



Community Oriented Policing Services (COPS): Background, Legislation, and Funding

Nathan James
Analyst in Crime Policy

January 4, 2011

Congressional Research Service

7-5700

www.crs.gov

RL33308

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.

For the first eight fiscal years that Congress funded the COPS program, the average annual appropriation was more than \$1 billion. Starting in FY2003, annual appropriations for the program, in general, started to decrease. The average annual appropriation for the COPS program over the past eight fiscal years (excluding the \$1 billion in funding COPS received under the American Recovery and Reinvestment Act of 2009; P.L. 111-5) is \$658 million.

Several bills were introduced in the 111th Congress that would have modified the COPS program, reauthorized appropriations for the program, or both. Three of these bills—H.R. 1139, S. 167, and H.R. 1568—would have reauthorized appropriations for the COPS program. In addition, H.R. 1139 and S. 167 would have, among other things, changed COPS from a single-grant to a multi-grant program and made the COPS Office an exclusive component of the Department of Justice (DOJ). H.R. 3154 and S. 1424 would have required the Attorney General to award grants to units of local government with high violent crime rates so they could increase the size of their police forces.

Contents

Background	1
COPS Funding.....	3

Figures

Figure 1. COPS Funding, FY1995-FY2010.....	4
Figure 2. Funding for Hiring Programs, FY1995-FY2010	5

Tables

Table A-1. COPS' Requested Funding, Total Enacted Funding, Funding for Hiring Programs, and Authorized Appropriation, FY1995-FY2010.....	6
--	---

Appendixes

Appendix A. COPS Funding History	6
Appendix B. Legislation in the 111 th Congress	8

Contacts

Author Contact Information	12
----------------------------------	----

Background

The Community Oriented Policing Services (COPS) program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994¹ (the '94 Crime Act). The mission of the COPS program is to advance community policing in all jurisdictions across the United States.² 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.³ COPS grants are managed by the COPS Office, which was created in 1994 by 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 1994.⁴ 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 FY2004.⁵

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 this program could have been used to

- hire new police officers;
- rehire police officers who have been laid off; and
- obtain equipment or support systems and provide overtime pay, if it results in an increase of the number of officers deployed in community-oriented 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 other non-hiring purposes such as

- training law enforcement officers in crime prevention and community policing techniques;
- developing technologies that emphasize crime prevention;

¹ P.L. 103-322; 42 U.S.C. §3796dd.

² 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>.

³ 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>.

⁴ Carl Peed, "Message from the Director," <http://www.cops.usdoj.gov/Default.asp?Item=37>.

⁵ 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>.

- linking community organizations and residents with law enforcement;
- supporting the purchase of weapons for police officers;
- decreasing the amount of time police must spend away from the community while awaiting court appearances; and
- facilitating the establishment of community-oriented policing as an organization-wide philosophy.⁶

In 1998, P.L. 105-302 amended the '94 Crime Act to allow COPS funding to be used for school resource officers. In 2003, P.L. 108-21⁷ also amended the '94 Crime Act to allow COPS funding to be used for assisting states to enforce sex offender registration laws.⁸

The '94 Crime Act authorized funding for the COPS program through FY2000. Debate on Title I of the '94 Crime Act focused on whether the COPS program would be able to meet its goal of putting 100,000 new police officers on the beat by the end of FY2000.⁹ Starting in 1999, Congress turned its attention to reauthorizing the COPS program. There was support from some Members of Congress for continuing the COPS program.¹⁰ During this period, Congress discussed using COPS hiring programs to put another 50,000 police officers on the streets.¹¹ After

⁶ This list represents the types of activities that were originally authorized in P.L. 103-322, which also included (1) hiring programs such as Universal Hiring Program and Making Officer Redeployment Effective (MORE), and (2) other activities such as Police Corps, methamphetamine "hot spot" clean-up, law enforcement technology, and tribal law enforcement grants.

⁷ See §341 of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act (PROTECT) of 2003 (P.L. 108-21).

⁸ For additional information on sex offender registering laws, see CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Recent Legislation and Issues*, by Garrine P. Laney.

⁹ See Senate debate, "Violent Crime Control and Law Enforcement Act of 1994—Conference Report," *Congressional Record*, vol. 140 (August 25, 1994), pp. S12496-S12557; Rep. Manzullo, "Examining the Centerpiece of the Crime Bill," *Congressional Record*, vol. 140 (August 18, 1994), pp. H8691-H8694; Sen. Orrin Hatch, "The Signing of the Crime Bill," *Congressional Record*, vol. 140 (September 13, 1994), p. S12799; Rep. William J. Coyne, "The Right Tools for Fighting Crime—Extension of Remarks," *Congressional Record*, vol. 140 (August 26, 1994), p. E1808; Senate debate, "The Crime Bill," *Congressional Record*, vol. 140 (August 22, 1994), pp. S12285-S12288; Senate debate, "Violent Crime Control and Law Enforcement Act of 1994," *Congressional Record*, vol. 140 (August 22, 1994), pp. S12250-S12284.

¹⁰ See Senate debate, "Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act," *Congressional Record*, vol. 145 (July 22, 1999), pp. S8988-S9014; Rep. Bart Stupak, "COPS Program Good for Communities," *Congressional Record*, vol. 145 (May 12, 1999), p. H3070; Rep. Rush Holt, "Reauthorize COPS Program," *Congressional Record*, vol. 145 (May 12, 1999), p. H3003; Senate debate, "Concurrent Resolution on the Budget for Fiscal Year 2000," *Congressional Record*, vol. 145 (March 24, 1999) pp. S3301-S3308; Senate debate, "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000," *Congressional Record*, vol. 145 (July 21, 1999), pp. S8940-S8947.

¹¹ See U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, *Making America's Streets Safer: The Future of the COPS Program*, 107th Cong., 1st sess., December 5, 2001 (Washington: GPO, 2002); Senate debate, "Statement on Introduced Bills and Joint Resolutions," *Congressional Record*, vol. 145 (January 19, 1999), pp. S345-S470; House debate, "Democratic Legislative Agenda Held Hostage by Do-nothing/Do-wrong Republican Congress," *Congressional Record*, vol. 145 (November 3, 1999) pp. H11452-H11459; U.S. Congress, House Committee on Appropriations, *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 2001*, report to accompany H.R. 4690, 106th Cong., 2nd sess., H.Rept. 106-680 (Washington, GPO, 2000), p. 8; House debate, "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002," *Congressional Record*, vol. 147 (July 18, 2001), pp. H4167-H4202; Senate debate, "Statement on Introduced Bills and Joint Resolutions," *Congressional Record*, vol. 145 (March 25, 1999), pp. S3440-S3457; Sen. Orrin Hatch, "Hatch Amendment No. 246," *Congressional Record*, vol. 145 (April 12, 1999), p. S3600.

COPS initial authorization expired, several bills were introduced in Congress that would have reauthorized the COPS program; however, Congress continued to appropriate funding for the program through FY2006, when reauthorizing legislation was enacted (see discussion below).

On January 5, 2006, the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) was signed into law. The act reauthorized the COPS program through FY2009. Along with reauthorizing the COPS program, the act amended current law¹² 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 (see above) 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 hire or re-hire community policing officers or fund non-hiring programs.¹³

COPS Funding

This section of the report only discusses the new budget authority enacted for the COPS program in the annual appropriation bills. Between FY1998 and FY2002, Congress directed the COPS Office to use unobligated balances from previous fiscal years to fund grant programs, which included grants for hiring, school safety, law enforcement technology, combating methamphetamine, armor vests for law enforcement officers, improving tribal law enforcement, and combating domestic violence.

Congress first appropriated funding for the COPS program in 1995 at \$1.3 billion. As illustrated in **Figure 1**, in FY1996, the total amount appropriated increased 7.7% (\$1.4 billion). Appropriations for the COPS program remained constant at about \$1.4 billion, until FY2000, when appropriations decreased 58.4% (\$595 million) from the previous fiscal year. Appropriations for the COPS program began to increase again in FY2001 when Congress increased the COPS appropriation by 74.3%, to slightly over \$1 billion. In FY2002, COPS appropriations increased 1.3% from the previous fiscal year (\$1.05 billion). In FY2003, COPS appropriations decreased by 6.9% (\$978 million) from FY2002, and in FY2004, the program’s appropriations decreased by 23.5% (\$748 million)¹⁴ from the previous year. In FY2005, appropriations for the COPS program decreased 20% (\$598 million)¹⁵ from FY2004, and in FY2006, the COPS program saw another 21.1% (\$472 million)¹⁶ reduction. Appropriations for COPS increased 14.7% (\$542 million)¹⁷ in FY2007 compared with FY2006, and in FY2008,

¹² 42 U.S.C. §3796dd(d).

¹³ Even though current law states that law enforcement agencies that receive a COPS grant could use the funding for hiring or re-hiring law enforcement officers, the authority for the Attorney General to make grants for hiring or re-hiring law enforcement officer ended on September 13, 2000 (42 U.S.C. §3796dd(i)).

¹⁴ This amount does not reflect a \$6.378 million rescission imposed by Congress on all COPS unobligated balances. Rescission amounts specific to the COPS program are rescinded from recoveries of prior year de-obligated funds and not from enacted appropriations. Recoveries are previously obligated funds from prior year appropriations that have been de-obligated. De-obligations can result from events such as a grantee withdrawing from a grant or modifying a grant. During the closeout phase of a grant, any unused funds by grantees are also typically de-obligated (i.e., returned to DOJ). E-mail from U.S. Department of Justice, Community Oriented Policing Services Office, April 30, 2007.

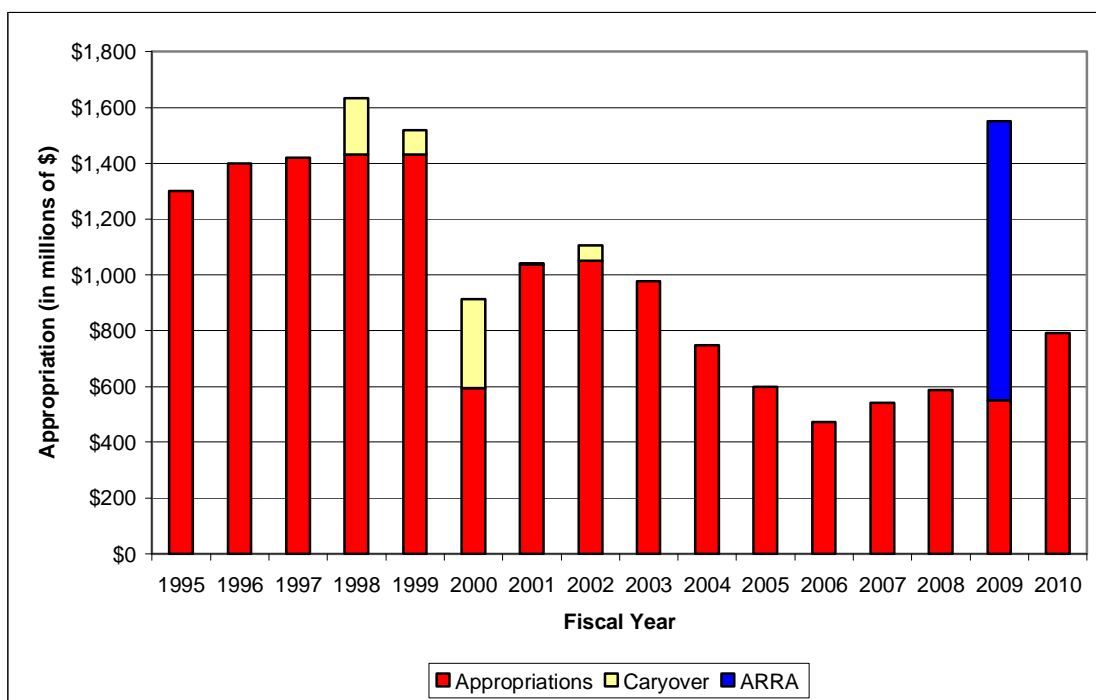
¹⁵ This amount does not reflect a \$99 million rescission imposed by Congress on all COPS unobligated balances.

¹⁶ This amount does not reflect a \$86.5 million rescission imposed by Congress on all COPS unobligated balances.

¹⁷ This amount does not include an across-the-board rescission of 0.5% to OJP and COPS programs to fund the Office of Audit, Assessment, and Management (OAAM). Email correspondence with Congressional Affairs Office, (continued...)

COPS appropriations increased another 8.4% (\$587 million).¹⁸ The Omnibus Appropriations Act (P.L. 111-8) included \$551 million for the COPS program.¹⁹ In addition to this amount, the American Recovery and Reinvestment Act (ARRA, P.L. 111-5) included \$1 billion for the COPS hiring program. When only considering the \$551 million annual appropriation for COPS, funding for the COPS program decreased 6.3% between FY2008 and FY2009. However, if the \$1 billion for COPS hiring grants are included as a part of the FY2009 appropriation, for a total of \$1.551 billion, funding for COPS increased 164% from FY2008 to FY2009. Congress appropriated \$792 million for COPS for FY2010.²⁰ This amount represents a 43.8% increase compared to the \$551 million COPS received under the Omnibus Appropriations Act, 2009 (P.L. 111-8), but it is 48.9% less than the \$1.551 billion COPS received in total for FY2009.²¹

Figure I. COPS Funding, FY1995-FY2010



Source: FY1995 through FY2008 enacted amounts provided by U.S. Department of Justice, Community Oriented Policing Services; FY2009 appropriations taken from P.L. 111-5 and P.L. 111-8; FY2010 appropriation taken from P.L. 111-117.

(...continued)

Community Oriented Policing Services Office on April 30, 2007.

¹⁸ This amount does not reflect a \$87.5 million rescission imposed by Congress on all COPS unobligated balances, nor does it reflect a \$10.3 million rescission imposed by Congress on appropriations for the COPS program that were appropriated from the Violent Crime Reduction Trust Fund.

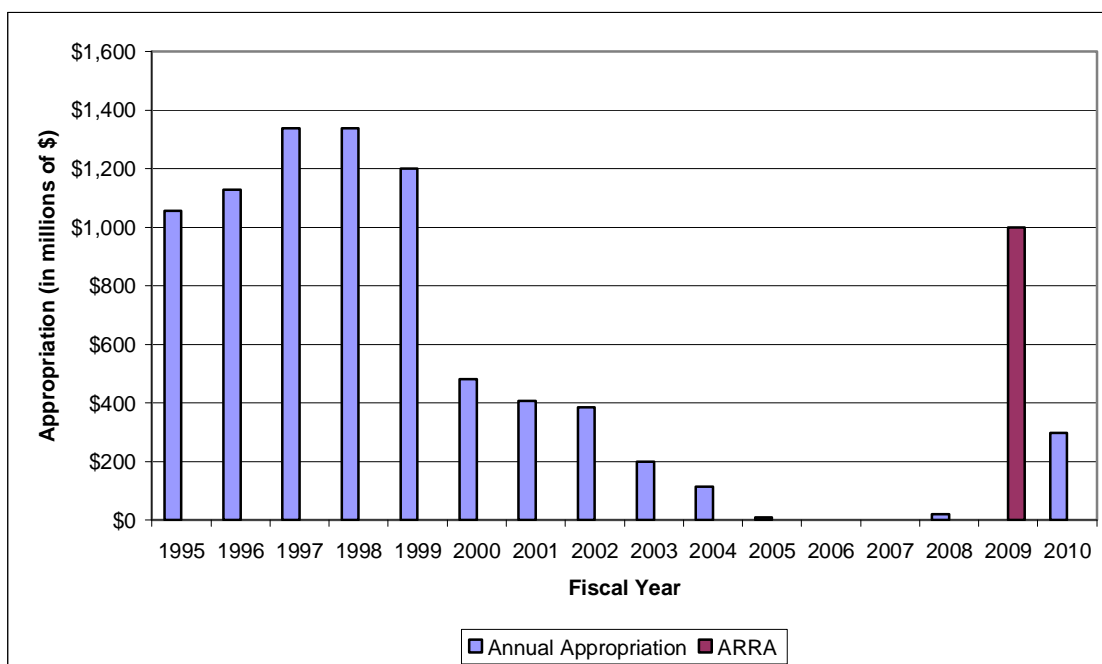
¹⁹ This amount does not reflect a \$100 million rescission imposed by Congress on all COPS unobligated balances.

²⁰ This amount does not reflect a \$40 million rescission imposed by Congress on all COPS unobligated balances.

²¹ In addition to the \$551 million COPS received under the Omnibus Appropriations Act, 2009 (P.L. 111-8), COPS also received \$1 billion under the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5). The funding COPS received under ARRA was designated as emergency funding.

In the early years of the COPS program, a majority of the program’s enacted appropriations went to grant programs specifically aimed at hiring more police officers (see **Figure 2**). Beginning in FY1998, however, enacted appropriations for COPS hiring grants began to decline, whereas non-hiring grants started to see an increase in appropriations. Congress has traditionally specified what amounts of the COPS appropriation each fiscal year are to be used for hiring grants and non-hiring grants. In FY2008, Congress appropriated \$20 million for hiring grants, the first time Congress has appropriated funding for hiring grants since FY2005. As discussed above, the ARRA included \$1 billion for COPS hiring grants, the most funding Congress has appropriated for hiring grants since FY1999. For FY2010, Congress included \$298 million for COPS hiring programs as a part of the annual COPS appropriation.

Figure 2. Funding for Hiring Programs, FY1995-FY2010



Source: Hiring appropriation for FY1995 to FY2008 amounts were provided by U.S. Department of Justice, Office of Community Oriented Policing Services, Congressional Affairs Office. FY2009 hiring amount was taken from P.L. 111-5; FY2010 hiring amounts taken from P.L. 111-117.

Appendix A. COPS Funding History

Table A-1. COPS' Requested Funding, Total Enacted Funding, Funding for Hiring Programs, and Authorized Appropriation, FY1995-FY2010

(In millions of dollars)

Fiscal Year	President's Request	New Budget Authority	Carryover (from prior fiscal years)	Total	Hiring Programs	Authorized
1995	\$1,720	\$1,300	\$—	\$1,300	\$1,057	\$1,332
1996	1,903	1,400	—	1,400	1,128	1,850
1997	1,976	1,420	—	1,420	1,339	1,950
1998	1,545	1,430	203	1,633	1,338	1,700
1999	1,420	1,430	90	1,520	1,201	1,700
2000	1,275	595	318	913	481	268
2001	1,335	1,037	5	1,042	408	—
2002	855	1,050	55	1,105	385	—
2003	1,382	978 ^a	—	978	199	—
2004	164 ^b	748 ^c	—	748	114	—
2005	97 ^d	598 ^e	—	598	10	—
2006	118 ^f	472 ^g	—	472	—	1,047
2007	102 ^h	542 ⁱ	—	542	—	1,047
2008	32 ^j	587 ^k	—	587	20	1,047
2009	— ^l	551 ^m	—	551	1,000 ⁿ	1,047
2010	760	792 ^o	—	792	298	—

Source: CRS presentation of the Administration's budget requests for the respective years, data provided by the U.S. Department of Justice, Office of Community Oriented Policing Services, Congressional Affairs Office, and authorized funding in P.L. 103-322 and P.L. 109-162.

- a. Includes a \$929 million appropriation and a \$55 million supplemental appropriation.
- b. The Administration proposed a \$6.4 million rescission of unobligated balances.
- c. Does not include a \$6.4 million rescission imposed by Congress on all COPS unobligated balances.
- d. The Administration proposed a \$53.5 million rescission of unobligated balances.
- e. Does not include a \$99 million rescission imposed by Congress on all COPS unobligated balances.
- f. The Administration request proposed a \$99.5 million rescission of unobligated balances.
- g. Does not include a \$86.5 million rescission imposed by Congress on all COPS unobligated balances.
- h. The Administration proposed a \$127.5 million rescission of unobligated balances.
- i. Does not include an across-the-board rescission of 0.5% to OJP and COPS programs to fund the Office of Audit, Assessment and Management (OAAM).
- j. The Administration proposed a \$87.5 million rescission of unobligated balances.

k. Does not include a \$87.5 million rescission imposed by Congress on all COPS unobligated balances, or a \$10.3 million rescission imposed by Congress on appropriations for the COPS program that were appropriated from the Violent Crime Reduction Trust Fund.

l. For FY2009, the Administration did not request funding for any specific COPS grant program. Rather, the Administration requested \$4 million for community police training and technical assistance under the State and Local Law Enforcement Assistance account in the Commerce, Justice, Science, and Related Agencies appropriations bill.

m. Does not include \$100 million rescission imposed by Congress on all COPS unobligated balances.

n. The \$1 billion COPS received for hiring grants for FY2009 was appropriated under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

o. Does not include \$40 million rescission imposed by Congress on all COPS unobligated balances.

Appendix B. Legislation in the 111th Congress

Several bills were introduced in the 111th Congress would have either modified the COPS program, reauthorized appropriations for the program, or both. The provisions of these bills are described below.

The COPS Improvement Act of 2009

Two bills, H.R. 1139 and S. 167, both titled the COPS Improvement Act of 2009, would have, among other things, expanded the scope of the current COPS grant program, established new grant programs, made COPS an exclusive component of the Department of Justice (DOJ), and authorized additional funding for COPS.

Amendments to the Current COPS Single-Grant Program

H.R. 1139 and S. 167 would have changed COPS from a single-grant program to a multi-grant program, as it was before the amendments made by the Violence Against Women and Department of Justice Reauthorization Act of 2005. Both bills would have amended current law²² so that the program purpose areas for COPS grants under the current single-grant program would have become the program purpose areas under a new Community Policing and Crime Prevention Grants program. Both bills would have also added three new program purpose areas under the proposed Community Policing and Crime Prevention Grants program. One proposed purpose area would have allowed the Attorney General to award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local schools systems to combat crime, gangs, drug activities, and other problems. A second proposed program purpose area would have allowed the Attorney General to award grants to establish and implement innovative programs to reduce and prevent the manufacturing, distribution, and use of illegal drugs, including methamphetamine. A third program purpose area would have allowed the Attorney General to award grants to meet emerging law enforcement needs, as warranted. H.R. 1139 would have added three additional program purpose areas. One purpose area would have allowed the Attorney General to award grants to establish criminal gang enforcement task forces, consisting of members of federal, state, and local law enforcement authorities (including federal, state, and local prosecutors), for investigating, apprehending, and prosecuting gangs and offenders involved in local or multi-jurisdictional gang-related activities. Another proposed program purpose area would have allowed grants to be used to hire or re-hire civilian forensic analysts and laboratory personnel. The final purpose area would have allowed the Attorney General to award grants to pay for or train officers hired to perform intelligence, anti-terror, or homeland security duties.

Additional COPS Grant Programs

In addition, H.R. 1139 and S. 167 would have established three new grant programs: (1) a Troops-to-Cops Program, (2) a Community Prosecutors Program, and (3) a Technology Grants program. The Troops-to-Cops Program would have provided funding to hire former members of

²² 42 U.S.C. §3796dd(b).

the armed forces²³ as law enforcement officers for community-oriented policing, particularly in communities that are adversely affected by recent military base closings. The Community Prosecutor Program would have allowed the Attorney General to make grants to pay for additional community prosecuting programs, which would assign prosecutors to handle cases from specific geographic areas and assign prosecutors to address counterterrorism problems, specific violent crime problems, and localized violent and other crime problems. The Technology Grants program would have allowed the Attorney General to award grants to develop and use new technologies (including interoperable communications technologies, modernized criminal records technology, and forensic technology) to emphasize crime prevention activities and train law enforcement officers on how to use such technologies.²⁴

Both H.R. 1139 and S. 167 would have also amended current law²⁵ by adding language that would have made the COPS Office the exclusive component of DOJ to award and monitor COPS grants and to provide training and technical assistance to further community-oriented policing. Under current law,²⁶ the Attorney General may use any component of DOJ to award and monitor COPS grants.

Amendments to Grant Award and Use Conditions

Both H.R. 1139 and S. 167 would have amended language in current law that regulates how COPS hiring grants are awarded and used. Both bills would have struck language in current law²⁷ that allows the Attorney General to give preferential consideration, where feasible, to applications for hiring and re-hiring additional career law enforcement officers that involve a nonfederal contribution exceeding 25% of the cost of the program. Both bills would have struck language in current law²⁸ that limits the authority of the Attorney General to make grants for the hiring and re-hiring of career law enforcement officers to six years after September 13, 1994. Furthermore, both H.R. 1139 and S. 167 would have amended current law to require any grant recipient that receives a grant for hiring or re-hiring career law enforcement officers to retain each additional law enforcement officer position created under the grant for not less than 12 months after the grant period ends, unless the requirement is waived by the Attorney General. S. 167 would have struck language from current law²⁹ that requires the federal share of a grant project for hiring or rehiring career law enforcement officers to decrease each year for up to five years. H.R. 1139 would have required that, unless the Attorney General waives the non-federal contribution

²³ S. 167 would define “former members of the armed services” as a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of 10 U.S.C. §1141. For example, if a regular enlisted member of the armed forces is on active duty and the member is (1) denied reenlistment, or (2) is involuntarily discharged under other than adverse conditions, the member is considered to be involuntarily discharged under 10 U.S.C. §1141. H.R. 1139 would define “former members of the armed forces” as a member of the Armed Forces that is honorably discharged from the Armed Forces of the United States.

²⁴ Both bills would strike 42 U.S.C. §3796dd(b)(9) (one of the current program purpose areas under the current COPS single-grant program), which allows the Attorney General to make grants to “develop new technologies, including interoperable communications technologies, modernized criminal record technology, a forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of the activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.”

²⁵ 42 U.S.C. §3796dd.

²⁶ 42 U.S.C. §3796dd(e).

²⁷ 42 U.S.C. §3796dd(c).

²⁸ 42 U.S.C. §3796dd(i).

²⁹ 42 U.S.C. §3796dd(g).

requirement,³⁰ the non-federal share of the costs of hiring or rehiring law enforcement officers may be less than 25% in any given year during the grant period, but the non-federal share cannot be less than 25% for the entire grant period. H.R. 1139 would have also required state or local government to make an effort to increase the non-federal share of hiring or rehiring grants during the grant period. Both bills would have struck language from current law that sets the maximum amount that can be awarded for hiring a law enforcement officer at \$75,000.³¹ This requirement would not apply to grants awarded for the purpose of hiring officers to perform intelligence, anti-terrorism, and homeland security-related activities. In addition, S. 167 would have allowed hiring grants to be used for hiring Amtrak police officers. H.R. 1139 did not contain a similar provision. However, it did contain a provision stating that grants awarded for hiring or re-hiring civilian forensic analyst and laboratory personnel are subject to the same treatment, limitations, and renewal requirements as grants awarded for hiring and re-hiring law enforcement officers.

Amendments to Renewal Conditions

Both bills would have amended current law³² to change the way that COPS grants are renewed. Currently, non-hiring grants can be renewed for up to two additional years after the first fiscal year the recipient receives the grant, if the Attorney General determines that the funds were used in a manner required under the approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application. Grants for hiring or re-hiring career law enforcement officers can be renewed for up to five years. The grant period for a multiyear, non-hiring grant, including any renewals, cannot exceed three years. S. 167 would have allowed the Attorney General to renew a grant, regardless of type, without limitation on the duration of such renewal, if the Attorney General determines that the funds were used in a manner required under the approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application. H.R. 1139 would have allowed the Attorney General to renew non-hiring grants without limitation on the duration of such renewal, if the Attorney General determines that the funds were used in a manner required under the approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application. H.R. 1139 would have allowed the Attorney General to renew grants for hiring or rehiring for up to five years, though the Attorney General could waive the five-year limitation with good cause. Both bills would have also allowed the Attorney General to extend the grant period for any award, without limitations on the duration of the extension, to provide additional time for the grant recipient to complete the objectives of the grant award.

Reauthorization of COPS Appropriations

H.R. 1139 and S. 167 would have increased the authorized amount of funding available for COPS grants. S. 167 would have amended current law³³ to increase the authorized amount of funding for COPS from the current \$1.047 billion each fiscal year to \$1.15 billion each fiscal year for each of FY2009 through FY2014, while H.R. 1139 would have increased authorized funding to \$1.8

³⁰ Under current law (42 U.S.C §3796dd(g)), the portion of the costs of a program, project, or activity funded by a grant cannot exceed 75% of the total costs of the program, project, or activity (i.e. the grant recipient must provide funding for at least 25% of the costs). However, the Attorney General can waive the match requirement wholly or in part.

³¹ 42 U.S.C. §3796dd-3(c).

³² 42 U.S.C. §3796dd-2.

³³ 42 U.S.C. §3793(a)(11).

billion for each of FY2009 through FY2014. Both bills would have allowed up to 5% of the authorized funds each fiscal year to be used for training and technical assistance or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of community-oriented policing. S. 167 would have also required that not less than \$600 million of the authorized funding available each fiscal year be used for Community Policing and Crime Prevention Grants, \$200 million be used for Community Prosecutor Program grants, and \$350 million be used for Technology Grants. H.R. 1139 would have also required that not less than \$1.25 billion of the authorized funding available each fiscal year be used for Community Policing and Crime Prevention Grants, \$200 million be used for Community Prosecutor Program grants, and \$350 million be used for Technology Grants.

New Grant Compliance Enforcement Conditions

Both H.R. 1139 and S. 167 would have allowed the Attorney General to “take any enforcement action available to the Department of Justice,” if the Attorney General determines that a grant is not in substantial compliance with the terms and requirements of an approved grant application. Under current law,³⁴ the Attorney General can suspend or revoke funding, in whole or in part, if the Attorney General determines that a grant is not in compliance.

Amendments to Non-supplanting Conditions

Both H.R. 1139 and S. 167 would have amended the current non-supplanting requirement³⁵ for COPS grants so that COPS grant funds cannot be used to supplant state and local funds or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs. Both bills would have required COPS grants to be used to increase the amount of funds that the Attorney General determines would be made available by state, local, and tribal sources for the purposes of any COPS grant program. H.R. 1139 would have added language that would make grants for hiring officers to perform intelligence, anti-terror, and homeland security duties exempt from this requirement.

Required Studies of the COPS Program

H.R. 1139 would have required the Attorney General to evaluate the effectiveness of programs, projects, and activities funded by COPS in reducing crime. H.R. 1139 would have also required the Department of Justice’s Inspector General to report on (1) the effect of COPS grants on violent crimes, drug offenses, and other crimes; (2) the degree to which state and local government that receive COPS grants contribute funding for state and local law enforcement programs; and (3) waste, abuse, or fraud within the program.

³⁴ 42 U.S.C. §3796dd-5.

³⁵ Under current law, state, local, and tribal governments cannot use COPS funds to replace state, local, or tribal funds that would have otherwise been spent on the specific law enforcement purpose of the grant award. Under the non-supplanting requirement, COPS grant funds must be used to increase the amount of funding that would be made available by state, local, and tribal sources. See 42 U.S.C. §3796dd-3(a).

Enhanced Violent Crime Community Policing Act of 2009

Two bills, H.R. 3154 and S. 1424, both titled the Enhanced Violent Crime Community Policing Act of 2009, would have amended current law to require the Attorney General, subject to the availability of appropriations, to award grants to units of local government for hiring and training new law enforcement officers for deployment in areas and communities with high incidences of violent crime. The bills would have required the Attorney General to award hiring grants to the five units of local government with populations over 350,000 with the highest violent crime rates per capita. The Attorney General would have also been required to award hiring grants to 15 additional units of local government that have the greatest need for a grant, based on

- per capita violent crime rate,
- gang population,
- drug trafficking rate,
- high school drop-out rate,
- unemployment rate,
- poverty rate,
- population, and
- any other criteria determined by the Attorney General.

Community Oriented Policing Services and Key Investments in Developmental Services Act of 2009

H.R. 1568, the Community Oriented Policing Services and Key Investments in Developmental Services Act of 2009, would have reauthorized appropriations for the COPS program at \$2.0 billion for each of FY2009-FY2014.

Author Contact Information

Nathan James
Analyst in Crime Policy
njames@crs.loc.gov, 7-0264