



# Backgroundunder

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## WHERE THE JUSTICE DEPARTMENT CAN FIND \$2.6 BILLION FOR ITS ANTI-TERRORISM EFFORTS

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The September 11 terrorist attacks at the World Trade Center and the Pentagon have quickly reshaped the priorities of Congress, the Administration, and the Department of Justice (DOJ) to efforts that will strengthen the government's ability to protect Americans. During this national crisis, common sense dictates sound budgeting of government's resources. The Administration and Congress should shift dollars away from programs that are wasteful, unproven, or demonstrably ineffective to fund those that are central to government's core mission. An analysis of current DOJ programs shows that refocusing its spending priorities in this way could free over \$2 billion for counterterrorism initiatives in fiscal year (FY) 2002.

Many of the programs under the Justice Department umbrella, for example, deal with problems or functions that lie within the jurisdiction of state and local governments and should therefore be handled by state and local officials. Grants from the Office of Justice Programs (OJP) and Office of Community Oriented Policing Services (COPS) are given to state and local governments for local

police officer salaries as well as juvenile justice and other criminal justice programs.

Not only is this an unnecessary use of federal tax dollars, but it is costly. From FY 1996 to FY 2000, OJP and COPS programs cost U.S. taxpayers a total of \$23 billion, compared with just \$1 billion that Congress appropriated for the counterterrorism and national security efforts of the Federal Bureau of Investigation (FBI)<sup>1</sup> over that same period. In just these five years, OJP and COPS program spending dwarfed the FBI's counterterrorism and national security efforts by a ratio of more than 22 to 1. (See Chart 1.)

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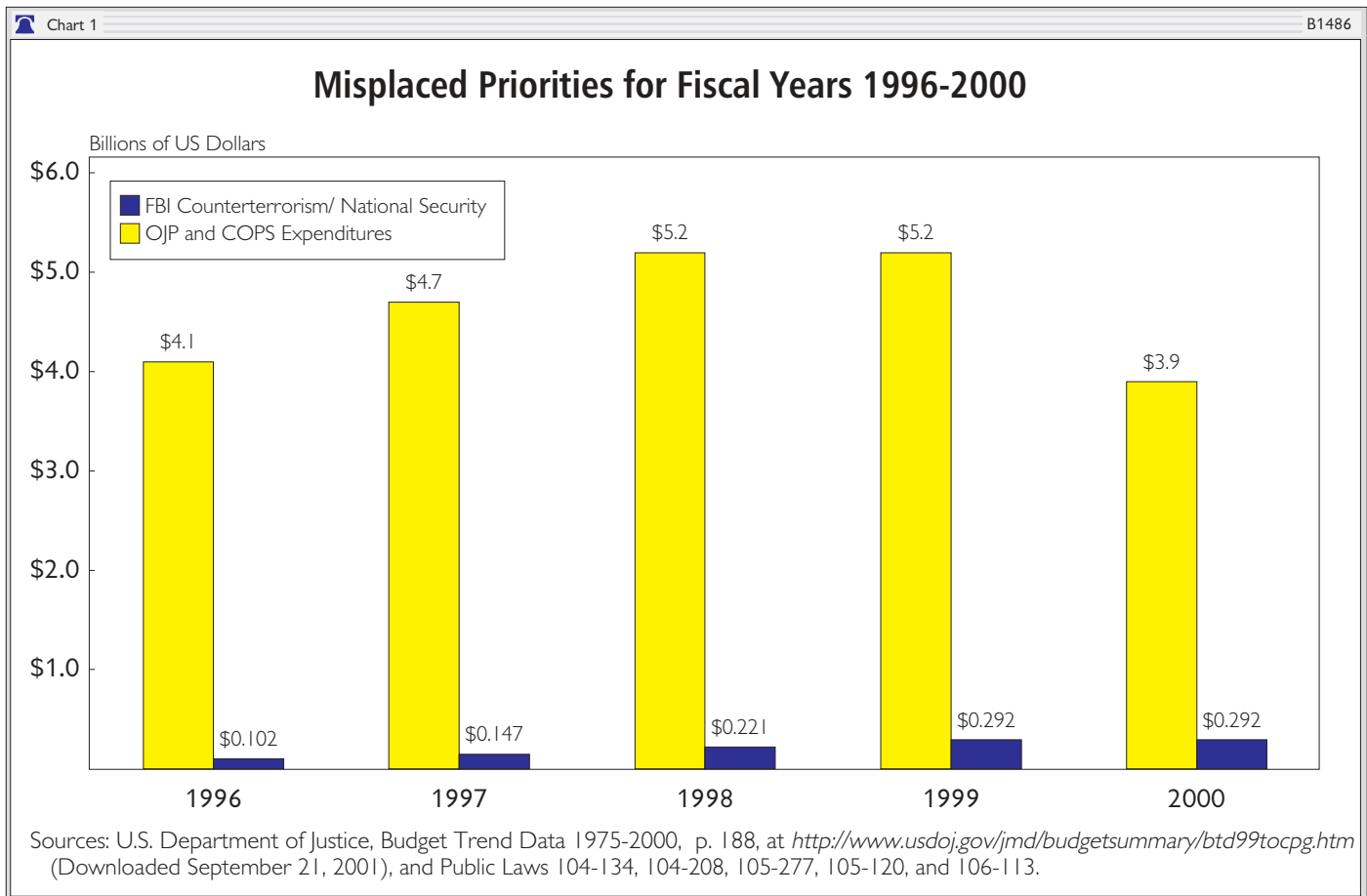
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1. U.S. Department of Justice, *Budget Trend Data 1975-2000*, p. 188, at <http://www.usdoj.gov/jmd/budgetsummary/btd99tocpg.htm> (September 21, 2001), and Public Laws 104-134, 104-208, 105-277, 105-120, and 106-113. In each of these laws, Congress set the minimum amount that the FBI must spend on counterterrorism, foreign intelligence, and national security. While the maximum amount that Congress would spend on counterterrorism is unknown, it has a track record of setting higher budget priorities for ineffective and untested programs than for terrorism.

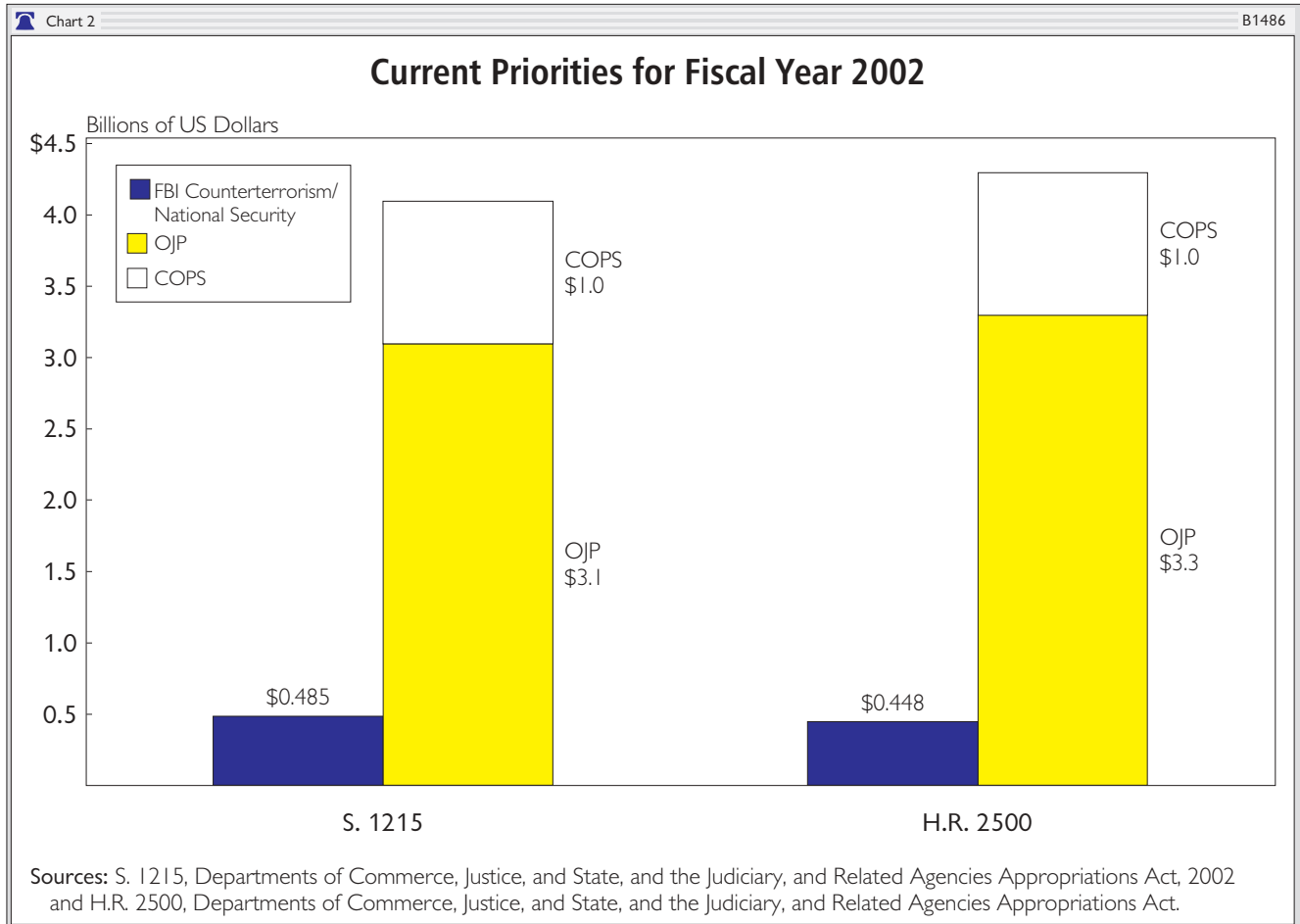


Despite this sizeable investment, many OJP and COPS programs either have been found to be ineffective in achieving their stated purposes or reducing crime, or have never been scientifically evaluated for their effectiveness. Congress has proposed FY 2002 appropriations for the Justice Department (S. 1215 and H.R. 2500) that include over \$4 billion for these programs. Regrettably, this is nine and 10 times larger, respectively, than the amount Congress appropriated in these bills for the FBI's counterterrorism and national security programs. (See Chart 2.) A large portion of this \$4 billion should be shifted away from these ineffective programs to fund DOJ activities that could better protect Americans from terrorism.

## INEFFECTIVE CRIME PREVENTION PROGRAMS

In 1997, the U.S. Department of Justice published a report by the University of Maryland's Department of Criminology and Criminal Justice that looked at various evaluations of the federal crime programs.<sup>2</sup> One of the authors of the report noted that many of DOJ's crime-prevention programs either were evaluated as ineffective or escaped scrutiny altogether; he added that "By scientific standards, there are very few 'programs of proven effectiveness.'"<sup>3</sup> The report called for Congress to devote more resources to evaluating crime prevention programs.<sup>4</sup> Yet Congress still has not

- Lawrence Sherman, Denise Gottfredson, Doris Mackenzie, John Eck, Peter Rueter, and Shawn Bushway, University of Maryland Department of Criminology and Criminal Justice, *Preventing Crime: What Works, What Doesn't, What's Promising* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, 1997).
- Lawrence Sherman, "Conclusion: The Effectiveness of Local Crime Prevention Funding," in Sherman *et al.*, *Preventing Crime*, p. 1.



given significant attention to this request to ensure that federally funded crime prevention efforts are in fact preventing crime.

Given the new and broad-based need for funds to address the needs of the nation during this crisis, Congress should set high standards of effectiveness for programs that are not an appropriate function of the federal government. Enforcing federal laws, not funding the responsibilities of state and local governments, is the appropriate mission of the Justice Department. Further, programs that cannot scientifically be shown to be effective should be eliminated to enable the DOJ to support its new priorities with adequate resources.

### Community Oriented Policing Services Program

For the past seven years, the most prominent federal crime-prevention initiative has been the

Community Oriented Policing Services (COPS) program, which gives grants to state and local law enforcement agencies to increase the number of police officers on the streets. Federal funds, initially granted in December 1993, were to be used to place 100,000 additional officers on the streets by October 2000. Since the inception of the program, however, local law enforcement agencies have instead used billions of the almost \$9 billion appropriated to fund officer salaries, computer technology, and clerical support.

To evaluate the effectiveness of the COPS program, analysts in The Heritage Foundation Center for Data Analysis (CDA) compared the historical hiring trend of police officers from 1975 to 1993 to the hiring of officers after COPS was initiated in 1994. The 2000 study found that COPS grants may have placed about 40,000 additional officers on the street by 1998.<sup>5</sup>

4. Sherman et al., *Preventing Crime*.

Another estimate appeared in a 2000 report titled *National Evaluation of the COPS Program*. This report, funded by the COPS Office and published by the Department of Justice, estimates that the number of officers that COPS placed on the streets would, at most, peak at around 57,000 by 2001.<sup>6</sup> This finding reinforced the conclusion that the COPS program has failed to achieve its goal of placing 100,000 more officers on the streets to reduce crime. COPS claimed that the program had “funded” more than 100,000 officers, including officers who may or may not have been hired or deployed.<sup>7</sup>

Although this “national evaluation” failed to measure the impact of COPS on crime, it did find a clear indication that crime fighting was not a priority of the program. For example, the law enforcement agencies that had reported over half of all U.S. homicides in 1997 had received less than one-third of the COPS funding from 1993 to 1997.<sup>8</sup>

The Center for Data Analysis conducted another independent analysis of the effectiveness of the COPS program in 2001. This analysis looked specifically at the impact of COPS grants on violent crime rates from 1995 to 1998.<sup>9</sup> After accounting for socioeconomic factors that could influence crime in 742 counties, the analysis found that COPS grants for the hiring of additional police officers as well as grants for redeployment—the Making Officer Redeployment Effective (MORE) grants—have no statistically significant effect on reducing the rates of violent crime.<sup>10</sup> Yet these grants are major components of the COPS program.<sup>11</sup>

There are two possible explanations for the ineffectiveness of the COPS hiring and redeployment grants:

- The actual number of officers they “added” to the streets is substantially smaller than the funding indicates,<sup>12</sup> and
- Merely paying for operational expenses of law enforcement agencies without a clear crime-

5. Gareth Davis, David B. Muhlhausen, Dexter Ingram, and Ralph Rector, “The Facts About COPS: A Performance Overview of the Community Oriented Policing Services Program,” Heritage Foundation *Center for Data Analysis Report* No. CDA00–10, September 25, 2000.
6. U.S. Department of Justice, Office of Justice Programs, *National Evaluation of the COPS Program*, 2000, p. 163.
7. U.S. Department of Justice, Office of Inspector General, “Special Report, Police Hiring and Redeployment Grants, Summary of Audit Findings and Recommendations,” Report No. 99–14, April 1999. See also Michael R. Bromwich, “Management and Administration of the Community Oriented Policing Services Grant Program,” U.S. Department of Justice, Office of Inspector General, Audit Division, Report No. 99–21, July 1999.
8. U.S. Department of Justice, National Institute of Justice, *National Evaluation of the COPS Program, Title I of the 1994 Crime Act*, August 2000, p. 65. Although the COPS program became official with enactment of the Violent Crime Control and Law Enforcement Act (P.L. 103–322) in September 1994, Congress appropriated funding for community police officers in the FY 1994 appropriation bill for the Departments of Commerce, Justice, and State (P.L. 103–121). These “PHS grants” were awarded in December 1993. Congress intended them as a down payment on reaching the goal of placing 100,000 additional officers on the street. For purposes of this analysis, PHS grants were allocated to 1994 because the award date fell in the last month of 1993.
9. David B. Muhlhausen, “Do Community Oriented Policing Services Grants Affect Violent Crime Rates?” Heritage Foundation *Center for Data Analysis Report* No. CDA01–05, May 25, 2001, at <http://www.heritage.org/library/cda/cda01-05.html>.
10. *Ibid.* It was intended that COPS hiring grants would be used by law enforcement agencies to hire additional officers. COPS redeployment (MORE) grants provide law enforcement agencies with funds for equipment, technology, civilian personnel, or overtime so that officers can be redeployed from administrative duties to community policing. For more information on these variables, see the Appendix in the cited report.
11. Some may argue that COPS grants had a displacement effect on crime within counties that this study will not observe. In theory, displacement could occur when crime in cities or towns that received COPS funding shifted to other parts of their counties; in other words, the COPS grants were effective in reducing crime in these municipalities, but the reduction was offset because criminals chose to commit crimes in other parts of the counties in which the municipalities were located. First, for this theory to be valid, displacement would have to be systematic throughout the 752 counties in the study. This is highly unlikely. Second, one would have to assume that grants awarded to agencies that serve municipalities are automatically more effective than grants awarded to agencies that serve counties. This also is highly unlikely.

fighting objective is not likely to reduce violent crime rates.

The 1997 DOJ review of crime-fighting programs acknowledges that community policing with no clear strategy for targeting crime risk factors is ineffective: “While the COPS Program language has stressed a community policing approach, there is no evidence that community policing *per se* reduces crime without a clear focus on a crime risk factor objective.”<sup>13</sup> Recent research demonstrates that when police clearly identify problems and go after them strategically, their efforts can reduce crime.<sup>14</sup>

In many instances, the COPS hiring and redeployment grants may have been used for community policing in name only. Grant recipient agencies may have done the paperwork to apply for the grants without ever fully implementing community policing techniques. For example, a DOJ study found that the COPS grantees too frequently established partnerships with the community that were nominal and temporary.<sup>15</sup> Developing a proactive crime-fighting strategy and working with the community are extremely important in dealing with crime effectively, yet agency applicants for the COPS hiring grants are not required to specify how they will use the grants to reduce crime.<sup>16</sup> Without accountability,

the focus of the program is on disbursing COPS grant money, not reducing crime.

Proponents have argued that providing state and local law enforcement agencies with additional funds above what they would typically spend on operational expenses is effective in fighting crime. Yet as the CDA analysis indicates, the major components of the COPS program—its hiring and redeployment grants—have had no statistically measurable effect on reducing violent crime rates at the county level.<sup>17</sup>

The House of Representatives plans to spend \$557.3 million on the ineffective and questionable COPS grants to hire officers and provide technology and clerks to law enforcement agencies—nearly 25 percent more than the House wants to spend on the FBI’s counterterrorism and national security budget.<sup>18</sup> (See Table 1.) The Senate has virtually the same spending priorities. It intends to spend \$603 million on the same grants—almost 25 percent more than it intends to spend on the FBI’s counterterrorism and national security budget.<sup>19</sup>

It would be better, especially during this national crisis, if Congress took immediate steps to redirect all or a substantial portion of the \$1 billion it has appropriated for COPS in FY 2002 to the Justice Department’s counterterrorism efforts.

12. For information on the failure of police departments to add officers after receiving COPS grants, see Davis *et al.*, “The Facts About COPS”; U.S. Department of Justice, “Special Report: Police Hiring and Redeployment Grants, Summary of Audit Findings and Recommendations”; and Bromwich, “Management and Administration of the Community Oriented Policing Services Grant Program.”

13. Lawrence W. Sherman, “Policing for Crime Prevention,” in Sherman *et al.*, *Preventing Crime*, pp. 37, 41–42.

14. Anthony A. Braga, David L. Weisburd, Elin J. Waring, Lorraine Green Mazerolle, William Spelman, and Francis Gajewski, “Problem-Oriented Policing in Violent Crime Places: A Randomized Controlled Experiment,” *Criminology*, Vol. 37, No. 3 (1999), pp. 541–580, and Anthony A. Braga, David M. Kennedy, Elin J. Waring, and Anne Morrison Piehl, “Problem-Oriented Policing, Deterrence, and Youth Violence: An Evaluation of Boston’s Operation Ceasefire,” *Journal of Research in Crime and Delinquency*, Vol. 38, No. 3 (2001), pp. 195–225.

15. Jeffery A. Roth and Joseph F. Ryan, “The COPS Program After 4 Years—National Evaluation,” *Research in Brief*, U.S. Department of Justice, National Institute of Justice, August 2000, p. 17.

16. For example, the application for the 2000 Universal Hiring Program (UHP) is only four pages long and does not require the applicant to demonstrate that the grant will be used effectively. This application, no longer available on the COPS Web site, was obtained from [http://www.usdoj.gov/cops/pdf/gpa/uhp/uhp\\_pdfs/e022k0060.pdf](http://www.usdoj.gov/cops/pdf/gpa/uhp/uhp_pdfs/e022k0060.pdf) (July 17, 2001). For a copy of the application, contact the author at The Heritage Foundation.

17. Muhlhausen, “Do Community Oriented Policing Services Grants Affect Violent Crime Rates?”

18. In H.R. 2500, the Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act, 2002, the House sets the minimum amount that the FBI must spend on counterterrorism, foreign intelligence, and national security.

Table 1 B1486

### Proposed Funding Levels for Ineffective COPS Grants

COPS Grants	H.R. 2500	S. 1215
Universal Hiring Program (UHP)	\$150,000,000	\$190,291,000
Unobligated UHP Grants	\$46,000,000	\$46,000,000
COPS Technology Program	\$150,000,000	\$155,467,000
Cops in Schools (CIS)	\$180,000,000	\$180,000,000
Indian Country	\$31,315,000	\$31,315,000
	\$557,315,000	\$603,073,000

Sources: S. 1215, Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act, 2002 and H.R. 2500, Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act.

2002.<sup>20</sup> These amounts are considerably less than the \$1 billion either chamber intends to spend on COPS. It is an appropriate time for Congress to reassess the other OJP programs for their effectiveness.

Recipients of these federal grants should be required to demonstrate through scientific means that the programs are in fact reducing crime. Anecdotal examples or measures other than actual crime reduction should not be substituted for rigorous impact evaluations. Specifically, Congress should consider shifting resources to counterterrorism from

### Office of Justice Programs

The Office of Justice Programs funds a number of important programs and functions, including the Bureau of Justice Statistics (BJS), National Institute of Justice (NIJ), terrorism and domestic preparedness grants, and the National Center for Missing and Exploited Children (NCMEC). BJS and NIJ provide important research functions for the Justice Department, and the funds allocated for the nonprofit NCMEC help to locate missing children and prevent their exploitation. The Office of Victims of Crime (OVC) responded to the recent terrorist attacks by serving the victims as a resource for information, counseling, and referrals.

The terrorism and domestic preparedness program in the Department of Justice helps to train state and local governments to respond to terrorist attacks and provides grants for the purchase of protective chemical, biological, and radiological gear and communications equipment. The House and the Senate plan to spend \$220 million and \$364 million, respectively, on state and local terrorism and domestic preparedness assistance in FY

Local Law Enforcement Block Grants (LLEBG), Byrne grants, juvenile accountability and delinquency prevention grants, drug treatment grants for state prisons, and Violence Against Women Act (VAWA) grants. Ideally, assuming that policymakers think these programs are effective, they should be funded by state and local governments, but the appropriation bills before Congress call for over \$2 billion in spending on these programs. (See Table 2.)

Too frequently, prevention advocates measure a program's "intermediate effects" instead of how well it prevents delinquent behavior.<sup>21</sup> During the 1990s, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) sponsored a book-length report, *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, identifying successful delinquency intervention programs.<sup>22</sup> Of the 56 "successful" delinquency prevention studies presented, only nine measured whether or not official acts of delinquency (i.e., criminal arrests) were prevented.<sup>23</sup> Most of the studies

19. In S. 1215, the Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act, 2002, the Senate sets the minimum amount that the FBI must spend on counterterrorism, foreign intelligence, and national security.

20. See H.R. 2500 and S. 1215, at [www.thomas.loc.gov](http://www.thomas.loc.gov).

21. For an example, see Gail A. Wasserman and Laurie S. Miller, "The Prevention of Serious and Violent Juvenile Offending," in Ralph Loeber and David P. Farrington, eds., *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions* (Thousand Oaks, Cal.: Sage Publications), pp. 197-247.

22. *Ibid.*

23. *Ibid.*

Table 2 B1486

### Proposed Funding Levels for Questionable OJP Grants

Grant Programs	H.R. 2500	S. 1215
Local Law Enforcement Block Grant	\$521,845,000	\$400,000,000
Byrne Grants	\$570,000,000	\$578,125,000
Juvenile Accountability Incentive Block Grant	\$249,450,000	\$249,450,000
Violence Against Women Act Programs	\$390,565,000	\$390,565,000
Substance Abuse Treatment for State Prisoners	\$73,861,000	\$68,000,000
Office of Juvenile Justice and Delinquency Prevention	\$297,940,000	\$320,026,000
	\$2,103,661,000	\$2,006,166,000

Sources: S. 1215, Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act, 2002 and H.R. 2500, Departments of Commerce, Justice, and State, and the Judiciary, and Related Agencies Appropriations Act.

billion of the more than \$4 billion appropriated for COPS and OJP to FBI counterterrorism efforts and other DOJ activities that would protect the nation from terrorism. (See Table 1 and Table 2.) Transferring only the COPS funds identified in Table 1 to the FBI's counterterrorism and

measured “intermediate effects”—perhaps a teacher’s perception that a juvenile’s behavior in school had improved. If that juvenile had committed a crime after going through the program, however, that “intermediate effect” of better school behavior would matter little to society. Tracking official acts of delinquency would be a better measure of crime prevention.

### WHAT CONGRESS SHOULD DO

Over the past few years, Congress has poured billions of taxpayers’ dollars into ineffective crime prevention programs or programs whose effectiveness has never been shown. Given the recent terrorist attacks in New York and Washington, as well as the nation’s continuing susceptibility to future terrorist attacks, Congress should reprioritize DOJ’s program spending to meet more critical needs.

Because both chambers of Congress have passed their own versions of the Commerce, Justice, and State appropriation bill, the conference committee reconciling the bills could transfer at least \$2.6

national security budget would more than double that line item. The funds could be used to hire additional FBI agents and provide them with more sophisticated equipment; they could also be used to increase airport security and boost OJP assistance for state and local government responses to acts of terrorism.

### CONCLUSION

The United States cannot afford, during this critical period following last month’s destructive terrorist attacks, to waste valuable resources on misplaced priorities and ineffective programs. Too often, the Justice Department has funded grant programs that have been ineffective at reducing crime while shortchanging the FBI’s counterterrorism efforts. Common sense dictates that Congress and the Administration take steps to shift DOJ resources away from ineffective programs to programs that will better protect America’s security.

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