

THE “COPS” PROGRAM

How Did Cities and Counties Spend Their Current-Year COPS Funds, and Should the Legislature Appropriate Another \$100 Million for the Program?

Summary

Promoting public safety is a high priority of California local governments. Cities and counties spend over \$7 billion on law enforcement, prosecution, and jails. As local budgets have been strained by the recession and property tax shifts, however, concern has been voiced as to whether local governments are able to fund local public safety adequately. Last year, the Legislature created the Citizen’s Option For Public Safety (COPS) program to augment city and county “front line” law enforcement expenditures and appropriated \$100 million (General Fund) for the program.

This write-up reviews local government COPS expenditures in the current year—and makes recommendations regarding the program’s budget proposal. In terms of the current year, we find little data on how local governments spent their COPS funds. From the information available, however, it appears that most cities and counties spent their funds for one-time purposes, particularly equipment purchases.

In considering the \$100 million proposed for the program in the budget year, we recommend that the Legislature first focus on its goals for the program. If the Legislature’s primary objective is to augment local public safety expenditures, we recommend that the Legislature redirect COPS funding to a state-local public safety program with the following attributes:

- The program is targeted to achieve specific statewide objectives.*
- Funds are allocated on a competitive basis.*
- Local program success is evaluated.*
- Evaluations are shared with other public safety agencies.*

Alternatively, if the Legislature’s objective is to provide local fiscal relief, we recommend that the Legislature create a simple relief program that provides maximum flexibility to local governments.

INTRODUCTION

Last year the Legislature enacted Chapter 134 (AB 3229, Brulte), creating the Citizen's Option for Public Safety Program—COPS. Under this program, counties and cities receive state funds, on a population basis, to augment public safety expenditures. The *1996-97 Budget Act* (Item 9210) provided \$100 million (General Fund) for COPS. The Governor's Budget proposes to continue this same level of program funding.

Under the terms of Chapter 134, the proposed \$100 million of COPS funds would be allocated as follows:

- \$12.5 million to district attorneys for criminal prosecution.
- \$12.5 million to sheriffs for county jail construction and operation.
- \$75 million to cities and counties for front line law enforcement.

Chapter 134 requires cities and counties to comply with a wide array of oversight, accounting, and reporting requirements regarding COPS funds. Figure 1 summarizes these requirements.

HOW WERE COPS FUNDS SPENT IN 1997-98?

Little Data on COPS Expenditures

At this time, there are no composite reports available for the Legislature to review how local governments spent their COPS funds in the current year. Similarly, staff at the Department of Finance inform us that they collected no statewide information on the subject.

In order to provide some review of this \$100 million General Fund expenditure, we requested information from various local governments and statewide public safety associations, and reviewed local government minutes and agendas available on the World Wide Web. We discuss our findings below.

Most Money Appears to Have Been Spent for One-Time Purposes

Many cities and counties spent their 1996-97 COPS funds on one-time expenditures, such as purchasing safety equipment or information technology. For example, the City of Menlo Park used its \$71,000 of COPS funds to buy 17 lap top computers and three mobile radar units, and the

City of Redding used its \$178,000 of funds to pay part of the costs of a mobile data system for its patrol cars. Other local governments used their funds to renovate facilities. For example, Amador County spent its \$13,000 of jail funds to double bunk jail cells.

Figure 1

Citizen's Option For Public Safety (COPS) Program Local Government Responsibilities



Oversight responsibilities

- **Approval Process.** The COPS funds must be spent in accordance with written requests from the district attorney, sheriff, or police chief. Each city and county must hold a public hearing, apart from its usual budget hearings, to decide how to spend COPS funds.
- **Oversight Committee.** Local governments in every county must create a Supplemental Law Enforcement Oversight Committee (SLEOC). Membership consists of: the county executive officer, district attorney, sheriff, and one city manager and police chief. (City representatives are determined by a selection committee.) At least annually, the SLEOC must review local government expenditures of COPS funds to ensure statutory compliance. The report shall be made available to the public.



Accounting and reporting responsibilities

- **Special Funds.** Each county auditor and city treasurer must create a separate COPS fund. County auditors must allocate COPS monies to cities, the sheriff and district attorney.
- **Expenditure Reports.** Each county auditor and city treasurer must provide monthly and annual reports on COPS expenditures to their SLEOC, local governing board, and their sheriff or police chief.
- **Investment Reports.** Each county auditor and city treasurer must provide monthly reports on COPS funds investments to the police chief, or sheriff and district attorney.

In many cases, local government officials considered using COPS funds to hire staff or make other permanent additions to their budgets, but opted instead to use the money for one-time purposes, given the uncertainty regarding future COPS funding. Contra Costa and Alameda Counties, for example, used their COPS funds to enter into an annual

lease for a helicopter to enhance their patrol operations, rather than commit to a long-term expenditure.

Some Local Government Used Money to Hire Staff

Our review found some cities and counties that used their COPS funds to pay for police officers, deputy sheriffs, or other personnel. Frequently, however, we found that these positions were hired under the federally funded “Cops on the Beat” Program—and the local government used their state COPS money to pay the required match. In other cases, law enforcement staff was hired on a less-than-permanent basis.

Additional State Costs to Fund COPS Mandate Is Likely

In response to concerns that local governments might spend COPS funds on purposes other than public safety, the Legislature created an extensive administrative structure for the program (described in Figure 1 on the previous page). Our review indicates that these oversight, reporting and accounting requirements created a state-mandated local program, potentially eligible for reimbursement under Article XIII B of the California Constitution. Although no mandate test claim has been filed yet with the Commission on State Mandates, such a claim may be filed in the budget year. This mandate issue could be eliminated by making receipt of any COPS funds contingent on local governments meeting the above requirements.

WHAT SHOULD THE LEGISLATURE DO?

In considering the budget request for COPS, we recommend that the Legislature examine its objectives for this program. Specifically, does the Legislature consider the primary objective of this program to be augmenting local public safety or providing local fiscal relief? We discuss each objective below.

Augmenting Local Public Safety

If the Legislature’s primary objective for the COPS program is to augment local public safety efforts, we recommend that the Legislature evaluate this program in comparison with other programs with similar objec-

tives. Figure 2 summarizes some of these programs, their funding in the current year, and their key attributes from a statewide standpoint.

Figure 2				
State-Local Public Safety Programs				
Program/Funding In Current Year^a	Targeted To Specific Statewide Objectives?	Evaluation Required?	Information Sharing?	Competitive Allocation?
Juvenile Justice Challenge Grants (\$50 million in Item 5430)	Yes	Yes	Yes	Yes
Targeted Truancy (\$10 million in Chapter 200, Statutes of 1996)	Yes	Yes	Yes	Yes
Repeat Offenders (\$3.5 million in Item 5430)	Yes	Yes	Yes	No
Byrne Memorial Anti-Drug Grant Program (\$63 million in Item 8100)	Yes	No	Yes	Yes
Peace Officer Training (\$41 million in Item 8120)	Yes	Yes	Yes	No
Local Custodial Officer Training (\$12 million in Item 5430)	Yes	Yes	Yes	No
COPS (\$100 million in Item 9210)	No	No	No	No

^a The Governor's budget does not include funding for all of these programs in 1997-98.

In general, our review indicates that these other public safety programs have important attributes the COPS program lacks. For example, the Juvenile Justice Challenge Grant program (established by Chapter 133, Statutes of 1996—SB 1760, Lockyer) focuses on a specific statewide objective: reducing juvenile crime. Local expenditures of state grant funds are evaluated for their effectiveness. Information on multidisciplinary approaches to reduce juvenile crime is to be made available to other local governments, thus helping to inform local law enforcement officials about programs that work. Finally, the Juvenile Justice Challenge grant program's funds are awarded on a competitive basis, a process that generally results in funds being used for the most

promising programs. The Targeted Truancy, Repeat Offender programs, the Byrne Memorial Anti-Drug Grant, and the local law enforcement training programs also share many of these attributes.

How Does the COPS Program Compare?

Our review indicates that the structure of the current COPS program does not compare favorably with these other public safety programs. Specifically, there is no ongoing mechanism for evaluating the effectiveness of COPS expenditures or sharing this information with other local governments. In addition, COPS funds are allocated to local governments on a per capita basis, not on the merits of their expenditure proposals. Finally, while the COPS funds may be spent on important local public safety priorities, the program is not oriented towards achieving any specific statewide objective.

For these reasons, if the Legislature wishes to provide funding for a local public safety program, we recommend the Legislature consider augmenting one of the existing programs shown in Figure 2, rather than funding COPS. For example, the Legislature could extend or increase one of the grant programs, or fully fund the training programs so that all applicants can be served. Alternatively, the Legislature may wish to create a new program that includes the elements discussed above, or revamp the existing COPS program accordingly. At a minimum, we recommend that the Legislature modify the COPS program to make sure that the program's administrative structure does not impose a reimbursable mandate.

Fiscal Relief Objective

Alternatively, if the Legislature's primary objective for the COPS program is to provide local governments additional funds to meet high priority needs and preferences, a simpler program could achieve the same result. For example, the Legislature could reduce the amount of property taxes cities and counties are required to shift to schools by \$100 million. As we explain in the write-up on the property tax shift in this part of the *Perspectives and Issues*, such an action would increase local government's ongoing property tax revenues by a like amount, allowing local governments to allocate these additional local revenues to high-priority programs. (The state costs associated with this option would be \$100 million in the budget year.)

Similarly, the Legislature could provide fiscal relief to local governments by paying for programs (in whole or in part) currently adminis-

tered by local governments (such as general assistance), or by providing a simple general purpose subvention.

The advantage of any of these fiscal relief approaches is that local government could use the revenues (or savings) flexibly, to meet high priority needs of the community.

Cities and Counties May Fund Different Public Safety Programs

Given the high interest in public safety programs, it is likely that most local governments would use a significant portion of any fiscal relief for this purpose. Local expenditures might be somewhat different than the expenditures permitted under the COPS program, however. For example, Los Angeles County could use *all* of its local relief funds for operation of the Twin Towers jail facility (a high local priority), rather than only a portion as permitted under the COPS program. Similarly, other local governments may prefer to use some of their local relief funds for probation services for offenders being supervised in the community, substance abuse treatment or mental health care for inmates, or multi-jurisdictional narcotics task forces. None of these uses of funds is permitted under the current COPS program.

Summary of Recommendations

We recommend that the Legislature determine whether its primary objective for the COPS program is augmenting local public safety expenditures, or providing local fiscal relief. If the Legislature wishes to augment local public safety programs, we recommend the Legislature use the \$100 million proposed under Item 9210 for a public safety program in which funds are allocated on a competitive basis, expenditures are evaluated, information is shared with the local government law enforcement community, and important statewide objectives are targeted. Our review indicates that the COPS program, as currently structured, does not meet these criteria.

Alternatively, if the Legislature's objective regarding the COPS program is to provide fiscal relief, we recommend that the Legislature provide this relief in a more direct and flexible fashion, such as by reversing a portion of the property tax shift.
