

117TH CONGRESS
2D SESSION

S. 4749

To improve grants administered by the Office of Community Oriented Policing Services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2022

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To improve grants administered by the Office of Community Oriented Policing Services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “COPS Responsible Ad-
5 ministration and Management Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Office of Community Oriented Policing
9 Services (referred to in this section as the “COPS
10 Office”) was established within the Department of

1 Justice pursuant to the Violent Crime Control and
2 Law Enforcement Act of 1994 (Public Law 103–
3 322; 108 Stat. 1796) in order to provide grant fund-
4 ing to law enforcement agencies to improve policing
5 and add 100,000 police officers to law enforcement
6 agencies across the United States.

7 (2) Since 1994, the COPS Office has distrib-
8 uted more than \$14,000,000,000 to more than
9 13,000 State, local, and Tribal law enforcement
10 agencies to fund the hiring and redeployment of
11 more than 135,000 law enforcement officers under
12 the program established under part Q of title I of
13 the Omnibus Crime Control and Safe Streets Act of
14 1968 (34 U.S.C. 10381 et seq.) (referred to in this
15 section as the “COPS program”).

16 (3) For fiscal year 2022, Congress appropriated
17 \$246,000,000 for the COPS Hiring Program under
18 section 1701(b)(2) of title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968 (34 U.S.C.
20 10381(b)(2)) (referred to in this section as the
21 “CHP”).

22 (4) The total amounts appropriated for the
23 COPS programs has steadily increased over the last
24 several years from \$222,000,000 for fiscal year
25 2017 to \$512,000,000 for fiscal year 2022, adding

1 to the administrative of responsibilities and workload
2 of the COPS Office.

3 (5) For fiscal years 2021 and 2022, in addition
4 to continued funding for the CHP, COPS Office
5 grants were awarded for a wide variety of purposes
6 for law enforcement agencies to improve public safe-
7 ty and implement best practices.

8 (6) In authorizing COPS program funding at
9 increasing levels each year, Congress is obligated to
10 monitor how these Federal dollars are invested and
11 that funds are spent as effectively as possible to
12 carry out the goals of the COPS program.

13 (7) As the COPS program has expanded to pro-
14 vide increased funding for public safety, the critical
15 need to dedicate resources to administering this pro-
16 gram, overseeing its implementation, and tracking
17 its efficacy becomes more pressing. Law enforcement
18 agencies will likely need more resources to comply
19 with accountability requirements as additional law
20 enforcement officers are hired and training pro-
21 grams are made more robust.

22 (8) The Federal Government should be invest-
23 ing in evidence-based, proven training strategies that
24 will make the communities of the United States
25 safer. Yet, many training techniques have not been

1 sufficiently studied or do not empirically reduce use
2 of force incidents.

3 (9) When local law enforcement agencies receive
4 Federal funding, they must comply with civil rights
5 laws.

6 (10) It is the duty of Congress to—

7 (A) ensure the accountability of recipients
8 of Federal funds;

9 (B) manage taxpayer dollars in a respon-
10 sible and efficient manner; and

11 (C) prevent Federal dollars from sup-
12 porting policing, or any other practices, that
13 violate the civil and constitutional rights the
14 people of the United States.

15 (11) It is the duty of Congress to ensure that
16 Federal funds are invested in effective law enforce-
17 ment training techniques and technologies that—

18 (A) reduce negative or dangerous encoun-
19 ters between communities and police, including
20 use of force incidents;

21 (B) increase the diversion to mental health
22 and other social service of calls for service; and

23 (C) improve public safety.

1 (12) The COPS Office does not evaluate its
2 programs or grant awards to ensure investments in
3 activities that—

4 (A) improve police relationships with com-
5 munities; and

6 (B) reduce negative or dangerous inter-
7 actions between law enforcement officers and
8 the public, including use of force incidents.

9 (13) Congress must act to remedy this lack of
10 oversight and ensure that—

11 (A) the COPS program is operating in an
12 effective way; and

13 (B) funds are invested in activities that
14 promote and enhance public safety and respect
15 the dignity and rights of all people.

16 (14) To ensure the efficient administration and
17 responsible management of the COPS program,
18 Congress must provide the Department of Justice
19 sufficient resources to achieve these goals.

20 (15) Accountability and transparency in law en-
21 forcement and all other government activities are es-
22 sential to a healthy democracy and a functional sys-
23 tem of public safety. Providing the Department of
24 Justice and law enforcement agencies with the re-
25 sources to implement, monitor, and optimize policing

1 strategies will improve both community safety and
2 public trust in law enforcement.

3 **SEC. 3. EVALUATION OF THE ADMINISTRATION OF THE**
4 **COPS OFFICE GRANT PROGRAM.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Director of the Office of Management and
7 Budget shall—

8 (1) conduct a review of the grant program es-
9 tablished under section 1701 of title I of the Omni-
10 bus Crime Control and Safe Streets Act of 1968 (34
11 U.S.C. 10381), including a review of grants used for
12 the purpose described in subsection (b)(2) of that
13 section, to assess—

14 (A) the efficiency of the administration of
15 the program, including the processes for devel-
16 oping and drafting solicitations, reviewing grant
17 applications, and choosing grant recipients; and

18 (B) the oversight of grant awards, includ-
19 ing—

20 (i) audits of grant awards;

21 (ii) a verification that funds are used
22 for the approved program activities;

23 (iii) reporting requirements and anal-
24 ysis of information reported by grant re-
25 cipients;

1 (iv) evaluation of the outcomes and
2 impacts of the grant program across demo-
3 graphic categories; and

4 (v) other performance metrics use to
5 assess the effectiveness of program activi-
6 ties in achieving the stated goals of—

7 (I) improving community rela-
8 tionships; and

9 (II) the reduction of negative or
10 dangerous interactions between law
11 enforcement officers and the public,
12 including use of force incidents;

13 (2) conduct a review of all Federal grant pro-
14 grams to identify duplicative grants; and

15 (3) submit to the Attorney General, the Com-
16 mittee on the Judiciary of the Senate, and the Com-
17 mittee on the Judiciary of the House of Representa-
18 tives a report that—

19 (A) summarizes the findings of the reviews
20 performed under paragraph (1) and (2);

21 (B) makes recommendations to enhance
22 the administration, oversight, transparency and
23 management of the grant program described in
24 paragraph (1); and

1 (C) identifies duplicative grants and makes
2 recommendations for the consolidation or dis-
3 continuation of grant programs where possible.

4 **SEC. 4. EFFECTIVENESS OF GRANTS.**

5 (a) EVALUATION PLAN.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, Director of the
8 Office of Management and Budget, in consultation
9 with appropriate experts and stakeholders, shall de-
10 velop a plan for the Office of Community Oriented
11 Policing Services to evaluate the effectiveness of
12 grants awarded under section 1701 of title I of the
13 Omnibus Crime Control and Safe Streets Act of
14 1968 (34 U.S.C. 10381) in achieving—

15 (A) the goals and objectives of improving
16 public safety through a reduction in negative or
17 dangerous interactions between law enforcement
18 officers and the public, including use of force
19 incidents; and

20 (B) compliance with Federal law.

21 (2) CONTENTS.—The plan developed under
22 paragraph (1) shall—

23 (A) establish—

1 (i) implementable reporting require-
2 ments for the purpose of assessing grant-
3 funded activities;

4 (ii) performance metrics that—

5 (I) promote compliance with civil
6 and human rights law and principles;

7 (II) reduce negative or dangerous
8 interactions between law enforcement
9 officers and the public, including use
10 of force incidents; and

11 (III) measure the impact of grant
12 activities on communities across de-
13 mographic categories;

14 (iii) the role of components of the
15 Federal Government other than the Office
16 of Community Oriented Policing Services
17 in assisting in the oversight of those
18 grants, including the Office of Manage-
19 ment and Budget, the Office of the Inspec-
20 tor General of the Department of Justice,
21 the Bureau of Justice Statistics, the Bu-
22 reau of Justice Assistance, and the Na-
23 tional Institute of Justice; and

24 (iv) the process for the continued sup-
25 port of promising practices through the de-

1 velopment and testing of innovative strate-
2 gies;

3 (B) build knowledge about effective prac-
4 tices and outcomes;

5 (C) support new, creative approaches to
6 preventing crime and promoting safe commu-
7 nities;

8 (D) include a plan for the discontinuation
9 of grant-funded activities that are in violation
10 of the laws described in section 5(1) or other
11 civil rights laws;

12 (E) include a description of the resources
13 necessary for the Department of Justice and
14 the Office of Community Oriented Policing
15 Services to implement the plan.

16 (b) IMPLEMENTATION OF EVALUATION PLAN.—Not
17 later than 180 days after the date of completion of the
18 plan required under subsection (a)(1), the Attorney Gen-
19 eral, in consultation with the Director of the Office of
20 Management and Budget, the Inspector General of the
21 Department of Justice, the Director of the Bureau of Jus-
22 tice Statistics, the Director of the Bureau of Justice As-
23 sistance, and the Director of the National Institute of Jus-
24 tice, shall implement the plan.

1 (c) FUNDING.—There are authorized to be appro-
 2 priated to the Director of the Office of Community Ori-
 3 ented Policing Services to carry out subsection (b)
 4 \$10,000,000 for each of fiscal years 2023 through 2028.

5 **SEC. 5. CIVIL RIGHTS COMPLIANCE.**

6 Not later than 1 year after the date of enactment
 7 of this Act, and annually thereafter, the Attorney General,
 8 in coordination with the Director of the Office of Justice
 9 Programs, the Director of the Office of Community Ori-
 10 ented Policing Services, and the Director of the Office on
 11 Violence Against Women, shall—

12 (1) conduct a review of the implementation and
 13 administrative enforcement by the Department of
 14 Justice of title VI of the Civil Rights Act of 1964
 15 (42 U.S.C. 2000d et seq.) and section 809(c)(1) of
 16 title I of the Omnibus Crime Control and Safe
 17 Streets Act of 1968 (34 U.S.C. 10228(c)(1)) in con-
 18 nection with Federal financial assistance the Depart-
 19 ment of Justice provides under any grant program;

20 (2) implement a formal review process to ensure
 21 that recipients of grants under section 1701 of title
 22 I of the Omnibus Crime Control and Safe Streets
 23 Act of 1968 (34 U.S.C. 10381) are in compliance
 24 with civil rights laws;

1 (3) establish a system for verifying that an ap-
2 plicant for grants administered by the Department
3 of Justice demonstrate compliance with civil rights
4 laws before the date on which the applicant receives
5 any funds from such a grant;

6 (4) suspend the award of any grant adminis-
7 tered by the Department of Justice to a law enforce-
8 ment agency that does not cooperate with a civil
9 rights compliance review or investigation conducted
10 by the Attorney General, including an investigation
11 conducted pursuant to section 210401 of the Violent
12 Crime Control and Law Enforcement Act of 1994
13 (34 U.S.C. 12601), by rejecting document requests,
14 restricting access to information or data, or other-
15 wise obstructing the review or investigation, until
16 the law enforcement agency—

17 (A) cooperates with the review or inves-
18 tigation; or

19 (B) otherwise demonstrates compliance
20 with the laws described in paragraph (1); and

21 (5) submit to the Committee on the Judiciary
22 of the Senate and the Committee on the Judiciary
23 of the House of Representatives a report summa-
24 rizing the findings of the review conducted under
25 paragraph (1).

1 **SEC. 6. IMPROVING THE COPS GRANT PROGRAM.**

2 (a) USE-OF-FORCE DATA GRANTS.—Not later than
3 1 year after the date of enactment of this Act, the Attor-
4 ney General shall—

5 (1) establish a grant program within the Office
6 of Community Oriented Policing Services to provide
7 grants to law enforcement agencies of States, units
8 of local government, or Tribal governments to pay
9 for the costs associated with participation in the Na-
10 tional Use-of-Force Data Collection of the Federal
11 Bureau of Investigation; and

12 (2) through the Bureau of Justice Assistance,
13 develop and provide technical assistance to law en-
14 forcement agencies of State, units of local govern-
15 ment, or Tribal governments for participation in the
16 National Use-of-Force Data Collection of the Fed-
17 eral Bureau of Investigation.

18 (b) UNIFORMITY IN POLICING POLICIES.—

19 (1) IN GENERAL.—Subject to paragraph (2),
20 the law enforcement agency of a State, unit of local
21 of government, or Tribal government that applies for
22 a grant under section 1701 of title I of the Omnibus
23 Crime Control and Safe Streets Act of 1968 (34
24 U.S.C. 10381) shall certify in the application for the
25 grant that the law enforcement agency has in place

1 a chokehold policy and a no-knock entry policy con-
2 sistent with—

3 (A) Executive Order 14074 (87 Fed. Reg.
4 32945; relating to accountable policing and
5 criminal justice practices); and

6 (B) the policy contained in the memo-
7 randum issued by the Department of Justice on
8 September 13, 2021 entitled “Chokeholds & ca-
9 rotid restraints; knock and announce require-
10 ment”.

11 (2) MORE STRINGENT RULES.—The law en-
12 forcement agency of a State, unit of local govern-
13 ment, or Tribal law enforcement that applies for a
14 grant under section 1701 of title I of the Omnibus
15 Crime Control and Safe Streets Act of 1968 (34
16 U.S.C. 10381) may certify in the application for the
17 grant that the law enforcement agency has in place
18 a policy that—

19 (A) is more stringent than a policy de-
20 scribed in paragraph (1);

21 (B) entirely bans the use of chokeholds or
22 carotid restraints; or

23 (C) entirely bans the use of no-knock en-
24 tries.

1 (c) PREFERENTIAL CONSIDERATION.—In awarding
2 grants under section 1701 of title I of the Omnibus Crime
3 Control and Safe Streets Act of 1968 (34 U.S.C. 10381),
4 the Attorney General shall give preferential consideration
5 to applicants that—

6 (1) participate in the National Use-of-Force
7 Data Collection of the Federal Bureau of Investiga-
8 tion; or

9 (2) have implemented a policy described in sub-
10 paragraph (B) or (C) of subsection (b)(2).

11 (d) FUNDING.—There are authorized to be appro-
12 priated to the Director of the Office of Community Ori-
13 ented Policing Services \$20,000,000 for each of fiscal
14 years 2023 through 2028 to increase staff, hire analysts,
15 establish data collection and review systems, and establish
16 the grant program under subsection (a)(1).

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