

Past Violations Bar Would-be Applicants from COPS Funding

Washington, May 12 — According to documents released by the Department of Justice's Office of Community Oriented Policing Services (COPS), a total of 26 police agencies across the nation will not be considered for a share of the \$1 billion in COPS hiring grants appropriated by the American Recovery and Reinvestment Act of 2009 (ARRA; Pub. L. 111-5). Due to a range of violations committed while administering previous COPS awards — some dating back to 1995 — the agencies in question are barred from receiving Recovery Act COPS funds.

As first reported last week by *USA Today*, 25 municipal law enforcement agencies and one federal entity currently owe the Justice Department hundreds of thousands of dollars in prior grant funds that were misappropriated, improperly reported or otherwise used in ways that violated the rules of the COPS hiring program, which was created in 1994 to allow police departments to hire additional officers.

Several of the disqualified grantees engaged in outright embezzlement or other flagrant financial violations, but the majority incurred the ban due to administrative mistakes rather than criminal intent. Five grantees were cited for failure to properly document how their COPS hiring grants were used, and nine failed to retain newly hired officers beyond the term of the award, as required by program rules. Others used COPS funding to maintain their head-count instead of hiring new officers, a violation of the program's supplement-not-supplant rule. (By contrast, Recovery Act COPS funds may be used to retain current officers who would otherwise face layoffs.)

Paying for Past Mistakes

For several of the disqualified agencies, the ban is particularly frustrating because the triggering infractions occurred many years ago, on the watch of previous chiefs of police and mayoral administrations that have long since left office. Corey Ray, a spokesperson for the COPS office, explained to the *Economic Recovery Grants Center* that in several cases, infractions committed a decade ago required years of investigation by the Department of Justice to reconstruct the grantee's financial records before the three-year funding ban could be handed down.

However, Ray said that several of the grantees on the banned list are taking proactive steps to mitigate the damage done by their predecessors, by working with the COPS office to ascertain exactly what violations took place and investigate possible remedies. Thus far, no solutions have been reached, but Ray emphasized that open dialogue between local officials and DOJ is the best way for grantees who find themselves in this situation to move forward and restore their good financial standing.

Fourteen of the 26 agencies banned from Recovery Act COPS funds will come to the end of their three-year ineligibility period by the end of 2009, with the rest expiring in 2010 or 2011. Thus, if Congress revives regular appropriations for the program this fall, many of these agencies will remain on the sidelines for years to come.

For Eligible COPS Grantees, Stiff Competition

While attempting to sort out the cases of banned agencies, the COPS office reports that it has received 7,272 applications for Recovery Act COPS hiring grants, totaling \$8.3 billion in requested funding. However, the law only provided \$1 billion for these COPS grants, and DOJ anticipates making approximately 3,000 awards. Thus, applicants awaiting the department's funding decisions can expect considerably smaller grants than they requested, and fewer than half are likely to receive any funding at all.

Commenting on the surge in applications for funding, COPS spokesman David Buchanan said, "We are not going to be able to satisfy [that demand] in one year."

However, such competition is not unusual for the COPS program. In the 2003 grant cycle, for instance, DOJ received 5,428 applications and made only 1,270 awards.

Funding decisions for this year's slate of Recovery Act COPS applications will be announced no later than Sept. 30, 2009.

—Jim Patterson