

**Hugh T. Clements**  
**Director**  
**U.S. Department of Justice**  
**Office of Community Oriented Policing Services**

**Questions for the Record**  
**United States Senate**  
**Committee on the Judiciary**  
**Hearing Entitled:**  
**“Oversight of the Community Oriented Policing Services (COPS) Grant Program”**  
**April 10, 2024**

**QUESTIONS FROM CHAIR RICHARD J. DURBIN**

**Question 1: How has the COPS Office collaborated with stakeholders, such as law enforcement organizations, civil rights groups, and other community advocates? How has administration of the COPS grant program improved as a result?**

**Response:** There are numerous ways the Office of Community Oriented Policing Services (COPS Office) collaborates with stakeholders in order to continuously improve our programs. This collaboration started when we first developed our programs, and it continues to this day. For example:

- When the COPS Office was developing the application questions for the COPS Hiring Program, we pilot tested questions with both law enforcement and non-law enforcement stakeholders to ensure that the questions solicit meaningful, relevant information.
- As a participating component of the Coordinated Tribal Assistance Solicitation (CTAS) for the COPS Office’s Tribal Resources Grant Program, the COPS Office collaborates with stakeholders on a regular basis. The CTAS team reviews the annual Coordinated Tribal Assistance Solicitation Assessment, applicant webinar feedback evaluations, and tribal listening session and consultation feedback to guide the development of future CTAS solicitations. Feedback collected has helped inform and shape future solicitations and identifies areas where additional support could be provided to future applicants of the solicitation, such as applicant webinars, and training and technical assistance provided to applicants. Specific action as a result of collaboration has included streamlining and shortening application questions, providing user-friendly templates, providing sample templates, expanding allowable costs, lengthening award periods, and reducing performance reporting requirements.
- When the COPS Office developed the new Law Enforcement De-escalation Training Act program, the COPS Office conducted a series of listening sessions with a wide range of stakeholders, including behavioral health advocates, civil rights organizations, educators, and law enforcement professionals. This helped inform the development of

training standards that are needed for the certification process as outlined by the Act. This effort is ongoing and will continue as the program develops.

- For the development of the Law Enforcement Mental Health and Wellness Act (LEMHWA) program, the COPS Office was able to draw on more than five years of ongoing stakeholder engagement via the National Officer Safety and Wellness Working Group, which, since 2012, has regularly brought together law enforcement leaders, medical and mental health professionals, and leaders from other professional fields also focused on employee wellness. The purpose is to discuss critical and emerging issues, including the intersection of officer wellbeing and positive community engagement. When officers are well, they are able to exercise better judgment and improve outcomes for their communities.
- The COPS Office has also created communities of practice (CoPs) for many of our awardees that not only facilitate the provision of technical assistance and peer learning, but also serve as a means by which we can learn from key subject matter experts about how we can modify and improve our programs and services. CoPs currently exist for agencies receiving awards related to hiring, mental health and wellness, crisis intervention, and de-escalation training. They each meet virtually 6-12 times per year, and often have one or two in-person meeting opportunities at major conferences as well. These meetings are facilitated by the COPS Office and discuss grant management and program developments, allow for peer-to-peer learning between awardees, and also provide deeper dives into relevant topics from subject matter experts that awardees may not otherwise have access to. For example, the crisis intervention CoP has received presentations on access to services for individuals with limited English proficiency, improving data collection and conducting local program evaluations, the unique needs of youth, and substance use disorders. The mental health and wellness CoP has hosted in-depth discussions with experts on suicide prevention, transitioning to retirement, family readiness, advanced peer support, and mindfulness. The hiring CoP has learned about evidenced-based practices around recruitment and selection from researchers who work in that field.
- The CoPs provide the COPS Office with user feedback on our programs and have led to program tweaks that have helped us grow our applicant pools by ensuring that we are supporting the greatest needs in the field. For example, in our Promoting Access to Crisis Teams (PACT) program, we adjusted allowable costs to include vehicles for embedded mental health professionals, because it was clear from the CoP that getting civilian members of crisis teams to incidents in ways that would not be perceived as threatening to the individuals in crisis in the community was a consistent roadblock to local implementation.
- Each CoP also has a technical assistance provider attached to it, who is available at any time to assist agencies with specific program implementation challenges and to coordinate with additional SMEs to help pair agencies with the specific assistance they need. Some of the CoPs also have websites with both public and grantee-only information. The public section has resources, publications, and information on the

members' programs that may be of use both to other members and to the law enforcement community more broadly. The members-only sections contain discussion boards and recordings of all prior meetings and webinars. By offering recordings of past events, the CoP is able to provide benefits to all members regardless of schedule or availability, as well as giving access to new members who have recently received an award or joined an agency with an existing award. Agencies are also encouraged to remain active members of the CoPs even when their grant has expired, with the hope that their experience not only during the grant period but from transitioning away from grant funding will be a benefit to other members.

- Grantee feedback to these CoPs has been overwhelmingly positive, with specific praise given to the ability of the technical assistance (TA) providers to connect agencies facing specific challenges with other members who have successfully addressed similar issues, the availability of the recorded webinars and meeting videos, and the general availability and support of their peer agencies. Grantees also value the ability to share policies and program documents with TA providers and peers for feedback, and the chance to assist their peer agencies. In the mental health and wellness CoP, every agency that has received a contact to help another agency has immediately responded “yes.”
- The COPS Office technical assistance offering through the Collaborative Reform Initiative underwent significant modification based on extensive feedback received from law enforcement and non-law enforcement advocacy organizations. This feedback is represented in the modified program as outlined in the program’s strategic framework:

[https://cops.usdoj.gov/pdf/2023ProgramDocs/cr/Continuum\\_of\\_TA\\_Services.pdf](https://cops.usdoj.gov/pdf/2023ProgramDocs/cr/Continuum_of_TA_Services.pdf)

- When developing guidance for the law enforcement field on critical topics – including recent topics such as recruitment, hiring, and retention; responding to mass gatherings and protests; and specialized units in law enforcement – the COPS Office engages with a range of law enforcement, advocacy, and other stakeholders with both expertise and perspectives on those issues.
- Further, the COPS Office continuously seeks feedback from stakeholders through attendance at conferences, hosting forums on critical topics, and meetings with our grantees, all of which contribute to and inform our priorities and improve the administration of our grant programs and customer service (e.g., streamlining the grant application process, staggering the release of grant solicitations to avoid overwhelming small jurisdictions, and more).
- The COPS Office also uses customer service feedback and customer satisfaction survey feedback to continue to assess opportunities to improve the delivery and accessibility of COPS Office resources.

**Question 2: What is the current structure used to assess whether COPS Office grants are effectively furthering the program’s goals, especially given that different awardees can**

**have vastly different needs? How does the COPS Office communicate the results of those assessments to the public?**

**Response:** Consistent with the U.S. Department of Justice’s (“Department”) responsibilities under the Government Performance and Results Act Modernization Act of 2010 (GPRA Modernization Act),<sup>1</sup> the COPS Office sets program goals, measures performance against those goals, and publicly reports progress in the form of funding spent, resources used, activities performed, services delivered, and results achieved.

COPS Office awards target increasing recipient capacity to implement community policing strategies within the three primary elements of community policing: (1) problem solving; (2) partnerships; and (3) organizational transformation. The COPS Office requires all applicants for its COPS Hiring Program (CHP) to describe how the personnel requested will assist the applicant in implementing community policing strategies. Awardees must submit progress reports that describe the agency’s progress in implementing their community policing plan and specific community policing activities during the award period. In addition, the COPS Office utilizes USASpending.gov as the official open data source of federal spending information about its federal awards.

Examples of how COPS Office awards have furthered program goals at law enforcement agencies are posted on the COPS website, under Grantee Success Stories.<sup>2</sup> Another example of how the COPS Office communicates the results of assessments to the public is the Collaborative Reform Initiative, where recommendations and progress reports for our Organizational Assessments are regularly posted on the COPS Office website located at <https://cops.usdoj.gov/organizationalassessment>. Organizational Assessments are technical assistance that the COPS Office provides for law enforcement agencies to work with the Department to ensure fair, impartial, and effective policing for the communities they serve. In addition, hundreds of COPS Office publications and the outcomes of our convenings are available on-line.

**Question 3: The COPS Office grant program awards various grants intended to achieve specific ends.**

- a. In terms of reviewing data to assess the functioning and success of particular grant awards, what are the differences in evaluative capabilities and procedures of the COPS Office versus the Office of Justice Programs (OJP)?**

**Response:** The Office of Audit and Assessment Management provides monitoring guidance across the Department’s grant-making components, resulting in parity across those components in the process of reviewing reporting data to assess and monitor award performance. This includes both federal financial reporting data and programmatic progress performance reporting data, as well as information obtained through routine and in-depth monitoring.

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<sup>1</sup> Government Performance and Results Act of 2010, Pub. L. 111–352 (codified in 5 U.S.C. § 306).

<sup>2</sup> Office of Community Oriented Policing Services, *Grantee Success Stories*, <https://cops.usdoj.gov/grantee-success-stories>.

However, one difference between the COPS Office and the Office of Justice Programs (OJP) is in the progress performance reporting platform used to collect performance progress report data. The COPS Office uses the JustGrants System to complete and submit progress reports, whereas OJP uses both the JustGrants System and the Performance Measurement Tool, a separate web-based data collection platform that pre-dates the creation of JustGrants, for some of its programs.

Many of the COPS Office staff have extensive experience and degrees (including Masters and Ph.D.s) in the social sciences (e.g., sociology, criminology, economics) and related fields (e.g., psychology, political science, public administration), and bring their expertise in research methods and statistical analysis to their work. These staff are also our program managers, supervisors and managers reviewing and using these progress reports to continually improve our programs and services to the field.

The COPS Office has provided funding for periodic program evaluations, including in particular comprehensive statistical modeling assessments of the COPS Hiring program.<sup>3</sup>

- b. Grantees submit progress reports and end-of-year reports to the COPS Office. How does the COPS Office review these reports, and what information is important for assessing the success of the grant? When these reports are forwarded to OJP, what review does OJP conduct, and how is the information used to evaluate a grant's success?**

**Response:** The COPS Office does not forward reports to OJP. The COPS Office does make use of the question set capabilities built into JustGrants, which allows us to query information from grant awards using the DOJ Data Management, Reporting and Analytics (DMRA), a solution that integrates data storage, analytics development and dissemination of data, analytics and reports. OJP DMRA users also have the ability to query COPS Office report information through DMRA.

As explained above in the response to question 3a, progress reports are reviewed by COPS Office personnel to assess the progress and performance of an award and identify any technical assistance needs that may advance the potential for program success. COPS personnel approve the reports when awardees have appropriately addressed the applicable questions about, among other things, officer hiring, retention, and training, and community outreach. They review the steps awardees are taking to achieve the objectives set forth in the awards, such as the number of community outreach events held, the number of community members reached by community events or programs, or the extent of the provision of services resulting from the outreach.

- c. Is there additional information that the progress and year-end reports should request from grantees to better assess the effectiveness of a grant?**

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<sup>3</sup> See, e.g., Steven Mello, *Empirical Analysis of COPS Hiring Programs 2009-2016*, OFF. OF CMTY. ORIENTED POLICING SERVS. (2024), <https://portal.cops.usdoj.gov/resourcecenter?item=cops-r1150>; Philip Cook, Max Kapustin, Jens Ludwig & Douglas Miller, *The Effects of COPS Office Funding on Sworn Force Levels, Crime and Arrests: Evidence from a Regression Discontinuity Design*, OFF. OF CMTY. ORIENTED POLICING SERVS. (2017), <https://portal.cops.usdoj.gov/resourcecenter?item=cops-w0827>.

**Response:** The COPS Office has committed to review all programmatic progress reports to determine if updates are necessary to maximize the ability to provide programmatic oversight to determine if programs are being implemented properly and achieving the intended outcomes, while minimizing onerous data collection requirements, which can be particularly challenging for smaller and rural agencies.

The COPS Office reviews the need for adjustments to reporting requirements on an annual basis after each new award cycle. Any revisions deemed necessary in FY 2024 will take effect in the FY 2025 funding cycle. The progress reports do currently require grant award recipients to identify how the grant programs are advancing collaborative partnerships and community engagement, collaborative problem-solving, and organizational changes to sustain and institutionalize those efforts. Opportunities to collect additional information related to determining implementation challenges and successes will be identified so that we can continue to refine progress reporting.

- d. Are there any legal or administrative barriers to requesting metrics with respect to such occurrences as officer uses of force, officer involved shootings, or allegations of potential racial bias on the progress and/or year-end reports submitted by grantees?**

**Response:** Collecting use-of-force or officer-involved shooting data does not require investigatory powers. There are no legal barriers in the COPS Office program statutes or annual appropriations act that would preclude requesting data, as long as the requested information is related to the underlying purpose of the program.

There are also data and statistical agencies, such as components within the FBI and OJP's Bureau of Justice Statistics (BJS), that do collect information about uses of force and officer involved shootings. The COPS Office provides priority consideration for law enforcement agencies that commit to these data reporting efforts through existing Department mechanisms and components.

If the COPS Office were also charged with collection, this would place a duplicative burden on agencies that would have to report the same or similar information to multiple parts of the Department. It is important to note that the COPS Office would only be able to collect from the self-selected sample of agencies who apply for and receive grant funding, and it would not be possible to collect longitudinal or comparison data for similar agencies. This would prohibit the ability to draw any substantive or meaningful conclusions about law enforcement nationally based on data that could be reasonably collected by a grantmaking component such as the COPS Office regarding these matters.

**Question 4:** Understanding that the COPS Office is not an investigative agency, are there any steps that Congress can take to better equip the COPS Office to track and compile data relevant to evaluating the effectiveness of particular grants awarded, or the grant programs more broadly?

**Response:** The COPS Office currently uses DOJ's JustGrants System to collect federal financial and programmatic performance progress data for its awards. Ensuring resources are available to

continue to support robust data analytics and reporting capabilities of the JustGrants System's monitoring and reporting capabilities would continue to be an effective means to track and compile data. This will assist the COPS Office in maximizing its ability to determine if individual grants and programs are being implemented properly and achieving the intended outcomes.

**Question 5: What specific programs or areas of the COPS Office's mission would be enhanced through reauthorization?**

**Response:** The COPS Office's mission would be enhanced by reauthorization because it could improve the office's ability to recruit and retain staff and assist with long-term strategic planning by removing the uncertainty regarding the continued authorization of our programs.

With rising costs to employ sworn law enforcement officers, through reauthorization, the statutory cap of \$75,000 per funded officer position under CHP could be increased to more than \$125,000. The cap has been increased to \$125,000 per officer through our annual appropriations act but is losing ground annually. As of 2022, the average sworn officer salary in the United States was about \$90,500 per year. However, the federal share on average only covers \$41,677 of an officer's salary per year (dividing the \$125,000 per officer over the 3 years of program funding). Therefore, in effect, this results in a 54 percent local match, which is considerably more than the 25 percent local match that is required, unless waived.

**Question 6: Have any COPS grant recipients received funding from the COPS program to procure facial recognition technology or other forms of biometric technology?**

**Response:** For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.

**Question 7: Has the COPS Office received requests from law enforcement agencies to purchase facial recognition or other biometric technologies using federal funding?**

**Response:** The COPS Office tracks funded, but not requested, technology. For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost. If needed, the COPS Office includes language in solicitations that provide an opportunity for reconsideration of unallowable costs to address Department leadership or Congressional directives or for other compelling justifications. While the flexibility is included in relevant solicitations, the practice of the COPS Office is to limit expenditures to allowable costs, and the COPS Office is not aware of decisions to consider biometric technologies generally allowable.

**Question 8: Has the COPS Office analyzed the extent to which federal grant recipients who use facial recognition technology and other forms of biometric technology are complying with or violating the Civil Rights Act of 1964 or other federal civil rights laws?**

**Response:** For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost. All COPS Office

grantees are required to comply with federal civil rights laws and OJP's Office for Civil Rights (OCR) is delegated the responsibility to ensure their compliance.

**Question 9: Does the COPS Office coordinate with relevant federal agencies regarding Title VI compliance for programs receiving funding for facial recognition tools and other biometric technologies? If so, in what ways?**

**Response:** For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.

**Question 10: What, if any, training is provided on the use of facial recognition technology or other biometric technologies to grant recipients to ensure compliance with Title VI or other federal laws, as applicable?**

**Response:** For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.



## QUESTIONS FROM SENATOR CORY A. BOOKER

**Question 1:** In your testimony, you stated “helping law enforcement advance community policing practices is at the core of everything we [the COPS Office] do.” Can you provide a definition of “community policing” and outline specific activities officers engage in that would satisfy that definition?

**Response:** Community policing<sup>4</sup> is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. Community policing comprises three key components:

1. Community Partnerships: collaborative partnerships between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police;
2. Organizational Transformation: the alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving;
3. Problem Solving: the process of engaging in the proactive and systematic examination of identified problems to develop and evaluate effective responses.

There are countless examples of specific activities that individual officers and law enforcement organizations overall engage in that advance the community policing philosophy. These include things like: differential response models to crisis situations; working with other city agencies to proactively address problems of concern to citizens, including connecting residents with services; analyzing repeat crime locations and working with local residents and businesses to develop solutions; attending community events and holding community forums; walking a beat and conducting checks of local businesses to help enhance their safety and security plans; working with community advisory and civilian oversight entities to ensure accountability and transparency; and attending HOA and community meetings to convey law enforcement activities and discuss community problems and concerns. The COPS Office operationalizes these definitional elements through the questions that applicants must complete in the CHP application so that agencies are required to commit to tangible community policing practices and advances. Further, we encourage staff to review our *Community Policing Dispatch*, which is a monthly e-newsletter that captures some examples of such efforts and activities.<sup>5</sup>

**Question 2:** What metrics, if any, does the COPS Office use to evaluate whether a police department granted funds through COPS Hiring Program is, in fact, advancing “community policing”? Is there data that the COPS Office currently collects that could be used to measure the success of a grantee’s community policing goals?

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<sup>4</sup> Office of Community Oriented Policing Services, *Community Policing Defined* (2014), available at <https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p157-pub.pdf>.

<sup>5</sup> Office of Community Oriented Policing Services, *Community Policing Dispatch*, <https://cops.usdoj.gov/html/dispatch/>.

**Response:** Consistent with the Department’s responsibilities under the GPRA Modernization Act, the COPS Consistent with the U.S. Department of Justice’s (“Department”) responsibilities under the Government Performance and Results Act Modernization Act of 2010 (GPRA Modernization Act),<sup>6</sup> the COPS Office sets program goals, measures performance against those goals, and publicly reports progress in the form of funding spent, resources used, activities performed, services delivered, and results achieved.

COPS Office awards target increasing recipient capacity to implement community policing strategies within the three primary elements of community policing: (1) problem solving; (2) partnerships; and (3) organizational transformation. The COPS Office requires all applicants for its COPS Hiring Program (CHP) to describe how the personnel requested will assist the applicant in implementing community policing strategies. Awardees must submit progress reports that describe the agency’s progress in implementing their community policing plan and specific community policing activities during the award period. In addition, the COPS Office utilizes USASpending.gov as the official open data source of federal spending information about its federal awards.

Examples of how COPS Office awards have furthered program goals at law enforcement agencies are posted on the COPS website, under Grantee Success Stories.<sup>7</sup> Another example of how the COPS Office communicates the results of assessments to the public is the Collaborative Reform Initiative, where recommendations and progress reports for our Organizational Assessments are regularly posted on the COPS Office website located at <https://cops.usdoj.gov/organizationalassessment>. Organizational Assessments are technical assistance that the COPS Office provides for law enforcement agencies to work with the Department to ensure fair, impartial, and effective policing for the communities they serve. In addition, hundreds of COPS Office publications and the outcomes of our convenings are available on-line.

Data is collected for the following performance measures: (1) extent to which COPS Office knowledge resources (e.g., publications, podcasts, training, etc.) have increased an agency’s community policing capacity; (2) extent to which COPS Office award funding (e.g., officers, equipment, training, technical assistance, etc.) has increased an agency’s community policing capacity; and (3) the number of partnerships established or enhanced during the grant period.

The COPS Office has provided the progress report questions for all COPS Office programs to Senate Judiciary Committee staff and those reports are now publicly available on the COPS Office website

**Question 3: Has the COPS Office ever found that a police department, which received funds through the COPS Hiring Program, was not advancing “community policing,” either before or during a grant period? If so, could you please provide examples, and detail any actions taken by the COPS Office to address this situation?**

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<sup>6</sup> *Supra* note 1.

<sup>7</sup> Office of Community Oriented Policing Services, *Grantee Success Stories*, <https://cops.usdoj.gov/grantee-success-stories>.

**Response:** COPS collects data and monitors 100 percent of its funded awards to ensure compliance with each CHP applicant’s community policing plan. Through our monitoring and technical assistance guidance and resources, COPS is able to keep agencies aligned with the objectives germane to each of its funded programs to advance the practice of community policing. The COPS Office appropriately remedies any federal dollars that are not spent in compliance with its programs. This ensures that award dollars are used to advance the objectives for which they were appropriated. Subsequently, COPS ensures that its award dollars are used on allowable and approved purposes intended to advance the practice of community policing. Data on specific examples is not kept in a retrievable manner.

**Question 4: Do you agree that grant funds should be allocated to trainings, activities, and programs that achieve the best results as related to community policing? If so, would performance metrics assist the COPS Office in assessing the outcomes of grant awards so that funds are not invested in ineffective trainings, activities, and programs?**

**Response:** Yes, performance metrics do assist the COPS Office in assessing the investments made in training and technical assistance. Our performance metrics are tailored according to the specific program, training, or activity. For example, this is one of the reasons why we believe in supporting law enforcement training through regional or national training providers (such as CRI-TAC<sup>8</sup> and ALERRT<sup>9</sup>) where we have the ability to monitor them to ensure that high quality training is being delivered, that there are quality controls over the curriculum and instructors, and that there are processes in place for assessing training deliveries. The COPS Office has extensive training curriculum guidelines for our national and regional providers that also outline minimum standards for training evaluation that are collected by the COPS Office.<sup>10</sup> These guidelines follow the ADDIE model of instructional design, and – in addition to reporting data on when, where, and how many first responders are trained from what agencies -- include a required evaluation phase to determine how students feel about the course experience, whether goals were achieved, whether the transfer of learning took place, and any long-term outcomes, as well as any gaps in student performance that need to be addressed. Two levels of evaluation are required of COPS Office providers: Level 1 which includes learner reactions and comments to the course, usually in the form of a response to a questionnaire, and Level 2 which assesses immediate and longer-term content retention, application, and institutionalization. Beyond training, the COPS Office also collects data from our technical assistance recipients related to the extent to which the assistance met or exceeded expectations; the quality of the COPS Office subject-matter experts; whether the assistance met their goals and objectives; whether the changes were sustained over time; and whether the assistance ultimately allowed them to successfully address the underlying challenge or problem.

**Question 5: Do you agree that the COPS Office has a duty to promote evidence-based policies and trainings through its grant making?**

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<sup>8</sup> Office of Community Oriented Policing Services, *CRI-TAC Collaborative Reform Initiative Technical Assistance Center*, <https://cops.usdoj.gov/cri-tac>.

<sup>9</sup> Texas State University, *Advanced Law Enforcement Rapid Response Training*, <https://www.alerrt.org/>.

<sup>10</sup> Office of Community Oriented Policing Services, *Training*, <https://cops.usdoj.gov/training>.

**Response:** The COPS Office grantmaking purposes are set forth in our program statutes and annual appropriations act. As part of the program development process, new and existing evidence is considered, and evidence-based policies and trainings are promoted and prioritized. For example, the Promoting Access to Crisis Teams (PACT) / Crisis Intervention Teams (CIT) program is designed to incentivize the goal articulated by Congress of embedding behavioral health professionals into police departments. The purpose of programs like these is to divert people in crisis away from the criminal justice system and a law enforcement-only response. This is a model that has recently seen more promising research results than previous models that focused on training specific officers in crisis response.

Additionally, many ideas and evolutions that are advocated for in criminal justice reform have not been extensively studied or evaluated, and this has left this field without extensive, replicated evidence-based models upon which to base policy and training. In a recently published article in *Criminology & Criminal Justice*, the authors note that, “The core challenge of criminological uncertainty is that the evidence base that practitioners can draw on to support decision-making is relatively narrow and underdeveloped.”<sup>11</sup> This is partly due to the relative newness of criminology and policing as areas of academic study, as well as to how the randomized control trials that are integral to evidenced-based practice are recognized as challenging to implement in fields like criminal justice, education, public health, and social work where local context, practitioner skills and expertise, and client preferences play crucial roles in outcomes.

This is why the COPS Office also has looked to other fields, like education and public health, for additional ways to guide and support agencies in making informed decisions about policy and practice. This includes making use of documented practices that are rigorously reviewed and considered prior to distribution to the wider law enforcement field as promising. Practice-Based Evidence (PBE), a term attributed to the pre-eminent public health expert and researcher Dr. Lawrence W. Green, is a paradigm focused on bridging the gap between academic research and real-world practice. It aims to complement the strength of evidence-based practice with insights directly gathered from practitioners in the context in which they operate. This is a type of evidence that seeks to emphasize the integration of real-world practice with research to guide effective decision-making, and has become more commonly accepted when empirical evidence is limited.

PBE can help practitioners understand how a practice works, with whom, and how it can be adapted and maintained. PBE is invaluable when there is no research or limited research to inform policy. When unable to rely on relevant EBP, the COPS Office looks to PBE to guide promising practice, and it comes with the additional benefit of supporting locally-driven, real-world scenarios that can then be further evaluated, and ultimately helping to build the empirical research that underpins EBP.

**Question 6: When asked whether the COPS Office requires police departments to report data on use of force or officer-involved shootings, you stated that the COPS Office does not because it is “not an investigatory agency.” Given that the COPS Office already relies, in**

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<sup>11</sup> Chris Giacomantonio, Litmanovitz, Y., Bennell, C., & Jones, D. J., *Expressing uncertainty in criminology: Applying insights from scientific communication to evidence-based policing*, 24 *CRIMINOLOGY & CRIM. JUST.* 470 (2024), available at <https://doi.org/10.1177/17488958221107325>.

**part, on data submitted by police departments for monitoring purposes, can you explain why collecting additional data on use of force or officer-involved shootings would require investigatory powers?**

**Response:** Collecting use-of-force or officer-involved shooting data does not require investigatory powers. There are no legal barriers within the COPS Office program statutes or annual appropriations act that would preclude requesting data, as long as the requested information is related to the underlying purpose of the program.

There are also data and statistical agencies, such as components within the FBI and OJP's Bureau of Justice Statistics (BJS), that do collect this information. The COPS Office provides priority consideration for law enforcement agencies that commit to these data reporting efforts through existing DOJ mechanisms and components.

If the COPS Office were also charged with collection, this would place a duplicative burden on agencies that would have to report the same or similar information to multiple parts of the Department. It is important to note that we would only be able to collect from the self-selected sample of agencies who apply for and receive grant funding, and it would not be possible to collect longitudinal or comparison data for similar agencies. This would prohibit the ability to draw any substantive or meaningful conclusions about law enforcement nationally based on data that could be reasonably collected by a grantmaking component such as the COPS Office regarding these matters.

**Question 7: When asked about how success is measured for a COPS grant, your initial response was "it's perception; it's not all about data." Can you elaborate more on this statement? How does the COPS office quantify and assess perception?**

**Response:** In saying this issue is about community perception and not purely about data, the response was specifically in regard to fear of crime. For example, even though violent crime rates are dropping across the country, the experience or perception of some communities may differ from the national trend. If law enforcement officials do not embrace the need to establish close ties and communication with all segments of their community so that they better understand the perceptions, public safety priorities, and concerns about crime, it could lead to a weakening of trust and counteract the goals of any COPS Office grant.

**Question 8: In your testimony, you stated that "[community] trust and legitimacy [are] ever important to building a community-oriented policing." Additionally, in FY 2023, the COPS Hiring Program awarded 148 awards to departments to use funds "to focus on legitimacy and trust."<sup>12</sup> What criteria were used to award these specific awards, and how does the COPS Office measure whether a department is "building legitimacy and trust"? Could you please provide examples of grant awards that have built legitimacy and trust in a jurisdiction? Identifying information for the grantee may be redacted.**

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<sup>12</sup> Office of Community Oriented Policing Services, *Fact Sheet: 2023 COPS Hiring Program* (Sept. 2023), available at [https://cops.usdoj.gov/pdf/2023AwardDocs/chp/Post\\_Award\\_Fact\\_Sheet.pdf](https://cops.usdoj.gov/pdf/2023AwardDocs/chp/Post_Award_Fact_Sheet.pdf).

**Response:** Please see the COPS Office CHP award methodology document for the criteria used to award these specific funds.<sup>13</sup>

The grant solicitation provides further details on how an applicant can be considered to build trust and legitimacy. For example, these efforts can include deploying officers to engage community stakeholders and promoting diversity within the ranks. The COPS Office also directs applicants to its Building Trust website for additional ideas on strategies. Grantees must submit progress reports which include a community policing narrative that can describe efforts to build trust and legitimacy.

The FY2023 CHP awards were announced on November 2, 2023. At this point in time, it is too early in the grant award period to provide examples that were successful in building trust and legitimacy.

The COPS Office has provided the progress report questions for all COPS Office programs to Senate Judiciary Committee staff, and the progress report questions are publicly available at [https://cops.usdoj.gov/pdf/progress\\_reports/CHP\\_Progress\\_Report.pdf](https://cops.usdoj.gov/pdf/progress_reports/CHP_Progress_Report.pdf).

**Question 9: The COPS Program stipulates that each department must conduct a background investigation for all career law enforcement officers hired or rehired with COPS Hiring Program grant funds.**

- a. Does the required background investigation include a check on whether prospective police officers have sustained misconduct infractions in their personnel records?**

**Response:** Each COPS Hiring Program grantee must follow their agency's hiring procedures for background investigations. The COPS Office informs grantees that a background investigation is the process of compiling and analyzing the employment history, criminal records, commercial records, financial records, and other relevant information of an individual to be hired with COPS Office funding, but it does not set minimum criteria for background investigations.<sup>14</sup> The required information may vary from agency to agency based on state and/or local requirements.

- b. If a criminal record, history of sustained misconduct, or any other discrepancies are uncovered following the completion of a background investigation, does the COPS Office require a police department to take any specific action? If so, please elaborate.**

**Response:** Grantees must notify the COPS Office when the officer's background investigation has been completed. The COPS Office does not receive, review, or evaluate individual background investigation information.

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<sup>13</sup> Office of Community Oriented Policing Services, *COPS Hiring Program (CHP)—How Decisions were Made to Allocate \$216 Million When More than \$594 Million was Requested*, available at <https://cops.usdoj.gov/pdf/2023AwardDocs/chp/methodology.pdf>.

<sup>14</sup> Office of Community Oriented Policing Services, *External Background Investigations FAQs* (2023), available at [https://cops.usdoj.gov/pdf/2023AwardDocs/Background\\_Investigation\\_FAQs.pdf](https://cops.usdoj.gov/pdf/2023AwardDocs/Background_Investigation_FAQs.pdf).



- c. **Given that the COPS Office “will not review or maintain background investigation results,”<sup>15</sup> how does the COPS Office verify, if at all, that departments have indeed completed these background investigations and have not hired or rehired individuals with past convictions or a lengthy record of sustained misconduct?**

**Response:** Each CHP grantee must follow their agencies’ hiring procedures for background investigations and report the completion on their semi-annual performance reports.

If COPS Office funds have been used to pay for the salary and benefits of an officer who has not undergone a background investigation, the COPS Office may exercise appropriate remedies (including the suspension of grant award funding and the repayment of funds spent on an unallowable cost).

**Question 10: Many law enforcement officials are frustrated by the issue of “wandering cops” — officers who are fired in one jurisdiction only to easily find employment in another police department. Last year, the Department of Justice initiated the National Law Enforcement Accountability Database (NLEAD). It contains records of current and former federal officers with misconduct information spanning the past seven years. President Biden’s Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety encourages state, local, and tribal law enforcement agencies to engage with and utilize this accountability database.<sup>16</sup>**

- a. **Does the COPS Hiring Program incorporate NLEAD or any other accountability database into the grant vetting process and the COPS Hiring Program? If not, are there plans to do so?**

**Response:** The COPS Hiring Program incorporates an accountability database – the National De-Certification Index, or NDI – into the grant vetting process by providing priority consideration to applicants that adhere to DOJ’s Federal Index of Policing Priorities which includes the following question:

*“Does the agency check the National De-Certification Index hosted by IADLEST as a part of the officer hiring, vetting, or promotion process?”*

The NDI is a national registry of certificate or license revocation actions related to officer misconduct that is currently used by all 50 states and the District of Columbia.

The COPS Hiring Program also requires grantees to conduct a background investigation of all officers hired with grant funds, which may include a check of accountability databases. The COPS Hiring Program does not incorporate NLEAD, as NLEAD is specific to federal law enforcement officers and access to NLEAD currently is limited to authorized users from federal law enforcement agencies.

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<sup>15</sup> *Id.*

<sup>16</sup> Exec. Order No. 14074, 87 F.R. 32945, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety” (May 25, 2022).

**b. Are law enforcement agencies mandated to check both the Accountability Database and the National Decertification Index before hiring an officer?**

**Response:** No. However, the COPS Office gives priority consideration to applicants that respond affirmatively to the Department’s Federal Index of Policing Priorities, which includes checking the National Decertification Index. State and local jurisdictions may have varying hiring requirements with respect to whether or not agencies are mandated to check the National Decertification Index.

**c. Does your office plan to take additional action to encourage departments to participate in and use an accountability database?**

**Response:** For the FY2024 CHP application, the COPS Office included an inventory of federal priorities for policing, in alignment with Executive Order (EO) 14704. The inventory of federal priorities includes a question regarding an applicant’s participation in the National Decertification Index. Please see the response to question 10 (a).

**Question 11:** The COPS Office states that it vets all award lists with the 93 United States Attorney Offices and the Department of Justice Civil Rights Division to ensure there are no issues with potential grantees.

**a. What type of information is used to assess if there is a concern with a potential grantee? Are there specific criteria that they are required to review?**

**Response:** The COPS Office does not limit the criteria used by the U.S. Attorney Offices, the Department’s Civil Rights Division, or OJP’s Office for Civil Rights, when those components identify concerns regarding a potential recipient, prior to COPS making a grant award. The vetting process allows these offices to flag any matter for the COPS Office’s consideration in the award review process. The COPS Office consults with these reviewing offices on any of their concerns before making award decisions.

**b. Have the US Attorney’s Offices or Civil Rights Division flagged issues in the past, and have potential grantees been removed as a result? If so, how many? Please also provide a description of the circumstances for denying an applicant a grant based on information provided by a U.S. Attorney Office or the Civil Rights Division.**

**Response:** Yes, the COPS Office has removed applicants from consideration because of issues raised during the COPS Office’s vetting process, such as the misuse of federal funding. It is not possible to provide the number of such instances because the data is not retrievable in this manner. Also, at the request of the Civil Rights Division, the COPS Office has placed “red flags” and “yellow flags” on awards. For red flag scenarios, the COPS Office makes an award, but conditions the release of funding based on the agency’s cooperation in a civil rights investigation. For “yellow flag” scenarios, the COPS Office advises the grantee that the COPS Office is aware that the agency is cooperating in a civil rights investigation and that their



continued cooperation is needed for the continuation of the award. Most recently, the Civil Rights Division requested a yellow flag in 2020 for a law enforcement agency involved in a civil rights investigation.

**Question 12:** COPS Fund could be used for training. How does the COPS Office ensure that grantees are using training money for respected, well-regarded training sessions, rather than, for instance, the Street Cop training paid for by 46 states, which trained police to “shoot indiscriminately at people, medically experiment on the injured, and treat virtually anyone who isn’t a white, straight, cisgender male with open disdain”?<sup>17</sup>

d. Have any police departments used COPS funding to participate in any Street Cop training programs?

**Response:** The COPS Office has received one request for an agency to use grant funds to participate in Street Cop training. That request was denied.

The majority of COPS Office training is provided through funding awarded to regional or national training providers who deliver curricula that is reviewed and vetted by the Office as part of our substantive involvement in cooperative agreements, if not wholly developed according to our Curriculum Development Guidelines. For programs where the COPS Office would fund an individual department to procure training, they are required to submit their required training vendor for COPS Office review and have it approved prior to their budget receiving final clearance.

**Question 13:** Does the COPS office extend grants to applicants who are under an active pattern and practice investigation or consent decree? If so, what corrective action, if any, is taken towards grantees of the program whose department has engaged in civil rights violations? Additionally, how often has such action been taken?

**Response:** The COPS Office may extend awards to applicants under investigation. At the request of the Civil Rights Division, the COPS Office has imposed a special condition/red flag on an award that conditions the release of funding based on the agency’s cooperation in a civil rights investigation. All COPS Office grantees are required to comply with federal civil rights laws and OJP’s Office for Civil Rights (OCR) is delegated the responsibility to ensure their compliance.

These are often the agencies that may indeed have a great need for that funding to advance their community policing efforts. But any funding of these agencies occurs only after consultation with other Department components. It is important to note that an agency subject to an “active pattern or practice investigation” is just that: an investigation; and our grant funding in no way interferes with the requirements of a court order (i.e., an agency under a consent decree) and often the terms require the agency to implement reforms that can require substantial resources.

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<sup>17</sup> Shirley Lavarco, *Forty-Six States Paid for Violent, Racist Police Training*, THE APPEAL (Mar. 13, 2024), <https://theappeal.org/police-training-violent-racist-ban-pretextual-traffic-stops/>; Office of New Jersey Comptroller, *High Price of Unregulated Private Police Training in New Jersey* (Dec. 6, 2023), [https://www.nj.gov/comptroller/library/reports/PoliceTraining/police\\_training\\_report.pdf](https://www.nj.gov/comptroller/library/reports/PoliceTraining/police_training_report.pdf).

**Question 14: What type of evaluation metrics does the COPS office use to determine if a department is conducting effective community engagement, soliciting community feedback, and/or conducting appropriate social service referrals?**

**Response:** The COPS Office has provided the progress report questions for all COPS Office programs to Senate Judiciary Committee staff. The progress report questions are publicly available at [Compliance and Reporting | COPS OFFICE \(usdoj.gov\)](https://www.usdoj.gov/cops-office/compliance-reporting).

**Question 15: The COPS Office is required to monitor at least 10 percent of the total active award funding it grants annually.**

**a. On average, how many grantees are reviewed annually under this requirement?**

**Response:** COPS conducts programmatic performance and financial compliance reviews annually on 100 percent of its awards. Each fiscal year, desk reviews are conducted on 100 percent of COPS Office awards. In addition to these reviews, COPS also performs in-depth monitoring for a minimum of 10 percent of its active awards. This number varies each year depending on the resources (staff) on board. This number has increased as additional staff have been hired. With fewer staff members we try to monitor agencies with larger award amounts to ensure we reach our 10% goal.

**b. The Office has stated that it monitors all funding and then engages in “enhanced monitoring” as required under statute, through either on-site or enhanced office-based reviews. What have been the results of these enhanced monitoring? Are those results easily accessible to the public, and if not, why not?**

**Response:** Results of our monitoring efforts have been successful/favorable in terms of either identifying compliance, and/or assisting grantees to bring them back into compliance. This is accomplished through our customer service and technical assistance or by monitoring agencies that are new/first time grantees and providing technical assistance on their awards.

The results of our monitoring reviews are provided to each grantee through a feedback letter. After each enhanced office-based desk review or site visit, the grantee receives a feedback letter, outlining the results of the monitoring review. The feedback letters are not made publicly available due to the potential for law enforcement sensitive data to be released.

**Question 16: How often does the COPS office conduct audits to ensure that law enforcement agency operations, budget, management, and policies and procedures are in compliance with COPS requirements? Are these audits made public, and if not, why not?**

**Response:** COPS conducts programmatic performance and financial compliance reviews annually on 100 percent of its awards. Each fiscal year, desk reviews are conducted on 100 percent of COPS Office awards. In addition to these reviews, COPS also performs in-depth monitoring for a minimum of 10 percent of its active awards. As part of our compliance process, these annual reviews are not typically made public due to the potential for law enforcement sensitive data to be released.

**Question 17:** The Department of Justice’s Bureau of Justice Assistance has a Performance Measurement Tool with accountability measures for its programs, including those supporting law enforcement. These tools are available online. What performance metrics tool does the COPS Office employ, and are any mandatory grantee reports available online? If not, could you explain why? If certain sensitive information can be redacted, would you consider making such materials available to the public?

**Response:** The COPS Office uses the JustGrants System to complete and submit progress reports as a means to streamline the process and reduce the burden on its awardees. The COPS Office does not use a separate Performance Measurement Tool.

The COPS Office has provided the progress report questions for all COPS Office programs to Senate Judiciary Committee staff. COPS plans to make the same publicly available on its website.

While mandatory completed reports are not publicly available due to the potential for sensitive law enforcement data to be released, forms and questions will be available on-line. In addition, COPS utilizes USASpending.gov as the official open data source of federal spending information about its federal awards.

**Question 18:** In 2020, before assuming the presidency, President Biden stated, “I do not believe federal dollars should go to police departments violating people’s rights or turning to violence as the first resort, I do not support defunding police. The better answer is to give police departments the resources they need to implement meaningful reforms, and to condition other federal dollars on completing those reforms.”<sup>18</sup>

- a. Since 2020, has any COPS Hiring Program funds been sent to departments who have a systematic practice of “violating people’s rights”?

**Response:** All potential grantees are vetted through the various U.S. Attorney Offices, OJP’s Office for Civil Rights and the Civil Rights Division to provide the COPS Office with the information to determine whether it is inadvisable or inappropriate to make an award. All COPS Office grantees are required to comply with federal civil rights laws and OJP’s OCR is delegated the responsibility to ensure their compliance.

- b. Apart from self-reporting, what specific mechanisms does the COPS Office utilize to verify police departments are in compliance with civil rights laws both before and during a grant period?

**Response:** OJP’s OCR enforces compliance with civil rights laws by COPS Office grantees. In addition to self-reporting, any individual or group who believes they have experienced or is

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<sup>18</sup> Joe Biden, *Op-ed: We must urgently root out systemic racism, from policing to housing to opportunity*, USA TODAY (June 10, 2020), <https://www.usatoday.com/story/opinion/2020/06/10/biden-root-out-systemic-racism-not-just-divisive-trump-talk-column/5327631002/>.

aware of discrimination from an agency that receives funding from the COPS Office may file a complaint with OCR.

**c. How does the COPS Office ensure that federal funds are not allocated to such departments?**

**Response:** All potential grantees are vetted through the various U.S. Attorney Offices, OJP’s OCR, and the Civil Rights Division to provide the COPS Office with the information to determine whether it is inadvisable or inappropriate to make an award.

**d. How does the COPS Office incentivize police departments to implement meaningful reforms, and what measures are in place to monitor and enforce compliance with these reforms both before and during a grant period?**

**Response:** The COPS Office provides priority consideration based on Administration and Congressional priorities. For example, as noted above, for the FY2024 CHP application, the COPS Office included an inventory of federal priorities for policing, in alignment with Executive Order (EO) 14704. Agencies are required to submit semi-annual performance and quarterly financial reports for each COPS-funded award.

**Question 19: Following the murder of George Floyd, a Justice Department investigation found that the Minneapolis Police Department (MPD) engaged in a pattern or practice in violation of the U.S. Constitution and federal law. Specifically, it found that the MPD “uses excessive force, including unjustified deadly force; unlawfully discriminates against Black People and Native American people in its enforcement activities.”<sup>19</sup> The Minneapolis Police Department (MPD) received a \$1,250,000 COPS Hiring Program Grant from FY 2017 to FY2020 and another grant for \$2,752,240 from FY2020 to FY2023.<sup>20</sup>**

**a. Did the monitoring mechanisms of the COPS Office identify any evidence indicating that the Minneapolis Police Department (MPD) was engaging in the constitutional violations outlined by the Justice Department's investigation? If so, please elaborate.**

**Response:** Please note that the City of Minneapolis did not accept the FY2020 CHP award.

The COPS Office’s semi-annual performance and quarterly financial reports would not capture this information. Constitutional violations are investigated by other agencies within the Department, and the OCR is delegated the responsibility to ensure compliance with federal civil rights laws by COPS Office grantees.

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<sup>19</sup> Press Release, U.S. Dep’t of Just., *Justice Department Finds Civil Rights Violations by the Minneapolis Police Department and the City of Minneapolis* (June 16, 2023), <https://www.justice.gov/opa/pr/justice-department-finds-civil-rights-violations-minneapolis-police-department-and-city>.

<sup>20</sup> NAACP Legal Defense Fund, *Policing Funding Database*, <https://policefundingdatabase.org/>.

- b. Prior to awarding additional funding to the MPD in 2020, what specific conditions or reforms did the COPS Office demand from the department to ensure compliance and eligibility for further funding?**

**Response:** All recipients are required to comply with nondiscrimination requirements contained in various federal laws. A memorandum addressing federal civil rights statutes and regulations from the OJP's OCR are included in the award package for recipients.

Award applicants are further advised that a hold may be placed on an award if it is deemed that the applicant agency is not in compliance with federal civil rights law and/or is not cooperating with an ongoing federal civil rights investigation.

The COPS Office did not impose any additional requirements on funding to the Minneapolis Police Department, and the Civil Rights Division did not request any special conditions on this award. The City of Minneapolis informed the COPS Office that it was not accepting the award prior to the completion of DOJ's pattern and practice investigation. All COPS Office grantees that accept their awards are required to comply with federal civil rights grant conditions. Because the Minneapolis Police Department declined the award, there was no need to impose conditions following the conclusion of the investigation.

- c. Are you aware if any of the officers charged in the murder George Floyd were hired using COPS Hiring Program grant funds to the Minneapolis Police Department?**

**Response:** CHP funding is used for the entry-level salaries and benefits of newly hired or rehired officers. The COPS Office does not collect the names of the officers hired with COPS Office funding.

- d. Have any Minneapolis Police Department officers, who were hired using grant funds from the COPS Hiring Program, faced charges or disciplinary actions for engaging in the same unconstitutional practices revealed by the Department of Justice's investigation?**

**Response:** COPS Hiring Program funding is used for the entry-level salaries and benefits of newly hired or rehired officers. The COPS Office does not collect the names of the officers hired with COPS Office funding.

**Question 20:** Following the murder of Breonna Taylor, a Justice Department investigation found that the Louisville Metro Police Department (LMPD) and the Louisville/Jefferson County Metro Government (Louisville Metro) engaged in a pattern or practice in violation of the U.S. Constitution and federal law. Specifically, it found that the LMPD "uses excessive force, including unjustified neck restraints; conducts searches based on invalid warrants; unlawfully executes search warrants without knocking and announcing; and

unlawfully discriminates against Black people in its enforcement activities.”<sup>21</sup> The Louisville-Jefferson County Metro Government received a \$1,250,000 COPS Hiring Grant from FY 2016 to FY2020.<sup>22</sup>

- a. **Did the monitoring mechanisms of the COPS Office identify any evidence indicating that the Louisville Metro Police Department (LMPD) was engaging in the constitutional violations outlined by the Justice Department's investigation? If so, please elaborate.**

**Response:** The COPS Office’s semi-annual performance and quarterly financial reports did not capture this information. Constitutional violations are investigated by other agencies within the Department, and OCR is delegated the responsibility to ensure compliance with federal civil rights laws by COPS Office grantees.

- b. **Are you aware if any of the officers charged in the murder Breonna Taylor were hired using COPS Hiring Program grant funds to the Louisville Metro Police Department or the Louisville/Jefferson County Metro Government?**

**Response:** COPS Hiring Program funding is used for the entry-level salaries and benefits of newly hired or rehired officers. The COPS Office does not collect the names of the officers hired with COPS Office funding.

- c. **Have any Louisville Metro Department officers, who were hired using grant funds from the COPS Hiring Program, faced charges or disciplinary actions for engaging in the same unconstitutional practices revealed by the Department of Justice's investigation?**

**Response:** COPS Hiring Program funding is used for the entry-level salaries and benefits of newly hired or rehired officers. The COPS Office does not collect the names of the officers hired with COPS Office funding.

**Question 21:** A report published in 2023 by the COPS Office and the Bureau of Justice Assistance advised, “Agencies should assess the composition of their workforce and assess if it mirrors the diversity present in the community.”<sup>23</sup>

- a. **How does the COPS Office actively encourage diversity within law enforcement and ensure that agencies are actively seeking to recruit candidates from underrepresented communities in law enforcement?**

**Response:** There are several ways the COPS Office works to promote diversity in recruiting.

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<sup>21</sup> Press Release, U.S. Dep’t of Just., *Justice Department Finds Civil Rights Violations by the Louisville Metro Police Department and the City of Minneapolis* (Mar. 8, 2023), <https://www.justice.gov/opa/pr/justice-department-finds-civil-rights-violations-louisville-metro-police-department-and>.

<sup>22</sup> *Id.*

<sup>23</sup> Office of Community Oriented Policing Services and Bureau of Justice Assistance, *Recruitment and Retention for Modern Law Enforcement: Revised* (Apr. 18, 2023), available at <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1136-pub.pdf>.

Applicants, for example, must certify through the Assurances that they will, to the extent practicable and consistent with applicable law – including, but not limited to, the Indian Self-Determination and Education Assistance Act – seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

In addition, the COPS Office Microgrants Program offers funds to improve and enhance diversity in recruitment and promotion properties. COPS Office resources and products, as well, have long promoted the need for workforce makeup to reflect the communities they serve.

**b. Does the COPS Office collect any demographic data on officers hired using funds from the COPS Hiring Program?**

**Response:** Demographic data on officers hired as a result of CHP funding is not collected.

**c. Is there anything that would prevent the COPS Hiring Program from requesting aggregate demographic data from grantees related to recruitment, testing, and hiring of applicants?**

**Response:** The COPS Office program statutes and annual appropriations act do not preclude requesting aggregate demographic data or other data about law enforcement agencies, as long as the requested information is related to the underlying purpose of the program. The collection of demographic data may impose an additional burden on award recipients, especially within jurisdictions where the data may not be readily available based on state or local regulations.

**Question 22: How is the COPS office verifying that state and local law enforcement departments have anti-bias policies in place and are enforcing those policies during their interactions with the community?**

**Response:** During in-depth monitoring, the COPS Office verifies the elements of an applicant's application package. Where there are discrepancies noted, corrective action is required and may result in the repayment or suspension of award funding. Notably, all grantees are required to comply with federal civil rights laws and OCR is delegated the responsibility to ensure their compliance.

**Question 23: Under 2 CFR § 200.338, the COPS Office has the authority to enact appropriate remedies, including the suspension of grant funds, against grant recipients who fail to comply with the requirements of the COPS program. Could you please provide an aggregate breakdown of instances where the COPS Office has exercised such remedies over the past ten years, including:**

**a. the number and type of instances;**

**Response:** The COPS Office had more than 400 compliance issues over a span of 10 years covering a range of topics including unallowable and questioned costs, supplanting, failure to

provide documentation such as the community policing narrative, and failure to meet financial and performance reporting requirements.

**b. the specific actions taken by the COPS Office; and**

**Response:** Remedial actions taken because of identified compliance violations included repayment of grant funding, grant modifications, and restriction from receiving future COPS Office grant funding.

**c. the reasons prompting such actions.**

**Response:** Remedial action is taken when a recipient is unable to provide supporting documentation demonstrating that it expended grant funding in compliance with grant requirements. (Please see the Attached Excel Document: *IRM Compliance And Administration Issue 05012024 (Final)*)

**Question 24:** During the hearing, Senator Graham requested that you send him and/or the Chairman a list of proposed changes to the COPS Office to enhance its efficiency should it be reauthorized. You pledged to provide this information. Can you also assure us that you will share these details with my office?

**Response:** Yes, the COPS Office has already identified areas where improvements can be made and forwarded this information to the Committee on April 19, 2024.



## QUESTIONS FROM SENATOR PETER WELCH

**Question 1:** I am appreciative of the \$9 million grant from the COPS Office that the Vermont Department of Public Safety received in 2023 that is currently being implemented. The grant will allow the Department to make much needed improvements to radio networks used by first responders in Vermont, particularly benefitting our rural communities.

In 2022, San Bernardino County, California received \$1.25 million in federal funding under the COPS Hiring Program to hire additional police officers. That followed \$3.3 million the department received in 2021 and \$5.4 million in 2020. On September 27, 2022, San Bernardino County deputies shot and killed Savannah Graziano. Ms. Graziano was a 15-year-old kidnapping victim the department was actually looking for. She was shot while following the deputies' instructions to move towards them following a traffic stop of her kidnapper. The San Bernardino County Sheriff's Office refused to release the body worn camera of the incident for 18 months. The cameras showed Ms. Graziano following officers' instructions.

- a. Are you aware if any of the deputies that killed Ms. Graziano were hired under the COPS Hiring Program grants for the San Bernardino County Sherriff's Office?

**Response:** COPS Hiring Program funding is used for the entry-level salaries and benefits of newly hired or rehired officers. The COPS Office does not collect the names of the officers hired with COPS Office funding.

**Question 2:** Has any employee of the COPS Office contacted the San Bernardino County Sheriff's Office regarding this shooting in relation to the grant awards?

**Response:** No.

**Question 3:** Does the COPS program require departments that receive grants to publicly release body worn camera of officer-involved shootings?

**Response:** COPS Office programs do not require grantees to publicly release body worn camera footage.

**Question 4:** Does COPS promulgate best practices related to body worn cameras and the release of footage related to officer-involved shootings?

**Response:** In 2014, the COPS Office funded a project with the Police Executive Research Forum that provided comprehensive policy recommendations that, at the time, reflected promising practices and lessons learned. Currently the Department's OJP Bureau of Justice Assistance administers the Body-Worn Camera program, which includes providing guidance, toolkits, and assistance.

**Question 5:** If yes to Question #4, please provide copies of all related materials.

**Response:** The policy recommendations can be found here:  
<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p296-pub.pdf>

Information about the Bureau of Justice Assistance’s Body-Worn Camera program can be found here: [Body-Worn Camera Partnership Program | Overview | Bureau of Justice Assistance \(ojp.gov\)](#)

In 2020, the Memphis Police Department received \$9.8 million in COPS funding to hire additional police officers. In January 2023, members of Memphis Police Department’s SCORPION unit killed Tyre Nichols when they tasered, punched, kicked, and hit him with a baton. All of this was captured on video and the officers were charged with murder. The SCORPION unit was made up of inexperienced officers that routinely used excessive force against young black men. The Department is currently investigating the City of Memphis and the Memphis Police Department for a pattern or practice of excessive force, unlawful stops, searches and arrests, discriminatory policing, and violations of the Americans with Disabilities Act.

**Question 6: Are you aware if any of the officers charged with murdering Tyre Nichols were hired under the COPS Hiring Program grants for the Memphis Police Department?**

**Response:** COPS Hiring Program funding is used for the entry-level salaries and benefits of newly hired or rehired officers. The COPS Office does not collect the names of the officers hired with COPS Office funding.

**Question 7: Has any employee of the COPS Office contacted the Memphis Police Department regarding the death of Tyre Nichols in relation to the grant awards?**

**Response:** No. But it is important to note that the COPS Office is providing the Memphis Police Department with technical assistance to improve their use of force and de-escalation process training and leadership training. This assistance does not involve an investigation into or review of this specific case.

**Question 8: Does the COPS Hiring Program prohibit funding to departments that are under investigation by the Department of Justice? Why or why not?**

**Response:** The COPS Office may extend awards to applicants under investigation, but, when necessary and appropriate, does so with conditions such as cooperation with a Department investigation. At the request of the Civil Rights Division, the COPS Office has placed “red flags” and “yellow flags” on awards. For red flag scenarios, the COPS Office makes an award, but conditions the release of funding based on the agency’s cooperation in a civil rights investigation. For “yellow flag” scenarios, the COPS Office advises the grantee that the COPS Office is aware that the agency is cooperating in a civil rights investigation and that their continued cooperation is needed for the continuation of the award.

**Question 9: Does the COPS Hiring Program condition or seek a return of funding if a department is placed under investigation by the Department of Justice during the period of a COPS Hiring Program grant?**

**Response:** Termination of funding for a COPS Hiring Program award would be based on a noncompliance finding with an award term or condition. The return of funding would be based on an agency using funds for an unallowable purpose under the award. The COPS Office would not request the return of funding based on the launch of an investigation but could seek a return based on the outcome of an investigation, if it is found that award funds were used in violation of grant terms and conditions.

**Question 10: From 2020 to 2023, the Minneapolis Police Department received \$2.8 million in federal COPS grants to hire police officers. Yet in 2023, the Department of Justice announced they found the Minneapolis Police Department engaged in a pattern of violating the U.S. Constitution and Federal law. They are now under a consent decree to be independently monitored.**

**Does the COPS Hiring Program prohibit funding to departments that are subject to a consent decree with the Department of Justice?**

**Response:** The COPS Office may extend awards to applicants under investigation. At the request of the Civil Rights Division, the COPS Office has imposed a special condition on an award that conditions the release of funding based on the agency's cooperation in a civil rights investigation.

There are often the agencies that may indeed have a great need for that funding to advance their community policing efforts. But any funding of these agencies occurs only after consultation with other Department components. It is important to note that an agency subject to an "active pattern or practice investigation" is just that: an investigation; and our grant funding in no way interferes with the requirements of a court order (i.e., an agency under a consent decree) and often the terms require the agency to implement reforms that can require substantial resources.

**Question 11: If a police department is placed under a consent decree during a period of their COPS Hiring Program grant, as in Minneapolis, does the COPS Office condition or seek a return on funding to the department?**

**Response:** When necessary and appropriate, the COPS office can include conditions on the grant such as cooperation with the Department's investigation.

**Question 12: In October 2022, the New York City Police Department received a COPS Hiring Program grant worth \$8.3 million lasting five years. This followed a COPS Hiring Program grant that ended in 2023 worth \$11.6 million. The New York City Police Department also has a long history of police misconduct. In just the last six years, they have paid more than \$500 million in settlements for that misconduct.**

**Does the COPS Office investigate or require grantee reporting of whether any officers hired through these COPS Hiring Program grants are defendants in settled misconduct lawsuits?**

**Response:** No. COPS Hiring Program funding is used for the entry-level salaries and benefits of newly hired or rehired officers. The COPS Office does not collect the names of the officers hired with COPS Office funding.

**Question 13:** On May 24, 2022, the community of Uvalde, Texas experienced an unspeakable tragedy. 19 students and two teachers were murdered, and the community will never be the same. The COPS office led the DOJ’s Critical Incident Review of that tragedy and issued a comprehensive 610-page report. The report found that despite there being approximately 375 responding law enforcement officers, poor training and unclear policies led to deadly delays in stopping the shooter. Some of those 375 officers were from departments that had received COPS grants. The report contained many recommendations, but one of them is incredibly simple: “Every agency must have a clear and concise policy on responding to active attacker situations.”

**Does the COPS Office have the authority to set or modify requirements for COPS grants eligibility?**

**Response:** Yes. The COPS Office implements all eligibility requirements set forth by statute or the appropriations act and has programmatic discretion to set priority considerations for funding.

**Question 14:** Can you confirm that having an active shooter policy is now a requirement for departments before they are eligible for further COPS grants?

**Response:** Active shooter policies are not an eligibility requirement for COPS Office grant awards. However, the COPS Office administers widely recognized active shooter training to law enforcement agencies across the country through our Preparing for Active Shooter Situations (PASS) Program.

**Question 15:** If no to Question #14, should Congress pass legislation to require that COPS grantees implement COPS Office recommendations that emerge from tragedies such as these?

**Response:** The COPS Office does not have a policy position on legislation being considered by Congress – that comes in the form of Statements of Administration Policy.

**Question 16:** On May 25, 2022, President Biden signed Executive Order 14074, entitled “Advancing Effective, Accountable Police and Criminal Justice Practices to Enhance Public Trust and Safety.” The order laid out a set of policies regarding federal law enforcement. During your testimony on April 10, 2024, you stated the COPS Office uses policies contained in Executive Order 14074 when evaluating grant applications for the COPS Hiring Program to determine whether they have similar policies.

**Please provide a list of all criteria contained in Executive Order 14074 used by the COPS Office when assessing grants for the COPS Hiring Program.**

**Response:** Please find a copy of the DOJ Inventory of Federal Policing Priorities and the FY 2024 COPS Hiring Program Application Questions attached.

**Question 17: Are the criteria treated as mandatory?**

**Response:** No.

**Question 18: If no to Question #17, how are these criteria used when assessing grants for the COPS Hiring Program?**

**Response:** Agencies responding to a series of questions aligned with EO 14074 are given priority consideration during the application review process.

**Question 19: How many grant awardees have similar policies to all of the policies contained in Executive Order 14074?**

**Response:** The Department has recently expanded its list of questions related to its Inventory of Federal Policing Priorities and COPS will be better able to address this question following the FY 2024 award cycle.

**Question 20: How many grant awardees have similar policies to some of the policies contained in Executive Order 14074?**

**Response:** The Department has recently expanded its list of questions related to its Inventory of Federal Policing Priorities and COPS will be better able to address this question following the FY 2024 award cycle.

**Question 21: How many grant awardees have none of the policies contained in Executive Order 14074?**

**Response:** The Department has recently expanded its list of questions related to its Inventory of Federal Policing Priorities and will be better able to address this question following the FY 2024 award cycle.

**Question 22: Please provide a list of the departments that received COPS Hiring Program grants that only have some or none of the policies contained in Executive Order 14074.**

**Response:** The Department has recently expanded its list of questions related to its Inventory of Federal Policing Priorities and will be better able to address this question following the FY 2024 award cycle.

**Question 23: On January 18, 2024, I sent a letter, along with Chair Durbin, Senator Warnock, and 15 other Senators, to Attorney General Merrick Garland concerning the use**

of DOJ-funded facial recognition technology and whether it may violate Title VI of the Civil Rights Act, which prohibits discrimination under any program or activity receiving Federal financial assistance. The letter asked a series of questions regarding DOJ's oversight of these technologies and its compliance with Title VI. To date, we have not received a response from DOJ.

**Are you aware of whether any COPS grant recipients have used funding for facial recognition technology or other forms of biometric technology, including grant recipients who collect any information through federally funded technologies that can later be used in facial recognition or other biometrics technologies?**

**Response:** For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.

**Question 24: Has the COPS Office received requests from law enforcement agencies to purchase facial recognition or other biometric technologies using federal funding?**

**Response:** For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.

**Question 25: Has the COPS Office analyzed the extent to which federal grant recipients who use facial recognition technology and other forms of biometric technology are complying with or violating the Civil Rights Act of 1964 or other federal civil rights laws?**

**Response:** For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost. All COPS Office grantees are required to comply with federal civil rights laws and OCR is delegated the responsibility to ensure their compliance.

**Question 26: What practices and policies does the COPS Office have in place to ensure that its programs audit new biometric technologies, engage in proper oversight of their deployment, and do not violate any relevant constitutional or statutory federal civil rights protections?**

**Response:** For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.

**Question 27: Does the COPS Office engage in interagency coordination with regard to Title VI compliance for programs receiving funding for facial recognition tools and other biometric technologies? If so, in what forms?**

**Response:** For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.

**Question 28: What, if any, training is provided by the COPS Office to state and local law enforcement on the use of facial recognition technology or other biometric technologies to ensure compliance with Title VI or other federal laws, as applicable?**

**Response:** The COPS Office does not provide training on the use of facial recognition or other biometric technologies. For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.

**Question 29: What, if any, policies or trainings are provided by the COPS Office to state and local law enforcement with respect to applicable Fourth Amendment protections related to facial recognition or biometric technologies?**

**Response:** The COPS Office does not provide training on the use of facial recognition or other biometric technologies. For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.

**Question 30: What, if any, training is provided by the COPS Office to state and local law enforcement agencies that receive facial recognition results or other biometric technologies results from federal law enforcement agencies?**

**Response:** The COPS Office does not provide training on the use of facial recognition or other biometric technologies. For COPS Office programs that fund equipment and technology, biometric technology, which includes facial recognition, is listed as an unallowable cost.

## QUESTIONS FROM SENATOR THOM TILLIS

**Question 1: Director Clements, last Congress, I had the opportunity to work in a bipartisan manner to enact the Bipartisan Safer Communities Act (BSCA). Under this legislation, \$100 million in funding was provided to School Violence Prevention Program (SVPP) that is administered by your office. What is status of this funding? Has it been distributed to law enforcement agencies, schools, and local government agencies?**

**Response:** BSCA allocates \$100 million in funding from FY2022 through FY2026. The \$40 million from FY2022 and FY2023 was awarded to law enforcement agencies, school districts, and other state and local government agencies as part of each respective year's annual SVPP solicitation. The COPS Office will continue this practice in FY2024 and beyond.

**Question 2: Has the COPS Office faced any hurdles or red tape when it comes to awarding SVPP funds? If so, are there any initial actions that Congress can take to streamline the process?**

**Response:** No, the COPS Office has not faced difficulties in implementing SVPP. The only concern is that the demand for funding far exceeds the amount of grant funding available.

**Question 3: As you many, law enforcement across the country, including North Carolina are dealing with recruitment and retainment issues. Aside from additional funding, what other efforts should Congress look at to assist local enforcement to address the hiring and recruitment challenges?**

**Response:** Increasing or eliminating the \$125,000 per officer cap under CHP could assist local law enforcement with addressing their hiring and recruitment challenges. As of 2022, the average sworn officer salary in the United States was about \$90,500 per year. However, the federal share of a COPS Hiring Program grant would generally only on average only covers \$41,677 of an officer's salary (dividing the \$125,000 per officer over the three years of program funding). Therefore, in effect, this would be result in a 54 percent local match, which is considerably more than the 25 percent local match that is required, unless waived due to severe fiscal distress. Based on a forum the COPS Office hosted with law enforcement on recruitment and retention efforts, there are a number of areas in which law enforcement professionals feel that government assistance would be helpful. These include:

- Consensus among meeting participants that eligibility requirements for hiring need to be updated to reflect a more modern culture. Participants at the convening identified the usefulness and supported the development of a national standard for police hiring developed by accrediting bodies.
- With workers placing an increased value on work-life balance, agencies should explore nontraditional benefits and incentives. Agencies should also consider benefits for those who have reached retirement, especially including behavioral health and well-being and health care options for retirees younger than 65 who have not yet qualified for Medicare.



Government assistance in supplementing these incentives would allow for the lowering of costs for individual agencies.

- Wellness programs should be developed and expanded to go beyond addressing physical health; they should incorporate mental and emotional well-being. Possible government funding was suggested to support research on the effectiveness of various resources on mental health and wellness, as well as to support comprehensive wellness and peer support programs.
- Confidentiality is vital during law enforcement interactions with those providing mental health support, whether through peer support programs or visits with culturally competent mental health providers. Another key participant recommendation was legislation that guarantees confidentiality for all law enforcement (not just Federal), thereby ensuring that information officers provide when they are the most vulnerable is protected.
- Government can also assist in public-facing campaigns to offer a realistic portrayal of the profession. This effort could also involve allocating resources to create training and toolkits for community engagement and to evaluate the effectiveness of these materials.
- Fellowships and similar programs offer unique opportunities to officers from all backgrounds and may give voice to those who otherwise may not be represented among law enforcement leadership. Governments may consider providing funding for fellowship programs and microgrants to address diversity issues in communities.
- Departments should consider reaching out to higher education institutions to find ways to collaborate. Agencies can work with local higher education institutions to review existing criminal justice curricula to increase compatibility with law enforcement careers by making sure coursework has real-world applicability; work to develop courses specific to law enforcement careers, such as those that concentrate on legal concepts and the interpretation of case law; or develop full degree programs focused on preparing students to become officers, similar to premedical degrees. One proposed option is creating a four-year program in which participants attend undergraduate classes for the first three years and go into field training during the fourth year once they reach 21 years of age. Upon graduation, participants have an undergraduate degree and proceed to a career in law enforcement. Government may consider funding to support these types of educational programs.

**Question 4: On May 25, 2022, President Joe Biden issued an Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety. Has this executive order created any unintended consequences for law enforcement departments? How is the COPS Office ensuring that smaller departments that are facing staff shortages are not being penalized by the stringent reporting requirements?**

**Response:** This order has not created unintended consequences because the Executive Order does not impose requirements on local law enforcement. Agencies applying for COPS grant

funding can receive additional priority consideration when applying for the competitive grant programs if they respond to the series of questions aligned with the Executive Order.