



Fact Sheet

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Guidance for Understaffed Law Enforcement Agencies Operating below Budgeted Strength under the COPS Hiring Program (CHP) and Tribal Resources Grant Program—Hire (TRGP—Hire)

A law enforcement agency operating below its budgeted strength is eligible to apply for funding under the COPS Hiring Program (CHP) and Tribal Resources Grant Program—Hire (TRGP—Hire) programs so long as the applicant attests that awarded funds will be used in compliance with the nonsupplanting requirement and not used to supplant state, local, or Bureau of Indian Affairs funds that are already budgeted for sworn law enforcement officer positions.

Budgeted strength is the maximum number of sworn law enforcement officers that a law enforcement agency is authorized to employ in its budget.

Nonsupplanting Requirement

The nonsupplanting requirement of the COPS Office statute means that COPS Office grant funds may not be used to supplant or replace local funding which otherwise would have been spent on law enforcement purposes. Specifically, the Violent Crime Control and Law Enforcement Act of 1994, under which all COPS Office grants are made, provides that “[f]unds made available . . . to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this subchapter, be made available from State or local sources . . .” 34 U.S.C. §10384(a).

To comply with the nonsupplanting requirement, grant funding must be in addition to any state, local, or tribal funds already dedicated for sworn officer positions. In other words, grant funding may not be used to pay for the salary and benefits of any officer that the law enforcement agency would have funded in its local budget in the absence of the grant. This means that grant funds must be used to increase the total amount of funds that would otherwise be made available and dedicated toward sworn officer positions.

Operating below an Agency’s Budgeted Strength

While the nonsupplanting requirement prohibits a recipient from reducing its budget for sworn officer positions to take advantage of a hiring grant, a recipient may apply for funding and/or continue to implement its grant while it has locally funded vacancies. To comply with the nonsupplanting requirement under these circumstances, a recipient must maintain documentation demonstrating that it took timely and active steps in accordance with its standard local hiring procedures to fill its budgeted sworn officer vacancies during the grant implementation and retention periods. A grant recipient may demonstrate, however, based on local fiscal or other conditions, that it is not possible to take all these steps or that it would have taken the same action of not filling vacancies even if the COPS Office grant had not been awarded.

Required Supporting Documentation

To demonstrate compliance with the nonsupplanting requirement while operating below an agency's budgeted strength, the recipient must maintain contemporaneous documentation demonstrating that it took timely and active steps to fill locally funded vacancies in accordance with its standard local hiring procedures. Examples of supporting documentation required to demonstrate compliance with the nonsupplanting requirement may include

- **documents explaining** the recipient's standard procedures for filling vacancies;
- **documents illustrating** the timely and active recruiting and hiring steps that the recipient has taken (e.g., copies of vacancy announcements, letters regarding testing or interviews, offer letters);
- **letter(s) signed** by the law enforcement executive and government executive explaining the reason(s) for the vacancies and addressing their recruiting and hiring efforts.

The supporting documentation demonstrating compliance should be maintained with the recipient's grant records during the grant award period and for three years following the official closeout of the grant in the event of an audit, monitoring, or other evaluation of your grant compliance.

Filling COPS Office–Funded Positions While Experiencing Locally Funded Vacancies

Because of hiring and attrition realities, law enforcement agencies may experience rolling locally funded officer vacancies. As a result, a recipient may hire officers to fill COPS Office–funded positions while they continue to fill the locally funded vacancies.

Contact the COPS Office

For more information on programs and resources, please contact the COPS Office Response Center at AskCOPSRC@usdoj.gov or 800-421-6770 or visit the COPS Office website at <https://cops.usdoj.gov>.