

Executive Summary Backgrounder

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COPS Reform: Why Congress Can't Make the COPS Program Work

David B. Muhlhausen, Ph.D., and Brian W. Walsh

Created in the middle of President Bill Clinton's first term, the Community Oriented Policing Services (COPS) program promised to put 100,000 new state and local law enforcement officers on the street by the year 2000. Critics said that COPS would fail to meet this goal. Critics also said that state and local governments would do what they always do when the federal government subsidizes any responsibility of state or local governments—stop paying for it themselves. The critics were right on both counts.

Another fundamental goal of the COPS program was to promote “community policing” throughout the nation. Although COPS certainly did not hinder the spread of community policing, the evidence does not support claims that it substantially advanced it. Instead, the independent actions of police chiefs have been the most important factor in the adoption of community policing, and federal grants were largely unrelated to those decisions.

S. 368: Exacerbating Existing Problems. Undaunted by the COPS program's failure to meet its most important public goals and in response to considerable lobbying by state and local officials, Congress is now proposing to resuscitate COPS with an enormous appropriation of taxpayer funding. Even with most national crime rates at or near 15-year lows (and the most recent FBI data show that they have fallen once again), presidential candidates and commentators have argued that pouring more money into COPS, despite its demonstrated fail-

ures, would make American streets safer. This cash infusion will supposedly enable “COPS 2.0” to meet its goals—something the COPS program has never done before.

But the game is rigged. Rather than crafting COPS 2.0 to ensure that COPS fulfills its sponsors' original goals for the program, the COPS Improvements Act of 2007 (S. 368) would simply eliminate the very performance standards and yardsticks in “COPS 1.0” that helped to expose the program's failures. Under the current bill, the COPS program would no longer be “saddled with” adding a specific number of law-enforcement officers on the street by a specific date. State and local governments would no longer be required to use COPS hiring grants to hire only new law enforcement officers or be required to pay the salaries of officers hired using COPS grants after the grants expire.

Without any meaningful performance standards in place, the bill's sponsors can safely claim that the program is a success because the “success” of COPS 2.0 will presumably be measured by the amount of taxpayer funds spent. In performing this function, Congress has no peer.

This paper, in its entirety, can be found at:
www.heritage.org/Research/Crime/bg2188.cfm

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Perhaps of greater concern, the COPS Improvements Act of 2007 appears designed to reduce accountability and encourage state and local law enforcement to become progressively more dependent on federal funding. S. 368 bolsters the false public perception that ordinary street crime is a federal responsibility, and it encourages state and local officials who fail to devote adequate resources to fighting crime to shift their own responsibility for local crime problems onto the federal government.

Effective Policing Strategies. Police officers serve as the frontline forces in preventing and deterring crime in America. The combined efforts of aggressive and intelligent local policing can reduce crime. Further, effective policing at the state and local levels does not require funding from the federal government. Policymakers can encourage more effective policing by focusing on results and proven strategies. Simply spending more (federal) money is not an effective solution.

A review of the policing research by Professors David Weisburd and John E. Eck suggests a few innovative approaches that have proven results. “Hot spots” policing, focusing on repeat offenders, and problem-oriented policing can effectively reduce crime. Unlike broader strategies that concentrate on community relations, these three approaches share a common focus of targeting criminogenic factors, such as high-risk locations and repeat offenders.

Conclusion. The COPS program has an extensive track record of poor performance and should be eliminated. It has failed to achieve its goals and has assigned to the federal government responsibilities that fall squarely within the expertise, jurisdiction, and constitutional responsibilities of state and

local governments. With a drastically smaller budget and a failed history, COPS is a flawed program in desperate search of a mission. Congress should reject efforts to resuscitate the program and instead eliminate it entirely.

The COPS Improvements Act of 2007 takes precisely the wrong approach. It bolsters the false public perception that ordinary street crime is a federal responsibility. In doing so, S. 368 would encourage state and local officials who fail to devote adequate state resources to fighting crime to become permanent supplicants for federal COPS funding and to continue to shift accountability for local crime away from themselves and toward the federal government.

S. 368 appears to be expressly designed to reduce accountability and to encourage state and local law enforcement to become progressively more dependent on federal funding. The bill “addresses” the COPS program’s failures to achieve its stated goals and to enforce the program’s requirements by eliminating those goals and requirements. This approach would elevate what some Members of Congress may think are political imperatives while expanding federal control over state and local law enforcement.

While claiming to “put more cops on the beat” might play well with some constituents, Members of Congress concerned about effective law enforcement policies and retaining the constitutional structure of the U.S. government should instead focus on the manifold shortcomings of the COPS Improvements Act and of the COPS program itself.

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Background

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Created in the middle of President Bill Clinton's first term, the Community Oriented Policing Services (COPS) program¹ promised to put 100,000 new state and local law enforcement officers on the street by the year 2000. Critics said that COPS would fail to meet this goal. Critics also said that state and local governments would do what they always do when the federal government subsidizes any responsibility of state or local governments—stop paying for it themselves. The critics were right on both counts.

Another fundamental goal of the COPS program was to promote “community policing” throughout the nation. Although COPS certainly did not hinder the spread of community policing, the evidence does not support claims that it substantially advanced it. Instead, the independent actions of police chiefs have been the most important factor in the adoption of community policing, and federal grants were largely unrelated to those decisions.

Undaunted by the COPS program's failure to meet its most important public goals and in response to considerable lobbying by state and local officials, Congress is now proposing to resuscitate COPS with an enormous appropriation of taxpayer funding. Even with most national crime rates at or near 15-year lows (and the most recent FBI data show that they have fallen once again²), Presidential candidates and commentators argue that pouring more money into COPS, despite its demonstrated failures, would make American streets safer.³ This cash infusion will supposedly

Talking Points

- The COPS program has an extensive track record of poor performance and should be eliminated. It has failed to achieve its goals and has assigned to the federal government responsibilities that fall squarely within the expertise, jurisdiction, and constitutional responsibilities of state and local governments.
- However, some Members of Congress propose resuscitating COPS. To ensure that COPS 2.0 reaches its goals, the COPS Improvements Act of 2007 would simply eliminate the few performance standards and yardsticks in “COPS 1.0,” which helped to expose the program's failures.
- If Congress wants to aid in the fight against crime, it should limit itself to asserting uniquely federal interests, starting with those that the Constitution clearly assigns to the national government.
- The combined efforts of aggressive and intelligent local policing can reduce crime. Effective policing at the state and local levels does not require funding from the federal government.

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enable “COPS 2.0” to meet its goals—something the COPS program has never done before.

But the game is rigged. Rather than crafting COPS 2.0 to ensure that COPS reaches its sponsors’ original goals for the program, the COPS Improvements Act of 2007 (S. 368) would simply eliminate the very performance standards and yardsticks in “COPS 1.0” that helped to expose the program’s failures. If Congress passes the current bill, the COPS program would no longer be “saddled with” adding a specific number of law-enforcement officers on the street by a specific date. State and local governments would no longer be required to use COPS hiring grants only to hire new law enforcement officers or be required to pay the salaries of officers hired using COPS grants after the grants expire.

Without any meaningful performance standards in place, the bill’s sponsors can safely claim that the program is a success because the “success” of COPS 2.0 will presumably be measured by the amount of taxpayer funds spent. In performing this function, Congress has no peer.

Perhaps of greater concern, the COPS Improvements Act of 2007 appears designed to reduce accountability and encourage state and local law enforcement to become progressively more dependent on federal funding. In addition, S. 368 bolsters the false public perception that ordinary street crime is a federal responsibility, thus encouraging state and local officials who fail to devote adequate resources to fighting crime to shift their own responsibility for local crime problems onto the federal government.

Outside Federal Scope, Expertise, and Responsibility

Federal grant programs that fund the routine, day-to-day functions of state and local law enforcement are of questionable constitutionality. When Congress subsidizes local law enforcement in this manner, it effectively reassigns to the federal government the powers and responsibilities that fall squarely within the expertise, historical control, and constitutional authority of state and local governments.⁴ The responsibility to combat ordinary crime at the local level belongs wholly, if not exclusively, to state and local governments. The broadness of the states’ general police power clearly encompasses such law enforcement, whereas the federal government was never understood to have a general police power.⁵

If Congress wants to aid in the fight against crime, it should limit itself to vindicating uniquely federal interests, starting with those that the Constitution clearly assigns to the national government, and to performing roles that only the federal government alone can fulfill. The federal government should not become a crutch on which local law enforcement becomes dependent.

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

1. COPS was one of dozens of new spending programs for state and local law enforcement contained in the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322.
2. Federal Bureau of Investigation, “Our Annual Digest of Crime: Let the Analysis Begin,” September 15, 2008, at http://www.fbi.gov/page2/sept08/crimestats_091508.html (September 22, 2008).
3. Robert Gorden, “Bring Crime Back—To the National Agenda,” *CBS News*, March 25, 2008, at <http://www.cbsnews.com/stories/2008/03/25/opinion/main3965781.shtml> (April 23, 2008).
4. David B. Muhlhausen and Erica Little, “Federal Law Enforcement Grants and Crime Rates: No Connection Except for Waste and Abuse,” Heritage Foundation *Background* No. 2015, March 14, 2007, at www.heritage.org/Research/Crime/bg2015.cfm.
5. See *U.S. v. Morrison*, 529 U.S. 598, 618 (2000). “[W]e can think of no better example of the police power, which the Founders denied the National Government and reposed in the states, than the suppression of violent crime and vindication of its victims.” (Emphasis added.) See also *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 426 (1821). “Congress has a right to punish murder in a fort, or other place within its exclusive jurisdiction; but no general right to punish murder committed within any of the States.”

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.*⁶

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. The dual sovereignties (state and federal) of the U.S. constitutional system should compel Congress to consider whether any proposed issue is national in character or merely common to all states before taking federal action. Although many states share similar crime problems, the vast majority of such crime is inherently local in nature.

There is good reason for dividing the responsibilities of federal and state government. Large federal grants distributed for use at the discretion of state and local police departments discourage accountability and efficiency. As the late Nobel Laureate Milton Friedman observed, we never spend other people’s money as carefully as we spend our own money.⁷

COPS grants illustrate this problem. They severely undermine the incentives for state and local governments to use taxpayer money efficiently by disconnecting the receipt and use of that money from political accountability for using it wisely and effectively.

It is a matter of incentives. When police agencies receive federal funding—especially without accountability for results—they need not worry about defending their use of the funds or about los-

ing funding for next year if the funds are not used effectively. However, when police agencies spend money raised by state and local governments, they are acutely aware of the need to apply it to meet the goals of the legislators who appropriated it and those legislators’ constituents—the citizens they are charged with serving. Police departments face serious competition and political accountability when they rely on limited state and local resources. This provides officials with powerful incentives to monitor the effectiveness of the spending and to ensure that the money could 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.

COPS Grants and Missed Goals

COPS grants were disbursed in three types: hiring grants, Making Officer Redeployment Effective (MORE) grants, and innovative grants. The hiring grants were intended to pay up to 75 percent of the salaries of newly hired officers over three years. Grantees were required to retain the new officers after the grants expired. The MORE grants provided funding for technology, officer overtime, and civilian staff salaries. The innovative grants provided funding for addressing specific problems, such as domestic violence, gangs, and youth firearms violence.

Early in the COPS program, it became apparent that the money allocated to state and local jurisdictions was not being used as Congress had intended. Various state and local jurisdictions that had received federal COPS funding were:

- Using the money to pay the salaries of officers already on their payrolls, rather than to hire new officers;

6. Alexander Hamilton, James Madison, and John Jay, *The Federalist*, ed. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001), p. 241 (emphasis added). Americans have strongly opposed a national police force from the earliest days of the republic.

7. Milton Friedman and Rose Friedman, *Free to Choose: A Personal Statement* (San Diego, Calif.: Harcourt Brace and Company, 1980), pp. 115–119.

- Failing to retain newly hired officers for at least one year after their COPS hiring grants expired;
- Diverting the money to pay the salaries of administrative personnel and other employees who were not police officers; and
- Diverting the money to pay for office expenses, office equipment, police field equipment, and other similar property contrary to express prohibitions against such expenditures.

Congress initially appropriated \$1.3 billion for COPS for fiscal year (FY) 1995. From FY 1996 to FY 1999, the COPS budget peaked at \$1.4 billion annually. Since then, Congress has prudently and appropriately reduced COPS appropriations to \$320 million for FY 2008.

The “100,000th” Officer. COPS failed to reach its goal of adding 100,000 additional police officers despite spending almost \$11 billion from FY 1995 to FY 2003. Despite a sizeable monetary investment, thorough and independent evaluations of the COPS program have found that it failed to achieve its primary goal of placing an additional 100,000 officers on the streets.

According to the U.S. Department of Justice, the COPS program reached this important milestone on May 12, 1999, “funding the 100,000th officer ahead of schedule and under budget.”⁸ While measuring the goal of adding 100,000 additional officers is problematic, the best available evidence

indicates that COPS did not actually put 100,000 additional officers on the street.⁹

In 2000, The Heritage Foundation’s Center for Data Analysis (CDA) compared trends in the hiring of police officers from 1975 to 1993 to trends in the hiring of officers since COPS was initiated in 1994. The study estimated that COPS grants may have placed approximately 40,000 additional officers on the street by 1998—well below the number that should have been on duty by the end of that year if the program had been successful.¹⁰

A similar estimate appeared in the National Institute of Justice’s (NIJ) *National Evaluation of the COPS Program* in 2000. This report, published by the Justice Department and funded by the department’s Office of Community Oriented Policing Services, projected that the number of officers that COPS placed on the streets would, at most, reach a maximum of approximately 57,000 in 2001.¹¹ The NIJ report 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.”¹²

Community Policing. The concept of community policing is broad, encompassing many types of activities.¹³ In general, community policing is based on officers and citizens working together to solve problems associated with crime, social and physical disorder, undesirable neighborhood conditions, and fear of crime.¹⁴ Many police chiefs from across the nation have endorsed community policing as

8. Press release, “About COPS: Rebuilding the Bond Between Citizens and the Government,” U.S. Department of Justice, Office of Community Oriented Policing Services, May 12, 1999, at permanent.access.gpo.gov/lps9890/lps9890/www.usdoj.gov/cops/news_info/default.htm (May 12, 2006; unavailable September 5, 2008).

9. 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 <http://www.heritage.org/Research/Crime/CDA00-10.cfm>; Michael R. Bromwich, “Management and Administration of the Community Oriented Policing Services Grant Program,” Report No. 99-21, U.S. Department of Justice, Office of Inspector General, Audit Division, July 1999, at www.usdoj.gov/oig/au9921/9921toc.htm (December 20, 2002; unavailable May 12, 2006); U.S. General Accounting Office, *Community Policing: Issues Related to the Design, Operation, and Management of the Grant Program*, GAO/GGD-97-167, September 1997, at <http://www.gao.gov/archive/1997/gg97167.pdf> (May 12, 2006); and Christopher 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 *et al.*, *National Evaluation of the COPS Program: Title I of the 1994 Crime Act* (Washington, D.C.: U.S. Department of Justice, 2000), pp. 149–176, at <http://www.ncjrs.gov/pdffiles1/nij/183643.pdf> (May 12, 2006).

10. Davis *et al.*, “The Facts About COPS.”

11. Koper *et al.*, “Putting 100,000 Officers on the Street,” p. 163.

12. *Ibid.*, p. 152.

possessing tremendous potential in combating crime. Although researchers have yet to find strong and consistent evidence confirming community policing's effects on crime and disorder,¹⁵ such support is warranted. Community policing upholds worthy ideals, such as developing close police–community relationships that can help reduce the fear of crime.¹⁶

Although the COPS program certainly did not hinder the spread of community policing, the evidence does not support claims that it substantially advanced it. 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. His findings indicate that federal grants did not necessarily advance the use of

community policing.¹⁷ Commenting on COPS grants, Wilson concluded that “funding incentives do not seem to be a prominent predictor of COP [community oriented policing] implementation, nor a panacea for its implementation.”¹⁸ Instead, the independent decisions of police chiefs have been the most important factor in the adoption of community policing, and federal grants were largely unrelated to those decisions.

Waste, Fraud, and Abuse. A 2006 CDA evaluation of COPS grants found that large cities used federal funds to supplant local funds, contrary to Congress's directions that the funds should be used only to supplement state and local funding.¹⁹ Supplanting occurs when federal funds are used to replace local funds, such as when federal funds intended for hiring additional police officers are in-

13. For a discussion of six cities that implemented very different styles of community policing, see Deborah Lamm Weisel and John E. Eck, “Toward a Practical Approach to Organizational Change: Community Policing Initiatives in Six Cities,” in Dennis P. Rosenbaum, ed., *The Challenge of Community Policing: Testing the Promises* (London: Sage Publications, 1994), pp. 53–72.
14. Robert Trojanowicz, Victor E. Kappeler, Larry K. Gaines, and Bonnie Buequerox, *Community Policing: A Contemporary Perspective*, 2nd ed. (Cincinnati, Ohio: Anderson Publishing, 1998), p. 3.
15. David Weisburd and John E. Eck, “What Can Police Do to Reduce Crime, Disorder, and Fear?” *Annals of the American Academy of Political and Social Sciences*, Vol. 593, No. 1 (May 2004), p. 52. For similar conclusions about the lack of conclusive evidence on the effectiveness of community policing, see Wesley Skogan and Kathleen Frydl, eds., *Fairness and Effectiveness in Policing: The Evidence* (Washington, D.C.: The National Academies Press, 2004); Lawrence W. Sherman and John E. Eck, “Policing for Crime Prevention,” in Lawrence W. Sherman, David P. Farrington, Brandon C. Welsh, and Doris Layton MacKenzie, eds., *Evidence-Based Crime Prevention* (London: Routledge, 2002), pp. 295–329; John E. Eck and Edward R. Maguire, “Have Changes in Policing Reduced Violent Crime? An Assessment of the Evidence,” in Alfred Blumstein and Joel Wallman, eds., *The Crime Drop in America* (New York: Cambridge University Press, 2000), pp. 207–265; and Stephen Mastrofski, “Community Policing: A Skeptic's View,” in David Weisburd and Anthony A. Braga, eds., *Police Innovation: Contrasting Perspectives* (New York: Cambridge University Press, 2006), pp. 44–73.
16. Weisburd and Eck, “What Can Police Do to Reduce Crime, Disorder, and Fear?”
17. Jeremy M. Wilson, *Community Policing in America* (New York: Routledge, 2006).
18. *Ibid.*, p. 87. In addition, 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. The survey examined 40 community policing activities related to partnership building, problem solving, prevention, and organizational change. Of the 40 community policing activities measured, COPS increased the participation rate in only seven. Moreover, some of the activities encouraged by COPS, such as late-night recreation programs, are of dubious worth as crime-fighting initiatives. See 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.
19. 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 <http://www.heritage.org/Research/Crime/cda06-03.cfm>. 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, . . . 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.” Public Law 103–322, Title I, § 1704(a).

stead used 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. . . that would, in the absence of Federal aid, be made available to or for law enforcement purposes.”²⁰

These findings are consistent with audits of COPS-funded police departments by the Office of Inspector General (OIG) in the U.S. Department of Justice.²¹ The OIG’s audits indicate that the grantees frequently failed to hire or redeploy officers as required and used federal funds to supplant local funds in many cases. For example, instead of hiring 249 new officers, Newark, New Jersey, reduced its police force by 142 officers from FY 1996 to FY 1997.²²

Other audits indicate that some police departments supplanted local funding and failed to hire the required number of additional officers. For example, OIG audits detailed evidence showing

that Atlanta, El Paso, and Sacramento used COPS grants to supplant local funding.²³ Atlanta used more than \$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 more than \$3.9 million in hiring grants to retain officers funded through earlier grants.

The MORE grants were also frequently abused or misspent. The OIG found problems with the implementation of MORE grants.²⁴ The Metropolitan Police Department in Washington, D.C., was awarded almost \$11 million in MORE grants to hire 56 civilians and redeploy 521 officers through technology purchases.²⁵ When the OIG asked for a list of officers redeployed from administrative duties to community policing, the police department provided a list of only 53 officers. Of the 53, one officer was deceased, 10 were retired, and 13 no longer worked for the police department. According to

20. U.S. Department of Justice, Office of Community Oriented Policing Services, *Universal Hiring Program Grant Owner’s Manual*, April 1998, p. 46.
21. 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 http://www.usdoj.gov/oig/grants/_cops.htm (March 8, 2007). OIG audits indicate that supplanting and other wasteful uses of hiring grants occurred in many police departments, including grantees in Mesa, Arizona; Atlanta, Georgia; Oakland, Sacramento, San Francisco, and San Jose, California; Jacksonville, Florida; Louisville, Kentucky; Omaha, Nebraska; Newark, New Jersey; Portland, Oregon; Philadelphia, Pennsylvania; Nashville, Tennessee; Dallas and El Paso, Texas; and Milwaukee, Wisconsin. For a discussion of the Inspector General audits, see Muhlhausen, “Impact Evaluation of COPS Grants in Large Cities,” pp. 16–18.
22. U.S. Department of Justice, Office of Inspector General, “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 <http://usdoj.gov/oig/grants/g7098007.htm> (April 16, 2008).
23. 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 <http://usdoj.gov/oig/grants/g4098006.htm> (April 16, 2008); “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 <http://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 <http://usdoj.gov/oig/grants/g9098022.htm> (April 16, 2008).
24. OIG audits indicate that many police departments misused MORE, including grantees in Houston, Fort Worth, El Paso, and Austin, Texas; Albuquerque, New Mexico; Honolulu, Hawaii; San Jose and Sacramento, California; Atlanta, Georgia; Nashville, Tennessee; Pittsburgh, Pennsylvania; Boston, Massachusetts; Columbus, Ohio; Phoenix, Arizona; Seattle, Washington; Omaha, Nebraska; Jacksonville, Florida; Milwaukee, Wisconsin; and the District of Columbia. See U.S. Department of Justice, “Office of Community Oriented Policing Services Grant Reports.”
25. 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 <http://usdoj.gov/oig/grants/g3001003.htm> (April 16, 2008).

congressional testimony by Inspector General A. Glenn Fine, MORE grants have the highest risk for abuse of the COPS grants, and grantees rarely redeployed the required number of officers from administrative tasks to community policing.²⁶ These failures to redeploy police officers from administrative duties to community policing are typical of the failures by a large number of police departments that received MORE grants.²⁷

The Justice Department's COPS office appears to have done little to resolve the misuse of its grants. According to congressional testimony by Inspector General Fine, "in 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 in compliance, to offset the funds, to recoup the funds or to waive the funds."²⁸ Fine testified that COPS did not pay enough attention to ensure adherence to the grant requirements, including the hiring of officers, retaining officers, and tracking the redeployment of officers.²⁹ By eliminating existing conditions for how grant recipients may use the federal funds, COPS 2.0 would only make matters worse.

Failure to Retain COPS-Funded Officers.

Grantees were expected to retain their COPS-funded officers for one budget cycle after the grants expired, but the retention requirement was not formally established until 1998.³⁰

Most state and local organizations receiving COPS hiring grants did not fulfill their commitments to retain COPS-funded officers. According to an NIJ national survey of COPS grantees:

- 52 percent of hiring grantees were uncertain about their long-term plans for officer retention,
- 37 percent planned to retain COPS-funded officers by using only funds made available by the attrition of non-COPS-funded officers,
- 20 percent planned to retain COPS-funded officers by cutting other positions,
- 10 percent reported that they did not plan to retain their COPS-funded officers,
- Only 46 percent of medium and large agencies that received hiring grants from 1994 to 1998 reported that they still employed all of their original COPS-funded officers in 1998.³¹

Boston illustrates how grantees failed to retain their COPS-funded officers. Boston Mayor Thomas M. Menino has blamed his inability to properly staff the Boston Police Department on the Bush Administration. Yet 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 maintain the same staffing levels after the federal contributions expired. Instead of developing a plan to retain the officers, Mayor Menino decided to downsize officer staffing after the grants expired, in violation of the federal grant rules.³² The number of Boston police officers declined from 2,252 in 1999 to 2,036 in 2004—a 9.6 percent decrease. Taking population growth into account, the number of police officers declined by 13.1 percent from 40.4 officers per 10,000 residents in 1999 to 35.1 officers per 10,000 residents in 2004.³³

26. Hearings, *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. 89.

27. 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, and U.S. Department of Justice, Office of Inspector General, Audit Division, *Management and Administration of the Community Oriented Policing Services Grant Program*, Report No. 99-21, July 1999.

28. Glenn A. Fine, in hearing, *Office of Justice Programs*, p. 109.

29. *Ibid.*

30. Jeffery A. Roth and Joseph F. Ryan, "Overview," in Roth *et al.*, *National Evaluation of the COPS Program*, pp. 1-23.

31. Jeffery A. Roth, Christopher S. Koper, Ruth White, and Elizabeth A. Langston, "Using COPS Resources," in Roth *et al.*, *National Evaluation of the COPS Program*, pp. 111 and 113.

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

Commenting on Boston's failure to retain COPS-funded officers, a former official in the COPS office pointed out that Boston officials "knew they had to pick up the salaries after the three-year period" of federal funding.³⁴ Responding to criticism that Boston failed to plan adequately for the phase-out 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."³⁵ Despite the fact that COPS requires recipients to "specify plans for obtaining necessary support and continuing the [funded] program...following the conclusion of Federal support,"³⁶ Mayor Menino appears to have viewed COPS grants as an entitlement to perpetual federal funding for the officers hired under the original grants.

By eliminating all requirements for grant recipients to plan for and take steps to become self-funding, COPS 2.0 would institutionalize the problems that occurred in Boston and elsewhere under COPS 1.0.

The Politics and Implementation of Intergovernmental Grants

Federal programs based on seemingly sensible ideas often stumble during local implementation.³⁷ In the absence of rigorous monitoring by the COPS office, the financial incentives offered by COPS to police departments appear not to have encouraged

successful implementation of community policing and other grant conditions.

Two factors likely hampered the office's ability to monitor COPS grants: conflicting objectives and constituent politics. These factors weaved together to create a powerful incentive for COPS officials to neglect their oversight responsibilities of grantees.

Conflicting Objectives. The presence of multiple competing objectives can prevent the successful application of any public policy.³⁸ The multiple objectives of COPS—putting 100,000 additional officers on the beat, advancing community policing, and fighting crime—likely interfered with each other. The political pressure to claim credit for hiring 100,000 new officers likely clashed with promoting innovative policing and reducing crime.

The Clinton Administration and congressional supporters of COPS wanted the agency to distribute grants quickly, thus the grant applications were limited to only a few pages. While the short application process reduced paperwork, it did little to ensure that funds were used for effective community policing practices. President Clinton gave the COPS office just 12 days from when funding became available to distribute grants for the hiring of 5,000 officers.³⁹ The rush to distribute the grants almost certainly affected the quality of the community policing projects that were funded. John Hart, former COPS deputy director, admitted that most grant applications were accepted even if the proposed policing

33. Calculations based on Federal Bureau of Investigation, *Crime in the United States, 1999*, pp. 300–367, Table 78, at http://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 http://www.fbi.gov/ucr/cius_00/contents.pdf (March 7, 2007).

34. Rothstein, "Menino Defense Cracks."

35. *Ibid.*

36. 42 U.S. Code § 3799dd-1(c)(7). Similarly, recipients of COPS grants "for hiring or rehiring additional career law enforcement officers [must] specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support." *Id.* § 3799dd-1(c)(8). Similar to officials in other large cities, Boston officials appear not to have given much thought or made a real commitment to fulfilling this condition of receiving millions of federal taxpayers' dollars.

37. Jeffrey Pressman and Aaron Wildavsky, *Implementation*, 3rd ed. (Berkeley, Calif.: University of California Press, 1984).

38. Giandomenico Majone and Aaron Wildavsky, "Implementation As Evolution," in Pressman and Wildavsky, *Implementation*, pp. 163–180.

39. Jeff Glasser, "The Case of the Missing COPS: The Plan for 100,000 Patrolmen Is Flat-Footed," *U.S. News and World Report*, July 27, 2000, p. 3.

activities did not meet any of the traditionally accepted definitions of community policing.⁴⁰

Pressure to meet unreasonably tight deadlines for awarding and administering federal grants typically introduces severe administrative problems.⁴¹ The COPS program's sprint to award grants for 100,000 new officers and the oversimplification of the grant application process may have undermined the program's effectiveness and ability to achieve its goals.

Elected officials' demand for achieving short-run goals and satisfying constituents can create pressure that results in symbolic politics.⁴² Thus, the symbolism of public policies can influence implementation.⁴³

Given the pressure placed on the COPS program to generate short-term results, the program's essential goals of advancing community policing and reducing crime took a backseat to the powerful symbolism of funding 100,000 new officers. The image of 100,000 new police officers in cities and towns across the nation helping to keep the public safe became the central political theme used to justify COPS.

When government agencies and bureaus cannot reconcile competing objectives, bureaucrats must make trade-offs.⁴⁴ Given the incentives put in place by elected officials, COPS officials apparently were influenced by the pressure to emphasize the symbolic benefit of placing 100,000 federally funded officers on state and local beats over ensuring the grantees actually hired and redeployed community policing officers.

Constituent Politics. Constituent politics are another factor that can impede the proper administration of policies, even policies that are sounder and better-crafted than the COPS program.⁴⁵ Constituent politics are particularly prevalent in inter-governmental grants. Grant-making bureaus and grant-seekers have a mutually dependent relationship. Grant-seekers want funds, while grant-making bureaus need the political support of the grantees during the appropriation and reauthorization processes.

Professor R. Douglas Arnold of Princeton University states that while legislators and bureaucrats are independent decision makers, "each has authority to make certain decisions without consulting the other, [and] each generally finds it in his own self-interest to consider the other's preferences."⁴⁶ Budget security and growth, as pursued by bureaucrats, depends on congressional decisions. Thus, a bureaucracy will generally allocate benefits, especially grants, in a manner that will maintain and expand coalitions that support the bureaucracy.

Likewise, legislators seeking to spend the largest possible shares of federal grants on their constituents depend on bureaucrats to implement this spending.⁴⁷ Congress, in turn, can exert some influence over program administrators' decisions through annual appropriations. As a result of this two-way interaction, "[b]oth congressmen and bureaucrats tend to adjust their decisions to accommodate each others' preferences whenever they believe it might help them achieve their own goals."⁴⁸ Thus, the strategies that grant-making

40. Ted Gest, *Crime and Politics: Big Government's Erratic Campaign for Law in Order* (New York: Oxford University Press, 2001), p. 183.

41. Helen Ingram, "Implementation: A Review and Suggested Framework," in Naomi B. Lynn and Aaron Wildavsky, eds., *Public Administration: The State of the Discipline* (Chatham, N.J.: Chatham House, 1990), pp. 462-480.

42. Barbara Ferman, "When Failure Is Success: Implementation and Madisonian Government," in Dennis J. Palumbo and Donald J. Calista, eds., *Implementation and the Policy Process* (New York: Green Press, 1990), pp. 39-50.

43. Dennis J. Palumbo and Donald J. Calista, "Opening Up the Black Box: Implementation and the Policy Process," in Palumbo and Calista, *Implementation and the Policy Process*, pp. 3-17.

44. Evelyn Z. Brodtkin, "Implementation As Policy Politics," in Palumbo and Calista, *Implementation and the Policy Process*, pp. 3-17.

45. Ingram, "Implementation."

46. R. Douglas Arnold, *Congress and the Bureaucracy: A Theory of Influence* (New Haven, Conn.: Yale University Press, 1979), p. 35.

47. *Ibid.*

48. *Ibid.*

bureaus use to administer grants respond to the desires of elected officials and their constituents.

Pressure from Congress, the Clinton Administration, and grant-seekers to craft an expedited application process for COPS grants and to disseminate funds quickly would have conflicted with ensuring that the program met its goals, including those goals reflected by the conditions imposed on grant recipients. The mutually dependent relationship between grant-makers and grant-seekers, facilitated by congressional overseers, produced incentives that interfered with the implementation and oversight of grants. Providing constituents with easy access to federal funding was more important than actually adding additional officers, advancing community policing, and reducing crime.

Why COPS Failed As a Crime-Reduction Policy

Congress and the Bush Administration were correct to reduce funding for federal grant programs that pay local law enforcement to carry out their traditional responsibilities. Research studies and the federal government's own analysis support the conclusion that federal COPS grants have not proven effective at reducing crime.

The Office of Management and Budget (OMB) recommended reducing funding for the COPS program because it had not demonstrated its effectiveness in reducing crime.⁴⁹ OMB pointed out that COPS "does not have long-term goals or specific targets for achieving criminal justice outcomes such as reductions in the crime rate for grantee communities."⁵⁰

The Heritage Foundation evaluations have uniformly found that federal COPS grants had little to no impact on crime rates, which is partly (or perhaps largely) explained by the loose controls inherent in the federal program that allowed many

jurisdictions to supplant officer salaries previously paid with state and local funds.⁵¹

In 2006, Heritage's Center for Data Analysis evaluated the impact of COPS grants in large cities. Using data from 1990 to 1999 for 58 large cities, the 2006 CDA evaluation found that the federally funded hiring grants were generally ineffective.⁵² Controlling for socioeconomic and law enforcement variables, the evaluation examined the impact of the COPS grants in large cities using data from five years before and five years after the initial implementation of the grant program. The 2006 CDA evaluation found that COPS hiring grants had no statistically significant effect on murder, rape, assault, burglary, larceny, and auto theft rates. However, the hiring grants appeared to have a small effect on robbery rates. A 1 percent increase in COPS hiring grants was associated with a 0.01 percent decrease in robbery rates—a reduction of 0.06 robberies per 100,000 residents. The hiring grants' meager effect on robberies and the lack of statistically significant findings for the six other crime categories suggest that new federal funding for the COPS program's hiring grants will do little to help large cities fight crime or reduce crime rates nationwide.

The evaluation also found that the ineffectiveness of the COPS hiring grants to large cities may be due to their misuse. Specifically, grants awarded to large cities were used to supplant local police expenditures. If the grants had been used properly, the data should have shown that COPS hiring grants were associated with increased spending on state and local law enforcement over the predicted baseline figures because COPS hiring was not supposed to supplant other hiring,⁵³ but the analysis showed no such association.⁵³ Instead, federal COPS funds were substituted for local funding. Federal funding for police officer salaries appears to

49. U.S. Office of Management and Budget, Program Assessment Rating Tool, *Community Oriented Policing Services*, at <http://www.whitehouse.gov/omb/expectmore/summary/10000164.2002.html> (May 27, 2008), and *Multipurpose Law Enforcement Grants*, at <http://www.whitehouse.gov/OMB/expectmore/summary/10003806.2005.html> (March 8, 2007).

50. Office of Management and Budget, *Community Oriented Policing Services*.

51. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," and 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/Research/Crime/CDA01-05.cfm>.

52. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities."

be ineffective because the intergovernmental transfers provide incentives for the recipient to reduce or cease its own funding. This does not necessarily mean that state and local funding for hiring additional police officers would be similarly ineffective. At the same time, the criminological evidence is inconclusive that hiring additional police officers is always effective at reducing crime.⁵⁴

With the lack of accountability, the COPS office failed to ensure that grantees actually hired additional officers and kept the officers on board after the grants expired. Police departments receiving COPS hiring grants spent the federal contributions on officer salaries, but did not necessarily hire officers in addition to those that they would have hired without the federal subsidies.

The COPS program's MORE grants were intended to redeploy veteran officers from administrative tasks to community policing. These grants appear to have deterred more crime than was deterred by COPS hiring grants. Although there was no statistically significant relationship between MORE grants and murder, rape, larceny, and auto theft rates, the grants had a small deterrent effect on robbery, assault, and burglary rates. A 1 percent increase in MORE grants was associated with:

- A 0.007 percent decrease in the robbery rate (0.043 fewer robberies per 100,000 residents);
- A 0.005 percent decrease in the assault rate (0.041 fewer assaults per 100,000 residents); and

- A 0.002 percent decrease in the burglary rate (0.035 fewer burglaries per 100,000 residents).⁵⁵

The MORE grants have changed since the 1990s. Renamed "technology grants," they no longer require grantees to use the funding to redeploy officers from administrative tasks to community policing. Instead of the original competitive application process, the technology grants are awarded through congressional earmarks. Limiting the MORE grants to earmarks may undermine and ultimately negate the deterrent effect found in the CDA's evaluation.

The so-called innovative grants have a statistically significant relationship with a reduction in the murder rate but no statistically measurable effect on the other crime rates. A 1 percent increase in innovative grants per capita is associated with a 0.001 percent decrease in murders per capita, or 0.0002 fewer murders per 100,000 residents.⁵⁶ However, most of the innovative grants were discontinued by the end of the Clinton Administration.

In 2001, the CDA conducted the first independent analysis of the COPS program's effectiveness.⁵⁷ Using county-level data from 1995 to 1998, the CDA analyzed the impact of COPS grants to police departments overseeing a broad range of populations. After accounting for state and local police expenditures and socioeconomic factors on a yearly basis, the analysis found that neither COPS hiring grants nor the MORE grants had a statistically significant effect in reducing the rates of violent crime.⁵⁸

53. The award of COPS hiring and MORE grants should have increased police department budgets by approximately the same dollar amount as the federal grants. Further, the hiring and MORE grants should have produced a stimulus effect on police department budgets because these grants are closed-ended matching grants that normally required 25 percent local matches by grantees. Closed-ended matching grants should stimulate grantees to increase spending from their own revenues to levels that would not have been achieved without federal assistance. If the police departments followed the non-supplanting and matching requirements, the hiring and MORE grants should have been associated with increased police department budgets.

54. See Eck and Maguire, "Have Changes in Policing Reduced Violent Crime?"; Sherman and Eck, "Policing for Crime Prevention"; Weisburd and Eck, "What Can Police Do to Reduce Crime, Disorder, and Fear?"; and Skogan and Frydl, *Fairness and Effectiveness in Policing*. In short, the management lessons that apply to most organizations apply equally to large police forces: Unless the organization is well managed and efficiently staffed, more personnel does not automatically equal improved results.

55. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities."

56. *Ibid.*

57. Muhlhausen, "Do Community Oriented Policing Services Grants Affect Violent Crime Rates?"

58. *Ibid.*

While the MORE grant findings for the 2001 and 2006 CDA evaluations seem to be contradictory, the 2001 evaluation assessed data from counties whereas the 2006 evaluation assessed data from cities. MORE grants awarded to large cities appear to have been used more efficiently than similar grants awarded to smaller police departments.

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

- Due to supplanting, the actual number of officers “added” to the streets was substantially smaller than the level of funding indicates, and
- Merely paying for officer salaries without ensuring that COPS-funded officers are focused on clear crime-fighting objectives is not effective in reducing crime.

Recent Research. 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 2000.⁵⁹ The authors found that COPS hiring, MORE, and innovative grants are not associated with reductions in crime. Commenting on the public policy implications of their finding, 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.”⁶⁰

Far more important than the raw number of police officers is the manner in which law enforcement organizations employ their officers to prevent crime and identify perpetrators. Increasing police resources without focusing on risk factors may not successfully reduce crime.⁶¹ The more the police focus on criminogenic (risk) factors, the more likely

they will prevent crime.⁶² Deterring crime depends more on deploying officers where serious crime is concentrated and when the probability of occurrence is high.⁶³

S. 368: Exacerbating Existing Problems

Overall, the COPS Improvements Act of 2007 appears designed to encourage state and local law enforcement to become increasingly dependent on federal funding. S. 368 would also bolster the false public perception that ordinary street crime is a federal responsibility. This would encourage 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. The bill has a number of specific shortcomings.

Reauthorization of Hiring Grants. Reauthorization of the COPS program’s hiring grants would perpetuate the federal government’s constitutionally questionable practice of subsidizing the routine operations of state and local law enforcement. These federal grants do not vindicate any uniquely federal interest or fulfill any unique role or responsibility that has been allocated to the federal government by the Constitution. Without question, the best government entities to determine the funding needs and priorities of state and local law enforcement are state and local governments themselves, not the federal government.

Unlimited Renewal of Hiring Grants. With all of its problems, COPS 1.0 at least limited the length of time a governmental entity could receive hiring grants. Yet S. 368 would allow the COPS office to renew previous awards of hiring or retention grants perpetually. COPS 2.0 would fulfill the

59. John L. Worrall and Tomislav V. Kovandzic, “COPS Grants and Crime Revisited,” *Criminology*, Vol. 45, No. 1 (February 2007), pp. 159–190.

60. *Ibid.*, p. 185.

61. Lawrence Sherman, “The Police,” in James Q. Wilson and Joan Petersilia, eds., *Crime* (San Francisco: Institute for Contemporary Studies, 1995), pp. 327–348.

62. Lawrence Sherman, “Policing for Crime Prevention,” in Lawrence W. Sherman, Denise Gottfredson, Doris Mackenzie, John Eck, Peter Reuter, and Shawn Bushway, eds., *Preventing Crime: What Works, What Doesn’t, What’s Promising* (Washington, D.C.: U.S. Department of Justice, 1997), pp. 8-1–8-62, at <http://www.ncjrs.gov/works> (September 5, 2008), and Lawrence W. Sherman and John E. Eck, “Policing for Crime Prevention,” in Lawrence W. Sherman, David P. Farrington, Brandon C. Welsh, and Doris Layton MacKenzie, eds., *Evidence-Based Crime Prevention* (London: Routledge, 2002), pp. 295–329.

63. Sherman, “Policing for Crime Prevention,” pp. 8-1–8-62.

expectations that Mayor Menino had for COPS 1.0: Once a grantee receives an award, the grantee could expect permanent federal funding. This change would essentially establish a new federal entitlement for localities. Perpetual federal subsidies for officer salaries have been advocated since at least 2001.⁶⁴

Hiring Grants to Retain Non-COPS-Funded Officers. COPS 1.0 requires COPS hiring grants to be spent on actual hiring (i.e., salary payments for officers who otherwise would not be employed by the police agency). COPS 2.0 would eliminate this restriction, thereby allowing hiring grants to be used for officer retention and setting up a cycle of permanently funded positions previously financed through COPS.

COPS funding is fungible. After a grantee's COPS grant expires, the grantee could keep the former COPS-funded officers, but lay off non-COPS-funded positions. The grantee could then apply for new COPS hiring grants to "hire" the laid-off officers. This would make police departments even more dependent on the federal government.

Elimination of Oversight Measures. Nothing may be more emblematic of the intent underlying S. 368 than the removal of COPS from the jurisdiction of the Department of Justice's Office of Audit, Assessment, and Management (OAAM). In 2006, OAAM was created to ensure that Department of Justice grantees comply with financial grant conditions.

Given that conflicting objectives and constituent politics can interfere with the successful implementation and monitoring of COPS grants, an agency outside of the COPS office should have the authority to audit grants and ensure compliance with grant conditions. With the documented history of waste, fraud, and abuse by COPS grantees, removing COPS from OAAM's jurisdiction would send a clear signal to COPS grantees that they are not expected to comply with grant conditions.

Ending Incentives for State and Local Governments to Contribute. The COPS program currently requires grant recipients to pay at least 25 percent of the total funding for a program or project funded in part by a COPS grant.⁶⁵ The Attorney General is expressly authorized to grant preferential treatment to applicants who will contribute more than 25 percent.⁶⁶ S. 368 would eliminate this preferential treatment, ending an important incentive for state and local governments to become self-sufficient.

For COPS hiring grants that provide funding for three years, current law also requires state and local governments to pay a larger share of the salaries with each year. The goal is to facilitate the "continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support."⁶⁷ S. 368 would also end this requirement, discouraging grantees from self-financing COPS-funded positions after their grants expire. In addition, S. 368 eliminates the requirement that grantees develop a plan for increasing their responsibility for financing COPS-funded officers.

These changes would entice grantees to become increasingly more dependent on federal financing.

Elimination of the \$75,000-per-Officer Cap. Current law caps COPS grants at \$75,000 per officer. S. 368 would eliminate this cap, meaning that the federal contribution per officer would be unlimited. This sets the stage for escalating federal contributions per position funded and would provide yet one more incentive for state and local governments to become progressively more dependent of the federal government.

A New COPS Program for State and Local Prosecutors. No longer content with only increasing police departments' dependency on federal funding, the sponsors of S. 368 want to create a new program to fund the salaries of "community prosecutors," which would impose all of the problems created by COPS (e.g., waste, fraud, and abuse)

64. David B. Muhlhausen, "More COPS Funding Will Not Mean More Cops and Less Crime," Heritage Foundation *Executive Memorandum* No. 752, June 14, 2001, at <http://www.heritage.org/Research/Crime/EM752.cfm>.

65. 42 U.S. Code § 3796dd(g).

66. *Id.* § 3796dd(i).

67. *Id.* § 3796dd.

onto prosecutors. Short of commandeering state and local police officers and prosecutors and “authorizing” federal officials to direct their efforts, using federal funds to pay the salaries of state and local prosecutors would be the next highly objectionable step toward nationalizing all state and local law enforcement.

Effective Policing Strategies

Police officers serve as the frontline forces in preventing and deterring crime in America. The combined efforts of aggressive and intelligent local policing can reduce crime. Further, effective policing at the state and local levels does not require funding from the federal government. Policymakers can encourage more effective policing by focusing on results and proven strategies, rather than on just spending more money.

A review of the policing research by Professors David Weisburd and John E. Eck suggests a few innovative approaches that have proven results. “Hot spots” policing, focusing on repeat offenders, and problem-oriented policing can effectively reduce crime.⁶⁸ Unlike broader strategies that concentrate on community relations, these three approaches share a common focus of targeting criminogenic factors, such as high-risk locations and repeat offenders.

Hot Spots Policing. Hot spots policing uses crime mapping technology to correlate the commission of crimes with the geographic location and time (time of day and day of week) at which they were

committed. This enables police departments to focus resources where they are most needed. Some randomized studies indicate that “hot spots” policing can reduce the number of citizen calls for police service.⁶⁹

Focusing on Repeat Offenders. Two randomized experiments indicate that a strategy of focusing on high-risk repeat offenders leads to the successful arrest and incarceration of such offenders.⁷⁰ For example, the Metropolitan Police Department of Washington, D.C., created the Repeat Offender Project (ROP) in the early 1980s.⁷¹ ROP consisted of officers specifically tasked with capturing career criminals. While the experimental evaluation did not measure the impact of ROP on crime rates, ROP was found to increase the likelihood of the arrest and prosecution of career offenders.

Problem-Oriented Policing. Under the problem-oriented policing strategy, the police develop a systematic process for inquiring into the nature of problems and then develop specific tactics to address these problems.⁷² Police officers engaged in problem-oriented policing do not simply respond to calls for service with an arrest or engage in public relations activities with the community. Instead, the officer takes steps to define the specific problem, whether purse snatching or gang activity, and to identify its causes.⁷³ After analyzing the problem, the officer then develops a plan to resolve the problem. By using this methodology, officers may be able to prevent further occurrences by solving the root causes. For example, officers may encourage the community to exert more

68. Weisburd and Eck, “What Can Police Do to Reduce Crime, Disorder, and Fear?” pp. 42–65.

69. Lawrence W. Sherman and David Weisburd, “General Deterrent Effects of Police Patrol in Crime ‘Hot Spots’: A Randomized, Controlled Trial,” *Justice Quarterly*, Vol. 12, No. 4 (December 1995), pp. 625–648; Lawrence W. Sherman and Dennis Rogan, “Deterrent Effects of Police Raids in Crack Houses: A Randomized, Controlled Experiment,” *Justice Quarterly*, Vol. 12, No. 4 (December 1995), pp. 755–782; and David Weisburd and Lorraine Green, “Policing Drug Hot Spots: The Jersey City Drug Market Analysis Experiment,” *Justice Quarterly*, Vol. 12, No. 4 (December 1995), pp. 711–736.

70. Allan F. Abrahamse and Patricia A. Ebener, “An Experimental Evaluation of the Phoenix Repeat Offender Program,” *Justice Quarterly*, Vol. 8, No. 2 (June 1991), pp. 141–168, and Susan E. Martin and Lawrence W. Sherman, “Selective Apprehension: A Police Strategy for Repeat Offenders,” *Criminology*, Vol. 24, No. 1 (February 1986), pp. 155–173.

71. Martin and Sherman, “Selective Apprehension,” pp. 155–173.

72. Herman Goldstein, “Improving Policing: A Problem-Oriented Approach,” in Willard M. Oliver, *Community Policing* (Upper Saddle River, N.J.: Prentice Hall, 1999). Originally published in *Crime & Delinquency*, Vol. 25, No. 2 (April 1979), pp. 236–258.

73. *Ibid.*, and John E. Eck and William Spelman, “Who Ya Gonna Call? The Police As Problem-Busters,” in Oliver, *Community Policing*. Originally published in *Crime & Delinquency*, Vol. 33, No. 1 (January 1987), pp. 31–52.

control over unruly youth to reduce gang activity that is leading to the specific crime problem.

Problem-oriented policing has been successful in some cities.⁷⁴ For example, a randomized evaluation in Jersey City, New Jersey, found that problem-oriented policing was effective at reducing crime.⁷⁵ With the assistance of researchers, the police matched 24 neighborhoods based on their similarities on a number of demographic and related factors. By random assignment, these neighborhoods were selected for problem-oriented policing or traditional patrols. Problem-oriented policing interventions, such as aggressive order maintenance and crime prevention changes in the physical environment, reduced reported crimes and citizen emergency calls.

While police employment levels wax and wane as the priorities of state and local officials change, the police have within their power the ability to effectively allocate existing personnel and other resources to strategies that have proven track records of success. Intelligent and effective local policing is not dependent on the federal government.

Conclusion

The COPS program has an extensive track record of poor performance and should be eliminated. It has failed to achieve its goals and has assigned to the federal government responsibilities that fall squarely within the expertise, jurisdiction, and constitutional responsibilities of state and local governments. With a drastically smaller budget and a failed history, COPS is a flawed program in desperate search of a mission. Congress should reject efforts to resuscitate the program and instead eliminate it entirely.

The COPS Improvements Act of 2007 takes precisely the wrong approach. It bolsters the false public perception that ordinary street crime is a federal responsibility. In doing so, S. 368 would encourage state and local officials who fail to devote adequate state resources to fighting crime to become permanent supplicants for federal COPS funding and to continue to shift accountability for local crime away from themselves and toward the federal government.

S. 368 appears to be expressly designed to reduce accountability and to encourage state and local law enforcement to become progressively more dependent on federal funding. The bill “addresses” the COPS program’s failures to achieve its stated goals and to enforce the program’s requirements by eliminating those goals and requirements. This approach would elevate what some Members of Congress may think are political imperatives and expand federal control over state and local law enforcement.

While claiming to “put more cops on the beat” might play well with some constituents, Members of Congress concerned about effective law enforcement policies and respecting federalism by retaining the constitutional structure of the U.S. government should instead focus on the manifold shortcomings of the COPS Improvements Act and the COPS program itself.

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74. Anthony A. Braga, David M. Kennedy, Elin J. Warring, 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 (August 2001), pp. 195–225, and 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 (August 1999), pp. 541–580.

75. Braga *et al.*, “Problem-Oriented Policing in Violent Crime Places.”