



Department of Justice

STATEMENT FOR THE RECORD OF

**BERNARD K. MELEKIAN
DIRECTOR
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES**

BEFORE THE

**SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES**

REGARDING

OVERSIGHT OF THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES

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**Statement of
Bernard K. Melekian
Director
Office of Community Oriented Policing Services**

**Before the
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
United States House of Representatives**

**Regarding
Oversight of the Office of Community Oriented Policing Services**

February 29, 2012

Introduction

Good morning, Chairman Sensenbrenner, Ranking Member Scott, and distinguished Members of the Subcommittee, and thank you for this opportunity to discuss the Office of Community Oriented Policing Services, or COPS Office as we're commonly called, and our work with partners in state, local and tribal law enforcement. The programs and resources offered by the COPS Office provide law enforcement agencies with a variety of community policing strategies for enhancing public safety and assisting in meeting existing and changing priorities within their communities. Today, I would like to discuss our work at the COPS Office in greater detail, including our Fiscal Year 2013 budget request and management and oversight of valuable federal resources, how the COPS Office is helping law enforcement navigate changes brought upon by the current economy, and how the COPS Office is just as important now, if not more so, than it was in the mid- and late-1990s.

Attorney General Eric Holder asked me to lead the COPS Office in October of 2009. Since then, I am continually impressed by the dedicated professionals within the COPS Office that make us the national leader in community policing. I came to Washington from Pasadena, California, where I served in local law enforcement for 36 years, including 13 years as the Police Chief in Pasadena. I also have 28 years of military service, 25 of it in the Coast Guard. While in Pasadena, I also served as the Acting Fire Chief and spent a year as the Acting City Manager. After more than three decades of service in law enforcement, all of these opportunities have provided me with a unique perspective and prepared me to serve as the Director of the COPS Office. The honor of serving as the Director of the COPS Office has afforded me an ongoing learning opportunity and the ability to work with colleagues and friends in the law enforcement field.

The mission of the COPS Office is to advance public safety through community policing. Community policing is defined as building partnerships to solve community problems. As you know, the office was created in 1994 in a bipartisan effort to invest in the safety of our nation's neighborhoods, and we're currently operating under a law that was sponsored by Chairman Sensenbrenner and signed on January 5, 2006. Since our creation in 1994, the COPS Office has provided more than \$8 billion in hiring dollars to add more than 123,000 community policing officers to the nation's streets.

It has never been enough to simply count the officers funded. It is far more critical to measure what those officers have contributed to the safety of the neighborhoods and communities that employ them. In Pasadena, we averaged over 20 gang-related homicides a year for a number of years. Most of our victims were young men of color. We addressed that issue in a very meaningful fashion, and as a result, we had thirty consecutive months of zero homicides. This was due in large measure to the extra personnel provided to us by the COPS Office.

Too often, we talk about violent crime in the abstract. We talk about things like frequency of occurrence and trend lines. We use phrases like hot-spot policing or patterns of disorder. But what we don't talk about enough, and what community policing strives to focus on, is individuals and shattered lives. As a police chief, I've sat in too many living rooms telling a parent that his or her child isn't coming home. It was the principles of community policing that helped me to reduce the number of such visits I had to make.

At the root of effective community policing is the intent to develop and implement strategies and processes that are fair, inspire public confidence, contribute to mutual trust and respect between police and citizens, and solve community problems. We are fortunate, because I believe that in the coming years, the investment that we've made in community policing will pay dividends as we deal with the challenges facing our communities.

The community policing philosophy continues to serve as the foundation for successful law enforcement practices and services. From the T.A.P.S. program in Houston, Texas, where police officers mentor at-risk youth; to Allentown, Pennsylvania, where 10 community policing officers will be hired to focus solely on the reduction of rape; to the Community Policing Housing Program in Racine, Wisconsin, where police officers buy homes in high crimes areas, work to reduce crime, and then resell the homes to families in need; community policing has longevity and sustainability and has been proven as an effective solution to addressing public safety needs. These are just three of many examples of how the federal government, through grant funding, training and technical assistance, and other resources, can accelerate the work at the local level and advance public safety through community policing.

Fiscal Year 2013 Budget Request

I'd like to briefly discuss the President's budget request for the COPS Office, which was released on February 13, but more thoroughly review the oversight and accountability measures of our office regarding the taxpayer dollars appropriated to COPS. The President's budget requests approximately \$290 million for the COPS Office, including \$257 million for the hiring

program, which will be used to fund officers to support the efforts of state, local and tribal law enforcement agencies in meeting the ever-growing challenge of keeping their communities safe. For the current fiscal year and the 2013 budget request, our hiring dollars will be focused on hiring military veterans as law enforcement officers, which I'll discuss in more detail later in my testimony.

Last year and continuing this year, the COPS Office implemented sweeping changes to our COPS Hiring Program that I believe will change misperceptions that the COPS Office only funds officers but doesn't make an impact on crime. I've often said that the COPS Office is not going to solve the budgeting problems of local law enforcement, but we can help police departments and sheriffs' offices solve specific crime and public safety problems. For the first time in our history, COPS Hiring Program applicants were asked to identify a public safety problem and describe in detail how they will use proven community policing strategies to address this problem.

As a former police chief, I have been practicing community policing for many years, but upon coming to the COPS Office I realized that capturing and measuring community policing implementation has long been a challenge, in spite of the benefits to supporting strategic planning, training, and other initiatives. To date, there has been no easy way of assessing the extent to which law enforcement agencies are successfully practicing community policing. However, the COPS Office has worked with practitioners and others to develop the Community Policing Self-Assessment Tool (CP-SAT), which will help agencies perform a self-assessment of their implementation of community policing. Grantees that receive a COPS Hiring grant will be required to take the assessment tool at the beginning and the end of the grant, which allows for a comprehensive and objective picture of partnership, problem solving, and organizational change successes, as well as areas that agencies may consider improving upon.

The results will not be used to influence or impact future funding decisions, but rather the CP-SAT is being provided as a resource to benefit our grantees, and allow us to better tailor our training and technical assistance opportunities, publications, and other resources. This data will build on the Government Accountability Office (GAO) evaluation of the impact of COPS grants from January 2004 to August 2005. The findings from the GAO study demonstrate that COPS grants resulted in increased community policing capacity of law enforcement agencies and were a contributing factor to the reduction in the crime rate from 1993 to 2000.

The Administration has placed a strong emphasis on meeting the public safety needs of the nation's tribal law enforcement community. The COPS Indian Country Program was created in Fiscal Year 1999 to provide funding for law enforcement expenses, including hiring and training new community policing officers, training existing forces, and purchasing new equipment, technology and vehicles. Because state and local funding is not available to many tribes for officers and technology, the COPS Office has become one of the primary resources available to tribal law enforcement agencies seeking to develop and maintain a basic community policing infrastructure, as well as improve and upgrade their antiquated equipment.

More than \$300 million has been invested in the COPS Indian Country Program since funding was first received in Fiscal Year 1999, and the COPS Office has requested \$35 million

in Fiscal Year 2013, including \$15 million from the COPS Hiring Program, to continue providing the necessary resources to tribal communities to enhance their law enforcement efforts and to improve the crime fighting and criminal justice capabilities of tribal governments.

It is evident that advancing community policing through knowledge resources increases the capacity of law enforcement agencies to implement community policing strategies. This is one of the primary objectives of the COPS Office. The COPS Office has historically provided outreach to law enforcement agencies and communities through training, technical assistance, conferences, publications, and best practices to expand the adoption of community policing nationwide. COPS Community Policing Development (CPD) funds are used to advance the practice of community policing in law enforcement agencies through training and technical assistance that enhance the problem-solving skills of law enforcement professionals and the development of innovative community policing strategies, applied research, guidebooks, and best practices that emphasize crime prevention. To date, the COPS Office has disseminated over six million knowledge products and trained nearly 700,000 policing professionals and community leaders in topics such as violent crime reduction strategies, ethics and integrity, terrorism prevention and preparedness, school safety, partnership building, problem-solving, and crime analysis.

In Fiscal Year 2013, the COPS Office is requesting \$15 million for the CPD program. With this funding, COPS plans to further solidify its role as the national voice for community policing and fund projects that continue to educate new recruits, line supervisors, executive managers, community groups, and other stakeholders on the principles of community policing and the importance of partnering with law enforcement agencies to solve problems.

Management and Oversight of Taxpayer Dollars

The COPS Office is committed to delivering grants and operating our office in the most efficient way to leverage taxpayer dollars and to advance public safety through community policing.

We are under no illusion that we can operate in a “business as usual” manner in the current economic climate. As state and local governments, police departments, and households are becoming more frugal and attentive to cost saving measures, the COPS Office as well is looking at its operations to better utilize the appropriations made available to our office.

We have made it a top priority to seek out efficiencies and cost savings, and we have taken a number of steps to minimize our operational costs. In 2011, the COPS Office transferred our IT infrastructure to a consolidated Department of Justice (DOJ) system that will save us approximately \$5 million over the next five years. Last year we also curbed expenditures on supplies, materials, travel, training, awards, and overtime. These areas will be further reduced or held flat in 2012. We issued new instructions to grantees about minimizing conference costs and limited the number of COPS employees that are permitted to attend conferences.

The COPS Office sent a memo to grantees providing new guidance on conference planning, minimization of costs, and conference cost reporting. We asked that they work with

COPS to strictly minimize costs, ensure we are prudent in our investments, and avoid the fact or appearance of extravagant spending. This includes such measures as identifying alternative ways to provide training, such as webinars, acquiring the lowest cost locations and venues, minimizing travel costs, and ensuring all conference costs are necessary business expenses.

In addition to tightening our own budget, we closely monitor the funding that is awarded to our grantees. The COPS Office Grant Monitoring Division was established in 1998 to assess grantee progress in meeting the terms and conditions of COPS grants, assist grantees in their grant implementation, and document and disseminate law enforcement best practices. Routine monitoring activities also assist in tracking the progress and success of COPS funding programs and the advancement of community policing. As well as compliance assessment, the Grant Monitoring Division seeks to acquire and share knowledge of effective community policing programs, strategies, and practices which may merit replication in other communities.

The most common methods of monitoring by the COPS Office are site visits, office-based grant reviews, complaints/allegations, and progress reports. The Grant Monitoring Division utilizes a Grant Assessment Tool (GAT), which is a decision support system designed to perform an annual analysis of the risk associated with each COPS grantee to help establish a monitoring plan for the fiscal year. Risk ratings for each grantee are calculated based on data pulled from COPS award management and financial databases. This risk assessment relies on 19 separate criteria, which are summed and averaged to generate a risk score that is used to determine which grants will be selected for on-site monitoring during the fiscal year.

On-site monitoring is generally conducted through a one-day or two-day site visit, including an entrance interview with law enforcement and government executives, a thorough programmatic and financial review of the grants awarded, and community visits to businesses, neighborhood associations, and/or sub-stations where COPS staff can observe a department's community policing efforts firsthand. Agencies are notified in writing of the results and any actions necessary to remedy identified grant violations.

Also based on the risk assessment criteria previously described, certain grantees are selected for reviews conducted at the COPS Office. These office-based grant reviews (OBGR) serve as a supplemental activity in support of our overall grant monitoring strategy, and are intended to provide grant monitoring oversight to a population of grantees that may not qualify for on-site visits due to their location and/or amount of grant funding. Similar to an on-site grant review, an OBGR begins with an internal examination of grant documentation, followed by contact with the grantee to collect any additional and/or supporting documentation demonstrating compliance with grant conditions and requirements. COPS Office staff work with grantees to correct any identified problems or deficiencies through telephone contact or written correspondence.

We also respond to complaints from citizens, labor associations, media, and other sources. Any written complaints or allegations of non-compliance are resolved via direct contact with the grantee in question, in a manner similar to that used for issues identified through either site visits or office-based grant reviews.

Lastly, COPS Office Progress Reports are annual and quarterly reports that document the programmatic and financial progress of grant implementation. Grantees are required to submit progress reports for each grant they receive. Progress reports cover all grant activity and expenditures over the reporting period, including but not limited to officers and civilians hired, equipment or technology purchased, and community policing activities.

In 2007, the COPS Office began working with the then newly-established Office of Audit, Assessment, and Management (OAAM), which was created through the Department of Justice Reauthorization Act of 2005 and subsequently housed within the Office of Justice Programs (OJP). The COPS Office has collaborated closely with OAAM since its inception to improve operating efficiency and effectiveness and enhance programmatic oversight for all DOJ grant-making agencies. As its primary achievement to date, a grant assessment tool was developed by the OAAM inter-agency working group to provide a common, organized framework and methodology for systematically and objectively assessing risk associated with grants and/or grantees through a standard set of criteria. By using this tool, COPS and OJP can work to ensure that grantees most in need of assistance are aided through on-site and desk-based monitoring efforts, and that monitoring activities are prioritized based on potential vulnerabilities while simultaneously fostering consistency across all DOJ grant-making components.

In addition, the COPS Office Audit Liaison Division is responsible for the resolution and closure of both individual grantee audits and large-scale programmatic and/or procedural audits performed by the DOJ Office of the Inspector General (OIG). The primary objective of OIG audits is to assess compliance with grant conditions and to promote economy, efficiency, and effectiveness in the administration of grant awards and grant programs. Audit recommendations most commonly fall into the areas of unallowable or unsupported costs, failure to submit all required programmatic or financial status reports in a timely manner, unsupported local match contributions, and supplanting issues.

Grantees are responsible for remedying any grant noncompliance that is identified through any monitoring or auditing activities. Remedies for noncompliance may include, but are not limited to, suspending grant funding, repaying misused grant funds, voluntary withdrawal from or involuntary termination of remaining grant funds, and restrictions from receiving future COPS grants. Between Fiscal Year 2007 and Fiscal Year 2011, the COPS Office recovered nearly \$4.7 million through the resolution of grantee audits.

The COPS Office is an active member of, and currently chairing, the DOJ Grants Challenges Working Group, which is made up of senior representatives from COPS, OJP, and the Office on Violence Against Women (OVW). This group meets regularly to address both specific grant management issues identified by the OIG and other Department-wide grants challenges in a collaborative way. Last fiscal year, this group finalized the first Department-wide High Risk Grantee Policy, which means that for the first time all three grant-making agencies are sharing one high risk grantee list and working collectively to address the specific issues that can make a grantee “high risk.” DOJ high risk grantees can still receive new DOJ grant awards, but they include special conditions that are designed to help remedy the high risk factors.

In addition, last year the Grants Challenges Working Group also developed and launched a comprehensive on-line Financial Management Training program that is now available to all Department of Justice grantees, whether from COPS, OJP, or OVW. This program is free of charge to all DOJ grantees and covers all important financial management requirements for DOJ grants.

In light of the recent OIG audit findings on conferences, the COPS Office has met with the service provider for our upcoming small-scale conference to discuss the findings and recommendations outlined in the OIG audit report. The COPS Office has fully documented how those recommendations will be incorporated into the planning and implementation of this year's conference and followed the recommendations outlined in the audit report when developing last year's post-conference reports. Additionally, all COPS staff members working on other external meetings have been trained on how the OIG recommendations and new COPS guidelines must be incorporated into the planning, implementation, and reporting processes.

These were just a few examples of how the COPS Office, and the entire Department of Justice, works to ensure that scarce federal resources are being properly spent by grantees and that we're making wise investments of taxpayer dollars.

Policing in the New Economy

While all levels of government are trying to find efficiencies and properly spend public dollars, the entire country was recently introduced to the largest fiscal crisis since the Great Depression. Historically, these recessions come and go and then police departments go back to normal. Like many in the law enforcement profession, I believe that the changes we are currently enduring as a result of the economic downturn will fundamentally change policing over the next several years. These changes are permanent, or will at least be long-term.

The economy will recover, but it is unlikely that law enforcement budgets will ever return to pre-2008 levels where law enforcement consumed 25-40% of general fund budgets. Law enforcement is coming to grips with the fact that their business has changed.

In a report published by the COPS Office last October based on data and surveys from a number of law enforcement trade associations and research groups, approximately 10,000 law enforcement positions have been lost through layoffs, and hiring freezes in departments nationwide will leave approximately 30,000 positions unfilled. It is likely that the numbers I am quoting to you are low. Never before have we seen layoffs and furloughs on this scale. In every corner of this country, state, local and tribal police departments are laying off officers and civilian staff, or modifying their operations as a result of budget cuts.

While the estimates are staggering, specific examples are even more shocking. The city of Camden, New Jersey, the city with the highest crime rate in the state, laid off nearly 50% of its police department. And in the city of Pontiac, Michigan, they turned public safety duties over to the county as a result of local budget shortfalls.

Indeed, American law enforcement is changing, and I believe the next few years will be a period of significant innovation. Moving forward, the challenge will be balancing the public's expectations and demands on police with a department's fiscal capacity to perform its core mission.

We can no longer disguise the budget cuts by reducing training, keeping fleets in service for another year, by not backfilling retirements, or any of the common approaches. This challenge will need to be overcome with fewer officers, with less experienced officers, with far less overtime, and without many of the options that have previously existed. In many cities, law enforcement is already down to the essentials, and I believe the ultimate result will be a fundamental shift in how American cities and towns are policed. No viable enhancements should be taken off of the table.

Today, I would like to highlight a few of the ways in which we see local law enforcement adapting and how the COPS Office can help. Those include the use of technology, public and private partnerships, regionalization and consolidation, and an increase in civilians and volunteers.

Over the last decade we have seen dramatic increases in the use of technology that helps citizens communicate with law enforcement. From on-line reporting forms to the use of direct cell phone access to officers, it is now possible to completely bypass traditional communications centers, and in many ways it has never been easier for citizens to communicate incident information to law enforcement.

But technology is not just about how citizens connect to law enforcement; it also has the power to change how law enforcement shares information with the community at large, as well as with other agencies. The COPS Office has been significantly involved in the ongoing discussions of the latter, in particular as it relates to issues of interoperability and broadband communications. And many other entities have begun to focus their attention on the former, in particular the role that social media and smart phones can play in law enforcement and community interaction. For example, the International Association of Chiefs of Police has developed a Center for Social Media, with news, fact sheets, and even model policies on the use of social media in law enforcement.

Another tool that I believe is emerging in the discussion of service delivery models concerns the role that private security plays in policing. More than two million people are believed to be employed in the private security sector in this country – some three times the number of state and local law enforcement officers that are currently on our streets. To not work to build collaborative relationships with private security is to miss a key opportunity to partner with an industry that can potentially serve as a force multiplier. The COPS Office has a publication that discusses this very relationship, capturing the range, mission, and purposes of these partnerships, all of which can vary greatly. It also offers guidance on establishing new – and enhancing existing – partnerships between public safety and private security.

A major shift is the consolidation and regionalization around core functions or entire departments. Regionalization is often confused with a loss of agency identity. Sometimes this is

the case, but often agencies can consolidate their core services such as SWAT, Air Operations, or Major Crimes into a regional service. This saves funds without losing the sense of local control.

The National Sheriffs' Association has expressed concerns that in some locales, cities are simply closing their departments and turning their operations over to local sheriffs without any financial compensation. It is clear that many of the smaller departments in this country are facing significant challenges in maintaining a sustainable operation.

Another change we have seen is the increased use and better utilization of civilian employees and a greater reliance on citizen volunteers, handling duties such as scheduling report calls. There are pros and cons to this strategy, but many departments are moving in that direction to ensure that sworn officers are able to maintain a presence in communities and not be tied to a desk writing reports.

Importance of the COPS Office

Like the rest of my colleagues at the COPS Office, I am honored to be working in support of American law enforcement during this era of change. I believe the work of the COPS Office, particularly now, is more important than ever.

The COPS Office is viewed by many as primarily a source of funds to add officers to a department. That is not, and never has been, the sole objective. Our mission is to advance public safety through community policing, which is simply building relationships and solving problems.

Because of the history of our office – adding 123,000 officers to the streets of America – we have come to be seen as only a hiring office. We also provide a broad range of robust technical assistance resources, which equip law enforcement with the tools to deal with their local crime issues.

The federal role is often that of a gatherer and disseminator of best practices and as a convener on issues of critical importance like officer deaths, controlled electronic device usage, and reentry.

The COPS Office, in partnership with our sister agency within DOJ, the Bureau of Justice Assistance (BJA), recently announced the national Officer Safety and Wellness (OSW) Group. The OSW Group will bring together law enforcement leaders and criminal justice practitioners to share their broad perspectives on improving officer safety and wellness. Participants in this group will contribute information and ideas that may enhance officer safety and wellness products, tools, resources, and services available to the field. The group is comprised of representatives from law enforcement agencies and associations, federal agencies, and the research community who can impact public safety, officer health, and wellness.

According to the National Law Enforcement Officers Memorial Fund, 173 officers were killed last year and for the first time in 14 years, more officers died from firearms-related incidents than traffic-related incidents. Sixty-eight officers were shot and killed in 2011, up 15

percent from 2010 when 59 officers died from gunfire. The number of officers killed by firearms has now risen during each of the past three years. You may ask why the COPS Office is serving in this capacity since we're commonly known as a hiring agency, but when one hears statistics such as this, I am proud that we are on the forefront in addressing officer deaths and leading the way on how local departments can implement strategies to reverse this troubling trend.

A new project where COPS is making an impact at the local level is in Las Vegas, Nevada. The Las Vegas Metropolitan Police Department has experienced several high-profile shootings, about which many observers have contended that the circumstances surrounding them were questionable. This project has been developed in partnership with the Civil Rights Division and its Special Litigation Section to enable the Department of Justice to provide non-punitive support to local agencies.

The COPS Office will use the COPS Critical Incident Technical Assistance Program to develop a specific response plan to address the concerns of the community regarding excessive use of force. This is a unique opportunity that provides access to a range of subject matter experts who can provide guidance on short notice, develop a tailored approach, and implement technical assistance in real time.

The COPS Office has a long history of fostering these collaborative efforts, which help establish best practices and long-term partnerships between the police and the community. We have an extensive collection of research and issue management resources available, plus a network of subject matter experts that includes law enforcement professionals, crime and justice analysts, federal representatives and community leaders. This approach will ensure community engagement which promotes cooperation and eases tension between the police and the community. This is a valuable opportunity that could benefit not just Las Vegas, but the entire law enforcement field and communities everywhere.

We're also making a difference for military veterans returning from Iraq and Afghanistan. I'm proud that the Administration has chosen the COPS Hiring Program to hire approximately 1,500 police officers, with a focus on recruiting and employing military veterans. Law enforcement agencies that applied under the 2011 COPS Hiring Program but were not selected for a grant award will be eligible to apply for funds to either hire new officers, hire back recently laid-off officers, or maintain officers scheduled to be laid off. Before receiving an award to hire new officers, law enforcement agencies must commit to hire a military veteran. This new opportunity for veterans is a commitment to support those who are coming home from their tour of duty, and we sincerely hope this effort encourages our veterans to continue to protect and serve the United States through new law enforcement careers.

Conclusion

In all that will change in the coming years and during the inevitable push and pull that will come from the shifting of public expectations regarding police service, law enforcement must never lose sight of the fact that they have more capacity to lead change than any other operational institutions in their communities.

Law enforcement must see its role in the context of solving community problems, which is the logical next step. I am committed to further developing the COPS Office into an organization that supports the type of changes that will be experienced nationwide over the next 5 to 10 years, and want COPS to become relied upon as heavily for supporting visionary practices as it is for funding the hiring of officers.

On behalf of the COPS Office, I would like to thank you for this opportunity to testify before you today and I look forward to answering any questions that you may have.