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CRS Report for Congress

Community Oriented Policing Services (COPS): Background, Legislation, and 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 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. Three bills introduced in the 110th Congress, H.R. 1700, S. 368, and Subtitle A of Title I of S. 2237, would, among other things, expand the scope of COPS grant programs, make COPS an exclusive component of the Department of Justice (DOJ), and authorize additional funding for COPS. Congress is considering the legislation in order to assist local law enforcement with investigating and combating violent crime, which, according to Congress, has recently increased.

Appropriations for the COPS program were more than $1 billion for each fiscal year (FY) FY1995-FY2002, with the exception of FY2000 ($595 million). Appropriations for the COPS program decreased each fiscal year for FY2002-FY2006, but funding for COPS increased since FY2006. The Administration's requested funding for the COPS program was more than $1 billion each fiscal year for FY1995-FY2003, with the exception of FY2002 ($855 million), but the Administration's requested funding since FY2003 has continued to decrease.

According to the DOJ, by 2000, the COPS program funded 105,000 police officers. The Government Accountability Office (GAO) estimates that COPS funding paid for a total of about 88,000 additional officer years from 1994 to 2001. In its 2005 evaluation of the COPS program, the GAO estimated that COPS funding contributed to a 1.3% decline in the overall crime rate and a 2.5% decline in the violent crime rate between 1993 and 2000.

An audit by DOJ's Inspector General (OIG) found problems with DOJ's COPS Office and the COPS grant programs. In its 2003 report, the OIG noted that there was a structural overlap between Office of Justice Programs (OJP) and the COPS Office and a duplication in some of OJP's and COPS' grant programs. A 2000 evaluation, sponsored by the National Institute of Justice (NIJ), suggested that, in general, the COPS program was able to meet its goal of promoting community policing by providing hiring and technology grants to local law enforcement agencies.

As the COPS program continues to evolve, several questions may concern lawmakers, including (1) will COPS become a program that solely funds technology efforts for state and local law enforcement, (2) can COPS funding continue to contribute to the decreasing crime rate if it only funds technology programs, and (3) in order to prevent an overlap in the structure of the programs administered by the COPS Office and OJP, should the COPS Office be responsible for managing all of the funding appropriated to it rather than transferring some of its activities to OJP? This report will be updated as warranted.

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

Introduction

The COPS program was reauthorized in the 109th Congress in the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162). As a part of the reauthorization, Congress consolidated the COPS program into a single-grant program, discussed below. The 110th Congress is considering legislation, H.R. 1700 and S. 368, that would restructure and reauthorize funding for the COPS program. The impetus for the legislation is the recent increase in the violent crime rate, as reported by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reports.[1] Congress states that even though crime rates are increasing in parts of the country, the FBI is redirecting its agents to focus on counterterrorism, thereby reducing the FBI's capacity to investigate violent crime.[2] The proposed changes to the COPS grant program are intended to assist local law enforcement with investigating and combating violent crime.[3] This report discusses the COPS program, proposed legislation that would restructure the COPS program, and issues the Congress may wish to consider.

Background

The Community Oriented Policing Services (COPS) program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994[4] (the '94 Crime Act). The mission of the COPS program is to advance community policing in all jurisdictions across the United States. 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,

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[1] U.S. Congress, House Committee on the Judiciary, *COPS Improvement Act of 2007*, report to accompany H.R. 1700, 110th Cong., 1st sess., H.Rept. 110-150 (Washington: GPO, 2007), p. 6-7.

[2] Ibid.

[3] Ibid.

[4] P.L. 103-322; 42 U.S.C. §3796dd.

purchase and deploy new crime-fighting technologies, and develop and test new and innovative policing strategies.[5]

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.[6] The COPS Office also reported that it has funded more than 118,000 community policing officers throughout the United States as of the end of FY2004.[7]

Under Title I of the '94 Crime Act, the Attorney General is 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 to focus the officers' efforts on community policing. Grant funds awarded under this title can be 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.

Funds can also be 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;
- 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.[8]

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[5] DOJ COPS Office, "About Community Oriented Policing Services Office," at [http://www.cops.usdoj.gov/Default.asp?Item=35].

[6] Carl Peed, "Message from the Director," at [http://www.cops.usdoj.gov/Default.asp?Item=37].

[7] Community Oriented Policing Services Office, "About Community Oriented Policing Services Office, at [http://www.cops.usdoj.gov/Default.asp?Item=35].

[8] These bullets represent the types of activities that were originally authorized in P.L. 103-322, which included (1) hiring programs such as Universal Hiring Program and Making Officer Redeployment Effective (MORE), and (2) other activities such as Police Corps, meth "hot spot" clean-up, law enforcement technology, and tribal law enforcement grants.

Amendments to the '94 Crime Act

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. 108-21[9] also amended the '94 Crime Act to allow COPS funding to be used for assisting states to enforce sex offender registration laws.[10]

COPS Reauthorization

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.[11] 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.[12] During this period, Congress discussed using COPS hiring programs to put another 50,000 police officers on the streets.[13] After COPS initial

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

[10] For additional information on sex offender registering laws, see CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Enforcement and Other Issues*, by Garrine P. Laney.

[11] 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.

[12] 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. S3301-3308; 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.

[13] 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*, 170th Cong., 1st sess., December 5, 2001 (Washington: GPO, 2002); Senate debate, "Statement on Introduced Bills and Joint Resoluations," *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,

(continued...)

authorization expired, several pieces of legislation were introduced in Congress that would have reauthorized the COPS program; however, no legislation was enacted until 2006 (see discussion below). Despite the expiration of the COPS program in 2000, however, Congress continued to appropriate funding for it.

The Violence Against Women and Department of Justice Reauthorization Act of 2005

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 law[14] to change the COPS program into a single-grant program. Prior to the enactment of P.L. 109-162, the COPS program consisted of several different subgrant programs that required applicants to apply for funding under each program. Funds awarded to state or local law enforcement can now be used to hire community policing officers or fund non-hiring programs.

Legislation in the 110th Congress

Three bills introduced in the 110th Congress, H.R. 1700 and S. 368 (both titled the "COPS Improvement Act of 2007") and Subtitle A of Title I of S. 2237 (titled the "COPS Improvement Act"), would, among other things, expand the scope of COPS grant programs, make COPS an exclusive component of the Department of Justice (DOJ), and authorize additional funding for COPS. H.R. 1700 was introduced on March 26, 2007, and referred to the House Judiciary Committee. On April 24, 2007, the Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on the bill. At the same time, the subcommittee marked up the bill and favorably reported it to the House Judiciary Committee. On May 2, 2007, the House Judiciary Committee marked up the bill and reported it to the House floor. H.R. 1700, as amended, passed the House on May 15, 2007. S. 368 was introduced on January 23, 2007, and referred to the Senate Judiciary Committee. On May 24, 2007, the Senate Judiciary Committee reported the bill without amendment. S. 2237 was introduced on October 25, 2007, and referred to the Senate Judiciary Committee.

All three bills would change COPS from a single-grant program to a multi-grant program, as it was before the amendments made by the Violence Against Women and

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[13] (...continued)
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.

[14] 42 U.S.C. §3796dd(d).

Department of Justice Reauthorization Act of 2005 (see above). All of the bills would amend current law[15] so that the program purpose areas for COPS grants under the current single-grant program would become the program purpose areas under a new Community Policing and Crime Prevention Grants program. The three bills would also add four new program purpose areas under the proposed Community Policing and Crime Prevention Grants program. One proposed purpose area would allow 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 allow the Attorney General to award grants to establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine. A third program purpose area would allow the Attorney General to award grants to meet emerging law enforcement needs, as warranted. The fourth proposed program purpose area would allow the Attorney General to award grants to pay for officers hired to perform intelligence, anti-terror, and homeland security-related activities. H.R. 1700 would add another program purpose area that would allow 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.

In addition, all three bills would establish 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 provide funding to hire former members of the armed forces[16] 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 allow the Attorney General to make grants to pay for additional community prosecuting programs, including programs that assign prosecutors to handle cases from specific geographic areas, and address counterterrorism problems, specific violent crime problems, and localized violent and other crime problems. The Technology Grants program would allow 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.[17]

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[15] 42 U.S.C. §3796dd(b).

[16] Both S. 368 and Subtitle A of Title I of S. 2237 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. 1700 would define "former members of the armed forces" as a member of the Armed Forces who is honorably discharged from the Armed Forces of the United States.

[17] All of the bills would strike 42 U.S.C. §3796dd(b)(9) (one of the current program purpose

(continued...)

H.R. 1700, S. 368, and Subtitle A of Title I of S. 2237 would also amend current law[18] by adding language that would make 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,[19] the Attorney General may use any component of DOJ to award and monitor COPS grants.

In addition, all three pieces of legislation would amend language in current law that regulates how COPS hiring grants are awarded and used. All of the bills would strike language in current law[20] 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. All of the bills would strike language in current law[21] 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, all three bills would also amend 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. 368 and Subtitle A of Title I of S. 2237 would strike language from current law[22] 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. 1700 would require that, unless the Attorney General waives the non-federal contribution requirement,[23] the nonfederal 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 nonfederal share cannot be less than 25% for the entire grant period. H.R. 1700 would also require state or local government to make an effort to increase the nonfederal share of hiring or rehiring grants during the grant period. This requirement would not apply to grants awarded for the purpose of hiring officers to perform intelligence, anti-terror, and homeland security-related activities. In addition, both S. 368 and Subtitle A of Title I of S. 2237 would allow hiring grants

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[17] (...continued)
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."

[18] 42 U.S.C. §3796dd.

[19] 42 U.S.C. §3796dd(e).

[20] 42 U.S.C. §3796dd(c).

[21] 428 U.S.C. §3796dd(i).

[22] 42 U.S.C. §3796dd(g).

[23] 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.

to be used for hiring Amtrak police officers. H.R. 1700 does not contain a similar provision.

All of the bills would amend current law[24] 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 after 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. Both S. 368 and Subtitle A of Title I of S. 2237 would allow 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. 1700 would allow 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. 1700 would allow 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. All of the bills would also allow 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.

H.R. 1700, S. 368, and Subtitle A of Title I of S. 2237 would increase the authorized amount of funding available for COPS grants. S. 368 would amend current law[25] to increase the authorized amount of funding for COPS for FY2006-FY2009 from the current $1.047 billion each fiscal year to $1.15 billion each fiscal year. H.R. 1700 would also increase the authorized funding for COPS to $1.15 billion, but it would authorize that level of funding for each fiscal year FY2008-FY2013. Subtitle A of Title I of S. 2237 would increase the authorized funding for COPS to $1.15 billion, but it would authorize that level of funding for each fiscal year FY2007-FY2012. All three bills would allow 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. All three bills would also require 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.

Furthermore, all three pieces of legislation would allow 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

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[24] 42 U.S.C. §3796dd-2.

[25] 42 U.S.C. §3793(11).

terms and requirements of an approved grant application. Under current law,[26] 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.

H.R. 1700, S. 368, and Subtitle A of Title I of S. 2237 would amend the current non-supplanting requirement[27] 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. All of the bills would require COPS grants funds 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. 1700 would add language that would make grants for hiring officers to perform intelligence, anti-terror, and homeland security duties exempt from this requirement.

H.R. 1700 would require the Attorney General to evaluate the effectiveness of programs, projects, and activities funded by COPS in reducing crime. The study would be conducted by one or more universities, as selected by the Attorney General. The selected universities would report their findings to the Attorney General within four years of the enactment of the bill. The Attorney General would be required to report the findings to Congress within 30 days of receiving them. H.R. 1700 would also require 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.

COPS Appropriations

Congress first appropriated funding for the COPS program in 1995 at $1.3 billion (see **Figure 1** and **Appendix A**). As illustrated in **Figure 1**, in FY1996, the total amount appropriated increased 7.7% ($1.4 billion), and in FY1997, appropriations increased by 1.2% ($1.42 billion). Appropriations for the COPS program in FY1998 decreased 1.2% from FY1997 to almost the same level of appropriations it received in FY1996 ($1.4 billion). Appropriations for the COPS program remained constant at about $1.4 billion, until FY2000, when appropriations decreased 57.5% ($595 million) from the previous fiscal year. Appropriations for the COPS program began to increase again in FY2001. In FY2001, Congress increased the COPS appropriation by 73.5%, to slightly over $1 billion. In FY2002, COPS appropriations increased 1.7% from the previous fiscal year. In FY2003, COPS appropriations decreased by 6.3% ($984 million) from FY2002, and in FY2004, the

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[26] 42 U.S.C. §3796dd-5.

[27] 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).

program's appropriations decreased by 23.2% ($756 million)[28] from the previous year. In FY2005, appropriations for the COPS program decreased 19.8% ($606 million)[29] from FY2004, and in FY2006, the COPS program saw another 21.1% ($478 million)[30] reduction. Appropriations for COPS increased 13.4% ($542 million)[31] in FY2007 compared with FY2006, and in FY2008, COPS appropriations increased another 8.4% ($587 million).[32]

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[28] 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-obligation 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 correspondence with Congressional Affairs Office, Community Oriented Policing Services Office on April 30, 2007.

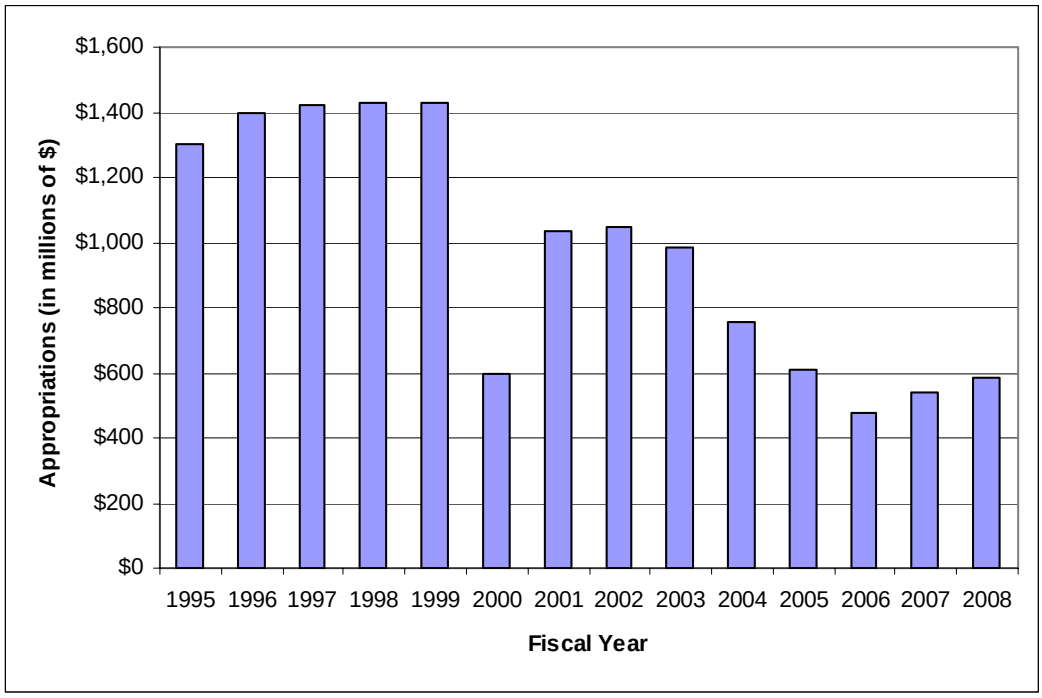
[29] This amount does not reflect a $99 million rescission imposed by Congress on all COPS unobligated balances.

[30] This amount does not reflect a $86.5 million rescission imposed by Congress on all COPS unobligated balances.

[31] 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, Community Oriented Policing Services Office on April 30, 2007.

[32] 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.

Figure 1: COPS Appropriations, FY1995-FY2008



Source: FY1995 appropriations taken from H.Rept. 103-708; FY1996 appropriations taken from H.Rept. 104-537; FY1997 appropriations taken from H.Rept. 104-863; FY1998 appropriations taken from H.Rept. 105-405; FY1999 appropriations taken from H.Rept. 105-825; FY2002 appropriations taken from H.Rept. 106-479; FY2001 appropriations taken from H.Rept. 106-1005; FY2002 appropriations taken from H.Rept. 107-278; FY2003 appropriations taken from H.Rept. 108-10; FY2004 appropriations taken from H.Rept. 108-401; FY2005 appropriations taken from H.Rept. 108-792; FY2006 appropriations taken from H.Rept. 109-272; FY2007 appropriations taken from P.L. 110-5; and FY2008 appropriations taken from P.L. 110-161.

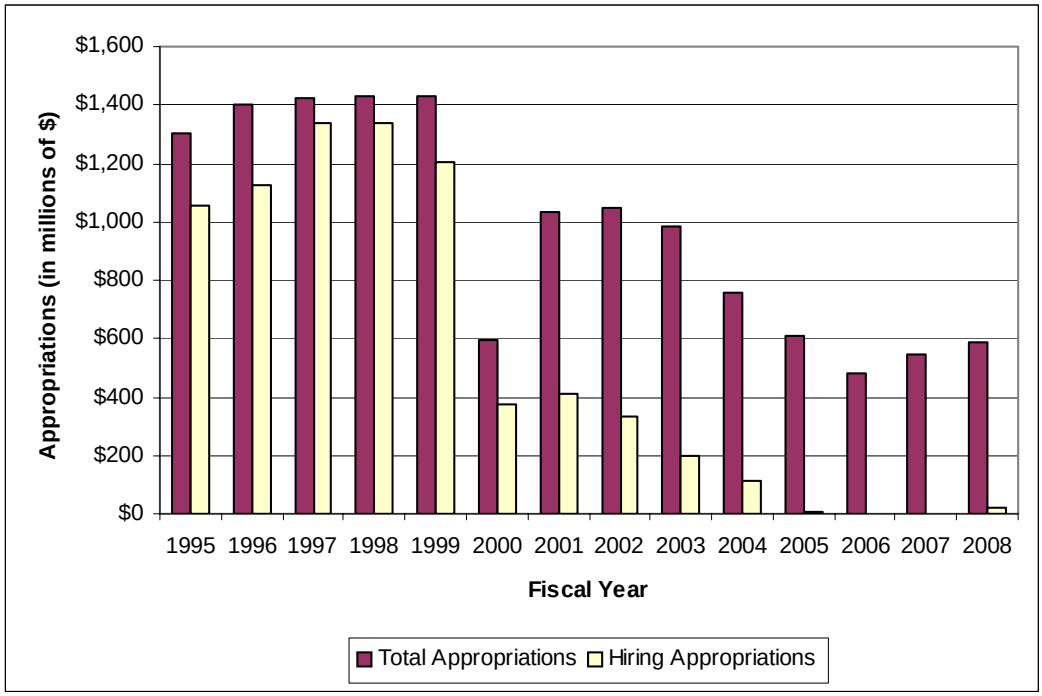
In the early years of the COPS program, a majority of the program's enacted appropriations went to grant programs specifically aimed at hiring more police officers (see **Figure 2**).[33] Beginning in FY1998, however, enacted appropriations for COPS hiring programs began to decline, whereas non-hiring grant programs started to see an increase in appropriations.[34] Congress has traditionally specified what amounts of the COPS appropriation each fiscal year are to be used for hiring

[33] Hiring grant programs include COPS Universal Hiring Program, COPS Making Officer Re-deployment Effective, COPS in Schools and Homeland Security Overtime (FY2003 only).

[34] Non-hiring grant programs include Community Policing Development (T&TA), Police Integrity, Tribal Resource Grant program, Methamphetamine Initiative, Safe Schools, Law Enforcement Technology, Interoperable Communications program, DC Offender Services program (FY1999 only), OIG Audit (FY1999 only), COPS Domestic Violence program, Police Recruitment program (FY1998 only), Small Communities Grant program (FY1998 only), Police Corps, Innovative Programs, Bulletproof Vest program, Crime ID Tech Assistance Act, DNA Backlog Elimination program, Crime Lab Improvement, Paul Coverdell Forensic Science Grants, Criminal Record Upgrades, Offender Re-entry, Project Sentry, and Community Prosecutors Grant program.

programs and non-hiring programs. In FY2008, Congress appropriated $20 million for hiring programs, the first time Congress has appropriated funding for hiring programs since FY2005.

Figure 2: COPS Total Appropriations and Appropriations for Hiring Programs, FY1995-FY2008



Source: COPS total appropriations taken from H.Rept. 103-708, H.Rept. 104-537, H.Rept. 104-863, H.Rept. 105-405, H.Rept. 105-825, H.Rept. 106-479, H.Rept. 106-1005, H.Rept. 107-278, H.Rept. 108-10, H.Rept. 108-401, H.Rept. 108-792, H.Rept. 109-272, P.L. 110-5, and P.L. 110-161. Hiring appropriation amounts were provided by U.S. Department of Justice, Office of Community Oriented Policing Services, Congressional Affairs Office.

The Administration's Budget Request

In FY1995-FY2001, the Administration's COPS budget request averaged $1.6 billion. As illustrated in **Figure 3**, the greatest amount of requested funding for COPS was in FY1997, when the Administration requested nearly $2 billion. The Administration's funding request for FY2002 for COPS decreased 36% from the previous fiscal year to $860 million. The Administration's funding request for FY2003, however, increased 62% more than FY2002 to $1.4 billion. Despite the requested increase in COPS funding in FY2003, the amount of funding requested by the Administration for the COPS program has decreased since FY2004. In FY2004, the Administration requested an appropriation of $164 million for COPS, but the Administration also requested a $6.4 million rescission of unobligated balances. The Administration requested a $97 million appropriation for the COPS program for FY2005 (41% less than the requested appropriation in FY2004), but the

Administration also requested a $53.5 million rescission of unobligated balances.[35] The requested funding for the COPS program for FY2006 was $118 million.[36] However, the Administration also requested that $99.5 million in unobligated balances be rescinded. The Administration's request for COPS for FY2007 ($102 million) is 13% less than the amount requested in FY2006.[37] The Administration has also requested a $127.5 million rescission of unobligated balances for the COPS program for FY2007. In FY2008, the Administration requested an appropriation of $32.3 million for COPS, but the Administration also proposed a $87.5 million rescission of unobligated balances.[38]

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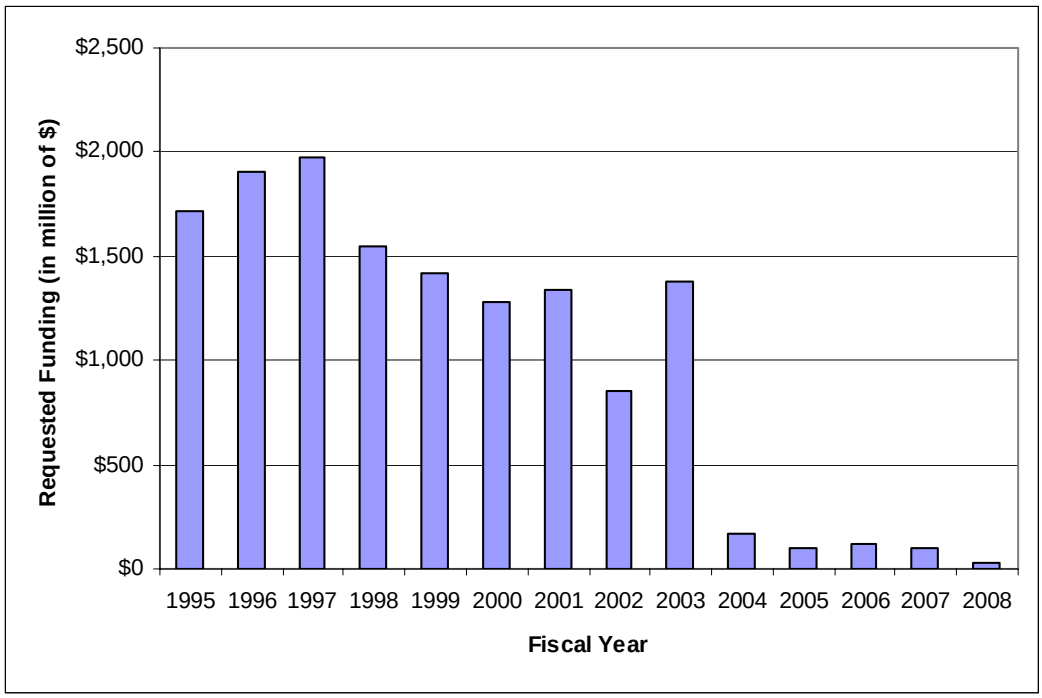
[35] The Administration's FY2005 budget request included realignment of the Police Corps, Bulletproof Vest, National Criminal History Improvement, DNA Initiative, Paul Coverdell Forensic Science Improvement, Crime Identification Technology Act, Gun Violence Reduction Program, Southwest Border Prosecution Initiative, and Offender Re-entry Program grants to other OJP accounts.

[36] The Administrations's FY2006 budget request included the realignment of the Bulletproof Vest, DNA Backlog/Crime Lab Improvement, Offender Re-entry, Gun Violence Reduction, Southwest Border Prosecution Assistance, and the National Criminal History Improvement programs to other OJP accounts.

[37] The Administrations's FY2007 budget request included the realignment of the Bulletproof Vest, DNA Backlog/Crime Lab Improvement, Offender Re-entry, Gun Violence Reduction, Gang Violence Reduction, and the National Criminal History Improvement programs to other OJP accounts.

[38] The Administration's FY2008 budget request requested funding for DNA Backlog/Crime Lab Improvement, Gun Violence Reduction, Gang Violence Reduction, Offender Re-entry, Methamphetamine Hot Spots, and the National Criminal History Records Improvement programs under the proposed "Byrne Public Safety and Protection Program."

Figure 3: Administration's Requested Funding for COPS, FY1995-FY2008



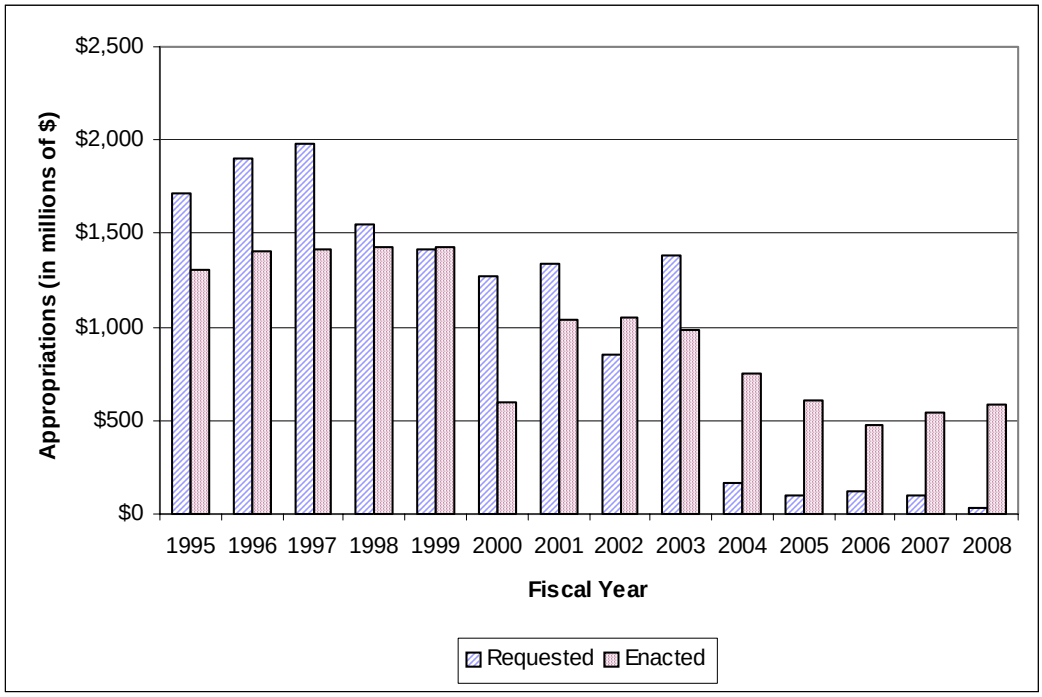
Source: CRS presentation of the Administration's budget requests for the respective years.

Figure 4 depicts that Congress has appropriated funding for the COPS program in excess of the Administration's budget request since FY2004. FY2002 and FY2004-FY2008 are the only years since the COPS program was created that Congress has appropriated more than what was requested by the Administration.

As shown above, the amount of enacted appropriations for COPS hiring programs has declined since FY1999. Moreover, the Bush Administration has emphasized its desire to focus more on the non-hiring aspects of the COPS program to better equip police departments so they can respond to crime and terrorism.[39] Arguably, one of the main purposes of the COPS program when it was enacted was to place more officers on the beat. This was due in large part to the unprecedented high crime rate at that time. As the crime rate began to decline in the late 1990s, less emphasis was placed on the hiring of more officers.

[39] Testimony of Viet Dinh in 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), p. 14.

Figure 4: Administration's Requested Funding for COPS Compared with Appropriations for COPS, FY1995-FY2008



Source: CRS presentation of the Administration's budget requests for the respective years and COPS appropriations in H.Rept. 103-708, H.Rept. 104-537, H.Rept. 104-863, H.Rept. 105-405, H.Rept. 105-825, H.Rept. 106-479, H.Rept. 106-1005, H.Rept. 107-278, H.Rept. 108-10, H.Rept. 108-401, H.Rept. 108-792, H.Rept. 109-272, P.L. 110-5, and P.L. 110-161.

COPS Evaluation and Audit Findings

GAO Report

According to the Department of Justice (DOJ), by 2000, the COPS program *funded* 105,000 police officers.[40] The Government Accountability Office (GAO), found that COPS funding paid for a total of about 88,000 additional *officer-years* from 1994 to 2001.[41] Even though COPS may not have put 100,000 officers on the street, the GAO noted that COPS funding did result in more police officers being hired than would have been expected if COPS did not provide the hiring grants.

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[40] U.S. Attorney General's Office, *Attorney General's Report to Congress: Office of Community Oriented Policing Services*, September 2000, p. iii, at [http://www.cops.usdoj.gov/mime/open.pdf?Item=289].

[41] An officer-year refers to the number of officers in a given year the GAO could attribute to COPS expenditures, and the additional officers in a given year attributable to COPS expenditures represents a net addition to the stock of sworn officers. An officer-year is not equivalent to the total number of officers or full-time officer equivalents hired as a result of COPS grant funds; nor is it equivalent to the total number officers funded by COPS grants. 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. 12.

Moreover, the GAO estimated that COPS funding contributed to a 1.3% decline in the overall crime rate and a 2.5% decline in the violent crime rate for the years 1993 to 2000.[42]

DOJ OIG Report

A 2003 DOJ Office of the Inspector General (OIG) audit of the COPS program noted the following with respect to the COPS program:

- there is a *structural* overlap between Office of Justice Programs (OJP) and COPS;
- there is a duplication in some of OJP's and COPS' grant program; and
- COPS lacks an online application system.[43]

According to the OIG, COPS entered into a series of reimbursable agreements each year with OJP to have OJP provide services to help COPS carry out its mission. The OIG also found that an increasing percentage of COPS funding was being administered by OJP.[44] Concomitantly, the management and administration costs per COPS grant had been increasing. In its report, the OIG noted that grant funds awarded under several COPS programs (i.e., Universal Hiring Program, COPS in Schools, Make Officer Re-deployment Effective, COPS Safe Schools, and Secure Our Schools) and under the Local Law Enforcement Block Grant Program (LLEBG) can sometimes be used for the same purposes.

The OIG recommended that the Director of COPS and the Assistant Attorney General for OJP identify any proposed programs or grants that have similar purposes and eliminate any duplication of effort to ensure that awards are not made to the same grantee for the same purpose.[45] Recently, Congress merged the Local Law Enforcement Block Grant (LLEBG) program with the Edward Byrne Memorial grant programs to create the Edward Byrne Memorial Justice Assistance Grant (JAG) program.[46] Two of the purpose areas that JAG funding could be used for are "law enforcement programs," and "planning, evaluation and technology improvement

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[42] Ibid., p. 14.

[43] 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, at [http://www.usdoj.gov/oig/reports/plus/a0327/final.pdf].

[44] The OIG noted that the COPS Office transferred a significant amount of its appropriated funding to OJP because it was mandated by Congress in appropriations language. COPS has also transfered funds to OJP through discretionary pass-throughs when OJP and COPS agree that a program would be best administered either by OJP or by OJP *and* COPS.

[45] 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, p. 16, at [http://www.usdoj.gov/oig/reports/plus/a0327/final.pdf].

[46] See Section 1111 of P.L. 109-162.

programs."[47] It appears possible that funding awarded under JAG could still fund programs that could be funded under COPS grants, even though LLEBG has been eliminated. The Administration's FY2007 budget request proposed to move several programs that receive its appropriations under COPS to OJP.[48]

NIJ Report

In 2000, the National Institute of Justice (NIJ) published the findings of an evaluation of the COPS program it sponsored through a grant to the Urban Institute.[49] The evaluation focused on COPS grants enabling law enforcement agencies (1) to hire police officers to engage in community policing activities, and (2) to redeploy existing officers to community policing by increasing officer productivity through the acquisition of technology or by freeing up officers for community policing by filling some officer-held positions with civilians. Some of the findings that NIJ reported included

- Of the 105,000 officer and officer equivalents funded by the COPS program by May 1999, the Urban Institute estimated that between 84,700 and 89,400 of the funded police officers would have been deployed by 2003.[50]

- COPS funding helped promote the adoption of community policing by local law enforcement agencies, but in most cases, COPS funding furthered community policing efforts that had already started. Also, local law enforcement agencies adopted programs that fit their definition of "community policing."

- Building partnerships between COPS grantees and the community was commonplace, but all too often, the partnerships were in name only or were simply temporary working relationships.

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[47] Ibid.

[48] The President's FY2007 budget and requested appropriations for the following programs under OJP rather than the COPS program: Law Enforcement Armor Vest program, criminal records upgrades, offender re-entry, DNA analysis, anti-gang violence, Paul Coverdell grants, and Project Safe Neighborhoods.

[49] Jeffery A. Roth and Joseph F. Ryan, *The COPS Program After 4 Years — National Evaluation*, National Institute of Justice, Research in Brief, August 2000, at [http://www.ojp.usdoj.gov/nij/pubs-sum/183644.htm]. The full report can be found at [http://www.ojp.usdoj.gov/nij/pubs-sum/183643.htm].

[50] The researchers 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 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.

- One percent of COPS grantees with the largest 1997 murder counts received 31% of all COPS funds awarded through 1997, and 10% of COPS grantees with the largest 1997 murder counts received 50% of all COPS funds awarded through 1997.

- The COPS program facilitated the efforts of agency chief executives who were inclined towards innovation and represented perhaps the largest effort to bolster development of law enforcement technology since the 1967 President's Commission on Law Enforcement and Administration of Justice.

Conclusion

The COPS program was recently reauthorized through FY2009. The level of funding appropriated to the overall COPS program, however, has been decreasing since FY2002. In recent years, COPS appropriations have increasingly gone to funding technology programs. As the COPS program continues to evolve, several questions may concern lawmakers, including

- Will COPS become a program that solely funds technology efforts for state and local law enforcement?

- Can COPS funding continue to contribute to the decreasing crime rate if it only funds technology programs?

- To prevent overlap in the structure of the programs administered by the COPS Office and OJP, should COPS be responsible for managing all of the funding appropriated to it rather than transferring some of its activities to OJP? Or, should all of COPS funding be transferred to OJP?

Appendix A. Administration's Requested Funding for COPS, Enacted Appropriations, Enacted Appropriations for Hiring Programs, FY1995-FY2008

Fiscal Year	Administration's Requested Funding (in millions of $)	Total Appropriations (in millions of $)	Appropriations for Hiring Programs (in millions of $)
1995	$1,720	$1,300	$1,057
1996	1,903	1,400	1,128
1997	1,976	1,420	1,339
1998	1,545	1,430	1,338
1999	1,420	1,430	1,201
2000	1,275	595	373
2001	1,335	1,037	408
2002	855	1,050	330
2003	1,382	984[a]	199
2004	164[b]	756[c]	144
2005	97[d]	606[e]	10
2006	118[f]	478[g]	—
2007	102[h]	542[i]	—
2008	32[j]	587[k]	20

Source: CRS presentation of the Administration's budget requests for the respective years and data provided by the U.S. Department of Justice, Office of Community Oriented Policing Services, Congressional Affairs Office.

a. Includes a $929 million appropriation and a $55 million supplemental appropriation.
b. The Administration proposed a $6,378,000 rescission of unobligated balances.
c. Does not include a $6.378 million rescission imposed by Congress on all COPS unobligated balances.
d. The Administration proposed a $53,471,000 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 $99,500,000 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 $127,500,000 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 $87,500,000 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.