

Function 750:  
**Administration  
of Justice**

# Eliminate the Office of Community Oriented Policing Services (COPS)

SAVINGS IN MILLIONS OF DOLLARS

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016-2020	2016-2025
\$248	\$280	\$286	\$292	\$298	\$305	\$311	\$319	\$327	\$336	\$1,404	\$3,002

## Heritage Recommendation:

Eliminate the Office of Community Oriented Policing Services (COPS). This proposal saves \$248 million in 2016 and \$3.0 billion over 10 years.

## Rationale:

Created in 1994, COPS promised to add 100,000 new state and local law enforcement officers on the streets by 2000. Research by The Heritage Foundation has demonstrated that COPS not only failed to add 100,000 additional officers<sup>69</sup> to America's streets, it was also ineffective at reducing crime.<sup>70</sup>

State and local officials, not the federal government, are responsible for funding the staffing levels of police departments. By paying for the salaries of police officers, COPS funds the routine, day-to-day functions of police and fire departments. In *Federalist* No. 45, James Madison wrote:

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

When Congress subsidizes local police departments in this manner, it effectively reassigns to the federal government the powers and responsibilities that fall squarely within the expertise, historical control, and constitutional authority of state and local governments. The responsibility to combat ordinary crime at the local level belongs wholly, if not exclusively, to state and local governments.

The COPS program has an extensive track record of poor performance and should be eliminated. These grants also unnecessarily perform functions that are the responsibility of state and local governments.

## Additional Reading:

- David B. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," Heritage Foundation *Center for Data Analysis Report* No. 06-03, May 26, 2006, <http://www.Heritage.org/research/reports/2006/05/impact-evaluation-of-cops-grants-in-large-cities>
- David B. Muhlhausen, "Byrne JAG and COPS Grant Funding Will Not Stimulate the Economy," statement before the Senate Judiciary Committee, May 12, 2009, <http://www.Heritage.org/research/testimony/byrne-jag-and-cops-grant-funding-will-not-stimulate-the-economy>.



## Calculations:

Savings are expressed as budget authority as reported on page 230 of “Analytical Perspectives, Budget of the United States Government, Fiscal Year 2015, Table 29-1. Federal Programs by Agency and Account,” [http://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/29\\_1.pdf](http://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/29_1.pdf). Budget authority is not provided for 2025, but is assumed to increase at the same rate as the geometric mean of the previous nine years.

# Eliminate Grants within the Office of Justice Programs (OJP)

SAVINGS IN MILLIONS OF DOLLARS

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016-2020	2016-2025
\$1,358	\$1,387	\$1,417	\$1,449	\$1,482	\$1,513	\$1,551	\$1,590	\$1,629	\$1,674	\$7,093	\$15,050

## Heritage Recommendation:

Eliminate state and local grants administered by the Office of Justice Programs (OJP). This proposal saves \$1.4 billion in 2016, and \$15.1 billion over 10 years.

## Rationale:


The majority of the programs under the OJP umbrella deal with problems or functions that lie within the jurisdiction of state and local governments and should therefore be handled by state and local officials. Grants from the OJP are given to state and local governments for many criminal justice purposes, including local police officer salaries, state corrections, court programs, and juvenile justice programs.

To address criminal activity appropriately, the national government should limit itself to handling tasks that state and local governments cannot perform by themselves. The tendency to search for a solution at the national level is misguided and problematic. For example, juvenile delinquents and criminal gangs are a problem common to all states, but the crimes that they commit are almost entirely and inherently local in nature and regulated by state criminal law, law enforcement, and courts. The fact that thefts by juveniles occur in all states does not mean that these thefts are a problem requiring action by the national government.

State and local officials, not the federal government, are responsible for funding the state and local criminal justice programs. OJP subsidizes the routine, day-to-day functions of state and local criminal justice programs. When Congress subsidizes routine state and local criminal justice programs in this manner, it effectively reassigns to the federal government the powers and responsibilities that fall squarely within the expertise, historical control, and constitutional authority of state and local governments. The responsibility to combat ordinary crime at the local level belongs wholly, if not exclusively, to state and local governments.

## Additional Reading:

- David B. Muhlhausen, “Get Out of Jail Free: Taxpayer-Funded Grants Place Criminals on the Street Without Posting Bail,” Heritage Foundation *WebMemo* No. 3361, September 12, 2011, <http://www.Heritage.org/research/reports/2011/09/get-out-of-jail-free-criminals-on-the-street-without-posting-bail>.
- David B. Muhlhausen, “Drug and Veterans Treatment Courts: Budget Restraint and More Evaluations of Effectiveness Needed,” testimony before the Committee on the Judiciary, Subcommittee on Crime and Terrorism of the United States Senate, July 19, 2011, <http://www.Heritage.org/research/testimony/2011/07/drug-and-veterans-treatment-courts-budget-restraint-and-more-evaluations-of-effectiveness-needed>.
- David B. Muhlhausen, “The Second Chance Act: Budget Restraint and More Evaluations of Effectiveness Needed,” testimony before the Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security of the United States House of Representatives, September 29, 2010, <http://www.Heritage.org/research/testimony/the-second-chance-act-budget-restraint-and-more-evaluations-of-effectiveness-needed>.

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- David B. Muhlhausen, “Byrne JAG and COPS Grant Funding Will Not Stimulate the Economy,” statement before the Senate Judiciary Committee, May 12, 2009, <http://www.Heritage.org/research/testimony/byrne-jag-and-cops-grant-funding-will-not-stimulate-the-economy>.
  - David B. Muhlhausen, “The Youth PROMISE Act: Outside the Scope and Expertise of the Federal Government,” testimony before the Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security of the United States House of Representatives, July 15, 2009, <http://www.Heritage.org/research/testimony/the-youth-promise-act-outside-the-scope-and-expertise-of-the-federal-government>.
  - David B. Muhlhausen, “Where the Justice Department Can Find \$2.6 Billion for its Anti-Terrorism Efforts,” Heritage Foundation *Backgrounder* No. 1486, October 5, 2001, <http://www.Heritage.org/research/reports/2001/10/where-the-justice-department-can-find-26-billion>.

### Calculations:

Savings are expressed as budget authority as reported on pages 230–231 of “Analytical Perspectives, Budget of the United States Government, Fiscal Year 2015, Table 29-1. Federal Programs by Agency and Account,” [http://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/29\\_1.pdf](http://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/29_1.pdf). Budget authority is not provided for 2025, but is assumed to increase at the same rate as the geometric mean of the previous nine years.

# Eliminate Violence Against Women Act (VAWA) Grants

SAVINGS IN MILLIONS OF DOLLARS

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016-2020	2016-2025
\$428	\$437	\$447	\$457	\$467	\$447	\$489	\$501	\$514	\$527	\$2,236	\$4,714

## Heritage Recommendation:

Eliminate Violence Against Women Act (VAWA) grants. This proposal saves \$428 million in 2016, and \$4.7 billion over 10 years.

## Rationale:

VAWA grants should be terminated, because these services should be funded locally. Using federal agencies to fund the routine operations of domestic violence programs that state and local governments could provide is a misuse of federal resources and a distraction from concerns that are truly the province of the federal government.

The principal reasons for the existence of the VAWA programs are to mitigate, reduce, or prevent the effects and occurrence of domestic violence. Despite being created in 1994, grant programs under the VAWA have not undergone nationally representative, scientifically rigorous experimental evaluations of effectiveness.

The Government Accountability Office concluded that previous evaluations of the VAWA programs “demonstrated a variety of methodological limitations, raising concerns as to whether the evaluations will produce definitive results.” Further, the evaluations were not representative of the types of programs funded nationally by the VAWA. In addition to The Heritage Foundation and GAO, others have noted that there is virtually no evidence that the VAWA programs are effective.

## Additional Reading:

- David B. Muhlhausen and Christina Villegas, “Violence Against Women Act: Reauthorization Fundamentally Flawed,” Heritage Foundation *Backgrounder* No. 2673, March 29, 2012, <http://www.Heritage.org/research/reports/2012/03/the-violence-against-women-act-reauthorization-fundamentally-flawed/>.
- Paul J. Larkin, Jr., “Send in the Lawyers: The House Passes the Senate’s Violence Against Women Act,” The Daily Signal, March 1, 2013, <http://dailysignal.com/2013/03/01/send-in-the-lawyers-the-house-passes-the-senates-violence-against-women-act/>.
- David B. Muhlhausen, “Violence Against Women Act Gives Grant Money to Misleading Organizations,” The Daily Signal, February 13, 2013, <http://dailysignal.com/2013/02/13/front-group-for-vawa-funded-organizations-gets-the-facts-wrong/>.
- U.S. General Accounting Office, “Justice Impact Evaluations: One Byrne Evaluation was Rigorous; All Reviewed Violence Against Women Office Evaluations Were Problematic,” March 2002, <http://www.gao.gov/assets/240/233527.pdf>.

## Calculations:

Savings are expressed as budget authority as reported on page 231 of “Analytical Perspectives, Budget of the United States Government, Fiscal Year 2015, Table 29-1. Federal Programs by Agency and Account,” [http://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/29\\_1.pdf](http://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/29_1.pdf). Budget authority is not provided for 2025, but is assumed to increase at the same rate as the geometric mean of the previous nine years.

# Reduce Funding for Five Programs in the Department of Justice

SAVINGS IN MILLIONS OF DOLLARS

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2016-2020	2016-2025
\$787	\$790	\$791	\$800	\$819	\$838	\$855	\$879	\$896	\$912	\$3,987	\$8,367

## Heritage Recommendation:

The U.S. Department of Justice has numerous departments and programs with budgets that should be reduced. Specifically:

1. The Civil Rights Division's FY 2014 appropriation of \$144 million should be reduced by 20 percent.
2. The Environmental & Natural Resources Division's FY 2014 appropriation of \$107 million should be reduced by 20 percent.
3. The Community Relations Service's FY 2014 appropriation of \$12 million should be reduced by 50 percent.
4. The Bureau of Alcohol, Tobacco, Firearms & Explosives' (ATF's) FY 2014 appropriation of \$1.179 billion should be reduced by 20 percent.
5. The Discretionary Grants Programs should have a 20 percent reduction from the FY 2014 levels of \$2.096 billion.

These reductions would save \$787 million in 2016, and \$8.4 billion over 10 years.

## Rationale:

A recent report by the Justice Department Inspector General described the Civil Rights Division as a dysfunctional division torn by "polarization and mistrust." It is a division that has waged a war on election integrity and filed abusive lawsuits intended to enforce progressive social ideology in areas ranging from public hiring to public education. Its budget should be significantly cut. For similar reasons, the budget of the Environmental & Natural Resources Division should also be cut, given its collusion in "sue and settle" lawsuits with extremist environmental groups.

The budget of the Community Relations Service (CRS) should be entirely eliminated. Rather than fulfilling its mandate of trying to be the "peacemaker" for community conflicts, the CRS has raised tensions in local communities in recent incidents such as the Zimmerman case in Florida. The ATF's budget should also be decreased to eliminate resources that could be used for reckless operations similar to Operation Fast & Furious. And the Discretionary Grants Programs should be significantly reduced. The Justice Department should concentrate on enforcement of federal law, not act as a budget source or substitute for state and local government or nonprofit organizations with the exception of promising, innovative state programs with measurable results in reducing crime. For similar reasons, the budget of the Office of Justice Programs should also be cut.

## Additional Reading:

- Department of Justice Office of the Inspector General, "Review of the Operations of the Voting Section of the Civil Rights Division," March 2013.
- J. Christian Adams, *Injustice: Exposing the Racial Agenda of the Obama Justice Department* (Regnery Publishing, 2011).
- John Fund and Hans von Spakovsky, *Obama's Enforcer: Eric Holder's Justice Department* (HarperCollins/Broadside, 2014).



## Calculations:

Savings are expressed as budget authority and were calculated by using the FY 2014 enacted spending levels as found in Department of Justice, “Summary of Budget Authority by Appropriation,” May 26, 2014, <http://www.justice.gov/sites/default/files/jmd/legacy/2014/05/26/ba.pdf>. The proposed savings equal the difference between current spending and proposed spending cuts. All spending levels were increased at the same rate as growth in discretionary spending, according to the CBO’s most recent August 2014 baseline.





## Endnotes: Administration of Justice

69. David B. Muhlhausen, "Byrne JAG and COPS Grant Funding Will Not Stimulate the Economy," statement before the Senate Judiciary Committee, May 12, 2009, <http://www.Heritage.org/research/testimony/byrne-jag-and-cops-grant-funding-will-not-stimulate-the-economy>.
70. David B. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," Heritage Foundation *Center for Data Analysis Report* No. 06-03, May 26, 2006, <http://www.Heritage.org/research/reports/2006/05/impact-evaluation-of-cops-grants-in-large-cities>.