

STATE COMMUNITY POLICING PROGRAM

**House Bill 4526 as passed by the House
Second Analysis (8-18-97)**

**Sponsor: Rep. Paul Baade
Committee: Appropriations**

THE APPARENT PROBLEM:

Part Q of Title I of the federal Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322, 108 Stat. 1796), entitled "Public Safety and Community Policy; 'Cops on the Beat,'" authorizes grants to states, local units of government, Indian tribal governments, multi-jurisdictional or regional consortia, and other private and public entities to "increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety." Under the act, \$8.8 billion in grants will be awarded between fiscal year 1994-95 and fiscal year 1999-2000 to eligible applicants. The grants will cover 75 percent of the cost of hiring and training new law enforcement officers, up to a maximum of \$75,000 per officer. The funds may also be used to hire officers who have been laid off, or to hire former members of the Armed Forces, especially in communities that face high unemployment due to the closing of military bases. In addition, the act was later amended to provide grants to local communities for deployment in other community-oriented policing projects, such as new equipment or technology. The purpose of the provisions is to foster stronger ties between local police departments and the communities they serve, and they are based on successful community policing models pioneered by a few communities across the country.

Under the federal act, the Office of Community Oriented Policing Services (COPS) was established in the U.S. Department of Justice to administer the plan. The office disburses grants for four COPS programs: COPS AHEAD (Accelerated Hiring, Education, and Development); COPS FAST (Funding Accelerated for Smaller Towns); COPS MORE (Making Officer Redeployment Effective); and COPS UP (Universal Hiring Program). Of Michigan's 591 police agencies, 386 participate in one or more of these programs. As a result, 1,506 additional community police officers have been hired. The federal act requires that 50 percent of these grants be awarded to communities with populations of less than 150,000. However, some of these small communities can't afford the required 25

percent matching funds. Accordingly, legislation has been

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introduced under which the state would act as a "pass-through" agency and provide the necessary matching funds to enable communities to qualify for grants under the federal program.

THE CONTENT OF THE BILL:

The bill would create the Community Policing Assistance Act, under which a three-year program would be established to provide local governments with matching grants for three years for the purpose of deploying more officers for community policing; and to receive funds under the federal Community Oriented Policing Services Program, according to the provisions of the federal Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322, 108 Stat. 1796). The funds could only be used to hire police officers or sheriff's patrol officers and to purchase technology and equipment, as follows:

State Community Policing Program. The program would be created within the Department of Attorney General to provide a local community with funds to employ police officers (defined under the bill to refer to officers certified under the Michigan Law Enforcement Officers Training Council Act), and to purchase equipment and technology for that purpose. Under the bill, grant funds would provide the matching funds necessary for a local community to receive funds under the federal Community Oriented Policing Services Program, according to the provisions of the federal Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322, 108 Stat. 1796). In addition to administering the act and exercising all reasonable powers to implement the act, the attorney general would be required to review grant applications and determine which applicants would receive grant funds and the amount of grant funds to be distributed to each eligible applicant.

Use of Grant Funds. A local community could use grant funds to hire one or more local police officers or sheriff's patrol officers. If a local community chose to use the funds for sheriff's patrol officers, it would be the sheriff's

responsibility to hire additional officers. A local community could also use grant funds to increase its police force, but could not use them to fund its maintenance police force (defined under the bill to mean the average annual number of police officers on the payroll in a local community from January 1, 1995 through December 31, 1996), nor to hire one or more police officers whose primary functions were administrative.

Community Policing Program Fund. The state treasurer would be required to direct the investment of the fund and to receive money or other assets from any source for deposit into it. Money remaining in the fund at the close of the fiscal year would remain there and would not lapse to the general fund. Money would be expended from the fund by the Department of Attorney General upon appropriation, as follows:

- Grant program funds would be distributed at the beginning of each fiscal year, based on the availability of money.
- The distribution of grant funds would be subject to the following limitations: all grants would be equal to the local community's matching amount, as required by the federal program, and would be consistent with all provisions of the federal Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322, 108 Stat. 1796); and the amount would have to be equal to the cost to the community of a police officer's salary. In addition, total grant funds could not exceed funds for 5,000 full-time police officer salaries, as follows: no more than 1,666 grants could be awarded to local communities in the first fiscal year after the effective date of the bill; no more than 1,667 grants in the second fiscal year; and in the third fiscal year the department could award amounts equal to the first and second fiscal years, but no more than 1,667 additional grants. In addition, if a federal community oriented policing services grants audit showed that grant funding was not being used as prescribed, then the local community would have to reimburse the state for the amount that had been misused.

Annual Reports. A local community would be required to submit a report to the department on the use of its grant for each fiscal year that it received one. The report would have to be in the form required by the attorney general, and include sufficient information to assure that the grants were being expended in compliance with the intent and purpose of the provisions of the bill. The attorney general would compile the reports from local communities, and submit a report to the Senate and House subcommittees on general

government by March 1 after the end of each fiscal year.

FISCAL IMPLICATIONS:

The House Fiscal Agency (HFA) reports that appropriations for the proposed community policing program are included in the Department of Treasury's budget in the general government appropriations bill, Senate Bill 170. Senate Bill 170 includes an appropriation of \$10 million, which will provide matching funds to hire 1,666 new community police officers at a base salary of \$29,000. The bill also includes an appropriation of \$180,000 for three administrative positions. (8-20-97)

BACKGROUND INFORMATION:

Senate Bill 170, which has been enacted and takes effect October 1, 1997, contains provisions for a one-year community policing program, rather than a three-year program. In addition, that bill would establish the state community policing program within the Department of Treasury, rather than the Department of Attorney General. Some of the differences between Senate Bill 170 and House Bill 4526 are as follows:

- State grant funds would provide a portion of the matching funds necessary for local communities to receive funds under the federal community COPS program; of the 25 percent local match required under federal law, the state would provide 20.5 percent and the local units of government 4.5 percent.
- No more than 1,666 community police officers could be hired under the program.
- Priority in state funds would be given to local law enforcement agencies that had ongoing community policing programs.
- Police officers hired under the program would have to receive training through a Michigan Law Enforcement Officers' Training Council-approved program.
- Appropriations would be considered work project amounts, and any unencumbered funding would not lapse to the general fund.

ARGUMENTS:

For:

Community policing involves hiring more police officers, and placing more of these officers on the streets than is currently the practice, especially in economically distressed central cities. The concept envisions less of a focus by police on *reacting* to crime, and more of a focus on *preventing* crime. Essentially, it is believed that, by returning to the custom of having police "walk the beat,"

rather than cruising neighborhoods in patrol cars, police will come to feel that their beat is their neighborhood to protect. Police officers who patrol on foot become so familiar with their neighborhoods that they know who leaves the lights on during the night and who shuts them off. They are better able to identify criminals and know when a particular building is being used for illegal activities. The concept has been adopted successfully in many communities across the country. For example, in East Orange, New Jersey -- one of the communities that successfully implemented community policing before grants were made available under the federal "COPS" act -- police officers took the roughest twelve-block area of the city and made it a "mini-precinct," with an office that was accessible to the local community, and distinct neighborhood beats for every officer. Several Michigan cities, including Lansing, have also implemented this concept. However, since most communities don't have the financial resources to hire the additional police officers needed to accomplish these objectives, the federal COPS program was initiated to provide grants to qualified communities. The provisions of the bill would go farther, by requiring that the state provide the necessary matching funds to enable communities to qualify for these grants. Communities would not be allowed to use grant funding to hire officers whose primary functions would be administrative. Neither could the funding be used to maintain current police forces. In addition, the attorney general's office, which would administer the program, would review annual reports that would be required of each community to assure that funds were not misspent.

Against:

An article appearing in the *New York Times* on January 26, 1994, and printed that day in the *Congressional Record*, contains some criticism of the City of New York's community policing program. The article quoted the results of nearly two dozen internal police reports, prepared between November, 1992, and August, 1993, that analyzed the program. According to these reports, thousands of New York City police officers engaged in community policing did not work late at night and during weekends -- the times that crime is most prevalent. This, and problems with lack of effective training, high turnover, and lack of coordination with other police units, resulted in the program being less effective than its potential suggests. The bill contains little administrative detail to ensure that community policing will be implemented in an effective manner.

Response:

The reports mentioned in the New York Times article were compiled before the introduction of the federal "COPS" act. As specified under this act, this city would have been eligible for matching grants and would also have been encouraged by the federal Office of

Community Oriented Policing Services within the U.S. Department of Justice to adopt new strategies to combat these problems. As an added inducement to communities, House Bill 4526 specifies that a local community that doesn't use its grant funds for the purposes specified under the "COPS" act would have to reimburse the state for the amount misused.

Against:

As written, the bill provides that grant funds be distributed at the beginning of each fiscal year, based on the availability of money. This could result in a community hiring a certain number of new police officers one year, only to have to lay them off in the next fiscal year if no funds were available. The provisions of the bill do not address this potential problem.

POSITIONS:

The Fraternal Order of Police, State Lodge of Michigan, supports the bill. (8-13-97)

The Department of Attorney General generally supports the concept of community policing. However, the department notes that appropriations for the program, which are included in the general government appropriations bill, Senate Bill 170, were transferred from the Department of Attorney General's budget to that of the Department of Treasury. (8-13-97)

The Michigan Townships Association (MTA) does not oppose the bill, but has concerns that the provisions could result in police officers being laid off during the second or third year of the program, depending on whether a community received a grant or not. The MTA is also concerned that, since there are many more small communities than there are large ones, the grants would be awarded mostly to police departments in large urban areas. (8-13-97)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.