

COPS IMPROVEMENTS ACT OF 2009

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APRIL 21, 2009.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. CONYERS, from the Committee on the Judiciary,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 1139]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1139) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
The Amendment .....	2
Purpose and Summary .....	5
Background and Need for the Legislation .....	6
Hearings .....	7
Committee Consideration .....	8
Committee Votes .....	8
Committee Oversight Findings .....	9
New Budget Authority and Tax Expenditures .....	10
Congressional Budget Office Cost Estimate .....	10
Performance Goals and Objectives .....	11
Constitutional Authority Statement .....	11
Advisory on Earmarks .....	12
Section-by-Section Analysis .....	12
Changes in Existing Law Made by the Bill, as Reported .....	12
Minority Views .....	21

## THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “COPS Improvements Act of 2009”.

**SEC. 2. COPS GRANT IMPROVEMENTS.**

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

“(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e). Grants under this subsection shall be awarded on a competitive basis.”;

(2) in subsection (b)—

(A) by striking the subsection heading text and inserting “COMMUNITY POLICING AND CRIME PREVENTION GRANTS”;

(B) in paragraph (3), by striking “, to increase the number of officers deployed in community-oriented policing”;

(C) by amending paragraph (4) to read as follows:

“(4) award grants to pay for or train officers hired to perform intelligence, anti-terror, or homeland security duties.”;

(D) by inserting after paragraph (4) the following:

“(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools.”;

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking “and” at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

“(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine;

“(17) hire and rehire civilian forensic analysts and laboratory personnel;

“(18) establish criminal gang enforcement task forces, consisting of members of Federal, State, and local law enforcement authorities (including Federal, State, and local prosecutors), for the coordinated investigation, disruption, apprehension, and prosecution of criminal gangs and offenders involved in local or multi-jurisdictional gang activities; and

“(19) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs.”;

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(6) by inserting after subsection (b) the following:

“(c) TROOPS-TO-COPS PROGRAMS.—

“(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

“(2) DEFINITION.—In this subsection, ‘former member of the Armed Forces’ means a member of the Armed Forces of the United States who has been honorably discharged from the Armed Forces of the United States.

“(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

“(1) handle cases from specific geographic areas; and

“(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement) and quality of life initiatives, and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.”

“(e) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.”;

(7) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking “to States, units of local government, Indian tribal governments, and to other public and private entities.”;

(B) in paragraph (2), by striking “define for State and local governments, and other public and private entities,” and inserting “establish”;

(C) in the first sentence of paragraph (3), by inserting “(including regional community policing institutes)” after “training centers or facilities”;

and

(D) by adding at the end the following:

“(4) EXCLUSIVITY.—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this part.”;

(8) in subsection (g), as so redesignated, by striking “may utilize any component”, and all that follows and inserting “shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.”;

(9) in subsection (h), as so redesignated—

(A) by striking “subsection (a)” the first place that term appears and inserting “paragraphs (1) and (2) of subsection (b)”;

(B) by striking “in each fiscal year pursuant to subsection (a)” and inserting “in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)”;

(10) in subsection (i), as so redesignated—

(A) by striking “the Federal share shall decrease from year to year for up to 5 years” and inserting “unless the Attorney General waives the non-Federal contribution requirement as described in the preceding sentence, the non-Federal share of the costs of hiring or rehiring such officers may be less than 25 percent of such costs for any year during the grant period, provided that the non-Federal share of such costs shall not be less than 25 percent in the aggregate for the entire grant period, but the State or local government should make an effort to increase the non-Federal share of such costs during the grant period”;

(B) by adding at the end the following new sentence: “The preceding sentences shall not apply with respect to any program, project, or activity provided by a grant made pursuant to subsection (b)(4).”;

(11) by adding at the end the following:

“(j) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of such grant.

“(k) TREATMENT OF GRANT FOR HIRING CIVILIAN FORENSIC ANALYSTS AND LABORATORY PERSONNEL.—A grant awarded under this section for hiring and rehiring of civilian forensic analysts and laboratory personnel (in accordance with paragraph (17) of subsection (b)) shall be subject to the same treatment, limitations, and renewal requirements under this part as grants awarded under this section for hiring and rehiring of career law enforcement personnel (in accordance with paragraphs (1) and (2) of subsection (b)).”.

(b) APPLICATIONS.—Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “, unless waived by the Attorney General” after “under this part shall”; and

(B) in paragraph (8), by striking “share of the cost” and all that follows and inserting “share of the costs during the grant period, how the applicant will maintain the increased hiring level of the law enforcement officers, and how the applicant will eventually assume responsibility for all of the costs for such officers.”; and

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended to read as follows:

**“SEC. 1703. RENEWAL OF GRANTS.**

“(a) IN GENERAL.—Except as provided in subsection (b), a grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

“(b) GRANTS FOR HIRING.—Grants made under this part for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, except that the Attorney General may waive such 5-year limitation for good cause.

“(c) NO COST EXTENSIONS.—Notwithstanding subsections (a) and (b), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.”

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended—

(1) in subsection (a)—

(A) by striking “that would, in the absence of Federal funds received under this part, be made available from State or local sources” and inserting “that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources”; and

(B) by adding at the end the following new sentence: “The preceding sentence shall not apply with respect to funds made available under this part by a grant made pursuant to subsection (a) for the purposes described in subsection (b)(4).”; and

(2) by striking subsection (c).

(e) STUDY OF PROGRAM EFFECTIVENESS.—Section 1705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–4) is amended by adding at the end the following new subsection:

“(d) STUDY OF PROGRAM EFFECTIVENESS.—

“(1) IN GENERAL.—The Attorney General shall provide for a scientific study of the effectiveness of the programs, projects, and activities funded under this part in reducing crime. Such study shall include identified best practices for community policing that have demonstrated results for building and strengthening the relationship between police departments and the communities such departments serve.

“(2) STUDY.—The Attorney General shall select one or more institutions of higher education, including historically Black colleges and universities, to conduct the study described in paragraph (1).

“(3) REPORTS.—Not later than 4 years after the date of the enactment of the COPS Improvements Act of 2009, the institution or institutions selected under paragraph (2) shall report the findings of the study described in paragraph (1) to the Attorney General. Not later than 30 days after the receipt of such report, the Attorney General shall report such findings to the appropriate committees of Congress, along with any recommendations the Attorney General may have relating to the effectiveness of the programs, projects, and activities funded under this part in reducing crime.”

(f) ENFORCEMENT ACTIONS.—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–5) is amended—

(1) in the section heading, by striking “**REVOCATION OR SUSPENSION OF FUNDING**” and inserting “**ENFORCEMENT ACTIONS**”; and

(2) by striking “revoke or suspend” and all that follows and inserting “take any enforcement action available to the Department of Justice.”

(g) DEFINITIONS.—Section 1709(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended by inserting “who is a sworn law enforcement officer” after “permanent basis”.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking “1,047,119,000 for each of fiscal years 2006 through 2009” and inserting “1,800,000,000 for each of fiscal years 2009 through 2014”; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking “3 percent may be used for technical assistance under section 1701(d)” and inserting “5 percent may be used for technical assistance under section 1701(f)”; and

(B) by striking the second sentence and inserting the following: “Of the funds available for grants under part Q, not less than \$1,250,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than \$200,000,000 shall be used for grants under section 1701(d), and not more than \$350,000,000 shall be used for grants under section 1701(e).”

(i) PURPOSES.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking “development” and inserting “use”; and

(2) in the matter following paragraph (4), by striking “for a period of 6 years”.

(j) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting “, except for the program under part Q of this title” before the period.

(2) LAW ENFORCEMENT COMPUTER SYSTEMS.—Section 107 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

“(c) EXCEPTION.—This section shall not apply to any grant made under part Q of this title.”

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to grants awarded under part Q of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) on or after the date of enactment of this Act.

### SEC. 3. REPORT BY INSPECTOR GENERAL REQUIRED.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to Congress a report on the Public Safety and Community Policing (“COPS ON THE BEAT”) grant program authorized by part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), including the elements described in subsection (b).

(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following, with respect to the grant program described in such subsection:

(1) The effect of the program on the rate of violent crime, drug offenses, and other crimes.

(2) The degree to which State and local governments awarded a grant under the program contribute State and local funds, respectively, for law enforcement programs and activities.

(3) Any waste, fraud, or abuse within the program.

(c) RANDOM SAMPLING REQUIRED.—For purposes of subsection (a), the Inspector General of the Department of Justice shall audit and review a random sampling of State and local law enforcement agencies. Such sampling shall include—

(1) law enforcement agencies of various sizes;

(2) law enforcement agencies that serve various populations; and

(3) law enforcement agencies that serve areas of various crime rates.

### PURPOSE AND SUMMARY

The Justice Department’s Office of Community Oriented Policing Services (“COPS Office”) promotes community policing by funding efforts by State and local authorities intended to put law enforcement professionals where they are most needed—on the streets—so they can build mutually beneficial relationships with the people they serve. COPS helps communities better utilize their law enforcement professionals to make our Nation safer.

H.R. 1139, the “COPS Improvements Act of 2009,” reauthorizes the COPS Office and reinvigorates its ability to accomplish its critical mission by establishing three grant programs: (1) the Troops-to-Cops Program, (2) the Community Prosecutors Program, and (3) the Technology Grants Program. The Troops-to-Cops Program would fund the hiring of former members of the Armed Forces to

serve as law enforcement officers in community-oriented policing, particularly in communities adversely affected by recent military base closings. The Community Prosecutors Program would authorize the Attorney General to make grants for additional community prosecuting programs that would, for example, assign prosecutors to pursue cases from specific geographic areas and to deal with localized violent crime. The Technology Grants Program would authorize the Attorney General to make grants to develop new technologies to assist State and local law enforcement agencies in refocusing some of their efforts from reacting to crime to preventing crime.

## BACKGROUND AND NEED FOR THE LEGISLATION

### ESTABLISHMENT OF THE COPS OFFICE

A component of the Department of Justice, the COPS Office was established pursuant to the Violent Crime Control and Law Enforcement Act of 1994 (Crime Control Act)<sup>1</sup> and was thereafter reauthorized as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA Reauthorization Act).<sup>2</sup>

The COPS Office's mission is to "[a]dvance the practice of community policing as an effective strategy in communities' efforts to improve public safety."<sup>3</sup> It accomplishes this critical objective by awarding grants to State, local, and tribal law enforcement agencies throughout the United States. Grants are used to hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and to develop and test innovative policing strategies. Since 1995, the COPS Office has awarded more than \$11.4 billion to approximately 13,300 law enforcement agencies across the United States. As of the end of fiscal year 2004, the COPS Office has funded more than 118,000 community policing programs.

In fiscal year 2000, however, funding was dramatically reduced by more than half to \$595 million. Fiscal year 2009 would have seen an even more dramatic reduction had Congress funded COPS at the Administration's recommended level. The Administration recommended grouping all State and local law enforcement assistance, which would have included COPS, into several categories totaling \$404 million, administered at the discretion of the Attorney General.

Ultimately, Congress rejected the Administration's recommendation and appropriated State and local law enforcement assistance programs individually, including \$550.5 million specifically for COPS. However, that appropriation is still another in a series of reductions in funding since the \$595 million appropriated 9 years ago.

### VIOLENT CRIME TRENDS

During the 1990's, the crime rate dropped dramatically, for all categories of crime, and in all parts of the United States. For exam-

<sup>1</sup>Pub. L. No. 103-322 (1994).

<sup>2</sup>Pub. L. No. 109-162 (2006).

<sup>3</sup>U.S. Dep't of Justice—Office of Community Oriented Policing Services, Mission, at <http://www.cops.usdoj.gov/Default.asp?Item=35>.

ple, homicide rates in 2001 had plunged 43% from their peak in 1991, reaching their lowest level in 35 years. The same trend was seen in every major crime category.

After a decade of decline, however, violent crime is now increasing in many cities across the Nation. According to the Federal Bureau of Investigation (FBI), crime in the United States increased in the first half of 2006 by 3.7% compared to the previous year. During this period, murder increased by 1.4%, and robbery increased by 9.7%, while FBI was re-directing its agents to focus more on pursuing counterterrorism efforts rather than investigating local crimes. Local law enforcement officials have been left to their own devices to fill the gaps that have been created as a result of the FBI's reassignment of agents.

H.R. 1139 addresses the escalation in violent crime and the increasing void in law enforcement resources created by the FBI's realignment of its priorities in several respects. First, it establishes hiring grants for community policing officers, anti-terror officers, and school resource officers, as well as other public safety grants that may be awarded. It also provides incentives for local law enforcement agencies to establish and implement innovative programs to reduce and prevent the manufacturing, distribution, and use of illegal drugs, including methamphetamine.

Second, H.R. 1139 re-authorizes the Troops-to-COPS Program, which awards grants designed to hire former members of the Armed Forces as career law enforcement officers. Initially authorized as part of the Crime Control Act in 1994, this Program was eliminated in the VAWA Reauthorization Act in 2005.

Third, H.R. 1139 establishes a Community Prosecutors Program to pay for additional community programs to assist prosecutors in pursuing cases from specific geographic areas and to address counter-terror matters, specific violent crime problems, and localized violent crimes, as well as other crimes.

Fourth, H.R. 1139 creates a Technology Grants Program to award grants for the purpose of developing and using new technologies, including interoperable communications technologies, modernized criminal records technology, and forensic technology, to assist State and local law enforcement agencies in reorienting more of the emphasis of their activities from reacting to crime to preventing crime. The grants would also be used to train law enforcement officers in how to use such technologies.

Finally, to implement these reforms, the bill authorizes \$1.8 billion per year in grants over the course of the next five fiscal years. It also increases the portion available for training and technical assistance from 3% to 5%, and specifies certain amounts to be made available for hiring officers (\$1.25 billion), hiring prosecutors (\$200 million), and technology grants (\$350 million).

#### HEARINGS

The Committee on the Judiciary held no hearings on H.R. 1139. In the 110th Congress, the Committee's Subcommittee on Crime, Terrorism and Homeland Security held 1 day of hearings on similar legislation, H.R. 1700, on April 24, 2007.

## COMMITTEE CONSIDERATION

The Committee met in open session on March 18, 2009 and March 25, 2009, and on March 25, 2009 ordered the bill, H.R. 1139, favorably reported with amendments, by a vote of 17 to 7, a quorum being present.

## COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following rollcall votes occurred during its consideration of H.R. 1139:

1. During the Committee's consideration on March 25, 2009, an amendment was offered by Mr. Gohmert to further reduce the reauthorization level of the COPS Program from \$1.8 billion for each fiscal year 2009 through 2014 to \$1.150 billion for each fiscal year 2009 through 2014. The reauthorization level had been reduced from \$3.050 billion through a prior amendment agreed to on voice vote during the Committee's consideration on March 18, 2009. The Gohmert amendment was defeated by a vote of 9 to 16.

## ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman .....		X	
Mr. Berman .....			
Mr. Boucher .....		X	
Mr. Nadler .....		X	
Mr. Scott .....			
Mr. Watt .....		X	
Ms. Lofgren .....			
Ms. Jackson Lee .....		X	
Ms. Waters .....		X	
Mr. Delahunt .....			
Mr. Wexler .....			
Mr. Cohen .....			
Mr. Johnson .....		X	
Mr. Pierluisi .....		X	
Mr. Gutierrez .....			
Mr. Sherman .....			
Ms. Baldwin .....		X	
Mr. Gonzalez .....		X	
Mr. Weiner .....		X	
Mr. Schiff .....		X	
Ms. Sánchez .....			
Ms. Wasserman Schultz .....		X	
Mr. Maffei .....		X	
[Vacant] .....			
Mr. Smith, Ranking Member .....	X		
Mr. Sensenbrenner, Jr. ....	X		
Mr. Coble .....	X		
Mr. Gallegly .....			
Mr. Goodlatte .....			
Mr. Lungren .....	X		
Mr. Issa .....	X		
Mr. Forbes .....		X	
Mr. King .....	X		
Mr. Franks .....	X		
Mr. Gohmert .....	X		
Mr. Jordan .....			
Mr. Poe .....		X	
Mr. Chaffetz .....			
Mr. Rooney .....	X		
Mr. Harper .....			



## ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Total .....	9	16	

2. On March 25, 2009 the Committee ordered the bill, H.R. 1139, favorably reported with amendments, by a vote of 17 to 7, a quorum being present.

## ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Conyers, Jr., Chairman .....	X		
Mr. Berman .....			
Mr. Boucher .....	X		
Mr. Nadler .....	X		
Mr. Scott .....			
Mr. Watt .....			
Ms. Lofgren .....			
Ms. Jackson Lee .....	X		
Ms. Waters .....	X		
Mr. Delahunt .....			
Mr. Wexler .....			
Mr. Cohen .....			
Mr. Johnson .....	X		
Mr. Pierluisi .....	X		
Mr. Gutierrez .....	X		
Mr. Sherman .....			
Ms. Baldwin .....	X		
Mr. Gonzalez .....	X		
Mr. Weiner .....	X		
Mr. Schiff .....	X		
Ms. Sánchez .....			
Ms. Wasserman Schultz .....	X		
Mr. Maffei .....	X		
[Vacant]			
Mr. Smith, Ranking Member .....		X	
Mr. Sensenbrenner, Jr. ....		X	
Mr. Coble .....		X	
Mr. Gallegly .....			
Mr. Goodlatte .....			
Mr. Lungren .....			
Mr. Issa .....		X	
Mr. Forbes .....	X		
Mr. King .....		X	
Mr. Franks .....		X	
Mr. Gohmert .....		X	
Mr. Jordan .....			
Mr. Poe .....	X		
Mr. Chaffetz .....			
Mr. Rooney .....	X		
Mr. Harper .....			
Total .....	17	7	

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1139, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 15, 2009.*

Hon. JOHN CONYERS, Jr., *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1139, the “COPS Improvements Act of 2009.”

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

DOUGLAS W. ELMENDORF,  
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.  
Ranking Member

*H.R. 1139—the “COPS Improvements Act of 2009.”*

## SUMMARY

H.R. 1139 would make many changes to the laws governing the distribution and permitted uses of Community Oriented Policing Services (COPS) grants and would authorize the appropriation of \$1.8 billion annually over the 2009–2014 period for this program. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 1139 would cost \$5.4 billion over the 2010–2014 period, with an additional \$3.6 billion spent after 2014. Enacting the bill would not affect direct spending or revenues.

H.R. 1139 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

## ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1139 is shown in the following table. For this estimate, CBO assumes that the authorized amounts will be appropriated by the beginning of each fiscal year and that outlays will follow the historical spending rates for these activities. We also assume that there will be no additional appropriations enacted for fiscal year 2009 for the COPS program. The

costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2009	2010	2011	2012	2013	2014	2009– 2014
SPENDING SUBJECT TO APPROPRIATION							
Spending Under Current Law							
Budget Authority <sup>1</sup>	1,656	0	0	0	0	0	1,656
Estimated Outlays	455	691	543	368	267	0	2,324
Proposed Changes							
Authorization Level	0	1,800	1,800	1,800	1,800	1,800	9,000
Estimated Outlays	0	216	720	1,170	1,530	1,800	5,436
Estimated Spending Under H.R. 1139							
Budget Authority/Authorization Level	1,656	1,800	1,800	1,800	1,800	1,800	10,656
Estimated Outlays	455	907	1,263	1,538	1,797	1,800	7,760

1. The 2009 level is the amount appropriated for that year for the COPS program.

#### INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 1139 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. It would alter a program available to those governments for buying equipment, using law enforcement technology, and hiring more police officers. It also would authorize funding for fiscal years 2010 through 2014. Assuming the appropriation of authorized amounts, those governments would receive about \$5.4 billion over the 2010–2014 period. Any costs to those governments would be incurred voluntarily as a condition of receiving Federal assistance.

#### ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz  
Impact on State, Local, and Tribal Governments: Melissa Merrell  
Impact on the Private Sector: Marin Randall

#### ESTIMATE APPROVED BY:

Theresa Gullo  
Deputy Assistant Director for Budget Analysis

#### PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goal of H.R. 1139 is to lower national crime rates by expanding the authority of the Attorney General to make grants for public safety and community policing.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

## ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1139 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

## SECTION-BY-SECTION ANALYSIS

*Sec. 1.* Section 1 of the bill designates the short title as the “COPS Improvements Act of 2009.”

*Sec. 2. COPS Grant Improvements.* Section 2 of the bill authorizes the Attorney General to make grants under the COPS program. It modifies the existing COPS program from one funding stream to three separate grant programs for law enforcement hiring, community prosecutors, and technology grants.

It establishes hiring grants for community policing officers, anti-terror officers and school resource officers. It authorizes \$2.5 billion per year to hire an estimated 20,000 officers per year, and removes the existing \$75,000, 3-year cap for COPS grants.

It provides incentives for local law enforcement agencies to establish and implement innovative programs to reduce and prevent the manufacture, distribution, and use of illegal drugs, including methamphetamine.

It establishes the Troops-to-COPS Program, which awards grants designed to hire former members of the Armed Forces as career law enforcement officers.

It authorizes a Community Prosecutors Program at \$200 million per year to pay for additional community programs to assist prosecutors in pursuing cases from specific geographic areas and address counter-terror matters, specific violent crime problems, and localized violent crimes, as well as other crimes.

It creates a \$350 million per year Technology Grants Program to award grants for the purpose of developing and using new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting more of the emphasis of their activities from reacting to crime to preventing crime. The grants would also be used to train law enforcement officers in how to use such technologies.

And it increases the portion available for training and technical assistance from 3% to 5% and requires a study by the Attorney General on the effectiveness of the program.

*Sec. 3. Report by DOJ Inspector General Required.* Section 3 of the bill requires the Department of Justice’s Inspector General to submit a report to Congress within 180 days of the date of enactment of the bill, on the effect of the COPS program in reducing the rate of violent crime.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

\* \* \* \* \*

TITLE I—JUSTICE SYSTEM IMPROVEMENT

PART A—OFFICE OF JUSTICE PROGRAMS

\* \* \* \* \*

SEC. 107. DIVISION OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) \* \* \*

\* \* \* \* \*

(c) EXCEPTION.—This section shall not apply to any grant made under part Q of this title.

\* \* \* \* \*

SEC. 109. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) \* \* \*

(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

[(1) The program under part Q of this title.]

[(2)] (1) Any grant program carried out by the Office of Justice Programs.

[(3)] (2) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate, except for the program under part Q of this title.

\* \* \* \* \*

PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) \* \* \*

\* \* \* \* \*

(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended \$[1,047,119,000 for each of fiscal years 2006 through 2009] 1,800,000,000 for each of fiscal years 2009 through 2014.

(B) Of funds available under part Q in any fiscal year, up to [3 percent may be used for technical assistance under section 1701(d)] 5 percent may be used for technical assistance under section 1701(f) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. [Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less.] Of the funds available for grants under part Q,

*not less than \$1,250,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than \$200,000,000 shall be used for grants under section 1701(d), and not more than \$350,000,000 shall be used for grants under section 1701(e).* In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.

\* \* \* \* \*

**PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; “COPS ON THE BEAT”**

**SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.**

**[(a) GRANT AUTHORIZATION.—**The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).**]**

*(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e). Grants under this subsection shall be awarded on a competitive basis.*

**(b) [USES OF GRANT AMOUNTS] COMMUNITY POLICING AND CRIME PREVENTION GRANTS.—**The purposes for which grants made under subsection (a) may be made are—

(1) \* \* \*

\* \* \* \* \*

(3) procure equipment, technology, or support systems, or pay overtime~~],~~ to increase the number of officers deployed in community-oriented policing~~];~~

**[(4) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;]**

*(4) award grants to pay for or train officers hired to perform intelligence, anti-terror, or homeland security duties;*

*(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;*

\* \* \* \* \*

**[(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;]**

[(10)] (9) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community, such as a citizens' police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

[(11)] (10) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

[(12)] (11) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

[(13)] establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;]

[(14)] (12) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy;

[(15)] (13) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;

[(16)] (14) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members; [and]

[(17)] (15) support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing[.];

(16) *establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine;*

(17) *hire and rehire civilian forensic analysts and laboratory personnel;*

(18) *establish criminal gang enforcement task forces, consisting of members of Federal, State, and local law enforcement authorities (including Federal, State, and local prosecutors), for the coordinated investigation, disruption, apprehension, and prosecution of criminal gangs and offenders involved in local or multi-jurisdictional gang activities; and*

(19) *award enhancing community policing and crime prevention grants that meet emerging law enforcement needs.*

[(c) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney

General may give preferential consideration, where feasible, to applications for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (g).】

(c) *TROOPS-TO-COPS PROGRAMS.*—

(1) *IN GENERAL.*—*Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.*

(2) *DEFINITION.*—*In this subsection, “former member of the Armed Forces” means a member of the Armed Forces of the United States who has been honorably discharged from the Armed Forces of the United States.*

(d) *COMMUNITY PROSECUTORS PROGRAM.*—*The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—*

(1) *handle cases from specific geographic areas; and*

(2) *address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement) and quality of life initiatives, and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.*

(e) *TECHNOLOGY GRANTS.*—*The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.*

【(d)】 (f) *TECHNICAL ASSISTANCE.*—

(1) *IN GENERAL.*—*The Attorney General may provide technical assistance 【to States, units of local government, Indian tribal governments, and to other public and private entities,】 in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.*

(2) *MODEL.*—*The technical assistance provided by the Attorney General may include the development of a flexible model that will 【define for State and local governments, and other public and private entities,】 establish definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.*

(3) *TRAINING CENTERS AND FACILITIES.*—*The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities (including regional community policing institutes), either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of*



the Public Safety Partnership and Community Policing Act of 1994.

(4) *EXCLUSIVITY.*—*The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this part.*

**[(e)] (g) UTILIZATION OF COMPONENTS.**—The Attorney General **[may utilize any component or components of the Department of Justice in carrying out this part.]** *shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.*

**[(f)] (h) MINIMUM AMOUNT.**—Unless all applications submitted by any State and grantee within the State pursuant to **[subsection (a)]** *paragraphs (1) and (2) of subsection (b)* have been funded, each qualifying State, together with grantees within the State, shall receive **[in each fiscal year pursuant to subsection (a)]** *in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)* not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, “qualifying State” means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

**[(g)] (i) MATCHING FUNDS.**—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, **[the Federal share shall decrease from year to year for up to 5 years]** *unless the Attorney General waives the non-Federal contribution requirement as described in the preceding sentence, the non-Federal share of the costs of hiring or rehiring such officers may be less than 25 percent of such costs for any year during the grant period, provided that the non-Federal share of such costs shall not be less than 25 percent in the aggregate for the entire grant period, but the State or local government should make an effort to increase the non-Federal share of such costs during the grant period, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8). The preceding sentences shall not apply with respect to any program, project, or activity provided by a grant made pursuant to subsection (b)(4).*

**[(h)] ALLOCATION OF FUNDS.**—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B).

**[(i)] TERMINATION OF GRANTS FOR HIRING OFFICERS.**—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amend-

ments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.】

(j) *RETENTION OF ADDITIONAL OFFICER POSITIONS.*—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of such grant.

(k) *TREATMENT OF GRANT FOR HIRING CIVILIAN FORENSIC ANALYSTS AND LABORATORY PERSONNEL.*—A grant awarded under this section for hiring and rehiring of civilian forensic analysts and laboratory personnel (in accordance with paragraph (17) of subsection (b)) shall be subject to the same treatment, limitations, and renewal requirements under this part as grants awarded under this section for hiring and rehiring of career law enforcement personnel (in accordance with paragraphs (1) and (2) of subsection (b)).

**SEC. 1702. APPLICATIONS.**

(a) \* \* \*

\* \* \* \* \*

(c) *CONTENTS.*—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall, *unless waived by the Attorney General*—

(1) \* \* \*

\* \* \* \* \*

(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers, 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;] *share of the costs during the grant period, how the applicant will maintain the increased hiring level of the law enforcement officers, and how the applicant will eventually assume responsibility for all of the costs for such officers;*

\* \* \* \* \*

【(d) *SPECIAL PROVISIONS.*—

【(1) *SMALL JURISDICTIONS.*—Notwithstanding any other provision of this part, in relation to applications under this part of units of local government or law enforcement agencies having jurisdiction over areas with populations of less than 50,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

【(2) *SMALL GRANT AMOUNT.*—Notwithstanding any other provision of this part, in relation to applications under section 1701(b) for grants of less than \$1,000,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the ex-

pedited submission, processing, and approval of such applications.]

**[SEC. 1703. RENEWAL OF GRANTS.**

[(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives its initial grant, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

[(b) GRANTS FOR HIRING.—Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, subject to the requirements of subsection (a), but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

[(c) MULTIYEAR GRANTS.—A grant for a period exceeding 1 year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed 3 years, or 5 years if it is a grant made for hiring or rehiring additional career law enforcement officers.]

**SEC. 1703. RENEWAL OF GRANTS.**

*(a) IN GENERAL.—Except as provided in subsection (b), a grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.*

*(b) GRANTS FOR HIRING.—Grants made under this part for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, except that the Attorney General may waive such 5-year limitation for good cause.*

*(c) NO COST EXTENSIONS.—Notwithstanding subsections (a) and (b), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.*

**SEC. 1704. LIMITATION ON USE OF FUNDS.**

*(a) NONSUPPLANTING REQUIREMENT.—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] that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs. The preceding sentence shall not apply with respect to funds made available under this part by a grant made pursuant to subsection (a) for the purposes described in subsection (b)(4).*

\* \* \* \* \*

[(c) HIRING COSTS.—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed \$75,000, unless the Attorney General grants a waiver from this limitation.]

**SEC. 1705. PERFORMANCE EVALUATION.**

(a) \* \* \*

\* \* \* \* \*

(d) *STUDY OF PROGRAM EFFECTIVENESS.*—

(1) *IN GENERAL.*—*The Attorney General shall provide for a scientific study of the effectiveness of the programs, projects, and activities funded under this part in reducing crime. Such study shall include identified best practices for community policing that have demonstrated results for building and strengthening the relationship between police departments and the communities such departments serve.*

(2) *STUDY.*—*The Attorney General shall select one or more institutions of higher education, including historically Black colleges and universities, to conduct the study described in paragraph (1).*

(3) *REPORTS.*—*Not later than 4 years after the date of the enactment of the COPS Improvements Act of 2009, the institution or institutions selected under paragraph (2) shall report the findings of the study described in paragraph (1) to the Attorney General. Not later than 30 days after the receipt of such report, the Attorney General shall report such findings to the appropriate committees of Congress, along with any recommendations the Attorney General may have relating to the effectiveness of the programs, projects, and activities funded under this part in reducing crime.*

**SEC. 1706. [REVOCAION OR SUSPENSION OF FUNDING] ENFORCEMENT ACTIONS.**

If the Attorney General determines, as a result of the reviews required by section 1705, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702, the Attorney General may [revoke or suspend funding of that grant, in whole or in part.] *take any enforcement action available to the Department of Justice.*

\* \* \* \* \*

**SEC. 1709. DEFINITIONS.**

In this part—

(1) “career law enforcement officer” means a person hired on a permanent basis *who is a sworn law enforcement officer* who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.

\* \* \* \* \*



**SECTION 10002 OF THE PUBLIC SAFETY PARTNERSHIP  
AND COMMUNITY POLICING ACT OF 1994**

**SEC. 10002. PURPOSES.**

The purposes of this title are to—

(1) \* \* \*

\* \* \* \* \*

(4) encourage the **development** use of new technologies to assist State, Indian tribal government, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime, by establishing a program of grants and assistance in furtherance of these objectives, including the authorization **for a period of 6 years** of grants for the hiring and rehiring of additional career law enforcement officers.

MINORITY VIEWS

We oppose H.R. 1139, the “COPS Improvements Act of 2009,” because it increases the authorization for the COPS on the Beat federal grant program by 72%, an increase that we believe is unjustified given the exorbitant levels of spending by this Congress and our continuing concerns about the effectiveness of the COPS program in reducing the crime rate.

The COPS program was created in Title I of the 1994 Crime Act. The COPS program awards grants to state, local, and tribal law enforcement agencies throughout the U.S. so they can hire new police officers, rehire officers who have been laid off because of local budget cuts, and procure new crime-fighting technology so that more officers can be deployed in the community. Since its inception, the COPS office has awarded more than \$11.4 billion to over 13,000 law enforcement agencies.

Congress appropriated more than \$1 billion annually for the COPS program from FY 1995–2002 (with the exception of \$595 million in FY 2000). Although the Administration’s budget since FY 2004 requested \$100–200 million, Congress has continued to appropriate higher levels of funding, albeit at decreasing amounts. From 1994–1998, most of the program’s budget was aimed at hiring more police officers. As the crime rate began to decline in the late 1990s, the emphasis of COPS funding shifted away from hiring and towards funding technology programs to help respond to crime and terrorism.

The COPS program is authorized through FY 2009 at the level of \$1.047 billion per year. Its appropriation levels since 1995 have varied: FY 1995–FY 2002—more than \$1 billion, except for FY 2000 which was \$595 million; FY 2003—\$929 million; FY 2004—\$756 million; FY 2005—\$606 million; FY 2006—\$478 million; FY 2007—\$542 million; FY 2008—\$587 million.

The actual number of officers put on the street under this program is in dispute. The COPS Office within the Department of Justice reported that it had “funded” 118,000 new police positions by the end of FY 2004. A review of the program by the White House’s Office of Management and Budget, however, said that the COPS program has put “fewer than 90,000” officers on the street. A Uni-

versity of Pennsylvania study in 2002 found that the number probably would wind up closer to 82,000—or 30% fewer cops than Department’s estimate. The Inspector General of the Department of Justice and the Government Accountability Office note that thousands of hires funded by the COPS program never materialized because law enforcement agencies used COPS funding to cover their own budget shortfalls. Looking at just 3% of all COPS grants, federal auditors have alleged \$277 million in misspent funds.

The program’s effectiveness in reducing crime is also disputed. A 2005 GAO report concluded that although “COPS expenditures led to increases in sworn police officers above levels that would have been expected without these expenditures and through the increases in sworn officers led to declines in crime, we conclude that COPS grants were not the major cause of the decline in crime from 1994 through 2001.” The report estimates that the program contributed to only a 1.3% decline in the overall crime rate and a 2.5% decline in the violent crime rate for the years 1993 to 2000.

The majority touts this modest decrease in crime as a success, despite the fact that it came at a cost of over \$11 billion. However, a May 2006 Heritage Foundation study concluded that the COPS program has led only to small reductions in crime, the benefits of which do not outweigh the cost of the COPS program. A Report of the Heritage Center for Data Analysis, *Impact Evaluation of COPS Grants in Large Cities*, at 13–15 (2006).

The COPS program was intended to bolster local law enforcement and specifically directs that grant money not be used to supplant state or local funds, but rather increase the amount of funds for community policing. However, studies have shown that spending on the COPS program has not led to an increase in the overall spending by local law enforcement but has merely replaced or supplanted state and local funds.

An audit by the Department of Justice Office of the Inspector General (OIG) found that cities failed to hire the number of officers required and did not comply with other grant conditions.<sup>1</sup> For example, instead of hiring 249 new officers, Newark, NJ, reduced its police force by 142 officers from fiscal years 1996 to 1997.<sup>2</sup> Other audits indicate that some police departments supplanted local funding by failing to hire the required number of additional officers. For example, OIG audits indicated that Atlanta, GA, El Paso, TX, and Sacramento, CA, used COPS grants to supplant local funding.<sup>3</sup> 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

<sup>1</sup> Muhlhausen, *supra*.

<sup>2</sup> *Id.* (citing 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://www.usdoj.gov/oig/grants/g7098007.htm> (April 16, 2008)).

<sup>3</sup> *Id.* (citing 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://www.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://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 <http://www.usdoj.gov/oig/grants/g9098022.htm> (April 16, 2008)).

by the grant. Sacramento used more than \$3.9 million in hiring grants to retain officers funded through earlier grants.

In his Senate Judiciary Committee testimony (this Committee has held no hearings on this legislation), Dr. David Muhlhausen of the Heritage Foundation criticized the overall effectiveness of the COPS program. He wrote that before the legislation that authorized COPS was passed, federal assistance focused on helping state and local governments test innovative ideas, such as providing funding for demonstration programs. Muhlhausen maintained that the 1994 Crime Act shifted federal assistance away from testing innovative ideas and towards subsidizing the routine operations of state and local law enforcement.<sup>4</sup>

Specifically, Dr. Muhlhausen described the City of Boston's use of COPS grants as an example of how the COPS program encourages fiscal irresponsibility by local governments. 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, the city's mayor decided to downsize officer staffing after the grants expired, in violation of the federal grant rules.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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."<sup>8</sup>

In conclusion, Dr. Muhlhausen urged limits on future federal funding for local law enforcement as it is his belief that "additional grant funding would encourage state and local officials to become even more dependent on federal grant funding by shifting accountability for local crime away from state and local governments and toward the federal government."<sup>9</sup>

The majority advocates the 72% increase in funding, citing officer layoffs by police departments around the country due to the current economic crisis. The Economic Recovery and Reinvestment Act, enacted in January of this year, appropriated \$1 billion for the COPS program. However, the appropriation eliminated the state matching requirement and the cap on grant awards. Therefore, the

<sup>4</sup>Id.

<sup>5</sup>Id. (citing Kevin Rothstein, "Menino Defense Cracks; Ex-Grant Officials Fault Mayor over Cop Funding," Boston Herald, November 5, 2005, p. A11.)

<sup>6</sup>Id. (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](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](http://www.fbi.gov/ucr/cius_00/contents.pdf) (March 7, 2007).)

<sup>7</sup>Id. (citing Rothstein, "Menino Defense Cracks.")

<sup>8</sup>Ibid.

<sup>9</sup>Id.

Justice Department estimates that this \$1 billion will result in fewer than 6,000 new officers.

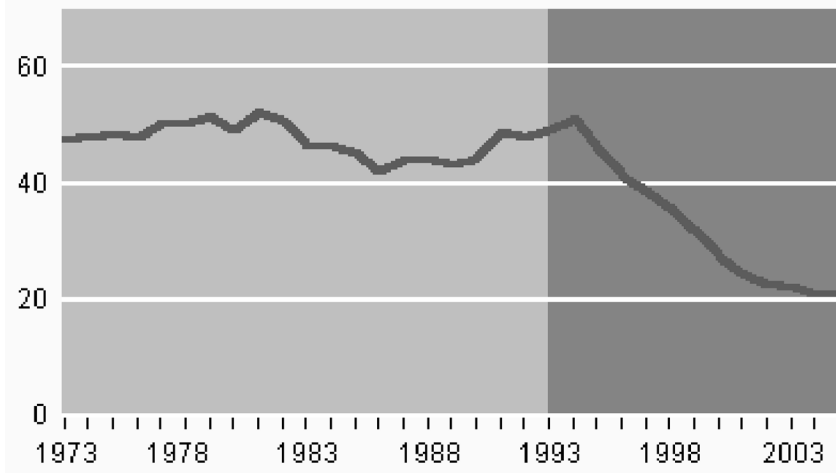
Ironically, had the majority maintained the matching requirement and the cap on grant awards intact, the \$1 billion in appropriations would have assisted in hiring over twice as many new officers, roughly 13,000, according to the Justice Department. The Economic Recovery and Reinvestment Act was a mechanism for infusing funds into state and local law enforcement agencies right now. However, the majority chose to eliminate any requirement on police departments to assist in funding their police hires, thus dramatically reducing the reach and scope of \$1 billion in taxpayer dollars—\$1 billion that we do not have.

The majority's claim of addressing layoffs occurring right now would ring truer if it were not for the fact that roughly two to three years lapse from the time Congress appropriates money to when a police officer reaches the street. Therefore, money appropriated this year will not even reach the streets until 2012 or 2013. It is certainly our hope that the country's current economic woes will have diminished two or three years from now.

The rates of both violent and property crime have dramatically decreased over the last three decades. The Bureau of Justice Statistics' National Crime Victimization Survey shows that violent crime, excluding homicide, which the Survey does not tally, dropped from a rate of 47.7 per 1,000 residents over the age of 12 in 1973 to 21.0 per 1,000 in 2005. In the same time period, property crime dropped from 519.9 per 1,000 households in 1973 to 154.0 per 1,000 in 2005.

## Violent crime rates

Adjusted victimization rate  
per 1,000 persons age 12 and over



The *Associated Press* recently reviewed the crime data reported by police departments and found that 25 cities with populations of



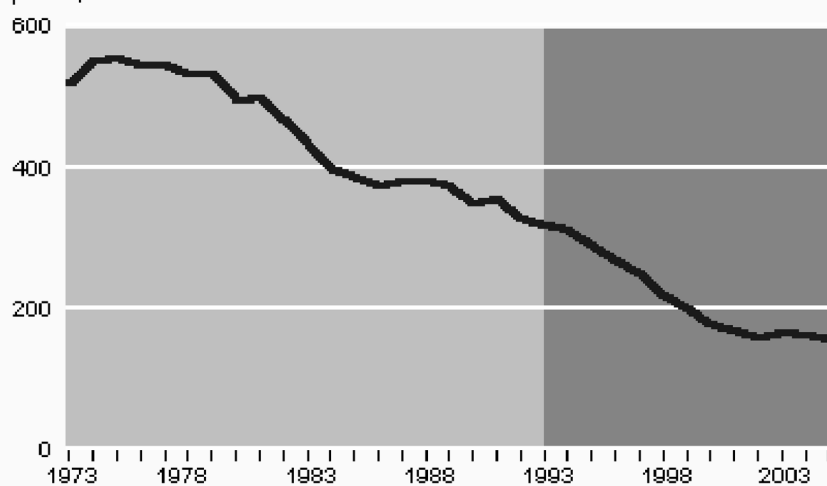
more than 350,000 residents experienced a 2.7 percent drop in homicides from 2007 to 2008.<sup>10</sup>

The FBI's preliminary annual Uniform Crime Report for January through June of 2008 indicates that, as a whole, law enforcement agencies throughout the U.S. reported a decrease of 3.5 percent in the number of violent crimes brought to their attention for the first six months of 2008 when compared with figures reported for the same time in 2007. The FBI UCR's violent crime category includes murder, forcible rape, robbery, and aggravated assault.

The number of property crimes in the United States from January to June of 2008 decreased 2.5 percent when compared with data from the same time period in 2007. Property crimes include burglary, larceny-theft, and motor vehicle theft. Figures for 2008 indicate that arson decreased 5.6 percent in 2008 when compared to 2007 figures.

## Property crime rates

Adjusted victimization rate  
per 1,000 households



Clearly, the nation is not experiencing a surge in crime that would justify a 72% increase in authorization for the COPS program.

The COPS Program, when originally enacted in 1994, was intended to provide temporary assistance to police departments in response to the escalating crime rates of the early 1990s. The 1994 Crime Act authorized funding for the COPS program through FY2000. Although the original authorization was allowed to expire, Congress has continued to fund the program each year. In 2006, Congress reauthorized COPS at its current level of \$1.047 billion.

We must note that, unlike our majority counterparts, we do not believe the federal government should be providing such large

<sup>10</sup>Carrie Antlfinger, "Homicides are Down in Some large US Cities," *Associated Press*, January 3, 2009.

amounts of funding for what has always been a state responsibility—public safety. The federal government does not possess a general police power, a fact the Supreme Court has repeatedly articulated.<sup>11</sup> “To hold that Congress has general police power would be to hold that it may accomplish objects not intrusted [sic] to the general government, and to defeat the operation of the 10th Amendment, declaring that ‘the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.’” *Champion v. Ames*, 188 U.S. 321, 330 (1903).

As noted above, the COPS Program—while perhaps well intentioned at its inception—has evolved from a temporary support program during a period of heightened crime rates to a permanent funding source for hiring state and local police officers.

We cannot support the continued expansion of a law enforcement grant program that has cost American taxpayers billions of dollars over its fifteen year existence but whose impact on crime reduction and state hiring practices has been dubious at best.

LAMAR SMITH.  
ELTON GALLEGLY.  
STEVE KING.  
LOUIE GOHMERT.  
GREGG HARPER.




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<sup>11</sup>See, e.g., *U.S. v. Morrison*, 529 U.S. 598, 617 (2000) (“Indeed, we 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.”); *U.S. v. Lopez*, 514 U.S. 549, 567 (1995) (To uphold the Government’s contentions here, we would have to pile inference upon inference in a manner that would bid fair to convert congressional authority under the Commerce Clause to a general police power of the sort retained by the States.”).