



Community Oriented Policing Services (COPS): Background and Funding

Nathan James

Analyst in Crime Policy

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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 it from a multi-grant program to a single-grant program.

Between FY1995 and FY1996, the annual appropriation for the COPS program averaged more than \$1.4 billion. The relatively high levels of funding during this time period were largely the result of Congress's and the Clinton Administration's efforts to place 100,000 new law enforcement officers on the street. Appropriations for the program started to wane in FY2002 before increasing again for the four-year period between FY2007 and FY2010. Congress started to reduce funding for the COPS program as it moved away from providing funding for hiring new law enforcement officers and changed COPS into a conduit for providing federal assistance to support local law enforcement agencies. Starting in FY1998, an increasing portion of the annual appropriation for COPS was dedicated to programs to help law enforcement agencies purchase new equipment, combat methamphetamine production, upgrade criminal records, and improve forensic sciences. Funding for the COPS program decreased in both FY2011 and FY2012, which can be attributed to reduced funding for hiring programs and Congress moving appropriations for programs that were traditionally funded under the COPS account to other accounts. One issue Congress might consider is the appropriate funding level for COPS, especially in light of concerns about federal spending and possible reductions to appropriations for the Department of Justice.

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

Authorized funding for the COPS program expired in FY2009. There are several issues Congress might consider if it chooses to consider legislation to reauthorize the program. These issues are the subject of another CRS report.⁴ Another issue Congress might consider is the appropriate funding level for COPS, especially in light of concerns about federal spending and possible reductions to appropriations for DOJ.

As originally authorized under Title I of the '94 Crime Act, the COPS program had three separate grant programs. Under the first program, the Attorney General was authorized to make grants to states, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia to increase the number of police officers and focus the officers' efforts on community policing. Grant funds under this program could have been used to

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

Grant funds under a second program could have been used to hire former members of the armed services to serve as career law enforcement officers engaged in community policing.

Grant funds under a third program could have also been used for other non-hiring purposes such as

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

¹ P.L. 103-322; 42 U.S.C. §3796dd.

² While there are different definitions of "community policing" the COPS Office defines "community policing" as " ... a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime." U.S. Department of Justice, Community Oriented Policing Services Office, *Community Policing Defined*, <http://www.cops.usdoj.gov/default.asp?Item=36>.

³ U.S. Department of Justice, Community Oriented Policing Services Office, *About Community Oriented Policing Services Office*, <http://www.cops.usdoj.gov/Default.asp?Item=35>.

⁴ See CRS Report R40709, *Community Oriented Policing Services (COPS): Current Legislative Issues*, by Nathan James.

- 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.⁵

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. 108-21⁶ also amended the '94 Crime Act to allow COPS funding to be used for assisting states to enforce sex offender registration laws.⁷

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 FY2000.⁸ 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.⁹ During this period, Congress discussed using COPS hiring programs to put another 50,000 police officers on the streets.¹⁰ After COPS

⁵ This list represents the types of activities that were originally authorized in P.L. 103-322, which also included (1) hiring programs such as Universal Hiring Program and Making Officer Redeployment Effective (MORE), and (2) other activities such as Police Corps, methamphetamine "hot spot" clean-up, law enforcement technology, and tribal law enforcement grants.

⁶ See §341 of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act (PROTECT) of 2003 (P.L. 108-21).

⁷ For additional information on sex offender registering laws, see CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Recent Legislation and Issues*, by Garrine P. Laney.

⁸ 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.

⁹ See Senate debate, "Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act," *Congressional Record*, vol. 145 (July 22, 1999), pp. S8988-S9014; Rep. Bart Stupak, "COPS Program Good for Communities," *Congressional Record*, vol. 145 (May 12, 1999), p. H3070; Rep. Rush Holt, "Reauthorize COPS Program," *Congressional Record*, vol. 145 (May 12, 1999), p. H3003; Senate debate, "Concurrent Resolution on the Budget for Fiscal Year 2000," *Congressional Record*, vol. 145 (March 24, 1999) pp. S3301-S3308; Senate debate, "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000," *Congressional Record*, vol. 145 (July 21, 1999), pp. S8940-S8947.

¹⁰ See U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, *Making America's Streets Safer: The Future of the COPS Program*, 107th Cong., 1st sess., December 5, 2001 (Washington: GPO, 2002); Senate debate, "Statement on Introduced Bills and Joint Resolutions," *Congressional Record*, vol. 145 (January 19, 1999), pp. S345-S470; House debate, "Democratic Legislative Agenda Held Hostage by Do-nothing/Do-wrong Republican Congress," *Congressional Record*, vol. 145 (November 3, 1999) pp. H11452-H11459; U.S. Congress, House Committee on Appropriations, *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 2001*, report to accompany H.R. 4690, 106th Cong., 2nd sess., H.Rept. 106-680 (Washington, GPO, 2000), p. 8; House debate, "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002," *Congressional Record*, vol. 147 (July 18, 2001), pp. H4167-H4202; Senate debate, "Statement on Introduced Bills and Joint Resolutions," *Congressional Record*, vol. 145 (March 25, 1999), pp. S3440-S3457; Sen. Orrin Hatch, "Hatch Amendment No. 246," *Congressional Record*, vol. 145 (April 12, 1999), p. S3600.

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

On January 5, 2006, the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) was signed into law. The act reauthorized the COPS program through FY2009. Along with reauthorizing the COPS program, the act amended current law¹¹ to change the COPS program into a single-grant program. When Congress reauthorized COPS, it took many of the purposes for which COPS grants could be awarded (see above) and made them program purpose areas under the new single grant program. As currently authorized, state or local law enforcement agencies may apply for a “COPS grant,” which could be used to hire or re-hire community policing officers or fund non-hiring programs.¹²

COPS Funding

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

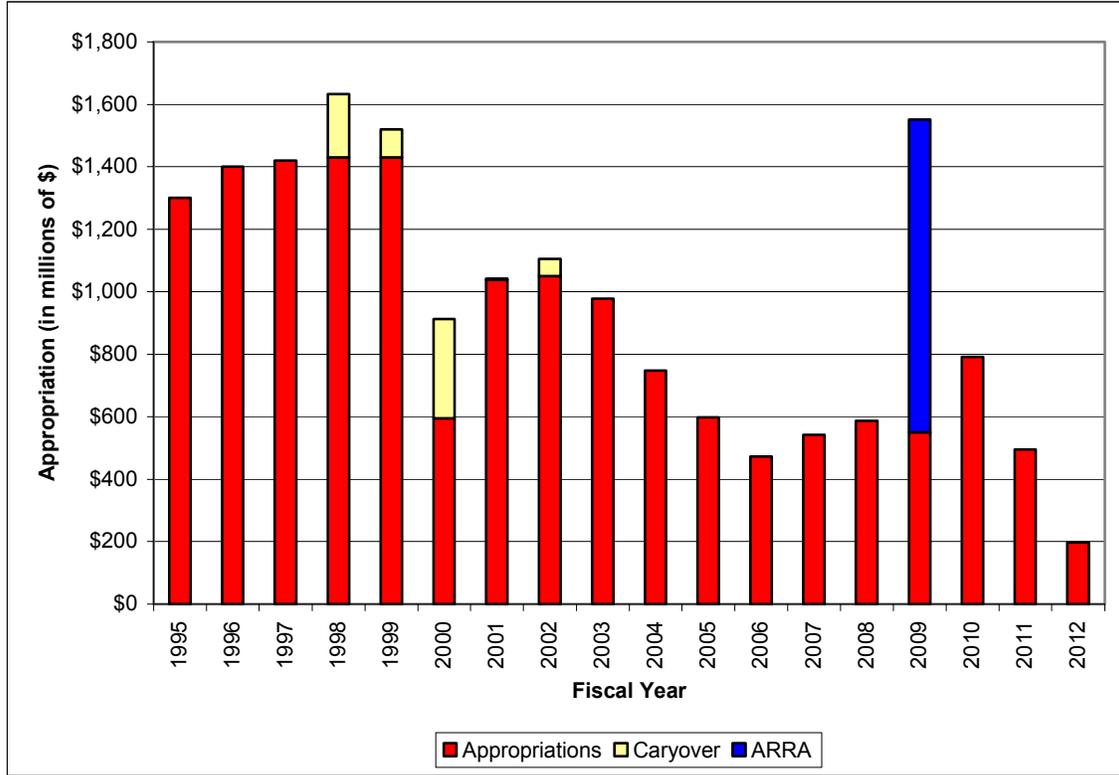
As shown in **Figure 1**, between FY1995 and FY1996, the annual appropriation for the COPS program averaged more than \$1.4 billion. The relatively high levels of funding during this time period were largely the result of Congress’s and the Clinton Administration’s efforts to place 100,000 new law enforcement officers on the street. Appropriations for the program started to wane in FY2002 (the average annual appropriation for COPS between FY2002 and FY2006 was \$780.4 million) before increasing again for the four-year period between FY2007 and FY2010. Congress started to reduce funding for the COPS program as it moved away from providing funding for hiring new law enforcement officers and changed COPS into a conduit for providing federal assistance to support local law enforcement agencies. Starting in FY1998, an increasing portion of the annual appropriation for COPS was dedicated to programs to help law enforcement agencies purchase new equipment, combat methamphetamine production, upgrade criminal records, and improve forensic sciences. As shown below, the reduction in overall COPS funding between FY2002 and FY2006 roughly coincides with reduced funding for hiring programs. On the other hand, overall funding for COPS increased in both FY2009 and FY2010 when Congress started to provide funding for hiring programs again. Funding for the COPS program decreased in both FY2011 and FY2012, which again coincided with decreased funding for hiring programs. However, decreases in overall funding for COPS can also be attributed to Congress restructuring funding under DOJ’s grant accounts. Between FY2010 and FY2012, Congress moved appropriations for programs that were traditionally funded under the COPS account to the State and Local Law Enforcement Assistance account. For example, for FY2012, Congress included funding for DNA backlog reduction programs under the State and Local Law Enforcement

¹¹ 42 U.S.C. §3796dd(d).

¹² Even though current law states that law enforcement agencies that receive a COPS grant could use the funding for hiring or re-hiring law enforcement officers, the authority for the Attorney General to make grants for hiring or re-hiring law enforcement officer ended on September 13, 2000 (42 U.S.C. §3796dd(i)).

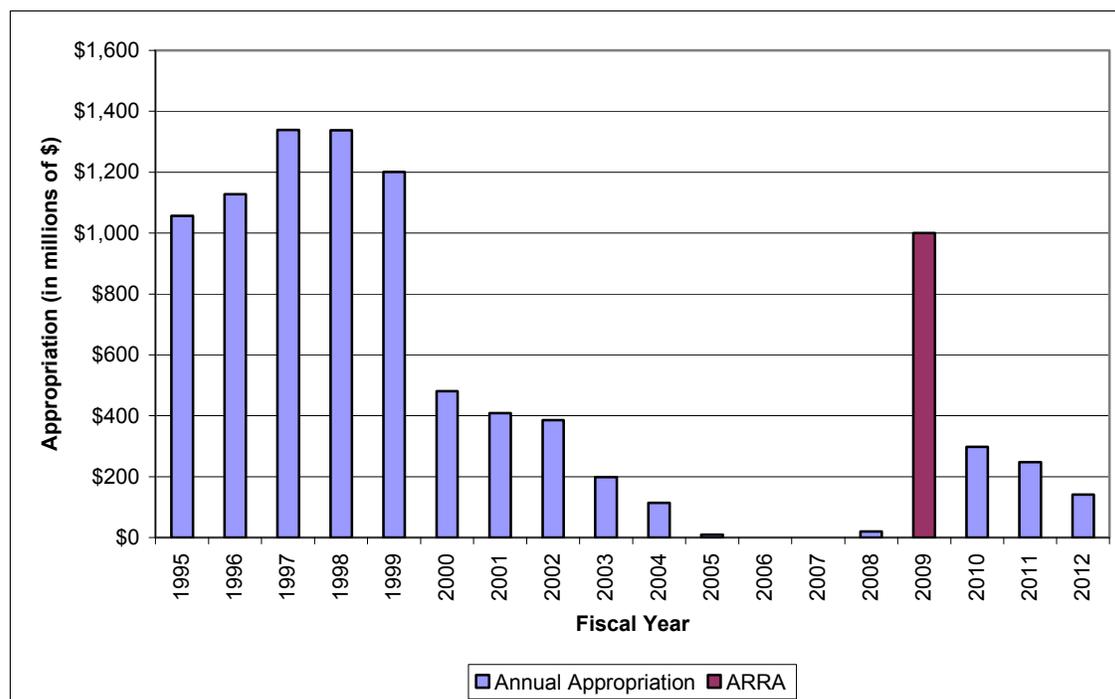
Assistance account. Between FY2004 and FY2011 funding for these programs was a part of the COPS account.

Figure I. COPS Funding, FY1995-FY2012



Source: FY1995 through FY2011 enacted amounts provided by U.S. Department of Justice, Community Oriented Policing Services; FY2012 enacted amount was taken from H.Rept. 112-284.

In the early years of the COPS program, a majority of the program’s enacted appropriations went to grant programs specifically aimed at hiring more police officers (see **Figure 2**). Beginning in FY1998, however, enacted appropriations for COPS hiring grants began to decline, whereas non-hiring grants started to see an increase in appropriations. Congress has traditionally specified what amounts of the COPS appropriation each fiscal year are to be used for hiring grants and non-hiring grants. In FY2008, Congress appropriated \$20 million for hiring grants; this was the first time Congress appropriated funding for hiring grants since FY2005. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included \$1 billion for COPS hiring grants, the most funding Congress appropriated for hiring grants since FY1999. For FY2010, Congress included \$298 million for COPS hiring programs as a part of the annual COPS appropriation. Congress continued its support for COPS hiring programs, albeit at a reduced rate, by appropriating \$247 million for FY2011 and \$141 million for FY2012. Appropriations for hiring programs in FY2009-FY2012 were the result of Congress’s efforts to help local law enforcement agencies facing budget cuts as a result of the recession either hire new law enforcement officers or retain officers they might have to layoff.

Figure 2. Funding for Hiring Programs, FY1995-FY2012

Source: Hiring appropriation for FY1995 to FY2011 amounts were provided by U.S. Department of Justice, Office of Community Oriented Policing Services, Congressional Affairs Office; FY2012 hiring amount was taken from H.Rept. 112-284.

Recently, debate in Congress regarding annual appropriations has focused on the need to reduce federal spending as a means of reining-in budget deficits. In general, non-defense discretionary spending has been the most frequently discussed target for budget cuts. For FY2011, Congress reduced funding for COPS by 17%. In addition, COPS funding was subject to a 0.2% across-the-board rescission of non-defense discretionary spending. Furthermore, Congress reduced funding for the COPS account by 60% between FY2011 and FY2012, though, as discussed above, this was partly the result of Congress moving funding for some programs from the COPS account to the State and Local Law Enforcement Assistance account.

It appears unlikely that debate over discretionary spending levels will subside in the near future. In addition, it appears that grant funding will be the most likely target for reductions if further cuts are made to DOJ's budget or if increases for one DOJ account have to be offset with cuts to other accounts. Under the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10), Congress made a total of \$1.02 billion in cuts to several DOJ accounts, of which \$883.1 million (87%) were to grant accounts.¹³ For FY2012, overall appropriations for DOJ increased by approximately \$19 million, but funding for DOJ's grant accounts for FY2012 was \$383 million below the FY2011-enacted appropriation. Indeed, increased funding for DOJ agencies such as the Federal Bureau of Investigation, the U.S. Attorneys, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Prisons,

¹³ Under P.L. 112-10, Congress increased FY2011 funding for the Office of the Federal Detention Trustee, the Federal Bureau of Investigation, and the Bureau of Prisons, resulting in a \$796.4 million reduction in FY2011 appropriations for DOJ.

and the U.S. Marshals Service was largely offset by cuts to DOJ's grant accounts. As Congress moves forward with deliberations on appropriations for DOJ generally, and DOJ grant programs specifically, it might consider what the appropriate funding level for COPS is.

One potential question facing Congress as it considers the annual appropriation for 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.¹⁴ They also argue that the purported effect of COPS hiring grants on crime rates in the 1990s is questionable.¹⁵ 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.¹⁶

Proponents of the COPS program assert that COPS hiring grants contributed to the decreasing crime rate in the 1990s.¹⁷ They contend that the federal government might need to provide temporary aid to local government because law enforcement agencies might have to lay off officers due to the recession. 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.¹⁸ They also maintain that the federal government should support local law enforcement because it has become more involved in homeland security and immigration enforcement.¹⁹

¹⁴ 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."

¹⁵ 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."

¹⁶ *Ibid.*

¹⁷ Rep. Conyers et al., "COPS Improvement Act of 2007," House Debate, *Congressional Record*, daily edition, vol. 153 (May 15, 2007), pp. H4985-H4995.

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

¹⁹ 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

Appendix. COPS Funding History

Table A-1. COPS' Requested Funding, Total Enacted Funding, Funding for Hiring Programs, and Authorized Appropriation, FY1995-FY2012

(In millions of dollars)

Fiscal Year	President's Request	New Budget Authority	Carryover (from prior fiscal years)	Total	Hiring Programs	Authorized
1995	\$1,720	\$1,300	\$—	\$1,300	\$1,057	\$1,332
1996	1,903	1,400	—	1,400	1,128	1,850
1997	1,976	1,420	—	1,420	1,339	1,950
1998	1,545	1,430	203	1,633	1,338	1,700
1999	1,420	1,430	90	1,520	1,201	1,700
2000	1,275	595	318	913	481	268
2001	1,335	1,037	5	1,042	408	—
2002	855	1,050	55	1,105	385	—
2003	1,382	978 ^a	—	978	199	—
2004	164 ^b	748 ^c	—	748	114	—
2005	97 ^d	598 ^e	—	598	10	—
2006	118 ^f	472 ^g	—	472	—	1,047
2007	102 ^h	542 ⁱ	—	542	—	1,047
2008	32 ⁱ	587 ^k	—	587	20	1,047
2009	— ^l	551 ^m	—	551	1,000 ⁿ	1,047
2010	760	792 ^o	—	792	298	—
2011	690	495 ^p	—	495	247	—
2012	670	199 ^q	—	199	141	—

Source: CRS presentation of the Administration's budget requests for the respective years. FY1995-FY2011 appropriations provided by the U.S. Department of Justice, Office of Community Oriented Policing Services, Congressional Affairs Office; FY2012 appropriation taken from H.Rept. 112-284. Authorized funding taken from P.L. 103-322 and P.L. 109-162.

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

- j. The Administration proposed a \$87.5 million rescission of unobligated balances.
- k. Does not include a \$87.5 million rescission imposed by Congress on all COPS unobligated balances, or a \$10.3 million rescission imposed by Congress on appropriations for the COPS program that were appropriated from the Violent Crime Reduction Trust Fund.
- l. For FY2009, the Administration did not request funding for any specific COPS grant program. Rather, the Administration requested \$4 million for community police training and technical assistance under the State and Local Law Enforcement Assistance account in the Commerce, Justice, Science, and Related Agencies appropriations bill.
- m. Does not include \$100 million rescission imposed by Congress on all COPS unobligated balances.
- n. The \$1 billion COPS received for hiring grants for FY2009 was appropriated under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).
- o. Does not include \$40 million rescission imposed by Congress on all COPS unobligated balances.
- p. Does not include \$10.2 million rescission imposed by Congress on all COPS unobligated balances.
- q. Does not include \$23.6 million rescission imposed by Congress on all COPS unobligated balances.

Author Contact Information

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