementary, not duplicative.<sup>93</sup> The COPS Office noted that COPS grants must be used to advance community policing, and while JAG funds can be used for this purpose, state and local governments are not required to do so. The COPS Office maintained that COPS grants can fund law enforcement agencies that might not be eligible to receive funding under the JAG program.<sup>94</sup> In addition, the COPS Office

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<sup>88</sup> Ibid.

<sup>89</sup> See section 1111 of P.L. 109-162. For more information on the JAG program, see CRS Report RS22416, *Edward Byrne Memorial Justice Assistance Grant Program: Legislative and Funding History*, by Nathan James.

<sup>90</sup> 42 U.S.C. §3751(a)(2).

<sup>91</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, *Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2008 State Solicitation*, Nov. 2007, <http://www.ojp.usdoj.gov/BJA/grant/08JAGStateSol.pdf>.

<sup>92</sup> While JAG funds can be used to hire additional law enforcement officers, the COPS Office requires all officers hired with UHP funds to be retained for one budget cycle after the completion of the grant period. JAG does not have a similar requirement. See U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Fact Sheet: Universal Hiring Program*, Aug. 2005, <http://www.cops.usdoj.gov/files/RIC/Publications/e08042467.pdf>.

<sup>93</sup> It should be noted that at the time the COPS Office argued that COPS grants and LLEBG, rather than JAG, funds could be used by local law enforcement for complementary purposes. But, as noted above, Congress replaced LLEBG with JAG. 2003 OIG Audit of COPS, pp. 73-75.

<sup>94</sup> Under the JAG program, 40% of a state's allocation is to be awarded directly to units of local government in the (continued...)



contended that law enforcement agencies want to have different grant programs to apply to because it provides them with a wider variety of funding options, which allows them to implement programs that reflect their vision of policing.<sup>95</sup>

## Policy Implications

One possible question Congress might consider is whether—given that the COPS Office continues to pass-through part of its annual appropriation to OJP and that OJP continues to provide services for the COPS Office—COPS should become part of OJP. It is possible that some efficiencies and cost-savings could be realized by having OJP oversee COPS grants because there would not be two separate agencies engaging in the same functions (e.g., develop grant programs, announce grant programs to potential grantees, establish and disseminated grant criteria and application kits, review grant applications, and award and monitor grants). However, if OJP were to absorb the COPS program, it is likely that OJP would have to hire some additional personnel to sufficiently oversee the grants currently administered by COPS and to manage any future grant awards. OJP could, however, also use its current budget, management, and administrative personnel to manage the COPS program. Making OJP the administrator of the COPS program might also address some of the potential programmatic overlap between COPS and JAG grants. If OJP were responsible for administering the COPS program, it could help ensure that grantees are not using COPS and JAG grants for the same purposes.<sup>96</sup> However, if Congress chooses to eliminate the COPS Office, it could potentially lose the institutional knowledge the COPS grant managers and administrative staff have accumulated over the past 15 years. Congress could also consider making the COPS Office its own agency within OJP. If Congress chooses to do this, there still might be some potential for realizing some cost-savings and efficiencies because, even though the COPS Office might retain most of its current structure, there would be no need to transfer funds between the two agencies and the COPS Office would not have to enter into reimbursable agreements with OJP to have it provide financial services. In addition, the COPS Office would be under the purview of the Assistant Attorney General for OJP, meaning that there would still be the ability to coordinate COPS and JAG awards to ensure that they are not used for the same purposes.

The above analysis suggests that law enforcement agencies *could* use funds from JAG and some COPS grant programs for the same purposes, but there is no guarantee that they *will* use funds for the same purposes. As such, Congress might also consider whether it wants to allow state, local, and tribal governments to receive grants from two different programs that could be used for the same purposes. If not, Congress could consider including additional funding for the JAG program in lieu of funding COPS programs such as UHP, the Methamphetamine Initiative, or COPS Technology grants. State and local governments could use some of the additional JAG funds to support programs that are similar to ones currently funded with COPS grants, and they could do it

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(...continued)

state. A unit of local government's allocation is calculated as its proportion of the average number of reported violent Part I crimes (i.e., murder, rape, robbery, and aggravated assault) reported in the state for the last three years for which data are available. Only local governments that have reported violent crime data for at least three of the last 10 years are eligible to receive a direct allocation. In addition, only units of local government where their calculated grant award is more than \$10,000 are eligible for a direct award.

<sup>95</sup> 2003 OIG Audit of COPS, pp. 73-75.

<sup>96</sup> The OIG reported that there were no formal communication procedures in place between COPS and OJP to ensure that grantees do not receive grant funds for similar purposes from the two agencies. 2003 OIG Audit of COPS, p. 15.

without applying for COPS grants, which could reduce the time state and local governments have to spend applying for and managing grants. However, the purpose of the JAG program is to allow state and local governments to fund programs and initiatives that meet their needs; therefore, if Congress chooses to increase funding for JAG in place of funding some COPS programs, Congress could lose some control over how these funds are spent by state and local governments. For example, if Congress chooses to increase appropriations for JAG by \$100 million rather than appropriating \$100 million for COPS UHP, there would be no guarantee that the additional funding would be used to hire additional law enforcement officers. However, if Congress chooses to appropriate \$100 million for UHP, that \$100 million would be awarded by the COPS Office to state and local governments for hiring additional law enforcement officers.

The OIG reported that one of the reasons why there is duplication between COPS and OJP grant programs is because statutes were enacted that created multiple grant programs to fund similar items.<sup>97</sup> Congress could also consider amending the authorizing legislation for the JAG and COPS programs so that state, local, and tribal governments could not use JAG and COPS grants for the same purpose. For example, Congress could amend the authorizing legislation for COPS so that COPS grants are only used for hiring programs and purchasing technology related to law enforcement. Congress could then amend the authorizing legislation for JAG so that state and local governments cannot use funds for hiring police officers or purchasing law enforcement-related technology.

## **COPS Authorization Versus Appropriations**

As discussed above, the COPS program is currently authorized as a single-grant program, whereby law enforcement agencies can apply for a “COPS grant” that they can use for one or more of several programs outlined in current law. One of the grant programs that would be created by legislation introduced in the 111<sup>th</sup> Congress would serve a similar function.<sup>98</sup> However, Congress has continued to appropriate funding for specific grant programs under the COPS account in the Commerce, Justice, Science and Related Agencies appropriations bill (see **Appendix C** for a breakdown of COPS annual appropriation for FY2001 to FY2010).

Appropriations for the COPS account over the past five fiscal years do not provide law enforcement agencies with the flexibility envisioned in the current authorizing legislation. Instead of being able to apply for one grant to use for one or more programs, law enforcement agencies must apply for funding under several different programs. Law enforcement agencies are also limited to programs for which Congress appropriates funds. For example, in FY2006 and FY2007, even if some law enforcement agencies determined that they needed to hire additional officers, they could not apply for a hiring grant because no funding was appropriated for it. Yet if Congress appropriated funding for a single COPS program, the agency could have applied for a grant and used the funds to hire additional officers. In addition to continuing to provide funding for specific programs, starting in FY1998, Congress began earmarking the appropriations for two COPS grant programs: the Law Enforcement Technology program and the Methamphetamine Initiative. Starting in FY2006, with the exception of FY2007, most of the appropriation for these

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<sup>97</sup> Ibid.

<sup>98</sup> See H.R. 1139 and S. 167.

two programs was earmarked by Congress, which has prevented law enforcement agencies that are not identified for funding for applying for grants under these programs.<sup>99</sup>

Congress might consider whether in the future it should fund COPS as a single-grant program or if it should continue to appropriate funds for individual programs. If Congress chooses to fund COPS as a single-grant program, it could relieve the administrative burden on local law enforcement agencies because they would have to apply for and manage only one grant award rather than applying for grants under different programs. A single-grant program would provide law enforcement agencies with a degree of freedom to expend their grant funds on programs that address the needs of their communities. Appropriating funds for a single-grant program could also help alleviate one of the problems discussed above: COPS transferring a part of its appropriation to OJP. All of the program purpose areas currently authorized in law are related to law enforcement and community policing; hence the COPS Office should be capable of overseeing those projects. However, if Congress chooses to fund COPS as a single-grant program, it would lose some control over how COPS funds are spent, and hence the impact that the grant funding has on shaping state and local policies. A single-grant program would mean that Congress could not ensure that a certain amount of funding was spent on hiring law enforcement officers or used to upgrade law enforcement's use of new technology. In addition, awarding COPS grants under a single-grant program might make it more difficult to monitor program performance because there would most likely be a wide variety of programs. For example, two different agencies might use their grants to hire law enforcement officers, but one agency might hire officers to increase the number of officers engaged in community policing, while the other agency might hire additional school resources officers. Both could be counted as hiring grants, but the agencies hired the officers for different purposes; hence measurements of their outcomes and effectiveness would be different. The COPS Office may only be able to collect data on the most basic metrics (e.g., the number officer hired or the amount of new equipment purchased), but more in-depth metrics would probably be specific to each program, which might make national evaluations of the program's effectiveness difficult.

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<sup>99</sup> In FY2007, the year-long continuing resolution that Congress passed to fund the federal government did not contain any earmarks (Revised Continuing Appropriations Resolution, 2007, P.L. 110-5).

## Appendix A. Simulation Methods

The Law Enforcement Management and Administrative Statistics (LEMAS) survey is conducted every three years by BJS. The survey collects data from a nationally representative sample of publicly funded state and local law enforcement agencies in the United States.<sup>100</sup> The survey collects data on agency personnel, expenditures and pay, operations, community policing initiatives, equipment, computers and information systems, and written policies.

Since the LEMAS is a survey, it does not collect data from every law enforcement agency in the country. However, in order to conduct the grant simulations, there had to be a total of 15,766 potential “applicants” (584 agencies serving jurisdictions with more than 150,000 people and 15,182 agencies serving jurisdictions of 150,000 or fewer). To develop a dataset with enough records, the survey data were split between law enforcement agencies that reported serving jurisdictions of 150,000 or more (467 records) and agencies that reported serving jurisdictions of 150,000 or fewer (2,392 records). From each of these datasets, agencies were sampled at random, with replacement, until the dataset included 584 agencies serving jurisdictions of more than 150,000 (hereafter, “large agencies”) and 15,182 agencies serving jurisdictions of 150,000 or fewer (hereafter, “small agencies”).<sup>101</sup>

Data from the LEMAS was used to estimate how much funding each law enforcement agency might apply for if it chose to apply for a hiring grant. The amount of funding a law enforcement agency would apply for is a function of the number of officers the agency wants to hire and the amount the agency pays an entry-level officer. Past research found that COPS hiring grants added about 1.25 officers per 10,000 people in cities that received a grant.<sup>102</sup> As such, the number of officers each law enforcement agency might seek funding for was estimated by dividing the reported population the agency served by 10,000 and then multiplying by 1.25. The estimated number of officers was rounded to the nearest whole number (except for agencies where the estimated number of officers applied for was greater than zero but less than 0.5; these results were rounded up to 1). Also, grants were capped at 500 officers. As discussed above, under current law, COPS hiring grants can cover 75% of the cost of hiring a new officer (agencies must provide a 25% match), and the maximum amount that can be awarded is \$75,000 for a three-year grant period. Therefore, if a law enforcement agency’s salary for an entry-level officer over a three-year period exceeded \$75,000 (minus the 25% match), then the agency was awarded only \$75,000 per officer. The total grant was estimated by multiplying the estimated number of officers applied for by the estimated cost per officer for a three-year grant period.<sup>103</sup> The cost per officer

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<sup>100</sup> BJS reported that for the 2003 survey, questionnaires were mailed to 3,154 law enforcement agencies. The sample included all 955 law enforcement agencies nationwide with 100 or more sworn law enforcement officers as of June 30, 2000 (excluding special jurisdiction agencies and Texas constables). Agencies with less than 100 sworn officers were chosen using a stratified random sample, based on the type of agency (local police or sheriff), the size of the jurisdiction served, and the number of sworn personnel. A total of 2,859 agencies (90.6%) responded to the survey. Inter-university Consortium for Political and Social Research, *Law Enforcement Management and Administrative Statistics (LEMAS): 2003 Sample of Law Enforcement Agencies, Codebook*, IICPSR 4411, pp. 3-5.

<sup>101</sup> Agencies were sampled by assigning each record a random number between 0 and 1 from a uniform distribution. Agencies where the random number was less than 0.25 were selected. After the records meeting the criteria were selected, a new random number was assigned to each record and the process was repeated. Iterations were conducted until the requisite number of agencies were selected.

<sup>102</sup> Evans and Owens, “COPS and Crime,” p. 189.

<sup>103</sup> Hiring grants can be used to cover the cost of providing fringe benefits to each officer hired. Fringe benefits were not included in the estimated cost per officer.

for a three-year grant period was estimated by multiplying the reported starting salary for a entry-level officer by three.

The simulations were conducted assuming a \$1 billion total appropriation for hiring grants. When conducting the simulations, it was assumed that half of the 584 large agencies (292) and half of the 15,182 small agencies (7,591) would “apply” for grants. “Applicants” were selected by assigning each agency a random number, ranking them from lowest to highest, and then selecting the top 50% of each group. After the applicants were selected, each applicant was assigned another random number between 0 and 100 to simulate a peer review score. Applicants were ranked based on their “scores” from highest to lowest. The highest ranked “applications” were selected from the two groups until the total amount of grants “awarded” was as close to \$500 million as possible.<sup>104</sup>

After the grant awards were chosen, they were reviewed to ensure that either all eligible states received at least 0.5% of the total appropriation (\$5 million) or that all “viable” grants received an award.<sup>105</sup> Grant awards were deemed to be viable if their peer review score was 50 or greater. In instances where an eligible state received less than \$5 million, applications from the next-highest ranked applicants in the state that did not make the initial cut were selected until the total amount of funded grants in the state exceeded \$5 million or until all viable applications in the state received an award. To offset additional funding for states that received less than the minimum amount, grants from states with more than the minimum amount were cut. This was done by ranking all grant applications from these states from highest to lowest based on their score and cutting the lowest ranked applications until the total funding amount was below \$1 billion.

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<sup>104</sup> Grants were selected for funding by starting with the highest-ranked grant and going down the list until the total amount “funded” was as close to \$500 million as possible. When going down the list, if the next grant in the list would have resulted in the total amount exceeding \$500 million, that grant was skipped and the selection continued with the next grant. For example, if the first 60 grants on the list summed to \$490 million but the 61<sup>st</sup> grant on the list was for \$15 million, the 61<sup>st</sup> grant was skipped and the selection of grants for “funding” continued with the 62<sup>nd</sup> grant on the list. Selection was stopped if more than 20 grants on the list had to be skipped or if the score of the next grant selected was less than 50.

<sup>105</sup> According to the COPS Office, only grant applications that are deemed to be viable are eligible for funding. Telephone conversation with U.S. Department of Justice, Community Oriented Policing Services, April 8, 2009.

## Appendix B. Individual Simulation Results

**Table B-I. Hiring Program Simulation Results**

	Current Law		No Split Between Large and Small Agencies, Minimum Allocation for All Qualifying States		No Split Between Large and Small Agencies and No Minimum Allocation for All Qualifying States		Appropriation Split Between Large and Small Agencies but No Minimum Allocation for Qualifying States	
	More than 150,000	150,000 or Fewer	More than 150,000	150,000 or Fewer	More than 150,000	150,000 or Fewer	More than 150,000	150,000 or Fewer
# of Applicants	292	7,591	292	7,591	292	7,591	292	7,591
<b>1<sup>st</sup> Simulation</b>								
Number of Grants Awarded	109	1,749	74	2,084	74	2,048	87	1,814
Total Amount Awarded	\$499,472,145	\$499,919,144	\$412,587,269	\$587,405,993	\$429,350,047	\$570,627,090	\$499,994,767	\$499,992,159
% of Applicants Receiving Awards	37.3%	23.0%	25.3%	27.5%	25.3%	27.0%	29.8%	23.9%
% of all Agencies Receiving Award	18.7%	11.5%	12.7%	13.7%	12.7%	13.5%	14.9%	11.9%
% of All Awards	5.9%	94.1%	3.4%	96.6%	3.5%	96.5%	4.6%	95.4%
<b>2<sup>nd</sup> Simulation</b>								
Number of Grants Awarded	64	1,809	61	1,897	75	2,039	84	1,727
Total Amount Awarded	\$499,725,383	\$499,443,932	\$471,578,366	\$528,031,301	\$437,663,713	\$562,313,405	\$499,430,332	\$499,970,912
% of Applicants Receiving Awards	21.9%	23.8%	20.9%	25.0%	25.7%	26.9%	28.8%	22.8%
% of all Agencies Receiving Award	11.0%	11.9%	10.4%	12.5%	12.8%	13.5%	14.4%	11.4%
% of All Awards	3.4%	96.6%	3.1%	96.9%	3.5%	96.5%	4.6%	95.4%

	Current Law		No Split Between Large and Small Agencies, Minimum Allocation for All Qualifying States		No Split Between Large and Small Agencies and No Minimum Allocation for All Qualifying States		Appropriation Split Between Large and Small Agencies but No Minimum Allocation for All Qualifying States	
	More than 150,000	150,000 or Fewer	More than 150,000	150,000 or Fewer	More than 150,000	150,000 or Fewer	More than 150,000	150,000 or Fewer
<b>3<sup>rd</sup> Simulation</b>								
Number of Grants Awarded	86	1,773	59	1,899	61	1,771	85	1,756
Total Amount Awarded	\$499,393,116	\$499,333,340	\$458,586,735	\$541,367,452	\$496,713,708	\$503,277,928	\$499,267,961	\$499,991,338
% of Applicants Receiving Awards	29.5%	23.4%	20.2%	25.0%	20.9%	23.3%	29.1%	23.1%
% of all Agencies Receiving Award	14.7%	11.7%	10.1%	12.5%	10.4%	11.7%	14.6%	11.6%
% of All Awards	4.6%	95.4%	3.0%	97.0%	3.3%	96.7%	4.6%	95.4%
<b>4<sup>th</sup> Simulation</b>								
Number of Grants Awarded	83	1,805	75	2,097	65	2,042	67	1,801
Total Amount Awarded	\$499,912,553	\$499,847,858	\$419,701,586	\$579,519,615	\$432,346,613	\$567,644,580	\$499,124,844	\$499,998,123
% of Applicants Receiving Awards	28.4%	23.8%	25.7%	27.6%	22.3%	26.9%	22.9%	23.7%
% of all Agencies Receiving Award	14.2%	11.9%	12.8%	13.8%	11.1%	13.5%	11.5%	11.9%
% of All Awards	4.4%	95.6%	3.5%	96.5%	3.1%	96.9%	3.6%	96.4%
<b>5<sup>th</sup> Simulation</b>								
Number of Grants Awarded	72	1,746	84	1,851	64	1,915	69	1,792
Total Amount Awarded	\$499,209,755	\$499,965,961	\$489,924,620	\$509,841,223	\$465,499,521	\$534,451,329	\$498,562,729	\$499,995,027
% of Applicants Receiving Awards	24.7%	23.0%	28.8%	24.4%	21.9%	25.2%	23.6%	23.6%

	Current Law		No Split Between Large and Small Agencies, Minimum Allocation for All Qualifying States		No Split Between Large and Small Agencies and No Minimum Allocation for All Qualifying States		Appropriation Split Between Large and Small Agencies but No Minimum Allocation for All Qualifying States	
	More than 150,000	150,000 or Fewer	More than 150,000	150,000 or Fewer	More than 150,000	150,000 or Fewer	More than 150,000	150,000 or Fewer
% of all Agencies Receiving Award	12.3%	11.5%	14.4%	12.2%	11.0%	12.6%	11.8%	11.8%
% of All Awards	4.0%	96.0%	4.3%	95.7%	3.2%	96.8%	3.7%	96.3%
<b>6<sup>th</sup> Simulation</b>								
Number of Grants Awarded	71	1,845	72	2,067	81	1,691	89	1,790
Total Amount Awarded	\$499,520,218	\$499,541,845	\$413,069,083	\$586,891,341	\$519,568,224	\$480,411,875	\$499,998,173	\$499,978,672
% of Applicants Receiving Awards	24.3%	24.3%	24.7%	27.2%	27.7%	22.3%	30.5%	23.6%
% of all Agencies Receiving Award	12.2%	12.2%	12.3%	13.6%	13.9%	11.1%	15.2%	11.8%
% of All Awards	3.7%	96.3%	3.4%	96.6%	4.6%	95.4%	4.7%	95.3%
<b>7<sup>th</sup> Simulation</b>								
Number of Grants Awarded	81	1,778	80	2,011	68	2,011	81	1,797
Total Amount Awarded	\$499,561,375	\$499,032,704	\$443,288,531	\$556,617,989	\$432,651,146	\$567,328,327	\$499,247,100	\$499,950,653
% of Applicants Receiving Awards	27.7%	23.4%	27.4%	26.5%	23.3%	26.5%	27.7%	23.7%
% of all Agencies Receiving Award	13.9%	11.7%	13.7%	13.2%	11.6%	13.2%	13.9%	11.8%
% of All Awards	4.4%	95.6%	3.8%	96.2%	3.3%	96.7%	4.3%	95.7%
<b>8<sup>th</sup> Simulation</b>								
Number of Grants Awarded	78	1,796	64	1,539	76	1,757	89	1,794
Total Amount Awarded	\$499,796,818	\$499,616,516	\$579,441,541	\$420,520,552	\$500,562,340	\$499,424,207	\$499,641,197	\$499,962,318



	<u>Current Law</u>		<u>No Split Between Large and Small Agencies, Minimum Allocation for All Qualifying States</u>		<u>No Split Between Large and Small Agencies and No Minimum Allocation for All Qualifying States</u>		<u>Appropriation Split Between Large and Small Agencies but No Minimum Allocation for All Qualifying States</u>	
	<u>More than 150,000</u>	<u>150,000 or Fewer</u>	<u>More than 150,000</u>	<u>150,000 or Fewer</u>	<u>More than 150,000</u>	<u>150,000 or Fewer</u>	<u>More than 150,000</u>	<u>150,000 or Fewer</u>
% of Applicants Receiving Awards	26.7%	23.7%	21.9%	20.3%	26.0%	23.1%	30.5%	23.6%
% of all Agencies Receiving Award	13.4%	11.8%	11.0%	10.1%	13.0%	11.6%	15.2%	11.8%
% of All Awards	4.2%	95.8%	4.0%	96.0%	4.1%	95.9%	4.7%	95.3%
<b>9<sup>th</sup> Simulation</b>								
Number of Grants Awarded	81	1,784	70	1,784	73	1,881	93	1,699
Total Amount Awarded	\$499,029,806	\$499,711,392	\$495,491,724	\$504,467,318	\$484,650,565	\$515,308,948	\$499,878,825	\$499,993,119
% of Applicants Receiving Awards	27.7%	23.5%	24.0%	23.5%	25.0%	24.8%	31.8%	22.4%
% of all Agencies Receiving Award	13.9%	11.8%	12.0%	11.8%	12.5%	12.4%	15.9%	11.2%
% of All Awards	4.3%	95.7%	3.8%	96.2%	3.7%	96.3%	5.2%	94.8%
<b>10<sup>th</sup> Simulation</b>								
Number of Grants Awarded	78	1,844	70	1,984	66	1,885	68	1,769
Total Amount Awarded	\$499,113,507	\$499,951,356	\$452,045,648	\$547,918,689	\$484,650,476	\$515,337,391	\$499,431,255	\$499,995,678
% of Applicants Receiving Awards	26.7%	24.3%	24.0%	26.1%	22.6%	24.8%	23.3%	23.3%
% of all Agencies Receiving Award	13.4%	12.1%	12.0%	13.1%	11.3%	12.4%	11.6%	11.7%
% of All Awards	4.1%	95.9%	3.4%	96.6%	3.4%	96.6%	3.7%	96.3%

**Source:** CRS analysis using data from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2003 Law Enforcement Management and Administrative Statistics Survey.

# Appendix C. Breakdown of COPS Funding

**Table C-1. COPS Funding, by Program, FY2001-FY2010**

(Appropriations in thousands of \$)

	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Law Enforcement Technology Program	\$146,756	\$154,345	\$188,719	\$156,740	\$136,764	\$128,245	\$166,145	\$205,366	\$187,000	\$170,223
Training and Technical Assistance	20,732	20,662	20,528	4,947	14,800	3,949	9,546	3,760	4,000	12,000
Tribal Law Enforcement Programs	39,923	35,000	34,773	24,737	19,733	14,808	15,808	15,040	20,000	40,000
Methamphetamine Enforcement and Clean-up	48,393	70,473	56,761	53,481	51,854	62,778	70,000	61,187	39,500	40,385
COPS Hiring Program	408,322	385,000	198,700	113,790	9,866	—	—	20,000	—	298,000
COPS Hiring Recovery Program	—	—	—	—	—	—	—	—	1,000,000	—
Interoperable Communications Technology	—	—	84,106	74,620	98,664	9,872	—	—	—	—
COPS Management & Administration	31,755	32,812	32,786	29,684	29,599	—	1,541	28,200	—	—
Police Integrity Program	16,962	16,963	16,853	9,895	7,399	—	—	—	—	—
School Safety Initiatives	14,967	22,338	15,111	4,552	4,267	—	—	—	—	16,000
Secure Our Schools Act	—	—	—	—	—	—	—	—	16,000	—
Child Sexual Predator Elimination/Sex Offender Management	—	—	—	—	—	—	—	15,608	18,000	24,000
Sex Offender Management	—	—	—	—	—	—	—	(4,162)	(5,000)	(11,000)
National Sex Offender Registry	—	—	—	—	—	—	—	(850)	(1,000)	(1,000)
Bullet-proof Vest Program	25,444	25,444	25,279	24,737	24,666	29,617	29,617	25,850	25,000	30,000
Crime Identification Technology Programs	129,714	87,287	68,626	23,971	28,070	28,407	28,407	—	—	—
National Criminal History Improvement Program	—	35,000	39,740	29,684	24,666	9,872	9,872	9,400	10,000	—
NICS Improvement	—	—	—	—	—	—	—	—	10,000	—
DNA Backlog Reduction Programs	—	40,000	40,734	98,948	108,531	107,145	112,145	152,272	156,000	161,000
Crime Lab Improvement Grants	—	35,000	40,275	—	—	—	—	—	—	—
Coverdell Forensic Science Grants	—	—	—	9,895	14,780	18,264	18,264	18,800	25,000	—
Project Safe Neighborhoods	99,780	99,780	84,448	59,369	—	14,808	20,613	20,000	15,000	—

	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Offender Re-entry Program	<b>29,934</b>	<b>14,934</b>	<b>14,837</b>	<b>4,947</b>	<b>9,866</b>	<b>4,936</b>	<b>14,879</b>	<b>11,750</b>	<b>25,000</b>	—
Project Sentry	—	<b>14,967</b>	<b>9,935</b>	—	—	—	—	—	—	—
Police Corps	<b>29,435</b>	<b>14,435</b>	<b>14,903</b>	<b>14,842</b>	<b>14,800</b>	—	—	—	—	—
Anti-gang Program	—	—	—	—	—	<b>39,489</b>	<b>45,000</b>	—	—	—
Total	1,042,118	1,105,440	977,624	748,325	598,346	472,191	541,838	587,233	1,550,500	791,608

**Source:** Appropriations for FY2001 through FY2010 provided by the U.S. Department of Justice, Community Oriented Policing Services.

**Notes:** Amounts in **bold** were transferred to the Office of Justice Programs.

## **Appendix D. Services OJP Provides for COPS**

The OIG stated in its 2003 report that OJP provided the following services for the COPS Office:

- Processes and verifies payments to COPS grantees and disburses funds in accordance with legal requirements.
- Resolves daily payment rejects and cancellations, as appropriate.
- Processes payment adjustments for COPS grant activity such as returned checks, changes in banking information, and vendor identification numbers.
- Reconciles cash to Treasury (SF-224) and to the Integrated Financial Management Information System (IFMIS) for COPS financial activity on a monthly basis.
- Creates and generates financial reports and performs financial analyses, as requested.
- Submits quarterly Federal Assistance Award Data (FAAD) System reports to the Census Bureau.
- Maintains official financial records in the OJP Office of the Comptroller for all COPS grantees.
- Provides data entry and/or interface transfers for awards, modifications, supplements, extensions, and signed COPS awards into IFMIS, as appropriate.
- Provides COPS grantees with Phone Activated Paperless Request System (PAPRS—a system for requesting grant reimbursements via telephone) payment packages, which includes payment access information.
- Maintains the PAPRS system and the Letter of Credit Electronic Certification System (LOCES).
- Maintains an auditable accounting system with financial and management controls to accurately and timely record accounting transactions for obligations, deobligations, expenditures, drawdowns, and receivables (returned checks from grantees).
- Conducts financial grant closeouts of COPS grants.
- Maintains an accounting system to produce standard and customized reports for producing and/or reconciling to the Statement of Transactions (SF-224) and for complying with other federal reporting requirements.
- Maintains an accounting system to allow current and prior year adjustments accounting entries.
- Maintains an interface between IFMIS, Justice Management Division (JMD), and other legacy systems, to upload data as appropriate.
- Maintains the IFMIS menu option for COPS-specific reports.
- Establishes and maintains user identification numbers in IFMIS, reset passwords, and assisted IFMIS users.

- Provides JMD with grant data for grant accruals.
- Prepares COPS' financial reports for inclusion in JMD's financial statements that include COPS financial activity.
- Conducts financial monitoring of COPS grants and provides results to COPS management.
- Provides audit resolution/closure of COPS-related Single Audit Act audit reports.
- Processes grant adjustment notices, as appropriate.
- Manages COPS' vendor information in IFMIS.
- Resolves COPS' vendor issues, as appropriate.
- Analyzes and responds to audit confirmations from independent Certified Public Accountant firms for COPS grant activity.
- Develops, maintains, and interprets written financial grants management policy and procedures and included same in OJP's Financial Guide.<sup>106</sup>

According to the COPS Office, as of May, 2009, OJP continues to provide the following services for them:

- Maintain an auditable accounting system with proper financial and management controls that accurately and timely records accounting transactions for obligations, deobligations, expenditures, drawdowns, and receivables (returned checks from grantees).
- Process payments to COPS grantees and disburse funds in accordance with legal requirements in a timely and accurate manner.
- Process payment adjustments for COPS grant activity (i.e., returned checks, changes in banking information, vendor IDs) in a timely and accurate manner.
- Perform quarterly quality control reviews of accounting data residing in the accounting system and support systems.
- Reconcile cash to Treasury (SF-224) and to FMIS for COPS financial activity on a monthly basis.
- Submit quarterly FAAD System reports to the Census Bureau.
- Maintain an accounting system that produces standard and customized reports for producing and/or reconciling to the SF-224 and for complying with other federal reporting requirements.
- Assist JMD, as required, with reconciliation reports efforts regarding COPS appropriation (WX) account as it relates to payments and receipts.
- Maintain an accounting system that allows current and prior year adjustment accounting entries.

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<sup>106</sup> U.S. Department of Justice, Office of the Inspector General, Streamlining of Administrative Activities and Federal Financial Assistance Functions in the Office of Justice Programs and the Office of Community Oriented Policing Services, Audit Report 03-27, August 2003, <http://www.usdoj.gov/oig/reports/plus/a0327/final.pdf>, pp. 9-10.

- Maintain central database of vendor numbers and provide access to data tables to COPS for processing award documents.
- Provide COPS financial data to support the preparation of financial statements.
- Provide COPS' grantees with PAPRS payment packages, which includes payment access information.
- Maintain and update, as appropriate, financial and grants management policies and procedures applicable to COPS grantees, including the Office of the Chief Financial Officer (OCFO) Financial Guide available on OJP's website.
- Conduct financial monitoring of COPS grants, including OCFO-based and on-site reviews and provide results to COPS management.
- Provide audit resolution/closure only for specific OJP issues.
- Conduct follow-up with COPS grantees on resolving issues identified in Correction Action Plans in order to close open Single Audit and OCFO monitoring reports.
- Provide audit confirmations to independent auditors for COPS grants.
- Provide Help Desk support and other Office of the Chief Information Officer (OCIO) functions pertaining to COPS grant information in support of the payment process.<sup>107</sup>

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<sup>107</sup> E-mail from U.S. Department of Justice, Community Oriented Policing Services Office, May 4, 2009.