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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.

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. Authorized appropriations for the COPS program expired in FY2009. As such, Congress could consider legislation to reauthorize the COPS program. Debate about reauthorization of the program could be contentious because the COPS program is one of the primary means for providing federal assistance to state and local law enforcement, but at the same time, Congress is considering ways to reduce discretionary spending in order to shrink the federal budget deficit. This report provides an overview of issues Congress may consider if it chooses to take up legislation to reauthorize the COPS program.

If Congress considers the future of the COPS program, there are several issues it might discuss, 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?
- Is there programmatic overlap between the COPS Office of Justice Programs (OJP) grant programs?
- Should funding for the COPS program be appropriated as currently authorized in statute?

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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 the Department of Justice (DOJ) to oversee the COPS program.

The COPS program was originally authorized as a multiple-grant program, and appropriations for the program were authorized through FY2000.⁴ 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 law⁵ to change the COPS program into a single-grant program.⁶

Authorized appropriations for the COPS program expired in FY2009. As such, Congress could consider legislation to reauthorize the COPS program. Debate about reauthorization of the program could be contentious because the COPS program is one of the primary means for providing federal assistance to state and local law enforcement, but at the same time, Congress is considering ways to reduce discretionary spending in order to shrink the federal budget deficit. This report provides an overview and analysis of issues Congress might consider if it chooses to take up legislation to reauthorize the COPS program.

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 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.

⁵ 42 U.S.C. §3796dd(d).

⁶ 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.

Current Legislative Issues

If Congress considers the future of the COPS program, there are several issues it might discuss, 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?
- Is there programmatic overlap between the COPS Office of Justice Programs (OJP) grant programs?
- 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

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.⁷ They also argue that the purported effect of COPS hiring grants on crime rates in the 1990s is questionable.⁸ 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.⁹

Proponents of the COPS program assert that COPS hiring grants contributed to the decreasing crime rate in the 1990s.¹⁰ They contend that with the current economic downturn, crime rates¹¹ might increase and law enforcement agencies might have to lay off officers; hence it is important to ensure that local law enforcement agencies have the resources to maintain their forces and fight

⁷ U.S. Congress, House Committee on the Judiciary, *Markup of: H.R. 1139, the "COPS Improvement Act of 2009" and H.R. 985, the "Free Flow of Information Act of 2009,"* 111th Cong., 1st sess., March 25, 2009, pp. 20-21, hereafter "March 25 Markup of H.R. 1139."

⁸ 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,"* 111th Cong., 1st sess., March 18, 2009, p. 47, hereafter "March 18 Markup of H.R. 1139."

⁹ *Ibid.*

¹⁰ Rep. Conyers et al., "COPS Improvement Act of 2007," House Debate, *Congressional Record*, daily edition, vol. 153 (May 15, 2007), pp. H4985-H4995.

¹¹ Crime rates are traditionally calculated as the number of crimes per 100,000 people.

crime.¹² 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.¹³ They also maintain that the federal government should support local law enforcement because it has become more involved in homeland security and immigration enforcement.¹⁴

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 2012 (the most recent year for which data are available).¹⁵ The data are from the Uniform Crime Reports (UCR), which is collected and compiled by the Federal Bureau of Investigation (FBI).¹⁶ 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 crime rates decreased three consecutive years starting in 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. Nonetheless, since 2006 violent crime rates have again resumed a downward trend and violent crime is at its lowest level, on a per capita basis, since 1970.

¹² March 25 Markup of H.R. 1139, pp. 7-9.

¹³ March 18 Markup of H.R. 1139, p. 52.

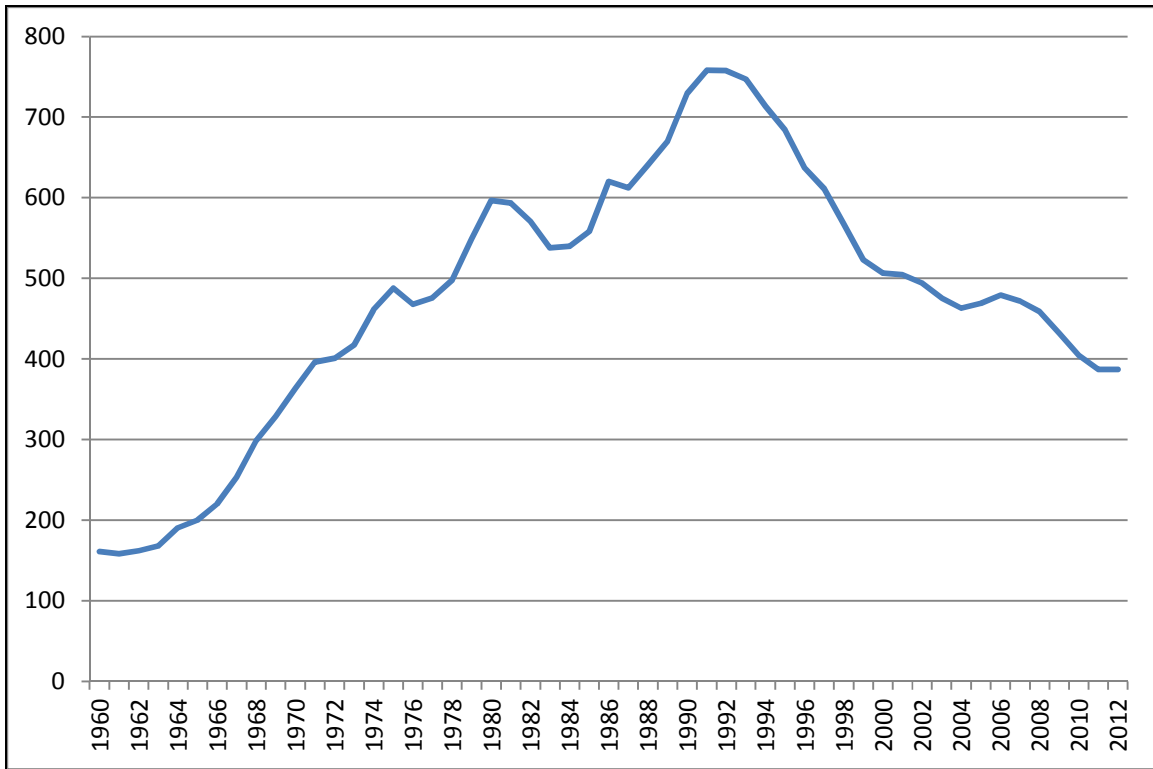
¹⁴ Rep. Conyers et al., "COPS Improvement Act of 2007," House Debate, *Congressional Record*, daily edition, vol. 153 (May 15, 2007), pp. H4985-H4995. March 25 Markup of H.R. 1139, p. 7.

¹⁵ Violent crimes include murder/non-negligent manslaughter, rape, robbery, and aggravated assault.

¹⁶ 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; 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.

Figure I. Violent Crime Rate, 1960-2012

Crimes per 100,000 people



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 2006-2012 were taken from *Crime in the United States, 2012*, Table I.

As discussed above, the national violent crime rate increased briefly in the middle of the past decade before decreasing again in recent years. In some instances, violent crime rates in cities and towns across the country did not always follow the national trend. For example, in 2005 the national violent crime rate increased, but decreased in towns with populations between 49,999 and 10,000 residents. On the other hand, data in **Table 1** also show that while the national violent crime rate decreased 1.6% 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. However, in the four most recent years, violent crime rates decreased across the board in cities with populations fewer than 250,000 people. The one exception to the general downward trend in violent crime rates was the increase in the violent crime rate in 2011 and 2012 in cities with populations of 250,000 or more people.

Table I. Violent Crime Rates, by City Population Groups, 1995-2012

Crimes 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	479.3	2.2%	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	471.8	-1.6%	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	458.6	-2.8%	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	431.9	-5.8%	801.6	-7.5%	563.5	-6.0%	425.8	-5.7%	343.1	-3.9%	307.0	-2.1%	317.3	-1.0%
2010	404.5	-6.3%	747.2	-7.3%	517.5	-8.2%	392.5	-7.8%	320.8	-6.5%	280.8	-8.5%	298.8	-5.8%
2011	387.1	-4.5%	754.5	1.0%	498.5	-3.7%	367.7	-6.3%	312.9	-2.5%	279.4	-0.5%	297.9	-0.3%
2012	386.9	-0.1%	769.4	2.0%	494.1	-0.9%	364.5	-0.9%	306.4	-2.1%	273.5	-2.1%	300.2	0.8%

Source: CRS presentation of Data from U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States*, 1995-2012.

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.¹⁷ 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* crime¹⁸ found mixed results. The studies in the review confirmed all possible results—law enforcement increased violent crime, decreased violent crime, and had no effect on violent crime.¹⁹ 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 violent crime, 27 (30.3%) found a positive effect (i.e., more law enforcement officers resulted in more violent crime), and 18 (20.2%) found a negative effect (i.e., more law enforcement officers resulted in less violent 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 violent 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.²⁰ 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 violent 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.²¹ The researcher estimated that the increase in the number of law

¹⁷ 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.

¹⁸ “Violent crime” included homicide, rape, robbery, and aggravated assault.

¹⁹ 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.

²⁰ 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.

²¹ 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.

enforcement officers between 1991 and 2001 accounted for a 5% to 6% reduction in crime. The 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, one researcher challenged the conclusions of this review because it excluded studies on the topic outside the field of economics.²²

In all, the total body of research suggests that law enforcement may have little impact on the amount of crime. However, scholars 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. As mentioned, some of the most recent research—which it has been argued is more methodologically sound than past research—suggest 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.²³ 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 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),²⁴ Innovative,²⁵ and

²² Franklin E. Zimring, *The Great American Crime Decline* (New York: Oxford University Press, 2007), pp. 78-79.

²³ Ibid.

²⁴ 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>.

other miscellaneous COPS grants²⁶ influenced crime rates between 1994 and 2001.²⁷ 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 rate²⁸ and the homicide, robbery, aggravated assault, burglary, and motor vehicle theft rates.²⁹ 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.³⁰ 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.³¹ 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 2000.³²

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),³³ and Small Communities Grant Program (SCGP)³⁴ funds on crime rates. Their

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²⁵ Innovative grants included all funding for the following programs: Advancing Community Policing, COPS 311, 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>.

²⁶ "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>.

²⁷ 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.

²⁸ 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.

²⁹ *Ibid.*, p. 84.

³⁰ *Ibid.*

³¹ 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.

³² *Ibid.*, p. 64.

³³ The CIS program provided grants to cover the cost of hiring school resource officers. William N. Evans and Emily (continued...)

analysis 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.³⁵ 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%.³⁶ 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.³⁷ 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%.³⁸ CIS and SCGP grants did not have a statistically significant impact on any crimes.³⁹

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.⁴⁰

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

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G. Owens, "COPS and Crime," *Journal of Public Economics*, vol. 91 (2007), p. 184; hereafter "Evans and Owens, 'COPS and Crime,'" p. 184.

³⁴ 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.*

³⁵ *Ibid.*, p. 195.

³⁶ *Ibid.*

³⁷ *Ibid.*, p. 196.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ 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*."

the product of the different models used by the GAO and Muhlhausen. The GAO's analysis 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.

Research 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.⁴¹ 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.⁴²

After years of decreasing appropriations for COPS hiring grants, Congress included \$1 billion for hiring grants in the American Recovery and Reinvestment Act of 2009 (P.L. 111-8), the highest level of funding for COPS hiring grants since FY1999.⁴³ In addition, Congress provided funding for hiring programs as a part of the annual appropriation for COPS in both FY2010 and FY2011. 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.⁴⁴ However, other

⁴¹ March 25 Markup of H.R. 1139, pp. 10-11; March 18 Markup of H.R. 1139, p. 47.

⁴² Rep. Conyers et al., "COPS Improvement Act of 2007," House Debate, *Congressional Record*, daily edition, vol. 153 (May 15, 2007), pp. H4985-H4995.

⁴³ For more information on the funding history of the COPS hiring program, see CRS Report RL33308, *Community Oriented Policing Services (COPS): Background and Funding*, by (name redacted).

⁴⁴ U.S. Department of Justice, Community Oriented Police Services Office, *About Us*, <http://www.cops.usdoj.gov/> (continued...)

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 2001.⁴⁵ 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 2003.⁴⁶ 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 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.⁴⁷ An audit by the Department of Justice Office of the

(...continued)

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⁴⁵ 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.

⁴⁶ 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>.

⁴⁷ Evans and Owens, "COPS and Crime," p. 193.

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.⁴⁸ 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.⁴⁹

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.⁵⁰ 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

⁴⁸ 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>.

⁴⁹ 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.

⁵⁰ 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, 107th Cong., 1st sess., December 5, 2001, S.Hrg. 107-705 (Washington: GPO, 2002), pp. 10-13.

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.⁵¹ 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.⁵² The GAO also reported that from 1994 to 2001, the COPS Office obligated \$4.7 billion in hiring grants.⁵³ 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.⁵⁴ 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.⁵⁵ 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.⁵⁶ 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 assumptions about the cost of individual crimes and the researchers' estimates of the impact that COPS grants had on crime.⁵⁷ To the extent that the researchers did not properly estimate the

⁵¹ 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.

⁵² 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.

⁵³ *Ibid.*, p. 14.

⁵⁴ Evans and Owens, "COPS and Crime," p. 199.

⁵⁵ *Ibid.*, p. 200.

⁵⁶ Muhlhausen, *Impact Evaluation of COPS Grants in Large Cities*, p. 16.

⁵⁷ 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>.

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.

Programmatic Overlap of COPS and OJP

Over the years, COPS' funding has been used for a variety of purposes, including 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 COPS Hiring Program (CHP), 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.⁵⁸
- 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.⁵⁹
- The Tribal Resources Grant Program (TRGP), which provides funds to tribal governments to support the law enforcement needs of tribal communities.⁶⁰ TRGP funds can be used to hire additional officers, provide law enforcement training, and purchase uniforms, basic-issue equipment, emerging technologies, and police vehicles.⁶¹
- The COPS Methamphetamine Initiative, which provided grants to state and local law enforcement agencies to help reduce the production, distribution, and use of

⁵⁸ U.S. Department of Justice, Community Oriented Policing Services Office, *2013 COPS Hiring Program*, http://www.cops.usdoj.gov/pdf/2013AwardDocs/CHP/2013_CHP-Preaward-FactSheet.pdf.

⁵⁹ U.S. Department of Justice, Community Oriented Policing Services Office, *COPS in Schools (CIS)*, <http://www.cops.usdoj.gov/Default.asp?Item=54>.

⁶⁰ U.S. Department of Justice, Community Oriented Policing Services Office, *Tribal Resources Grant Program (TRGP)*, <http://www.cops.usdoj.gov/Default.asp?Item=1428>.

⁶¹ Ibid.

methamphetamine.⁶² 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.”⁶³

- COPS Technology grants, which provided 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.⁶⁴
- The COPS Interoperable Communications Technology program, which provided grants to help communities develop effective interoperable communications systems for public safety and emergency services providers.⁶⁵ 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.⁶⁶
- 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.⁶⁷

A Department of Justice Office of the Inspector General (OIG) audit of the COPS program 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.⁶⁸ Specifically, the OIG reported that grants awarded under the CHP, CIS, and SOS programs were sometimes duplicative of grants awarded under LLEBG.⁶⁹

⁶² U.S. Department of Justice, Community Oriented Policing Services Office, *Methamphetamine Initiatives*, <http://www.cops.usdoj.gov/Default.asp?Item=57>.

⁶³ Ibid.

⁶⁴ U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Technology Grants*, <http://www.cops.usdoj.gov/Default.asp?Item=58>.

⁶⁵ U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Interoperable Communications Technology Program*, <http://www.cops.usdoj.gov/Default.asp?Item=1268>.

⁶⁶ U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Fact Sheet: COPS Interoperable Communications Technology Program*, October 2006, <http://www.cops.usdoj.gov/files/RIC/Publications/e1006525.pdf>.

⁶⁷ U.S. Department of Justice, Community Oriented Policing Services Office, *COPS Fact Sheet: Secure Our Schools Initiative*, September 2008, <http://www.cops.usdoj.gov/files/RIC/Publications/e0906119-SOS-08.pdf>.

⁶⁸ 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>, hereafter “2003 OIG Audit of COPS.”

⁶⁹ Ibid.

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.⁷⁰ Any program or initiative that was eligible for funding under LLEBG or the Byrne Formula Grant program is eligible for funding under JAG.⁷¹ However, a wider variety of programs can be funded under JAG compared to LLEBG. 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).

Since programs and initiatives that could have been 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 CHP, CIS, and SOS grants.⁷²

It should be noted that in certain fiscal years, Congress chose to eliminate funding for some of the COPS grant programs identified above (see **Appendix**). However, the elimination of funding for a program in one fiscal year does not mean that it will not be funded in future fiscal years. For example, there was no funding for CHP in either FY2006 or FY2007, but Congress has funded the program in each fiscal year since FY2008. Because there is the possibility that Congress could choose to reinstate funding for a zeroed-out grant program, this discussion about overlap between COPS and OJP grant programs includes references to programs that were funded in the past but might not be funded currently.

In its response to the OIG's audit findings, the COPS Office argued that COPS grants and JAG grants are complementary, not duplicative.⁷³ 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

⁷⁰ See §1111 of P.L. 109-162. For more information on the JAG program, see CRS Report RS22416, *Edward Byrne Memorial Justice Assistance Grant (JAG) Program*, by (name redacted).

⁷¹ 42 U.S.C. §3751(a)(2).

⁷² While JAG funds can be used to hire additional law enforcement officers, the COPS Office requires all officers hired with CHP 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*, August 2005, <http://www.cops.usdoj.gov/files/RIC/Publications/e08042467.pdf>.

⁷³ 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.

program.⁷⁴ In addition, the COPS Office 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.⁷⁵

Policy Implications

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 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 CHP, 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 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 CHP, 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 CHP, 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.⁷⁶ 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. However, Congress has continued to

⁷⁴ Under the JAG program, 40% of a state’s allocation is to be awarded directly to units of local government in the 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.

⁷⁵ 2003 OIG Audit of COPS, pp. 73-75.

⁷⁶ Ibid.

appropriate funding for specific grant programs under the COPS account in the Commerce, Justice, Science and Related Agencies appropriations bill (see **Appendix** for a breakdown of COPS annual appropriation for FY2004 to FY2013).

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. Between FY2006 and FY2010, with the exception of FY2007, most of the appropriation for these 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.⁷⁷

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. 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.

⁷⁷ 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). In both FY2011 and FY2012, Congress eliminated earmarked funding under the Law Enforcement Technology program and the Methamphetamine Initiative.

Appendix. Breakdown of COPS Funding

Table A-1. COPS Funding, by Program, FY2004-FY2013

Appropriations in thousands of dollars

	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013 ^a
Law Enforcement Technology Program	\$156,740	\$136,764	\$128,245	\$166,145	\$205,366	\$187,000	\$170,223	\$1,243	—	—
Community Policing Development/Training and Technical Assistance	4,947	14,800	3,949	9,546	3,760	4,000	12,000	9,940	10,000	9,405
Tribal Law Enforcement Programs	24,737	19,733	14,808	15,808	15,040	20,000	40,000	33,134	35,000 ^b	32,914 ^c
Methamphetamine Enforcement and Clean-up	53,481	51,854	62,778	70,000	61,187	39,500	40,385	12,425	12,500	12,241
COPS Hiring Program	113,790	9,866	—	—	20,000	—	298,000	246,845	141,000	155,170
COPS Hiring Recovery Program	—	—	—	—	—	1,000,000	—	—	—	—
Interoperable Communications Technology	74,620	98,664	9,872	—	—	—	—	—	—	—
COPS Management & Administration	29,684	29,599	—	1,541	28,200	—	—	—	—	—
Police Integrity Program	9,895	7,399	—	—	—	—	—	—	—	—
School Safety Initiatives/ Secure Our Schools Act	4,552	4,267	—	—	—	16,000	16,000	13,253	—	—
Child Sexual Predator Elimination/Sex Offender Management	—	—	—	—	15,608	18,000	24,000	19,880	—	—
Sex Offender Management	—	—	—	—	(4,162)	(5,000)	(11,000)	(9,112)	—	—
National Sex Offender Registry	—	—	—	—	(850)	(1,000)	(1,000)	(828)	—	—
Bullet-proof Vest Program	24,737	24,666	29,617	29,617	25,850	25,000	30,000	24,850	—	—
Crime Identification Technology Programs	23,971	28,070	28,407	28,407	—	—	—	—	—	—
National Criminal History Improvement Program	29,684	24,666	9,872	9,872	9,400	10,000	—	—	—	—
NICS Improvement	—	—	—	—	—	10,000	—	—	—	—
DNA Backlog Reduction Programs	98,948	108,531	107,145	112,145	152,272	156,000	161,000	133,363	—	—
Crime Lab Improvement Grants	—	—	—	—	—	—	—	—	—	—
Coverdell Forensic Science Grants	9,895	14,780	18,264	18,264	18,800	25,000	—	—	—	—

	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013 ^a
Project Safe Neighborhoods	59,369	—	14,808	20,613	20,000	15,000	—	—	—	—
Offender Re-entry Program	4,947	9,866	4,936	14,879	11,750	25,000	—	—	—	—
Project Sentry	—	—	—	—	—	—	—	—	—	—
Police Corps	14,842	14,800	—	—	—	—	—	—	—	—
Anti-gang Program	—	—	39,489	45,000	—	—	—	—	—	—
Total	748,325	598,346	472,191	541,838	587,233	1,550,500	791,608	494,933	198,500	209,730

Source: Appropriations for FY2002 through FY2011 provided by the U.S. Department of Justice, Community Oriented Policing Services. FY2012 appropriation figures taken from H.Rept. 112-284; FY2013 appropriation provided by the U.S. Department of Justice.

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

- a. The FY2013 enacted amount includes a 1.877% rescission per Section 3001 of P.L. 113-6 and a 0.2% rescission ordered by the Office of Management and Budget per Section 3004 of P.L. 113-6. The FY2013 enacted amount also includes the amount sequestered per the Budget Control Act of 2011 (P.L. 112-25).
- b. This amount includes \$15.0 million that was transferred from the appropriation for the COPS Hiring Program.
- c. This amount includes \$14.1 million that was transferred from the appropriation for the COPS Hiring Program.

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