

Background

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Federal Law Enforcement Grants and Crime Rates: No Connection Except for Waste and Abuse

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According to some mayors and local police chiefs, the United States is at the beginning of an epidemic of violence that will worsen if Congress does not restore one particular type of funding for local police officer salaries and related expenses that the Bush Administration and Congress have reduced over the past several years. After the September 11, 2001, terrorist attacks, the Bush Administration decided that the Department of Justice needed to reprioritize federal resources away from subsidizing local police salaries toward bolstering homeland security and other law enforcement needs. This meant shifting funding away from wasteful and ineffective law enforcement grants, which did not address any clear national responsibility, toward strengthening the capacity of state and local governments to respond to terrorist threats.

Those who want to restore funding bolster their argument with reports that crime rates are rising. For example, the Federal Bureau of Investigation reported small increases in crime rates in 2005 compared to 2004.¹ Further, a preliminary FBI report suggests that crime rates increased during the first six months of 2006 compared to the first half of 2005.² Critics of President Bush's reprioritization also point to a recent Police Executive Research Forum study, which concluded that violent crime is on the rise.³ This trend led a delegation of police chiefs to Washington, D.C., in late 2006 to meet with White House and U.S. Department of Justice officials⁴ to lobby for increased funding for general

Talking Points

- Department of Justice grants that subsidize the routine activities of local law enforcement assign to the federal government functions that fall within the expertise, jurisdiction, and constitutional responsibilities of state and local governments.
- Principles of federalism require an analysis of whether any proposed problem is national or local in character, as set forth in the Constitution. Although all states have a crime problem, most crime is responsibility of the states to handle.
- Local law enforcement grants from the national government have been fraught with waste, fraud, and abuse.
- Research strongly indicates that Community Oriented Policing Services grants had little to no impact on crime.
- Eliminating wasteful and ineffective law enforcement grants will not cause crime to increase.

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police salaries in programs such as the Office of Community Oriented Policing Services (COPS).

Contrary to the claims of the police chiefs, funding these programs would have little effect on the nation's rising crime rates and would instead contribute to the overfederalization of the criminal justice system.

In response to rising crime, the Bush Administration's fiscal year (FY) 2008 budget plan requests \$200 million for a new grant program called the Violent Crime Reduction Partnership Initiative.⁵ The grants would pay for officers' overtime and equipment for police departments participating in federal anti-crime task forces focused on gang-related violence, gun-related crimes, and methamphetamine sales.⁶

Unlike COPS grants, the new grants would require applicants to develop specific strategies to reduce violent crime and to show improvements in order to receive further funding. Further, the allocation process for these grants would give preference to applicants seeking to reduce interstate crime problems for which the national government shares at least some responsibility and would not directly subsidize the salaries of local officers as COPS hiring grants do. Although the new grants present some federalism concerns, they are a step in the right direction. Other programs, such as those involving the arrest and detention of criminal, illegal immigrants pursuant to the immigration laws (discussed later in this paper), are even better examples of the

proper national–state cooperation in law enforcement priorities.

Overfederalizing Local Law Enforcement

Local law enforcement agencies' panic over losing some of their unrestricted federal funding reveals just how dependent on the federal government they have become. The disagreement between the police chiefs and the Bush Administration raises the question of just how and to what extent the national government should be funding local police departments. Too much national involvement in state and local law enforcement is part of the overfederalization of crime. The number of federal crimes has grown to monolithic proportions, and adding large amounts of federal funding increases the federal government's presence and influence in an area that has traditionally belonged to the states.⁷

Increased federal influence in the operations of local police departments could also effectively create a nationalized police force. Senator Joseph R. Biden (D–DE) has introduced a bill (S. 368) to reauthorize the COPS program that would move the nation significantly closer to a federal force. It would transform COPS into a permanent subsidy by granting the Justice Department the power to continue to fund officer salaries long after the original grants have expired. In essence, this change in the law would create a new federal obligation to fund local officers' salaries, which is tantamount to establishing a new federal entitlement for localities.

1. Press release, "FBI Releases Its 2005 Crime Statistics," Federal Bureau of Investigation, September 18, 2006, at www.fbi.gov/ucr/05cius/documents/pressrelease.pdf (March 7, 2007).
2. Federal Bureau of Investigation, "Preliminary Semiannual Uniform Crime Report: January Through June," December 18, 2006, at www.fbi.gov/ucr/prelim06/index.html (March 7, 2007).
3. Police Executive Research Forum, *Chief Concerns: A Gathering Storm—Violent Crime in America*, October 2006.
4. Mark Schoofs and Robert Block, "Police Chiefs to Ask Bush for More Anticrime Funds," *The Wall Street Journal*, October 10, 2006, p. A4.
5. Office of Management and Budget, *Budget of the United States Government: Fiscal Year 2008—Appendix* (Washington, D.C.: U.S. Government Printing Office, 2007), p. 671, at www.whitehouse.gov/omb/budget/fy2008/pdf/appendix/jus.pdf (February 5, 2008).
6. Kevin Johnson, "Feds Plan \$200M Grant Program Aimed at Curbing Violent Crime," *USA Today*, January 29, 2007, at www.usatoday.com/news/washington/2007-01-29-feds-crime-program_x.htm (March 4, 2007).
7. John Baker, Jr., and Dale E. Bennett, "Measuring the Explosive Growth of Federal Crime Legislation," Federalist Society for Law and Public Policy Studies *White Paper*, May 2004, at www.fed-soc.org/Publications/practicegroupnewsletters/criminallaw/crimreportfinal.pdf (March 7, 2007).

Transforming local police departments into a national police force through national government grants has been done before. In the United Kingdom during the 1870s, the national government began to give grants to localities in exchange for increased supervision and regulation. By the 1940s, local control of police departments had been greatly diminished as grants accounted for about half of all police expenditures.⁸ Since then, a series of national laws has centralized policing and weakened the links between the police and local communities.⁹ Today, crime rates in the U.K. are high, and the debate over police control has focused increasingly on restoring local management of policing.¹⁰

Whether or not the United States is facing a future crime epidemic, reducing the unrestricted federal law enforcement grants for police salaries is justified because:

- Grants that subsidize the routine activities of local law enforcement assign to the federal government functions that fall within the expertise, jurisdiction, and constitutional responsibilities of state and local governments.
- Local law enforcement grants have been fraught with waste, fraud, and abuse. They originally were supposed to be temporary, and the grantees agreed to hire additional police with the grants and retain them for at least one year with their own money after federal funding ran out. The grantees have broken their promises and now just want the federal funding for local needs.
- Local law enforcement grants have failed as a crime-reduction policy.
- The federal government should carefully limit its involvement in local law enforcement and crime prevention to discrete roles that only the federal government can perform.

Outside the Federal Government's Scope, Expertise, and Responsibility

Originally, the federal government had no role in subsidizing the routine responsibilities of state and local law enforcement. Most if not all federal law enforcement grant programs run counter to the Founders' vision for the federal government. In *The Federalist* No. 45, James Madison wrote:

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. *The powers reserved to the several States will extend to all objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.*¹¹

Law enforcement clearly falls within the category of "objects that concern the internal order, improvement and prosperity of the State"; thus, it is a principal responsibility of the state and local governments. Principles of federalism require us to consider whether any proposed issue is national in character or simply common to all states before federal action is taken. Although all states have a crime problem, it is an inherently local problem.

There is good reason for dividing the responsibilities of federal and state government. Large federal grants distributed for use at the discretion of the police departments discourage accountability and efficiency. As the late Nobel Laureate Milton Friedman pointed out, we never spend other people's money as carefully as we spend our own money.¹²

8. James A. Maxwell, *The Impact of Fiscal Federalism in the United States*, Harvard Economic Studies, Vol. 79, (Cambridge, Mass.: Harvard University Press, 1946).

9. Barry Loveday and Anna Reid, *Going Local: Who Should Run Britain's Police?* (London: Policy Exchange, 2003).

10. Barry Loveday, "Size Isn't Everything: Restructuring Policing in England and Wales," Policy Exchange, March 2006, at policyexchange.moodia.co.za/images/libimages/136.pdf (March 7, 2007).

11. Alexander Hamilton, James Madison, and John Jay, *The Federalist* (London: Everyman's Library, 1788 [1990]), p. 239 (emphasis added). Americans have strongly opposed a national police force from the earliest days of the republic.

The COPS program grants illustrate this difficulty. They disconnect use and accountability in a way that creates an efficiency problem.

It is a matter of incentives. When police agencies receive federal funding—especially without accountability for results—they do not have to worry about defending their use of the funds or about losing funding for next year if the funds are not used effectively. However, when state and local agencies spend money that they have raised themselves, they are acutely aware of its use. Police departments face serious competition for limited resources on the state and local levels, and this provides adequate motivation to monitor the effectiveness of the spending and to ensure that the money would not be better used elsewhere in the locality.

In addition, federal funding for state and local responsibilities creates the false public perception that ordinary street crime is a federal responsibility. This allows state and local officials to shift accountability for local crime away from themselves and toward the federal government when they fail to devote adequate resources to fighting crime.

Boston is an example of how federal law enforcement grants encourage local officials to become dependent on federal funding, discourage them from using resources efficiently, and enable them to shift responsibility for controlling local crime to the federal government. Boston Mayor Thomas M. Menino has blamed the Bush Administration for his inability to staff the Boston Police Department properly. During the 1990s, Boston accepted millions of dollars in COPS grants to hire additional police officers. When accepting these grants, Boston promised to retain these officers and keep current staffing levels after the federal contributions expired. Instead of developing a plan to retain the officers, and in violation of the federal grant rules, Mayor Menino decided to downsize officer staffing

after the grants expired.¹³ The number of Boston police officers declined from 2,252 in 1999 to 2,036 in 2004—a 9.6 percent decrease. When population growth is taken into account, the number of police officers per 10,000 residents declined by 13.1 percent from 1999 to 2004, down from 40.4 officers per 10,000 to 35.1 officers per 10,000.¹⁴

Commenting on Boston, former COPS official Craig Uchida said, “They knew they had to pick up the salaries after the three year period” of federal funding. Responding to criticism that Boston failed to plan adequately for the phaseout of federal assistance, Mayor Menino’s spokeswoman Jacque Goddard said, “The mayor knew all along the money would run out. We would have expected the federal government to offer additional grants that we would have applied for and received.”¹⁵ Mayor Menino appears to have viewed COPS grants as an entitlement to perpetual federal funding for the officers hired under the original grants.

State and local governments have become so used to receiving these federal funds that some no longer make law enforcement the budgetary priority that it should be and instead spend the money elsewhere. With these funds, the federal government discourages the states and local governments from fulfilling one of their primary duties.

Waste, Fraud, and Abuse

As the situation in Boston demonstrates, local law enforcement grants like COPS grants do not solve police department problems, but rather enable problems to continue and to worsen. A recent Heritage Foundation evaluation of COPS grants found that large cities used federal funds to supplant local funds, contrary to Congress’s intent in the Violent Crime Control and Law Enforcement Act of 1994, which directed that the funds should only be supplementary.¹⁶ Supplanting occurs when federal

12. Milton and Rose Friedman, *Free to Choose: A Personal Statement* (San Diego, Cal.: Harcourt Brace and Company, 1980).

13. Kevin Rothstein, “Menino Defense Cracks; Ex-Grant Officials Fault Mayor over Cop Funding,” *Boston Herald*, November 5, 2005, p. A11.

14. Calculations based on Federal Bureau of Investigation, *Crime in the United States, 1999*, pp. 300–367, Table 78, at www.fbi.gov/ucr/Cius_99/99crime/99cius6.pdf (March 7, 2007), and *Crime in the United States, 2000*, pp. 300–367, Table 78, at www.fbi.gov/ucr/cius_00/contents.pdf (March 7, 2007).

15. Rothstein, “Menino Defense Cracks.”

funds are used to replace local funds—for example, when federal funds intended to hire additional police officers are used instead to pay the salaries of currently employed officers. To receive the grants, grant applicants must sign the following stipulation:

The applicant hereby certifies that Federal funds will not be used to replace or supplant state or local funds, or funds supplied by the Bureau of Indian Affairs, that would, in the absence of Federal aid, be made available to or for law enforcement purposes.¹⁷

The Heritage Foundation findings are consistent with audits of COPS-funded police departments by the U.S. Department of Justice Office of Inspector General (OIG).¹⁸ These audits indicate that the grantees frequently failed to hire or redeploy officers as required and in many cases used federal funds to supplant local funds.

The problems range from supplanting to spending the hiring grants on activities not allowed under the grant conditions. Dallas, Louisville, and Newark actually reduced their force sizes after receiving grants to hire *additional* officers.¹⁹ For example,

instead of hiring 249 new officers, Newark reduced its police force by 142 officers from FY 1996 to FY 1997. Other audits indicate that some police departments supplanted by failing to hire the required number of additional officers. For example, OIG audits indicated that Atlanta, El Paso, and Sacramento used COPS grants to supplant local funding.²⁰ Atlanta used over \$5.1 million in hiring grants to pay the salaries of officers who otherwise would have received funding from local sources. After receiving grants to hire 231 additional police officers, El Paso failed to hire the number of officers required by the grant. Sacramento used over \$3.9 million in hiring grants to retain officers funded through earlier grants.

In Washington, D.C., the police department was awarded almost \$11 million in Making Officer Redeployment Effective (MORE) grants to hire 56 civilians and redeploy 521.4 officers through technology purchases.²¹ However, when the OIG asked for a list of officers redeployed from administrative duties to community policing as required by the grants, the list included only 53 officers. Of the 53,

16. David B. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," Heritage Foundation *Center for Data Analysis Report* No. CDA06-03, May 26, 2006, at www.heritage.org/Research/Crime/upload/97702_1.pdf. The Violent Crime Control and Law Enforcement Act of 1994 requires COPS grants to supplement, not supplant, state and local funds. "Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this part, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs." Public Law 103-322, Title I, § 1704(a).
17. U.S. Department of Justice, Office of Community Oriented Policing Services, *Universal Hiring Program Grant Owner's Manual*, April 1998, p. 46.
18. For audits of COPS-funded police departments, see U.S. Department of Justice, Office of the Inspector General, "Office of Community Oriented Policing Services Grant Reports," Web page, at www.usdoj.gov/oig/grants/_cops.htm (March 8, 2007).
19. U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the City of Dallas, Texas, Police Department," executive summary, *Audit Report* No. GR-80-00-003, November 1999, at www.usdoj.gov/oig/grants/g8000003.htm (May 16, 2006); "Office of Community Oriented Policing Services Grants to the Louisville, Kentucky, Police Department," executive summary, *Audit Report* No. GR-40-01-002, February 2001, at www.usdoj.gov/oig/grants/g4001002.htm (May 16, 2006); and "Office of Community Oriented Policing Services Grants to the Newark, New Jersey Police Department," executive summary, *Audit Report* No. GR-70-98-007, June 1998, at www.usdoj.gov/oig/grants/g7098007.htm (May 16, 2006).
20. U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Atlanta, Georgia, Police Department," executive summary, *Audit Report* No. GR-40-98-006, April 1998, at www.usdoj.gov/oig/grants/g4098006.htm (May 16, 2006); "Office of Community Oriented Policing Services Grants to the El Paso Police Department, El Paso, Texas," executive summary, *Audit Report* No. GR-80-01-013, May 30, 2001, at www.usdoj.gov/oig/grants/g8001013.htm (May 16, 2006); and "Office of Community Oriented Policing Services Grants to the City of Sacramento Police Department, California," executive summary, *Audit Report* No. GR-90-98-022, May 1998, at www.usdoj.gov/oig/grants/g9098022.htm (May 16, 2006).

one officer was deceased, 10 were retired, and 13 no longer worked for the police department.

In addition, these programs do not adequately monitor the use of the funds, thereby encouraging waste and inefficiency. An OIG audit of COPS grant management, for example, found that the use of funds by grantees was not monitored properly. Specifically, the OIG audited the COPS program's grant closeout process. Closeouts involve reviewing the grantee's use of federal funding to determine whether or not the grant conditions were followed properly. According to the OIG, "Timely grant closeout is an essential program and financial management practice to identify grantees that have failed to comply with all grant requirements, as well as any excess and unallowable costs charged to the grant, and unused funds that should be deobligated." Without a timely closeout process, "non-compliant grantees may not be identified until years after the grant end date."²² Thus, timely closeouts are crucial to effective monitoring of how federal taxpayer dollars are used.

The OIG determined that, of the 12,840 closed COPS grants totaling almost \$3 billion, only 135 grants (1 percent) were closed within six months after the grant end date. Eighty-three percent of the grants were not closed until more than two years after the grant end dates. On average, COPS took more than three years to close these grants properly.²³

Of the 10,643 grants that expired but were not closed by COPS, 72 percent had been expired for more than two years. Twenty-four percent were expired for more than five years after the grant end date. On average, these grants had been expired without proper closure for more than 3.5 years.²⁴

Review of a small sample of 30 expired but unclosed COPS grants found that 20 (67 percent) of the grantees did not comply with grant requirements. However, these noncompliant grantees were subsequently awarded 39 additional grants totaling \$18.7 million.²⁵ If COPS had implemented a proper closeout process, these noncompliant grantees would not have been awarded additional grants without first meeting the conditions of their original grants.

COPS appears to have done little to resolve the misuse of the grants. According to Inspector General Glen A. Fine, "[I]n many cases, the response to our findings was a paper exercise and...the COPS program did not take sufficient action to either bring the grantee into compliance, to offset the funds, to recoup the funds or to waive the funds."²⁶ Inspector General Fine testified before Congress that COPS did not pay enough attention to ensuring adherence to the grant requirements, including the hiring of officers, retaining officers, and tracking the redeployment of officers.²⁷ The lack of oversight by COPS created inadequate incentives for local-level compliance with grant conditions.

A Failed Crime-Reduction Policy

The Bush Administration and Congress were correct to reduce funding for grant programs that pay local law enforcement to carry out their traditional responsibilities. The Office of Management and Budget (OMB) has recommended funding reductions for the COPS program because the program has not demonstrated its effectiveness in reducing crime.²⁸

Heritage Foundation research has uniformly found that COPS grants had little to no impact on

21. U.S. Department of Justice, Office of Inspector General, "Office of Community Oriented Policing Services Grants to the Metropolitan Police Department, District of Columbia," executive summary, *Audit Report* No. GR-30-01-003, December 29, 2000, at www.usdoj.gov/oig/grants/g3001003.htm (May 16, 2006).

22. U.S. Department of Justice, Office of Inspector General, Audit Division, "The Department of Justice's Grant Closeout Process," *Audit Report* No. 07-05, December 2006, pp. 2 and 8.

23. *Ibid.*, pp. 10-11.

24. *Ibid.*, p. 17.

25. *Ibid.*, p. 18.

26. Glen A. Fine, in hearing, *Office of Justice Programs*, Subcommittee on Crime, Committee on the Judiciary, U.S. House of Representatives, 107th Cong., 2nd Sess., March 5, 7, and 14, 2002, p. 109.

27. *Ibid.*

crime rates. In 2001, the Center for Data Analysis (CDA) conducted an independent analysis of the COPS program's effectiveness.²⁹ After accounting for yearly state and local law enforcement expenditures and other socioeconomic factors in counties from 1995 to 1998, the CDA evaluation found that COPS grants both for the hiring of additional police officers and for technology had no statistically significant effect on reducing the rates of crime.

In 2006, a second CDA evaluation of COPS grants using data from 1990 to 1999 for 58 large cities confirmed the earlier conclusion that the program has done little to reduce crime. For instance, the hiring grants did not have a statistically significant relationship with murder, rape, assault, burglary, larceny, or auto theft rates, although they were associated with negligible reductions in robberies, with a 1 percent increase in hiring grants associated with a 0.01 percent decrease in robbery rates. The findings of the CDA analysis strongly suggest that merely paying for the operational expenses of police departments is ineffective in reducing violent crime.³⁰

Professors John Worrall of the University of Texas at Dallas and Tomislav Kovandzic of the University

of Alabama at Birmingham recently evaluated the impact of COPS grants in 189 large cities from 1990 to 2000.³¹ The authors found that COPS hiring, MORE, and other innovative grants had little to no effect on crime. Commenting on the significance of their finding for public policy, the authors concluded that "[A] strategy of throwing money at the crime problem, of simply *hiring* more police officers, does not seem to help reduce crime to a significant extent."³²

In addition, the COPS program failed to keep its less significant promise to place 100,000 additional officers on America's streets. Contrary to the program's assertion that the goal of "funding the 100,000th officer ahead of schedule and under budget" was reached on May 12, 1999,³³ research both by The Heritage Foundation and by the Department of Justice found that the COPS program actually failed to place 100,000 additional police officers on America's streets.³⁴ One Department of Justice study concluded, "Whether the program will ever increase the number of officers on the street at a single point in time to 100,000 is not clear."³⁵

The program failed to reach another of its important goals by failing to effect any substantial advance-

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28. Office of Management and Budget, Program Assessment Rating Tool, "Community Oriented Policing Services," at www.whitehouse.gov/omb/expectmore/summary.10000164.2005.html (March 8, 2007), and "Multipurpose Law Enforcement Grants," at www.whitehouse.gov/omb/expectmore/summary.10003806.2005.html (March 8, 2007).
29. 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 www.heritage.org/Research/Crime/CDA01-05.cfm.
30. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities."
31. John L. Worrall and Tomislav V. Kovandzic, "COPS Grants and Crime Revisited," *Criminology*, Vol. 45, No. 1 (February 2007), pp. 159-190.
32. *Ibid.*, p. 185.
33. See U.S. Department of Justice, Office of Community Oriented Policing Services, "About COPS: Rebuilding the Bond Between Citizens and the Government," at http://permanent.access.gpo.gov/lps9890/lps9890/www.usdoj.gov/cops/news_info/default.htm (March 8, 2007).
34. 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, at www.heritage.org/Research/Crime/CDA00-10.cfm; Christopher S. Koper, Jeffrey A. Roth, and Edward Maguire, "Putting 100,000 Officers on the Street: Progress as of 1998 and Preliminary Projections Through 2003," in Jeffrey A. Roth, Joseph F. Ryan, Stephen J. Gaffigan, Christopher S. Koper, Mark H. Moore, Janice A. Roehl, Calvin C. Johnson, Gretchen E. Moore, Ruth M. White, Michael E. Buerger, Elizabeth A. Langston, and David Thatcher, *National Evaluation of the COPS Program: Title I of the 1994 Crime Act* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2000), p. 163; and U.S. Department of Justice, Office of Inspector General, "Police Hiring and Redeployment Grants, Summary of Audit Findings and Recommendations," *Audit Report* No. 99-14, April 1999, at www.usdoj.gov/oig/reports/COPS/a9914/index.htm (March 8, 2007).
35. Koper *et al.*, "Putting 100,000 Officers on the Street," p. 152.

ment in the adoption of community policing across the nation. The Justice Department tested the ability of COPS to promote community policing by conducting a survey of community policing tactics as used by police agencies, both funded and not funded by COPS, from pre-1995 to 1998.³⁶ The survey examined 40 community policing activities that related to partnership building, problem solving, prevention, and organizational change.³⁷ Although COPS certainly did not hinder the spread of community policing, the evidence does not support claims that it substantially advanced it.³⁸ Of the 40 community policing activities measured, COPS increased the participation rate in only seven.³⁹ Moreover, some of the activities encouraged by COPS, such as late-night recreation programs, are of dubious worth as crime-fighting initiatives.

Jeremy M. Wilson, associate director of the Center for Quality Policing at the RAND Corporation, studied the impact of COPS grants on the adoption of community policing by police departments across the nation, and his findings support the Department of Justice research.⁴⁰ Commenting on COPS grants, Wilson concluded that “[F]unding incentives do not seem to be a prominent predictor of COP [community oriented policing] implementation, nor a panacea for its implementation.”⁴¹

The research from The Heritage Foundation, the Department of Justice, and others underscores the ineffectiveness of this type of federal funding in fighting crime. As the COPS program demonstrates, federal funding for routine law enforcement needs is difficult to administer and removes the incentives for careful budgeting and resource planning.

The Right Kind of Federal Involvement

Any federal involvement should recognize state

responsibilities and should encourage and enable the states to meet their own law enforcement objectives. Just as Congress and the Bush Administration concluded in 2002 that the federal government should desist from paying for the Violent Offender Incarceration/Truth-in-Sentencing (VOI/TIS) Incentive Formula Grants that funded the construction of state prisons, it is time for the federal government to stop subsidizing the routine activities of local police departments. Instead, as former Clinton Administration Assistant Attorney General for Justice Programs Laurie Robinson has recommended, the federal government should focus its services on “value-added” functions.⁴²

In the area of crime policy, the federal government should perform tasks that no state or local jurisdiction can carry out alone. In particular, as recommended by Laurie Robinson, the federal government is in a unique position to fund the evaluation of innovative criminal justice programs and disseminate the findings to state and local officials. Through testing innovative ideas and disseminating findings, such a federal research program would be likely to have a greater long-term impact on crime control than perpetually funding the traditional responsibilities of state and local governments could ever have.

In addition, federal law enforcement agencies should develop partnerships with local law enforcement and coordinate law enforcement activities to combat crime that crosses state lines. For example, Section 287(g) of the Immigration and Nationality Act (INA) provides the means for state and local authorities to cooperate in immigration law enforcement—a national responsibility with state and local ramifications. The program created by the INA gives state and local agencies the authority to investigate, detain, and arrest aliens on civil and criminal

36. Janice A. Roehl, Calvin C. Johnson, Michael E. Buerger, Stephen J. Gaffigan, Elizabeth A. Langston, and Jeffrey A. Roth, “COPS and the Nature of Policing,” in Roth *et al.*, *National Evaluation of the COPS Program*, pp. 179–245.

37. *Ibid.*

38. For a review of the findings, see David B. Muhlhausen, “Why the Bush Administration Is Right on COPS,” Heritage Foundation *Background* No. 1467, April 23, 2003, at www.heritage.org/Research/Crime/upload/94984_1.pdf.

39. Roehl *et al.*, “COPS and the Nature of Policing.”

40. Jeremy M. Wilson, *Community Policing In America* (New York: Routledge, 2006).

41. *Ibid.*, p. 87.

42. Laurie Robinson, “Gazing into the Legislative Crystal Ball,” *Corrections Today*, Vol. 64, No. 7 (December 2002).

grounds. Another example is Operation Community Shield, launched in 2005 by U.S. Immigration and Customs Enforcement (ICE).⁴³ Partnering with local law enforcement, ICE agents targeted criminal gangs, including Mara Salvatrucha (MS-13), resulting in the arrest of almost 2,400 suspected gang members and associates including more than 1,000 with violent criminal histories. The Immigration and Nationality Act and Operation Community Shield are excellent examples of appropriate partnerships between federal and local law enforcement.

Conclusion

Any significant increase in crime should be cause for concern, but eliminating wasteful and ineffective grant programs will not cause crime to increase. Federal funding programs such as COPS have failed to achieve their intended purpose of aiding local law enforcement and reducing crime. Instead, research has shown that these programs have been misused and poorly administered, and state and local law enforcement have become dependent on these funds for their routine police activities.

If state and local governments are serious about fighting crime, they need to make law enforcement funding a priority. When accompanied by oversight and accountability at the state and local levels, law enforcement funding stands a much greater chance of affecting crime levels.

If Congress wants to aid in the fight against crime, it should limit itself to unique roles that only the federal government can play. Whether through sponsoring innovative interstate criminal justice programs or by enlisting the support of local law enforcement to help enforce immigration laws, the federal government should enhance the ability to fight crime, but it should not become a crutch on which local law enforcement becomes dependent.

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43. U.S. Department of Homeland Security, Immigration and Customs Enforcement, "Operation Community Shield," modified January 16, 2007, at www.ice.gov/pi/news/factsheets/opshield031405.htm (November 17, 2006).