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October 20, 2021

The Honorable Matt Cartwright
Chair
House Committee on Appropriations
Subcommittee on Commerce, Justice,
Science, and Related Agencies

The Honorable Robert Aderholt
Ranking Member
House Committee on Appropriations
Subcommittee on Commerce, Justice,
Science, and Related Agencies

Dear Chair Cartwright, Ranking Member Aderholt, and members of the House
Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect civil and human rights in the United States, we write to express our strong concerns with the continued appropriation of the Community Oriented Policing Services (COPS) program, which has existed on autopilot for the last 25 years, as well as the additional funding requested in the president's budget for Fiscal Year 2022. We are disappointed that the Committee's FY22 bill, which includes \$450.88 million dollars for the COPS program, increases funding by over \$64 million above Fiscal Year 2021¹ with no additional oversight for this program.

We are disappointed that in its bill, the committee did not oppose continued or additional funding for the COPS program unless and until there has been rigorous oversight and re-examination of the program. It is imperative that Congress establish, with compelling data and analysis, why a continuation of this program is appropriate and necessary to meet today's challenges. Without rigorous review and oversight, Congress is unable to assess adequately whether federal dollars are being used appropriately. It is a legitimate objective of Congress to establish a thorough review of the program, and to continue this program without doing so is extremely irresponsible. We specifically implore this committee to look at how the program's resources have been spent in support of programs and initiatives that have increased mass criminalization and incarceration of Black and Brown people and other marginalized individuals. Further, it is critical that Congress use this opportunity to rethink its approach to public safety overall and to support programs and initiatives that invest resources in social services, supports, and systems that will create healthy, safe, and thriving communities.

The president's Fiscal Year 2022 budget request reflects a 68 percent increase over the Fiscal Year 2021 budget enacted without offering any meaningful oversight or evaluation of

¹ H.R. 4505 (2021). <https://www.congress.gov/117/bills/hr4505/BILLS-117hr4505rh.pdf>.

those dollars.² Budgets are moral documents that reflect our shared values, and for far too long, we have valued criminalization, incarceration, and policing as the ways to create public safety in our communities. This approach — driven largely by investments in the COPS program — has failed our nation, and particularly its communities of color, and it is time we recognize that true public safety is brought about by the education, health, and economic security of our communities — not an expansion of our criminal-legal system.

Originally established as a key part of the now-repudiated 1994 Crime Bill — the Violent Crime Control and Law Enforcement Act³ — the COPS on the Beat program aimed to put an additional 100,000 police officers on the streets during its six-year authorization.⁴ In that time, the COPS Office was to provide grants to state and local law enforcement agencies to aid in officer hiring and the provision of technical assistance in implementing community policing practices. However, the influx of police officers resulting from this program has not improved police-community relations in many jurisdictions; instead, it has in many cases contributed to the over-policing of communities of color and the deployment of broken-windows policing tactics that have resulted in disproportionate harms to Black and Brown individuals, furthering racial disparities in arrests — including school-based arrests — and uses of force.⁵ Further still, coupled with other aspects of our historically criminalization-focused approaches to public safety, the COPS program has also contributed to mass incarceration and structural disinvestment at the local level.⁶

Despite its many flaws and limited efficacy, the COPS program has continued on autopilot for much of the last two decades. In large part, it has functioned as a subsidy for state and local law enforcement agencies, having disbursed more than \$14 billion in federal funding to these agencies over the past 25 years.⁷ Even as the calls for a transformation of our criminal-legal system have grown louder, these massive expenditures and their corresponding expansion of the criminal-legal system have continued. For example, in Fiscal Year 2020, the \$343 million appropriated to the COPS Office was used to hire 3,000 local police officers throughout the country,⁸ and last year, the House proposed allocating an additional \$300 million to the COPS Office in the Health Economic Recovery Omnibus Emergency Solutions

² “COPS Office FY 2022 Budget Request Fact Sheet.” U.S. Department of Justice, Office of Community Oriented Policing Services. June 2021. <https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/copsgrants.pdf>.

³ “The Growth of Incarceration in the United States: Exploring Causes and Consequences.” *National Research Council*. 2014. <http://www.vtlex.com/wp-content/uploads/2014/06/18613.pdf> (national policy choices, including the Violent Crime Control and Law Enforcement Act of 1994, “increased the incarceration rate to unprecedented levels violated traditional jurisprudential principles, disregarded research evidence that highlighted the ineffectiveness and iatrogenic effects of some of those policies, and exacerbated racial disparities in the nation’s criminal justice system.”).

⁴ “Community Oriented Policing Services (COPS) Program.” *Congressional Research Service*. May 21, 2019. <https://fas.org/sgp/crs/misc/IF10922.pdf>.

⁵ Diep, Francie. “Police Are Most Likely To Use Deadly Force In Poorer, More Highly Segregated Neighborhoods.” *Pacific Standard*. Jan. 24, 2019. <https://psmag.com/news/police-are-most-likely-to-use-deadly-force-in-poorer-more-highly-segregated-neighborhoods>.

⁶ Ofer, Udi. “How the 1994 Crime Bill Fed the Mass Incarceration Crisis.” *American Civil Liberties Union*. June 4, 2019. <https://www.aclu.org/blog/smart-justice/mass-incarceration/how-1994-crime-bill-fed-mass-incarceration-crisis>.

⁷ “Grants.” U.S. Department of Justice, Community Oriented Policing Services. <https://cops.usdoj.gov/grants>

⁸ “Fact Sheet: 2020 COPS Hiring Program.” U.S. Department of Justice, Office of Community Oriented Policing Services. June 2020. https://cops.usdoj.gov/pdf/2020AwardDocs/chp/Post_Award_Fact_Sheet.pdf.

(HEROES) Act⁹ — its coronavirus stimulus legislation. While that legislation did not become law, Congress ultimately allocated another \$343 million in funding to the office in its Fiscal Year 2021 appropriations package.¹⁰ Not only is this level of funding unnecessary, but it also reflects an acceptance of the status quo and repudiates the public’s demand for fundamental change.

Following a year in which 1,127 individuals were killed by police¹¹ even as millions of others marched in the streets to demand accountability in policing, Congress has an opportunity to take transformative action to reimagine public safety and address the failures of its past endeavors. This can only occur by recognizing that programs that lack accountability and transparency and drive individuals towards incarceration rather than opportunity — like the COPS program — have been and will continue to be ineffective approaches to attaining public safety. Congress has the responsibility to reexamine its investments and fundamentally reimagine public safety by shifting federal funds towards the programs and services that will genuinely keep communities safe.

COPS Lacks Accountability and Transparency

While accountability and transparency are unequivocally vital characteristics of any system of public safety, both have long been absent in the COPS program. Though authorization for the program expired in 2009, Congress has continually appropriated funding despite little oversight of its use, distribution, or efficacy. In fact, no congressional hearings have ever been held to specifically examine the COPS program or other problematic provisions of the 1994 Crime Bill, and COPS Office funds have therefore been subject to little scrutiny to examine their compliance with statutory requirements — let alone the harmful impacts they have had on communities.¹²

According to a 2013 Government Accountability Office (GAO) report, COPS program funds have frequently been used to supplant, rather than supplement, state and local funding for the hiring of police officers.¹³ Not only does this contravene program requirements, but it also insulates state and local departments from the true costs of over-policing. The GAO also found that COPS program funds have not

⁹ H.R. 6800 § 2, as passed in the U.S. House of Representatives (2020).

¹⁰ P.L. 116-260 (2020).

¹¹ *Mapping Police Violence*. Accessed on June 16, 2021. <https://mappingpoliceviolence.org/>.

¹² Since 2010, neither the Senate nor House Judiciary Committees have held hearings explicitly focused on the COPS program, and the COPS program has only been discussed in four hearings: House Judiciary Committee Hearing: Justice Department Oversight (2011), <https://www.c-span.org/video/?299299-1/justice-department-oversight-part-1>; House Judiciary Committee, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations Hearing: Oversight of Department of Justice Grant Programs (2017), <https://www.govinfo.gov/content/pkg/CHRG-115hrg27070/pdf/CHRG-115hrg27070.pdf>; House Judiciary Committee Hearing: Oversight Hearing on Policing Practices (2019), <https://judiciary.house.gov/calendar/eventsingle.aspx?EventID=2278>; and House Judiciary Committee Hearing: Oversight of the Department of Justice (2020), <https://judiciary.house.gov/calendar/eventsingle.aspx?EventID=3140>.

¹³ “Community Policing Hiring Grants: Grant Application Monitoring Processes Could Be Improved to Further Ensure Grantees Advance Community Policing.” *U.S. Government Accountability Office*. Sept. 2013. <https://www.gao.gov/assets/660/658158.pdf>.

been equitably spread across the country, as a mere six states — California, Florida, Michigan, New Jersey, Ohio, and Texas — received half of program funding between 2013 and 2018.¹⁴ The result of this has been that certain communities — largely communities of color — have been forced to experience the deleterious effects of an increased law enforcement presence.

Indeed, experts have questioned “whether the federal government should continue to provide grants to state and local law enforcement agencies to hire additional officers at a time of historically low crime rates.”¹⁵ David Mulhausen, director of the National Institute of Justice under President Trump, has recognized that “[t]he COPS program has an extensive track record of poor performance and should be eliminated,”¹⁶ and the Movement for Black Lives has called specifically for the elimination of the COPS program as part of its core demands to End the War on Black Communities.¹⁷

Despite these significant concerns, under Attorney General William Barr, the Trump administration prioritized the use of COPS Office funds to “bolster” the ranks of police chiefs nationwide.¹⁸ In May 2020, DOJ announced that it would award \$51 million in COPS Office funds to support Operation Relentless Pursuit (ORP) — a program launched in December 2019 that provides financial incentives for over-policing and over-prosecution in seven U.S. cities, including some with systemic policing issues.¹⁹ These funds were intended to support the hiring of additional law enforcement officers and prosecutorial staff provided that jurisdictions agreed to investigate and prosecute certain federal crimes like drug trafficking and gang involvement.²⁰ The following month, in June 2020, as millions of individuals continued to protest George Floyd’s senseless murder at the hands of Minneapolis police, DOJ announced the awarding of another nearly \$350 million of COPS Hiring Program funds to law enforcement agencies across the country. Combined with the ORP funds, this funding was intended to facilitate the hiring of more than 2,700 officers in just last year alone.²¹ These actions followed the Trump administration’s

¹⁴ Ibid. Pgs. 13-18.

¹⁵ “Community Oriented Policing Services (COPS): In Brief.” *Congressional Research Service*. Feb. 2, 2016.

https://www.everycrsreport.com/files/20160202_RL33308_c7ba19f9d7d5c3820db99d5b8271bb9cc0011d55.pdf.

¹⁶ Mulhausen, David. “Defunding COPS: Eliminating a Wasteful and Ineffective Grant Program.” *The Daily Signal*. July 22, 2013. <https://www.dailysignal.com/2013/07/22/defunding-cops-eliminating-a-wasteful-and-ineffective-grant-program/>.

¹⁷ “End the War on Black Communities.” M4BL. <https://m4bl.org/policy-platforms/end-the-war-on-black-communities/>.

¹⁸ “Justice Department Awards Nearly \$400 Million for Law Enforcement Hiring to Advance Community Policing.” *U.S. Department of Justice*. June 3, 2020. <https://www.justice.gov/usao-wdwi/pr/justice-department-awards-nearly-400-million-law-enforcement-hiring-advance-community>.

¹⁹ “Attorney General William P. Barr Announces Launch of Operation Relentless Pursuit.” *U.S. Department of Justice*. Dec. 18, 2019. <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-announces-launch-operation-relentless-pursuit>.

²⁰ “Justice Department Releases \$61 Million in Awards to Support Efforts to Combat Violent Crime in Seven U.S. Cities.” *U.S. Department of Justice*. May 11, 2020. <https://www.justice.gov/opa/pr/justice-department-releases-61-million-awards-support-efforts-combat-violent-crime-seven-cities>.

²¹ “Justice Department Awards Nearly \$400 Million for Law Enforcement Hiring to Advance Community Policing.” *U.S. Department of Justice*. June 3, 2020. <https://www.justice.gov/usao-wdwi/pr/justice-department-awards-nearly-400-million-law-enforcement-hiring-advance-community>.

earlier discontinuation of the collaborative reforms undertaken under the Obama administration, which had allowed state and local departments to undergo review and obtain recommendations for tangible reform.²²

As the 117th Congress considers its appropriations and oversight work, that work must include taking a hard look at existing programs and offices that have failed to secure genuine public safety in our communities. Accountability and transparency must be at the forefront of all policing and criminal-legal system reforms. Moreover, financial support for programs — like funding from the COPS Office — that lacks such accountability measures must be discontinued and redirected to support other social programs that take a more holistic approach to achieving public safety.

COPS Promotes the School-to-Prison Pipeline

In addition to putting more police officers on the streets, the COPS Office has also been the chief source of federal funding for police in schools. Throughout its existence, the COPS Office has provided approximately \$1 billion in federal grants to state and local governments for the policing, surveillance, and militarization of schools.²³ Federal support for school-based law enforcement directly promotes the school-to-prison pipeline.

The largest sustained effort of this sort was the Cops in Schools (CIS) program, which funded the hiring and training of thousands of school resource officers (SROs) by local law enforcement agencies.²⁴ The CIS program was crafted to ensure local governments would sustain school policing even after they stopped receiving federal dollars by requiring agencies accepting CIS grants to “commit to continuing the grant-funded SROs” for an additional year after federal funding stopped.²⁵ Although funding is no longer appropriated for the CIS program, jurisdictions may still use grants obtained through the COPS Office to hire SROs.²⁶

These grants have had a profound impact on the number of law enforcement officers in schools. Almost 57 percent of public schools nationwide reported having security staff present at least once a week in

²² “Department of Justice Announces Changes to the Collaborative Reform Initiative.” *U.S. Department of Justice*. Sept. 15, 2017. <https://www.justice.gov/opa/pr/department-justice-announces-changes-collaborative-reform-initiative>.

²³ “School Safety Policies and Programs Administered by the U.S. Federal Government: 1990–2016.” *Federal Research Division, Library of Congress*. Aug. 2017. <https://www.ojp.gov/pdffiles1/nij/grants/251517.pdf>. (Past programs included: School-Based Partnerships (1998–1999; \$30 million), COPS in Schools Program (CIS) (1999–2005; \$823 million), Justice-Based After School Program (2000–2001; individual sites received nearly \$3 million), Secure Our Schools Program (SOS) (2002–2011; \$123 million), and Making Officer Redeployment Effective (MORE)).

²⁴ *Ibid.*

²⁵ “A Guide to Developing, Monitoring, and Succeeding with Your School Resource Officer Program.” *U.S. Department of Justice, Community Oriented Policing Services*. 2003. <https://www.hsdl.org/?view&did=785365>.

²⁶ James, Nathan & McCallion, Gail. “School Resource Officers: Law Enforcement Officers in Schools.” *Congressional Research Service*. June 26, 2013. <https://fas.org/sgp/crs/misc/R43126.pdf>.

2016,²⁷ a number that stands in stark contrast to the 22 percent of schools with a law enforcement presence in 1997,²⁸ and the mere 1 percent of U.S. schools that reported having a stationed law enforcement officer in the 1970s.²⁹ Much like law enforcement presence more generally, the increase in officers in schools disproportionately harms students of color, students with disabilities, and LGBTQ students. In 2018, nearly 64 percent of students in schools that were majority students of color had security staff on campus at least once a week.³⁰

The direct consequence of police in schools, coupled with the systemic biases and failures of police departments across the country, is the criminalization of typical adolescent behavior,³¹ with deep and disturbing discriminatory implications.³² For example, while Black students represent only 15 percent of the student population nationwide, they make up 33 percent of those arrested³³ despite research showing that students of color do not misbehave more than their White counterparts.³⁴ Troublesome disparities also exist for students with disabilities, who are nearly three times more likely to be arrested than students without disabilities.³⁵ These arrests and other disciplinary actions can significantly impact students' educational attainment and devastate young people's futures. One study found that experiencing an arrest for the first time in high school nearly doubles the odds of a student dropping out, and a court appearance

²⁷ "Percentage of public schools with security staff present at school at least once a week, by type of security staff, school level, and selected school characteristics: 2005-06, 2015-16, 2017-18." *U.S. Department of Education, National Center for Education Studies*. 2019. https://nces.ed.gov/programs/digest/d19/tables/dt19_233.70b.asp.

²⁸ *Ibid*.

²⁹ "A Brief History of School-Based Law Enforcement." *Texas School Safety Center*. Feb. 2016. <https://txssc.txstate.edu/topics/law-enforcement/articles/brief-history>.

³⁰ "Percentage of public schools with security staff present at school at least once a week, by type of security staff, school level, and selected school characteristics: 2005-06, 2015-16, 2017-18." *U.S. Department of Education, National Center for Education Studies*. 2019. https://nces.ed.gov/programs/digest/d19/tables/dt19_233.70b.asp.

³¹ See "Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students." *American Civil Liberties Union*. 2019. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf (listing 25 most common behaviors that lead to school arrest and criminal charges. The number one criminal charge is "disrupting school" for "spraying perfume, fake burping, fake fart spray, refusing to change a t-shirt, and criticizing an officer"); see also Advancement Project, et al. "Police In Schools Are Not The Answer To The Newtown Shooting." March 2018. <http://dignityinschools.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf>.

³² Theriot, Matthew T. "School Resource Officers and the Criminalization of Student Behavior." *Journal of Criminal Justice*. 2009. Pgs. 37, 280–287. See also Nance, Jason P. "Students, Police, and the School-to-Prison Pipeline." *University of Washington Law Review* 93 (919). 2016.

³³ "Which Students Are Arrested the Most?" *Education Week*. 2017.

<https://www.edweek.org/ew/projects/2017/policing-americas-schools/student-arrests.html#/overview>.

³⁴ Advancement Project, et al. "Police In Schools Are Not The Answer To The Newtown Shooting." March 2018. <http://dignityinschools.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf>. ("[P]olice officers perceive Black youth differently than they do white youth, and this bias, not any actual difference in behavior, leads to the over-criminalization of students of color. Police see Black children as less 'childlike' than their White peers and overestimate the age and culpability of Black children accused of an offense more than they do for white children accused of an offense.")

³⁵ "Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students." *American Civil Liberties Union*. 2019. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

nearly *quadruples* the odds of a student dropping out.³⁶ Strikingly, recent research directly linked the Cops in Schools grant program to decreased graduation rates, noting that “exposure to a three-year federal grant for school police *decreases* high school graduation rates by approximately 2.5 percent and college enrollment rates by 4 percent.”³⁷

In addition to its troubling consequences for student success, the increased presence of law enforcement officers in schools supported by COPS Office funding undermines student safety. Although proponents of school policing often cite student safety as their primary justification, there is no substantial evidentiary support for that assertion.³⁸ In fact, several studies have suggested that the presence of prison-like conditions such as armed officers may actually make students feel less safe than if there were no police in the school.³⁹ Some researchers have even found that mass shooters are actually drawn to locations with armed guards, as many are seeking a violent end to their own lives.⁴⁰ Moreover, in schools with predominantly Black and Brown youth — where SROs are concentrated — children are often the victim of violent and unchecked attacks by SROs themselves, many of whom are trained to enforce the criminal code rather than help foster a nurturing environment.⁴¹

³⁶ Sweeten, Gary. “Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement.” *Justice Quarterly* 23(4). 2006.

³⁷ Weisburst, Emily K. “Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-Term Education Outcomes (A Sub-project of “Building Pathways to College Access and Beyond”).” *Journal of Policy Analysis and Management*, 0(0). 2019. Pgs. 1–28.

³⁸ “Research on School Security: The Impact of Security Measures on Students.” *National Association of School Psychologists*. 2013. (citing Garcia, C. “School Safety Technology in America: Current Use and Perceived Effectiveness.” *Criminal Justice Policy Review* 14(1). 2003. Pgs. 30-54; Addington, L. “Cops and Cameras: Public School Security as a Policy Response to Columbine.” *American Behavioral Scientist*, 52(10). 2009; Borum, R. & Cornell, D. & Modzeleski, W. & Jimerson, S. “What Can be Done About School Shootings? A Review of The Evidence.” *Educational Researcher* 39(1). 2010; Casella, R. “Selling Us the Fortress: The Promotion of Techno-security Equipment for Schools.” *Routledge*. 2006). See also American Psychological Association Zero Tolerance Task Force. “Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations.” *American Psychologist* 63(852). 2008.

³⁹ “Research on School Security: The Impact of Security Measures on Students.” *National Association of School Psychologists*. 2013 (citing Schreck, C. and Miller, J. “Sources of Fear of Crime at School: What is the Relative Contribution of Disorder, Individual Characteristics and School Security?” *Journal of School Violence*, 2(4). 2003. Pgs. 57-79; Gastic, B. “Metal Detectors and Feeling Safe at School.” *Education and Urban Society*, 43(4). 2011. Pgs. 486-498).

⁴⁰ Ingraham, Christopher. “For many mass shooters, armed guards aren’t a deterrent, they’re part of the fantasy.” *The Washington Post*. March 1, 2018. <https://www.washingtonpost.com/news/wonk/wp/2018/03/01/for-many-mass-shooters-armed-guards-arent-a-deterrent-theyre-part-of-the-fantasy/>.

⁴¹ Weisburst, Emily K. “Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-Term Education Outcomes (A Sub-project of “Building Pathways to College Access and Beyond”).” *Journal of Policy Analysis and Management*, 0(0). 2019. Pgs. 1–28 (listing examples of officers: in South Carolina slamming a student to the ground; in Baltimore slapped, kicked, and yelled at a student while another officer watched; in Philadelphia punched a student and put him in a chokehold after the student tried to use the restroom without a pass; in Pittsburgh punching out a student’s tooth; and in Pinellas Park, Florida, using a stun gun on an unarmed student). See also “We came to learn: A Call to Action for Police-Free Schools.” *Advancement Project*. <http://advancementproject.org/wp-content/uploads/WCTLweb/index.html#page=2>, (stating “[s]afety does not exist when Black and Brown young people are forced to interact with a system of policing that views them as a threat and not as students” and mapping over 60 instances of police brutality on students).

In contrast, supportive approaches to improving school climates — such as restorative and trauma-responsive practices, positive behavioral interventions and supports, mental health care, and additional counselors, nurses, and social workers — have proven to be effective at producing a safe and supportive learning environment by helping students address the root causes of conflict and reducing school infractions.⁴² Most schools with SROs, however, do not have counselors, mental health professionals, or other individuals specifically trained to help students cope with stress or trauma.⁴³ Instead, at a time when the suicide rate among children is alarmingly high, many law enforcement officers are handcuffing, arresting, and shepherding students into the justice system rather than addressing the underlying causes of disciplinary incidents.⁴⁴

Federal funding must incentivize the replacement of school-based law enforcement — including funding through the COPS Office — with evidence-based practices, identified in collaboration with communities, for maintaining school safety, inclusion, and support to ensure child well-being. For too long, the presence of school-based law enforcement has come at the expense of personnel and services that create safe, healthy, and inclusive school climates. School safety funding should support school counselors, mental health professionals, community intervention workers, and supportive professionals who build positive learning environments, not any iteration of career law enforcement officers in schools.

Continuing to Fund COPS without Proper Oversight Threatens the Transformative Change This Moment Demands

The events of the last year — from the countless tragedies involving police brutality to the COVID-19 pandemic and recent white supremacist violence — have amplified longstanding disparities and shined a bright light on the systemic racism that underlies the American criminal-legal system. As a result, millions of individuals joined together to protest the perpetuation of this system of oppression and to demand our nation instead embrace a holistic, transformative vision of public safety that shrinks the footprint of policing and prioritizes investments in economic opportunity, education, health care, and other community-led solutions. The Leadership Conference and more than 450 civil rights organizations echoed this call by urging congressional leadership to take swift and bold action to rectify the legacy of systemic racism by setting forth a list of principles we believe must be included in any meaningful legislative response.⁴⁵ And, while we commended Congress’s efforts to quickly draft the House-passed George Floyd Justice in Policing Act in 2020, we also made clear that this legislation alone was not

⁴² Nance, J. “Dismantling the School-to-Prison Pipeline.” *Arizona State Law Journal* 48. 2016 (citing Johnson, D. & Allensworth, E. & Steinberg, M. “Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization.” *Consortium on Chicago School Research at the University of Chicago Urban Education Institute*. May 2011. <https://consortium.uchicago.edu/sites/default/files/2018-10/SAFETY%20IN%20CPS.pdf>).

⁴³ “Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students.” *American Civil Liberties Union*. 2019. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.

⁴⁴ *Ibid.* Pg. 22 (noting that nearly a third of the U.S. students—at least 14 million—attend schools that reported having a law enforcement officer onsite while lacking any School Based Mental Health Provider such as a counselor, nurse, psychologist, or social worker).

⁴⁵ Letter from The Leadership Conference on Civil and Human Rights, et al., to Congressional Leaders. June 1, 2020. <https://civilrights.org/resource/civil-rights-coalition-letter-on-federal-policing-priorities/>.

enough to bring about lasting and genuine public safety in our neighborhoods.⁴⁶ Instead, Congress must meet our current moment by reexamining existing funding for criminalization-focused programs, like the COPS program, and shift those resources towards initiatives that will support individual well-being and promote safe communities for all. In so doing, Congress can ensure that programs like the Collaborative Reform Initiative and other mechanisms for offering technical assistance are evaluated for their effectiveness and then, if necessary, are housed elsewhere within the government.

Many of the crises that escalate into situations of officers using excessive force or turn deadly are connected to underlying factors such as the inadequacy of social services and supports, high poverty rates, income inequality, and housing insecurity. As a society, we must strive to reduce police-involved responses to crises by providing adequate prevention and support services and ensuring that the proper experts respond to crisis situations. This includes shifting resources from police budgets to violence interruption programs that work to interrupt ongoing conflicts and prevent future violence by changing behavior and increasing opportunities for high-risk individuals.⁴⁷ It also means investing in mental health and substance use supports like crisis hotlines, walk-in centers, mobile crisis teams, and peer support units so that every health crisis is met not with armed officers but rather with trained social and medical personnel. And, rather than blindly funding programs that criminalize and incarcerate people, we must divert resources to programs that provide the education, employment, and affordable housing opportunities that strengthen communities and improve public safety.⁴⁸

For years, the COPS program has put untenable financial burdens on states and localities and contributed to the under-resourcing of many critical social services by forcing jurisdictions to absorb the costs of COPS-funded police hiring at the expense of resourcing other local priorities, all while facing little congressional oversight.⁴⁹ Though the COPS program allows police departments to make initial hires or re-hires, 25 percent of the salaries of newly hired officers — and ultimately full funding of these officers — must be funded through local appropriations.⁵⁰ Localities have therefore been forced to bear the burden of increases to their already large police budgets — some of which total over 50 percent of their general

⁴⁶ Letter from The Leadership Conference on Civil and Human Rights to U.S. House of Representatives Leadership. June 18, 2020.

http://civilrightsdocs.info/pdf/policy/letters/2020/Final_Leadership_Conference_Letter_on_George_Floyd_Justice_in_Policing_Act_6_18_2020_Sign_on.pdf.

⁴⁷ See Letter from Center for Popular Democracy, et. al, to Chairman Jerrold Nadler and Ranking Member Doug Collins. U.S. House of Representatives, Committee on the Judiciary. June 9, 2019.

<https://populardemocracy.org/sites/default/files/FINAL%20Letter%20to%20Congress%20--%20COPS%20program.pdf>.

⁴⁸ See “Vision for Justice 2020 and Beyond: A New Paradigm for Public Safety.” *The Leadership Conference on Civil and Human Rights*. Sept. 2019. <http://civilrightsdocs.info/pdf/reports/Vision-For-Justice-2020-SHORT.pdf>.

⁴⁹ *Supra* note 12.

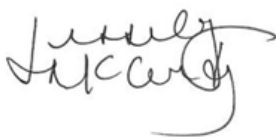
⁵⁰ “COPS Hiring Program (CHP).” *U.S. Department of Justice, Community Oriented Policing Services*.

<https://cops.usdoj.gov/chp#:~:text=CHP%20awards%20will%20provide%2075.of%20%24125%2C000%20per%20officer%20position>.

funds⁵¹ — once federal grants are exhausted.⁵² Now, the spread of COVID-19 and its accompanying economic devastation have compounded this dynamic by exposing the significant under-resourcing of schools, hospitals, and other vital services that are necessary to combat the pandemic.

Last year, more than \$850 million in additional funding was allocated to state and local law enforcement agencies through the Coronavirus Aid, Relief, and Economic Security (CARES) Act.⁵³ It is irresponsible to use public resources to further expand law enforcement budgets, especially without rigorous oversight, at a time when more than 45 million people in the United States have contracted the coronavirus,⁵⁴ 7.7 million Americans are out of work,⁵⁵ and state and local governments are struggling in the absence of additional federal aid. As Congress works to draft appropriations legislation for future fiscal years and oversee Justice Department programs in the 117th Congress, we urge you to oppose continued or additional funding for the COPS program unless and until there has been rigorous oversight of the program. It is Congress's responsibility to conduct such a thorough review through rigorous analysis of data and current evidenced based processes to assess whether or not federal dollars are being used appropriately and effectively through this program. Such oversight must specifically examine how those resources have supported criminalization-focused initiatives, the impact of those initiatives on communities of color, as well as a review of how those resources could be better spent in supporting alternative interventions and social programs, supports, and services that have successfully created safer and prosperous communities. In order to fundamentally transform the reach of the criminal-legal system, it is imperative that we re-evaluate the impact that existing federal programs have on mass criminalization and incarceration, and subsequently redirect those resources to policies and programs that reimagine public safety and invest in social programs, supports, and services that will ensure we create safe, healthy, thriving, and prosperous communities. Should you have any questions, please contact Sakira Cook, senior director of the Justice Reform Program, at cook@civilrights.org.

Sincerely,



Jesselyn McCurdy
Executive Vice-President for Government Affairs

⁵¹ Ibid.; “What Policing Costs: A Look at Spending in America’s Biggest Cities.” *Vera Institute of Justice*.

<https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities>.

⁵² “Freedom to Thrive: Reimagining Safety & Security in Our Communities.” *Center for Popular Democracy*. July 2, 2017.

<https://populardemocracy.org/sites/default/files/Freedom%20To%20Thrive%2C%20Higher%20Res%20Version.pdf>

⁵³ P.L. 116-136 (2020).

⁵⁴ “Trends in Number of COVID-19 Cases and Deaths in the US Reported to CDC, by State/Territory.” *Centers for Disease Control and Prevention*. October 19, 2021. https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases.

⁵⁵ “Employment Situation Summary.” *U.S. Bureau of Labor Statistics*. October 8, 2021.

<https://www.bls.gov/news.release/empsit.nr0.htm>.