



NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**WELL-FUNDED: A REORIENTATION OF PUBLIC
SAFETY GRANTS FOR A SAFER HOMELAND**

by

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March 2022

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REPORT DOCUMENTATION PAGE			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC, 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE March 2022	3. REPORT TYPE AND DATES COVERED Master's thesis	
4. TITLE AND SUBTITLE WELL-FUNDED: A REORIENTATION OF PUBLIC SAFETY GRANTS FOR A SAFER HOMELAND			5. FUNDING NUMBERS	
6. AUTHOR(S) Richard Fields IV				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING / MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release. Distribution is unlimited.			12b. DISTRIBUTION CODE A	
13. ABSTRACT (maximum 200 words) Extraneous and even misused equipment amassed by local first response agencies has been made possible through federal grants and resources with little oversight and insufficient governing mechanisms. Acquisitions, particularly of tactical gear, have far outpaced the development of best practices and guidance for proper use of such government resources. The relative ease in purchasing these items has led to far-reaching implications for public safety leadership and the public, particularly police militarization. This thesis examines how gaps in oversight, transparency, and performance measurement in the delivery of federal grants and resources to public safety organizations have contributed to unintended uses. It analyzes original grant language, available case studies of grant misuse, and academic research, as well as peer-reviewed documents and scholarly commentary to understand the multi-level political strategies that grants-in-aid facilitate. This thesis ultimately recommends that communities should determine how public safety is serving them in ways that matter to them. This measure is vital if the grant system is to see any real regulation, structure, and oversight. This thesis finds that greater public engagement throughout the grant and acquisition process adds the missing layer of accountability at the local level—weighing in on, authorizing, and defining the parameters of use and informing future grant awards and allocations.				
14. SUBJECT TERMS oversight, transparency, grants, funding, spending, inadequate, practices, guidance, wisdom, crowd			15. NUMBER OF PAGES 111	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UU	

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SAFER HOMELAND**

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(HOMELAND SECURITY AND DEFENSE)**

from the

**NAVAL POSTGRADUATE SCHOOL
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ABSTRACT

Extraneous and even misused equipment amassed by local first response agencies has been made possible through federal grants and resources with little oversight and insufficient governing mechanisms. Acquisitions, particularly of tactical gear, have far outpaced the development of best practices and guidance for proper use of such government resources. The relative ease in purchasing these items has led to far-reaching implications for public safety leadership and the public, particularly police militarization. This thesis examines how gaps in oversight, transparency, and performance measurement in the delivery of federal grants and resources to public safety organizations have contributed to unintended uses. It analyzes original grant language, available case studies of grant misuse, and academic research, as well as peer-reviewed documents and scholarly commentary to understand the multi-level political strategies that grants-in-aid facilitate. This thesis ultimately recommends that communities should determine how public safety is serving them in ways that matter to them. This measure is vital if the grant system is to see any real regulation, structure, and oversight. This thesis finds that greater public engagement throughout the grant and acquisition process adds the missing layer of accountability at the local level—weighing in on, authorizing, and defining the parameters of use and informing future grant awards and allocations.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
COPS	Community Oriented Policing Services
DHS	Department of Homeland Security
DLA	Defense Logistics Agency
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
FEMA	Federal Emergency Management Agency
GAO	Government Accountability Office
GFOA	Government Finance Officers Association
HSGP	Homeland Security Grant Program
JAG	Justice Assistance Grant
LAFD	Los Angeles Fire Department
LESO	Law Enforcement Support Office
MRAP	Mine Resistant Ambush Protected (Vehicle)
OMB	Office of Management and Budget
SAA	State Administrative Agency
SHSP	State Homeland Security Program
SWAT	Special Weapons and Tactics
UASI	Urban Areas Security Initiative

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EXECUTIVE SUMMARY

The latter part of the 20th century saw exponential growth in programs designed to provide federal cash and resource aid to states and other government entities. The 1960s marked the most substantial growth as the administration under President Lyndon Johnson sought to expand these programs nationwide, resulting in well over 100 programs supporting local activities, including education and housing, across the nation.¹ The last three decades have seen the most prolific growth in grant funding for public safety in the name of materializing the nation’s efforts “to prevent, protect against, respond to, and recover from terrorist attacks.”²

These programs have grown into annual spending totals of nearly \$2 billion in fiscal year 2021, spanning hundreds of grants to “help prepare our nation against man-made threats and natural disasters.”³ The principal source of funding to state and local law enforcement is the Homeland Security Grant Program, which comprises the State Homeland Security Program and the Urban Areas Security Initiative.⁴

This relative ease in purchasing “stuff” creates several problems with far-reaching implications for public safety leadership and its public, including police militarization and a lack of standardization. To begin with, grants have boosted police militarization, in terms

¹ Robert P. Inman, “Federal Assistance and Local Services in the United States: The Evolution of a New Federalist Fiscal Order,” Working Paper No. 2283 (Cambridge, MA: National Bureau of Economic Research, 1987).

² Department of Homeland Security, “Notice of Funding Opportunity: Fiscal Year 2021 Homeland Security Grant Program” (Washington, DC: Department of Homeland Security, 2021), https://www.fema.gov/sites/default/files/documents/FEMA_FY2021-HSGP-NOFO_02-19-21.pdf.

³ “DHS Announces Funding Allocations for FY 2021 Preparedness Grants,” Homeland Security Today, July 16, 2021, <https://www.hstoday.us/industry/grants-funding/dhs-announces-funding-allocations-for-fy-2021-preparedness-grants/>.

⁴ “Homeland Security Grant Program (HSGP),” Department of Homeland Security, August 9, 2021, <https://www.dhs.gov/homeland-security-grant-program-hsgp>.

of culture, training, and equipment, which is antithetical to the concept of public service and to the trust necessary for effective community-based policing.⁵

This thesis answers two questions:

1. To what extent do gaps in the public safety grant funding processes contribute to unintended uses, including the increased militarization of police?
2. What role can the communities play in filling the identified gaps, and can public engagement impact the implementation of grant-funded equipment in our communities?

I explore the correlation between the militarization of the police through federal grant programs and the requirement to have more inclusive processes that encourage and incentivize agencies to engage with the public on matters of community needs, safety, and privacy and to match public safety capabilities to those needs.

In addition, the intent is to highlight gaps in the process, the absence of oversight measures, and necessary accountability in all grant processes that contribute to the ease of access to equipment. Notably, while much of the literature on grants suggests the need for increased government oversight, the underlying purposes and value of grants to both the state and federal governments do not lend to these recommendations' becoming reality. The concept of providing effective public safety is rooted in the idea that the public should recognize the value of not only public safety practitioners but also the services they provide.

This thesis consists largely of an in-depth policy analysis. First, it examines the origins of grants used by public safety. This examination highlights the multi-level political strategies that “grants-in-aid” facilitate and how these impact the accountability and

⁵ Peter B. Kraska, “Militarization and Policing—Its Relevance to 21st Century Police,” *Policing: A Journal of Policy and Practice* 1, no. 4 (2007): 503, <https://doi.org/10.1093/police/pam065>. The concept of militarization involves “a set of beliefs, values, and assumptions that stress the use of force and threat of violence as the most appropriate and efficacious means to solve problems.” Regarding law enforcement, Kraska describes militarization as “the process whereby civilian police increasingly draw from, and pattern themselves around, the tenets of militarism and the military model.”

oversight measures required as part of the grant award process. I also conduct a comparative examination of the grant process at the federal, state, local, and municipality level, illustrating how and why certain grants are pursued.

The research also delves into the benefits of the “crowd,” not only for identifying the best uses for grants dollars but also for filling gaps in oversight and accountability that government entities are challenged to do themselves.

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ACKNOWLEDGMENTS

After several months into this program but before May 25, 2020, I could not say I knew what homeland security was. I acknowledge the death of George Floyd that spring day as the catalyst for my exploring its meaning and the primary reason I pursued this thesis topic. Now I understand that homeland security starts at home, in our communities and neighborhoods. I understand my role and responsibility in making my homeland secure, as a member of the homeland security profession and a member of my community.

I want to thank the instructors who first challenged me to be bold enough to take on this topic, the advisors who kept me on task and wouldn't accept anything less than my best, and my coach, who kept me on the right path—all of whom played a part in a work that I am truly proud of. I am humbled to be forever associated with the brilliant men and women of Cohort 2001/2002, the first and hopefully only “COVID cohort,” they kept me engaged, inspired, and afloat.

Completion of this thesis marks a milestone in my professional development, and for that, several individuals deserve recognition. Murphy, quite simply, you are my muse. From the Los Angeles City Fire Department, I humbly thank retired Deputy Chief Daryl Arbuthnott for his constant belief in my ability; fellow NPS graduate Deputy Chief Trevor Richmond for his guidance; fellow NPS graduate Assistant Chief Patrick Butler, for his unwavering support, mentorship, and friendship; fellow NPS graduate Chief Deputy Alfred Poirier for his immense and ongoing impact on the professional I am today; and fellow NPS graduate, retired Fire Chief James Featherstone—you are a scholar, gentleman, and professional like no other. I am also grateful to Fire Chief Ralph Terrazas for allowing me the opportunity to participate in this educational endeavor.

There is no greater honor than to represent the Fields family. Tylor, you are my greatest joy and motivation. I am a better man because I get to be your father. Logan, Ethan, Morgan, Lucia, in your own special way, you move me to constantly strive for excellence. I love and respect you all. Richard III and Lynda Elaine, without you, there is no me, and all that I am I owe first to you.

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I. INTRODUCTION

After the death of 18-year-old Michael Brown in 2014, the police responded to the resulting protests in full tactical gear. According to *Washington Post* reporter Niraj Chokshi, “Local authorities . . . employed armored vehicles, noise-based crowd-control devices, shotguns, M4 rifles like those used by forces in Iraq and Afghanistan, rubber-coated metal pellets and tear gas.”¹ In 2013, the American Civil Liberties Union “documented a total of 15,054 battle uniforms or personal protective equipment received by 63 responding agencies during the relevant period.”² By 2014, local police and sheriffs’ departments had acquired more mine resistant ambush protected (MRAP) vehicles than the National Guard.³ As Christopher Kincaid puts it, “When it becomes difficult to distinguish [between] a soldier trained to . . . destroy his enemy, and a police officer meant to protect and serve, it must be asked how the . . . nation got here.”⁴

Given the constraints on public safety budgets, how does a domestic public safety agency acquire this type of military-grade equipment? Law enforcement agencies have received this equipment in part through federal programs such as the Law Enforcement Support Office’s 1033 Program, administered by the Defense Logistics Agency under the Department of Defense.⁵ This program, under the 1989 National Defense Authorization

¹ Niraj Chokshi, “Militarized Police in Ferguson Unsettles Some; Pentagon Gives Cities Equipment,” *Washington Post*, August 14, 2014, https://www.washingtonpost.com/politics/militarized-police-in-ferguson-unsettles-some-pentagon-gives-cities-equipment/2014/08/14/4651f670-2401-11e4-86ca-6f03cbd15c1a_story.html.

² American Civil Liberties Union, *War Comes Home: The Excessive Militarization of American Police* (New York: American Civil Liberties Union, 2014), 7, <https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police>.

³ Claire McCaskill, “Oversight of Federal Programs for Equipping State and Local Law Enforcement” (Washington, DC: Senate Committee on Homeland Security and Governmental Affairs, 2014), <https://www.hsgac.senate.gov/imo/media/doc/Opening%20Statement-McCaskill-2014-09-09.pdf>.

⁴ Christopher J. Kincaid, “From Warfighters to Crimefighters: The Origins of Domestic Police Militarization,” Western Political Science Association, accessed January 14, 2022, http://www.wpsanet.org/papers/docs/From%20Warfighters%20to%20Crimefighters_The%20Origins%20of%20Domestic%20Police%20Militarization%20.pdf.

⁵ Nick Gillespie, “Police in Columbia, South Carolina and 499 Other Cities Get ‘Free’ Tanks,” Reason Foundation, November 18, 2013, <https://reason.com/2013/11/18/police-in-columbia-south-carolina-and-49/>.

Act, “initially authorized the transfer of equipment that was ‘suitable for use by such agencies in counterdrug activities.’”⁶ This acquisition is also made possible through grants-in-aid to local law enforcement agencies from the Department of Homeland Security and the Department of Justice, notably through the Edward Byrne Memorial Justice Assistance Grant Program, initially “devised by the Reagan administration to encourage state and local law enforcement agencies to join the drug war.”⁷

Time and again, innovative goals sketched out in legislation escape achievement, and policy performance frequently falls short of its promise.⁸ Along with the benefit of bolstering our nation’s security, there are now well-documented disconnects between the overarching purposes of these grants and the real use of the property supplied. At every level, the specific roles of government in the management and oversight of the grants process and recipient performance are disjointed.⁹ This disconnect is, in part, due to the differing ways political strategies play out at the federal, state, and local seats of power.

Among the unintended consequences of the lack of political oversight is a growing trend of unchecked spending and applications for grant-funded equipment; this issue is most evident in the militarization of our police force. Police militarization is not the sole focus of this research but a consequence to explore. The concept of militarization “involves a set of beliefs, values, and assumptions that stress the use of force and threat of violence as the most appropriate and efficacious means to solve problems.”¹⁰ Concerning law

⁶ American Civil Liberties Union, “Written Statement of the American Civil Liberties Union before the U.S. House Armed Services Committee, Oversight & Investigations Subcommittee Hearing on ‘The Department of Defense Excess Property Program in Support of U.S. Law Enforcement Agencies: An Overview of DOD Authorities, Roles, Responsibilities, and Implementation of Section 1033 of the 1997 National Defense Authorization Act’” (New York: American Civil Liberties Union, 2014), 5, <https://docs.house.gov/meetings/AS/AS06/20141113/102730/HHRG-113-AS06-20141113-SD002.pdf>.

⁷ Michelle Alexander, “Obama’s Drug War,” *Nation*, December 9, 2010, <https://www.thenation.com/article/archive/obamas-drug-war/>.

⁸ Helen Ingram, “Policy Implementation through Bargaining: The Case of Federal Grants-in-Aid,” *Public Policy* 25, no. 4 (1977): 499–526, https://www.researchgate.net/publication/12992363_Policy_Implementation_Through_Bargaining_The_Case_of_Federal_Grants-In-Aid.

⁹ Stanley J. Czerwinski, *Federal Data Transparency: Opportunities Remain to Incorporate Lessons Learned as Availability of Spending Data Increases*, GAO-13-758 (Washington, DC: Government Accountability Office, 2013), <https://www.gao.gov/assets/gao-13-758.pdf>.

¹⁰ Peter B. Kraska, “Militarization and Policing—Its Relevance to 21st Century Police,” *Policing: A Journal of Policy and Practice* 1, no. 4 (2007): 503, <https://doi.org/10.1093/police/pam065>.

enforcement, Peter Kraska describes “militarization as the process whereby civilian police increasingly draw from, and pattern themselves around, the tenets of militarism and the military model.”¹¹ This thesis explores the relationship between the militarization of the police and federal resources. It also examines whether an inclusive process that encourages and incentivizes agencies to engage with the public on matters of community needs, safety, and privacy will produce better public safety outcomes. Public safety capabilities must match the public’s demands to reverse the militarization trend and restore public trust and confidence in the public sector.

The preceding and subsequent discussion may raise several concerns with the reader. I would like to respond to two of the most obvious. First, I am not suggesting that the grant process is beyond repair, worthy of elimination. In fact, as a study in contrast, in 2018, the Los Angeles Fire Department led a regional effort to apply for an Urban Areas Security Initiative grant for small unmanned aerial systems. The stringent approval process included revising policy language to protect legal and civil rights concerns and devising a detailed use and oversight plan and a reporting compliance mechanism. The resulting comprehensive policy set the foundation for standardizing policy and operations regionwide. An analysis of this grant process, although focused on a specific purchasing area, might shed light on what “right” may look like for other processes as far as accountability is concerned.

Second, even with the sharp focus on law enforcement reform, this thesis is not intended to indict our law enforcement agencies. Nor does it suggest that programs and grants that support public safety, including law enforcement, are unnecessary. Grants have certainly benefited police and fire agencies around the country, from expanding essential programs and procuring previously unavailable equipment to augmenting ranks in a way that would otherwise have been impossible. Nevertheless, there is evidence of a gradual and widening disparity between the original intent and executed use of these grant monies.

¹¹ Mitt Regan, “Citizens, Suspects, and Enemies: Examining Police Militarization,” *Texas National Security Review* 4, no. 1 (Winter 2020/2021), <https://repositories.lib.utexas.edu/bitstream/handle/2152/84735/TNSRVol4Issue1Regan.pdf?sequence=2&isAllowed=y>.

This research intends to highlight these gaps and the absence of oversight measures and necessary accountability that contribute to easy access to equipment.

Additionally, this thesis considers the idea that if recommended checks and balances were in place, this “stuff” might not find its way into our communities without public safety officials clearly answering “What problem are we trying to solve, and how does this tool solve it?” As a result, circumstances in which this equipment is used in unintended ways might not occur so frequently. Therefore, understanding why the gaps exist and whether the lack of oversight is a catalyst for misuse and mismanagement provides the foundation for recommendations to improve both policy and process but, more importantly, oversight of the process and the outcomes. Understanding where the gaps lie provides the foundation for public engagement, including what it looks like and where it is needed.

A. RESEARCH QUESTIONS

1. How do gaps in oversight, transparency, and performance measurement in delivering federal grants and resources to public safety organizations contribute to unintended uses, including the increased militarization of the police?
2. How can public engagement at the local and municipal level shape the use of grant funding and the kinds of federal resources acquired within communities?

B. LITERATURE REVIEW

This thesis explores how the shortfalls or gaps in management principles like transparency and oversight came to be and how these contribute to the current, criticized state of grants and other resources available to public safety, including law enforcement agencies. On the other hand, this literature review examines the governmental relationships that have developed because of the proliferation of grants and additional federal funding. I review the elements of these relationships, the motives, and the interests that drive them because there is a strategy behind them, which directly affects oversight measures. Last,

this section reviews the discourse on oversight and transparency as critical ingredients for matching public safety efforts to the needs of the public.

1. Federal, State, and Local Governments Are Intertwined

Intertwined relationships exist between governmental bodies. *Federalism* describes a system in which the federal government is the overarching national government, responsible for broader governance, while subdivisions like states and cities govern the issues or local matters. The following are a few examples of models that capture how this kind of government functions.

Milton Grodzins, who focuses on oversight gaps in the federal grant management system, has put forth the foundational “marble cake” theory.¹² This theory uses a baking analogy to describe a “model of cooperative federalism in which local, state, and national governments do not act in separate spheres but instead have interrelated policy goals and administrative duties.”¹³ This explanatory model contends that instead of composing a layer cake with distinct tiers, the governmental elements are swirled together like a marble cake.

David Walker’s research supports Grodzins’s ideas and goes a step further. He holds that government levels are not truly compartmentalized—they are interconnected.¹⁴ His research suggests that in addition to simply maintaining an “intertwined government” where issues such as education, healthcare, and immigration impact each level, greater emphasis needs to be placed on cooperation and shared responsibility. Walker observes how existing silos keep government entities from working together effectively and contribute to governmental overload.¹⁵

¹² Morton Grodzins, “The Federal System,” in *Goals for Americans: Programs for Action in the Sixties* (Englewood Cliffs, NJ: Prentice-Hall, 1960), <https://www.mayfieldschools.org/downloads/thefederalsystem.pdf>.

¹³ Grodzins, 74.

¹⁴ David Walker, *Toward a Functioning Federalism* (Cambridge, MA: Winthrop Publishers, 1981).

¹⁵ Walker, 251.

In his pivotal 1978 work, “Intergovernmental Games: An Approach to Understanding Intergovernmental Relations,” Deil Wright refers to intergovernmental relationships as “games.”¹⁶ Among the fraternity games he describes is “picket fence federalism,” defined as “the shared loyalties and/or alliances of program professionals across and beyond the boundaries of particular political jurisdictions.”¹⁷ Chris Edwards suggests this vertical functionality developed in the 1960s and 1970s as federal aid to states and localities dramatically increased, deepening the interdependent dynamic between levels of government.¹⁸

George Hale and Marian Palley examine the inefficiencies of these governmental relationships and the limitations introduced by creating more relationships between government entities that could contribute to gaps in oversight, management, and transparency.¹⁹ While Hale and Palley concur that the marble cake and picket fence models accurately describe how government entities work together, they argue that these working relationships are ineffective and inefficient. The proliferation of the parties involved and bureaucracy related to grant administration undermine the effective use of the available funds.

Opinions diverge on whether oversight and transparency are inherently synonymous with better governance. Scholars debate whether increased oversight, which confers greater transparency as part of significant interest in making government more accessible, makes governance functionally better. Some scholars are convinced that oversight creates accountability and fends off corruption; others maintain that its unintended consequences outweigh the benefit.

¹⁶ Deil S. Wright, “Intergovernmental Games: An Approach to Understanding Intergovernmental Relations,” *Southern Review of Public Administration* 3, no. 4 (March 1980), <http://www.jstor.org/stable/43865940>.

¹⁷ Wright, “Intergovernmental Games,” 386.

¹⁸ Chris Edwards, *Restoring Responsible Government by Cutting Federal Aid to the States*, Policy Analysis 868 (Washington, DC: Cato Institute, 2019), 20–22, https://www.cato.org/sites/cato.org/files/pubs/pdf/pa868_2.pdf.

¹⁹ George E. Hale and Marian Lief Palley, “Federal Grants to the States: Who Governs?,” *Administration & Society* 11, no. 1 (May 1979): 5–6, <https://doi.org/10.1177/009539977901100101>.

Jonathan Rauh has emerged as an authority on public ethics and the inadequacy and side effects of government efforts to provide oversight. In his 2016 article “Give a Little or Lose a Lot? The Effects of Increased Transparency on Local Applications for Federal Grant Funds,” he examines whether increased transparency impacts grant applications.²⁰ He proposes that “transparency does not promote positive behavior.”²¹ Instead, Rauh posits, officials primarily seek to protect budgetary bottom lines, whatever those may be. As a result, officials manage grants in ways inconsistent with the grants’ original purpose or misaligned with the organization’s guiding mission. He also contends this phenomenon “leads to outcomes that are potentially worse, such as increased agency costs or decreased efficiency.”²² These findings have important implications for the broader domain of the effectiveness of transparency.

On this topic, Hale and Palley add weight to Rauh’s argument that the existence of greater governmental oversight could be counterproductive.²³ Shedding light on the underpinnings of these strategies, they suggest that in some cases, officials might manipulate the timelines of obligations to preserve certain funding allocations.²⁴ It is also common to shuffle funding or simply spend it all to avoid cuts or reduction in future grant cycles. Hale and Palley explain why some governments do not widely welcome oversight and evaluation. The first reason is “the desire not to upset the federal-state balance. . . . [The second is] recognition that little expertise exists at the state and local levels to evaluate a broad-scale reform program.”²⁵ Third, as political lifespans are tied to success, officials fear disclosing their failures in meeting program goals.²⁶

²⁰ Jonathan Rauh, “Give a Little or Lose a Lot? The Effects of Increased Transparency on Local Applications for Federal Grant Funds,” *Administration & Society* 48, no. 3 (April 2016), <https://doi.org/10.1177/0095399712473986>.

²¹ Rauh, 298.

²² Rauh, 297, 299.

²³ Hale and Palley, “Federal Grants to the States,” 10, 12, 19.

²⁴ Hale and Palley, 10.

²⁵ J. T. Murphy, “The Education Bureaucracies Implement Novel Policy: The Politics of Title I of ESEA, 1965–72,” in A. P. Sindler, ed., *Policy and Politics in America* (Boston: Little, Brown, 1973), 174, quoted in Hale and Palley, “Federal Grants to the States,” 19.

²⁶ Murphy, “The Education Bureaucracies Implement Novel Policy,” 174.

2. The Game Is Afoot

Politicians at every level use grants to strategize and maneuver to accomplish their agendas. These political agendas and the strategies employed to meet them often impact grant outcomes and undermine goals of accountability and oversight. Richard Nathan speaks to the political bargaining that occurs through governmental levels in grant processes.²⁷ According to Nathan, this bargaining happens, in part, because the federal government cannot dictate what states and their local agencies do. They can, however, exert influence by strategically directing funds and resources. Political scientist Helen Ingram suggests the “underlying logic of federal grants-in-aid as an implementation technique is that the federal government can hire states with money to run its errands and do its will.”²⁸ Thus, at this level, grants are used to advance federal policy and initiative objectives.²⁹

However, grants expert Jeff Myers has found that much federal attention is “devoted to the tasks of awarding and distributing funds,” but little attention is paid to tracking program outcomes, and even less to improving outcomes.³⁰ Federal bureaucracy creates many jobs charged with oversight of federal grants and resource distribution; this bureaucracy measures success by the number of grants distributed. If the recipient appears to meet basic requirements for the grant, can show a receipt or approved purchase, and commits no blatant fraud, waste, or abuse, the distribution counts as a success.

At the state level, agents enter these transactions strategically to maintain “maximum possible leeway to pursue their own separate goals” on the federal dime.³¹ If states were left to their budgets, organizations would accomplish significantly less than

²⁷ Richard P. Nathan, “State and Local Governments under Federal Grants: Toward a Predictive Theory,” *Political Science Quarterly* 98, no. 1 (1983): 47–57, <https://doi.org/10.2307/2150204>.

²⁸ Ingram, “Policy Implementation through Bargaining,” 500.

²⁹ Shelley H. Metzenbaum, *Federal Grants Management: Improving Transparency* (Washington, DC: IBM Center for the Business of Government, 2021), <https://www.businessofgovernment.org/sites/default/files/Improving%20Transparency.pdf>.

³⁰ Jeff Myers, “How the Pandemic Has Impacted Grants Management,” *Government Executive*, March 16, 2021, <https://www.govexec.com/management/2021/03/how-pandemic-has-impacted-grants-management/172703/>.

³¹ Ingram, “Policy Implementation through Bargaining,” 502.

they could achieve with access to federal grants. State-level attitudes toward grants, therefore, are a matter of survival rather than a shared vision. States ultimately have strength in numbers, and federal grant offices are seldom capable of delivering adequate supervision. Therefore, if more states pursue specific grants, the federal government is less likely to discontinue or amend the grants against state interests.³² Government entities exercise this push and pull: an elaborate dance of “how to influence” at the federal level while “how to get maximum federal resources with minimal sacrifice” at the state level. In this context, transparency and oversight become counterproductive to these political agendas at both levels.

3. The Value of Transparency

Scholars seem to support the idea that—given the relationship between governmental entities and the shared but strategically opposed way grants impact this relationship—it is unrealistic for any of these bodies to provide an effective oversight plan. However, this does not suggest that greater oversight, which requires transparency, is not needed. Therefore, this section concentrates on transparency in the broader sense because it is, in fact, a critical element in matching public safety efforts to the needs of the public.

Jonathan Fox, whose research focuses on transparency and accountability, race, and ethnicity, argues that the “power of transparency is straightforward: transparency generates accountability.”³³ According to Matthew Flinders, professor of politics at the University of Sheffield, public transparency “creates alternative accountability mechanisms by changing the distribution of power in a society.”³⁴ Shared information, which is fundamental to transparency, advances an organization’s legitimacy and can be a tool to increase community trust and acquaintance. Professors of public affairs Joshua Chanin and Salvador Espinosa have researched transparency in policing. They support this perspective

³² Edward W. Weidner, “Decision-Making in a Federal System,” in *Federalism: Mature and Emergent*, ed. Arthur W. Macmahon (New York: Doubleday, 1955).

³³ Jonathan Fox, “The Uncertain Relationship between Transparency and Accountability,” *Development in Practice* 17, no. 4–5 (2007): 664, <https://doi.org/10.1080/09614520701469955>.

³⁴ Michael Flinders, “The Politics of Accountability: A Case Study of Freedom of Information Legislation in the United Kingdom,” *Political Quarterly* 71, no. 4 (June 2003): 433, <https://doi.org/10.1111/1467-923X.00330>.

in a 2016 article in which they suggest that “public access to information . . . has the potential to increase public and organizational accountability, encourage citizen engagement, and promote trust between the police and the communities they serve.”³⁵

Chanin and Espinoza’s article for the *Criminal Justice Policy Review* includes the results of an exhaustive survey of 63 police agency executives conducted between December 2014 and March 2015.³⁶ Their study reveals several valuable insights. First, the respondent police chiefs and senior administrators find value in including oversight, primarily civilian. They also believe that expanded regulatory measures bolster relations between law enforcement and the public. Last, these leaders see “increased civilian oversight and transparency as a key part of the solution.”³⁷ Many organizations at every level of government interaction agree with this conclusion.³⁸

Since 1990, Tom R. Tyler, law and psychology professor at Yale Law School, has conducted extensive research on legitimacy and compliance with the law and police transparency.³⁹ He writes that “public trust in the police must start from a clear understanding of police action” and its intended purpose; from an oversight perspective, this trust provides a “starting point for a fair public assessment and evaluation of the police force.”⁴⁰ Research shows that “citizens are more likely to comply and cooperate with the

³⁵ Joshua Chanin and Salvador Espinosa, “Examining the Determinants of Police Department Transparency: The View of Police Executives,” *Criminal Justice Policy Review* 27, no. 5 (July 2016): 499 <https://doi.org/10.1177/0887403415596039>.

³⁶ Chanin and Espinosa, 510.

³⁷ Chanin and Espinosa, 511.

³⁸ The following are some of the organizations referenced: the United Nations, the United States Agency for International Development, the World Trade Organization, the World Bank and other international institutions, NGOs, and businesses. “Promoting Accountability & Transparency,” United States Agency for International Development, August 13, 2021, <https://www.usaid.gov/what-we-do/democracy-human-rights-and-governance/promoting-accountability-transparency>; Brigham Daniels, Mark Buntaine, and Tanner Bangerter, “Testing Transparency,” *Northwestern University Law Review* 114, no. 5 (2020): 1267n13, <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1406&context=nulr>.

³⁹ Tom R. Tyler, *Why People Obey the Law*, 2nd ed. (Princeton, NJ: Princeton University Press, 2006).

⁴⁰ Tyler, 33.

police and obey the law when they view the police as legitimate.”⁴¹ Scholars define *legitimacy* as “a psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just.”⁴² Furthermore, achieving *legitimate authority* requires that “people feel obliged to voluntarily comply with that authority’s directive.”⁴³ According to Lorraine Mazerolle and colleagues, this “sense of obligation is distinct from compliance out of fear of punishment or expectations of reward.”⁴⁴

Scholars acknowledge the need for transparency surrounding public safety organizations to garner trust and legitimacy. Yet the literature also shows how transparency might be resisted by government parties engaged in the “game” or “dance” of grants and federal resource sharing. Considering the existence of and reasons for gaps throughout the grants process and the skepticism that some authors have about the ability or willingness of government to fill them, this thesis explores how the public may play a role in this process.

C. RESEARCH DESIGN

To answer the first research question related to oversight, transparency, and performance measurement in delivering federal grants and resources to public safety, the research for this thesis consists mainly of in-depth policy analysis.

I focused my research on the Edward Byrne Memorial Justice Assistance Grant, which provides equipment for law enforcement through the Office of Community Oriented Policing Services (COPS)—the program described under section 1033 of the National Defense Authorization Act for Fiscal Year 1997, known hereafter as the “1033 Program”—

⁴¹ Lorraine Mazerolle et al., *Legitimacy in Policing: A Systematic Review* (Oslo: Campbell Collaboration, 2012), 8, <https://doi.org/10.4073/csr.2013.1>.

⁴² Tyler, *Why People Obey the Law*, 33.

⁴³ Tyler, 375.

⁴⁴ Lorraine Mazerolle et al., *Legitimacy in Policing*, Crime Prevention Research Review No. 10 (Washington, DC: Office of Community Oriented Policing Services, 2013), 4, <https://cops.usdoj.gov/RIC/Publications/cops-p262-pub.pdf>.

because it is the most widely used and generously funded among law enforcement grants.⁴⁵ Moreover, the 1033 Program is arguably the most influential cause of the modern militarization of today's police force.⁴⁶

I analyzed the original grant language, available scholarly work, and academic research for evidence of its intended use. The analysis also sought to answer if, where, and why today's uses deviate from those origins. It would be insufficient to categorize and identify gaps in accountability, oversight, and performance measurements, so I turned to published studies, journals, and academic theories to analyze contributing factors to these gaps and expand on the proliferation of militarization. Case studies, peer-reviewed documents, and scholarly commentary were essential resources for understanding the multi-level political strategies that "grants-in-aid" facilitate. These strategies directly affect accountability and oversight. I also relied on published federal and state grant assessments, particularly those of the Government Accountability Office (GAO) and Office of Management and Budget (OMB), for grant performance.

To answer the second research question, addressing public engagement at the local and municipal level, I used information from the GAO, relevant material from congressional hearings, and privately funded research reports. There is extensive research on gaps between the grant guidance and its scope, requirements, and the actual (allocation or administration) process. In that research, public engagement has been a consistent mention. Thus, I sought documentation of the importance of public involvement from a qualitative perspective for this thesis. Relevant to the suggestion that the public, or crowd, is a beneficial source for critical decision-making, I studied organizational theory, crowdsourcing studies, and case studies discussing this point.

⁴⁵ National Defense Authorization Act for Fiscal Year 1997, Pub. L. No. 104–201, § 1033, 110 Stat. 2422 (1996), <https://www.govinfo.gov/content/pkg/PLAW-104publ201/html/PLAW-104publ201.htm>.

⁴⁶ Police Executive Research Forum, *Police Department Budgeting: A Guide for Law Enforcement Chief Executives* (Washington, DC: Police Executive Research Forum, 2002); Casey Delehanty et al., "Militarization and Police Violence: The Case of the 1033 Program," *Research & Politics* 4, no. 2 (April 2017): 4, <https://doi.org/10.1177/2053168017712885>.

D. THESIS ROADMAP

This thesis provides pertinent information to guide the reader to a better understanding of the grants conundrum. While not exhaustive, the subsequent chapters analyze vital findings from scholarly work and governmental documents. Chapter II explores the origins and intended purposes of homeland security and other grants utilized by public safety professionals. This chapter rounds out how the federal grantors, their recipients at the state level, and cities and municipalities factor into the process. Building on that foundation, Chapter III provides context for government roles and responsibilities and how entities strategize to maximize these funds. These strategies are connected to and are, in ways, complicit in the gaps introduced in the first chapter.

One of the most impactful consequences of these gaps is the amassing of equipment, mainly that which is designed for warfighting, and how its largely unregulated consumption has led to the militarization of our nation's police and its negative consequences. This thesis closes with a brief synthesis of the findings and recommendations for immediate consideration and future research opportunities.

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II. OVERVIEW OF GRANTS AND FUNDING SOURCES TO PUBLIC SAFETY

This chapter explores the principal federal funding and supply sources available to states, counties, cities, and municipalities dedicated to public safety. The two primary focuses of public safety-centric federal funding and provisions are law enforcement and efforts related to terrorism, which in recent years have been expanded to “all-hazards” to allow more flexibility, leverage, and opportunities for recipients to use these resources.

At least through 1902, the federal government infrequently supported states with aid or provided them with grants—other than land grants.⁴⁷ In the early decades of the new century, however, the overall grants system saw exponential growth. The 1960s marked the most significant growth as the administration under President Lyndon Johnson sought to expand these programs nationwide. Today, 26 federal grant-making agencies offer some 900 grants and aid through resource programs.⁴⁸ The wide range of these programs falls under 20 general categories, from agriculture and business to legal services and transportation.⁴⁹ Over 100 programs in support of local activities, including education and housing, sprang up across the nation.⁵⁰

This growth spurred efforts to decentralize congressional decision-making, which prompted members of Congress to seek support for localized initiatives in their states. However, during the Nixon administration and into President Ford’s tenure, reforms to the aid systems resulted in consolidating many grants into what are now known as block grants.

⁴⁷ Chris Edwards, *Federal Aid to the States: Historical Cause of Government Growth and Bureaucracy*, Policy Analysis No. 593 (Washington, DC: Cato Institute, 2007), <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa593.pdf>.

⁴⁸ For a list of the 26 grant-making agencies, see <https://www.grants.gov/learn-grants/grant-making-agencies.html>.

⁴⁹ As of this writing, the 20 recognized federal grant categories are agriculture; arts; business and commerce; community development; consumer protection; disaster prevention and relief; education regional development; employment, labor, and training; energy; environmental quality; food and nutrition; health; housing; humanities; information and statistics; law, justice, and legal services; natural resources; science and technology; social services and income security; and transportation.

⁵⁰ Robert P. Inman, “Federal Assistance and Local Services in the United States: The Evolution of a New Federalist Fiscal Order,” Working Paper No. 2283 (Cambridge, MA: National Bureau of Economic Research, 1987).

During President Carter’s administration, the White House sought to clean up some of the “red tape and confusion in the grants system.”⁵¹

While guidelines and responsibilities are, for the most part, clearly described in grants processes, gaps occur because, in practice, the structure of the grant management process does not support effective oversight. Federal funding agencies must balance the steady disbursement of funds with requirements. In a regulatory process that encourages accountability and oversight, the general system comprises rules and guidance, processes, data and evidence systems, and managers.⁵² These processes are included and written into the laws governing grants. According to Shelley Metzenbaum with the IBM Center for the Business of Government, “The challenge is to make these components work well together to improve grant program outcomes.”⁵³ At the same time, guidance and instructions for grant applications encourage streamlining or even leveraging as many regulatory loopholes as possible.⁵⁴

Grants-in-aid are crucial for government operations, and they serve a role at each level of government.⁵⁵ What are grants-in-aid, and what purpose do they serve in support of public safety? The answers to these questions begin with understanding each funding source’s origin, intent, and priorities. These elements are examined and discussed in this chapter.

The federal government has authorized specific federal departments to create the grants awarded to state governments. These departments, referred to as “federal grant-making agencies,” include the Department of Homeland Security (DHS), Department of Justice (DOJ), Department of Defense (DOD), Department of Energy (DOE), and the

⁵¹ Jimmy Carter, official memorandum, September 9, 1977, quoted in David B. Walker, *The Rebirth of Federalism: Slouching toward Washington* (Chatham, NJ: Chatham House Publishers, 1995), 143.

⁵² Shelley H. Metzenbaum, *Federal Grants Management: Improving Outcomes* (Washington, DC: IBM Center for the Business of Government, 2021), 13, www.businessofgovernment.org/sites/default/files/Federal%20Grants%20Management_0.pdf; Pre-Award Requirements, 44 C.F.R. §§ 13.10–13.12 (2010), <https://www.govinfo.gov/content/pkg/CFR-2010-title44-vol1/pdf/CFR-2010-title44-vol1-part13-subpartB.pdf>.

⁵³ Metzenbaum, *Federal Grants Management*, 13.

⁵⁴ Pre-Award Requirements.

⁵⁵ Ingram, “Policy Implementation through Bargaining,” 500.

Department of the Interior (DOI).⁵⁶ Because this discussion also examines police militarization, the reader should note that military-style equipment can be purchased or obtained through a number of federal programs that support resource and equipment needs through grants or by passing along excess property.⁵⁷ In addition to the aforementioned federal agencies, the DOJ's Equitable Sharing Program, the Department of the Treasury's Forfeiture Fund Program, and the General Services Administration's Federal Surplus Personal Property Donation Program supply public service agencies with equipment.⁵⁸

Requirements for the support application vary depending on the federal grant-making agency responsible for the grant. They also vary for state and local entity applicants. The processes for select grant programs under DHS and the Federal Emergency Management Agency (FEMA), the DOJ, and the DOD appear in the following sections.

A. GRANT PROGRAMS UNDER DHS/FEMA

This section discusses a primary source of funding from DHS and FEMA: the Homeland Security Grant Program (HSGP). The HSGP is one of three such grants, in addition to Operation Stonegarden (OPSG), that provide funding to state and local public safety providers.⁵⁹ The section concludes with an overview of the process for obtaining funds through grants under this umbrella.

As of fiscal year 2020, the HSGP “provides more than \$1 billion for states and urban areas to prevent, protect against, mitigate, respond to, and recover from acts of

⁵⁶ “Grant-Making Agencies,” Department of Health and Human Services, accessed January 14, 2022, <https://www.grants.gov/web/grants/learn-grants/grant-making-agencies.html>.

⁵⁷ “1033 Program FAQs,” Defense Logistics Agency, accessed January 14, 2022, <https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx>.

⁵⁸ “Equitable Sharing Program,” Department of Justice, accessed January 14, 2022, <https://www.justice.gov/criminal-mlars/equitable-sharing-program>; “Treasury Executive Office for Asset Forfeiture (TEOAF),” Department of the Treasury, accessed January 14, 2022, <https://home.treasury.gov/policy-issues/terrorism-and-illicit-finance/treasury-executive-office-for-asset-forfeiture-teoaf>; “How to Acquire Surplus Federal Personal Property,” General Services Administration, accessed January 14, 2022, <https://www.gsa.gov/buying-selling/government-property-for-sale-or-disposal/personal-property-for-reuse-sale-for-state-agencies-and-public-orgs/how-to-acquire-surplus-federal-personal-property>.

⁵⁹ The other two grant programs under DHS/FEMA are the State Homeland Security Program and the Urban Area Security Initiative.

terrorism and other threats,” according to an official DHS press release.⁶⁰ The same source describes the OPSG’s purpose as “enhanc [ing] cooperation and coordination among local, tribal, territorial, state and federal law enforcement agencies to jointly enhance security along the United States land and water borders.”⁶¹ As DHS Secretary Janet Napolitano explained in 2010, “The grants . . . will help our partners in state, local and tribal governments and non-profit organizations across the country better prepare for, respond to and recover from all threats and hazards.”⁶² These grants are “part of a comprehensive set of measures authorized by Congress and implemented by DHS to help strengthen the nation’s communities against potential terrorist attacks.”⁶³

1. State Homeland Security Program and Urban Area Security Initiative

For clarity, while the State Homeland Security Program (SHSP) and the Urban Areas Security Initiative (UASI) are two distinct grants under DHS, their purposes are closely tied, and they can be used by both state and local agencies. Therefore, they are discussed together, and distinctions will be made where appropriate. As the two main components of this block of grants, the SHSP and UASI provide state and local agencies with \$415 million and \$615 million, respectively.⁶⁴

The DHS Strategic Plan lists five essential homeland security missions, and of those, HSGP “supports the goal to strengthen national preparedness and resilience.”⁶⁵ Secretary Napolitano was quoted as saying,

⁶⁰ “DHS Announces Grant Allocations for Fiscal Year 2020 Preparedness Grants,” Department of Homeland Security, June 30, 2020, para. 10, <https://www.dhs.gov/news/2020/06/30/dhs-announces-grant-allocations-fiscal-year-2020-preparedness-grants>.

⁶¹ Department of Homeland Security, para. 10.

⁶² “Secretary Napolitano Announces More Than \$1.8 Billion in Fiscal Year 2010 Preparedness Grants,” Fire Engineering, July 15, 2020, <https://www.fireengineering.com/leadership/grants-2010-preparedness/>.

⁶³ “Fiscal Year 2020 Homeland Security Grant Program,” Department of Homeland Security, accessed January 14, 2022, 1, https://www.fema.gov/sites/default/files/2020-07/fy_2020_hsgp_fact_sheet.pdf.

⁶⁴ Department of Homeland Security, 1.

⁶⁵ Department of Homeland Security, “Notice of Funding Opportunity: Fiscal Year 2021,” 3.

This funding pays for training for firefighters, medics and police officers, supports the purchase of equipment that is essential to our first responders, and improves our ability to communicate during disasters. These investments have a direct impact on communities across our country as we work together to build, sustain and improve the resilience of our families, businesses, and neighborhoods.⁶⁶

Whereas the SHSP supports state homeland security strategies based on a risk analysis of capabilities measured against vulnerabilities at the state level, the UASI carries a few more complexities with it. First introduced in 2003, the UASI provides aid to 32 high-threat, high-density cities or locales in the United States. The grant gives “financial assistance to address the unique multi-discipline planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas.”⁶⁷ The funds “assist these areas in building and sustaining capabilities to prevent, protect against, mitigate, respond to, and recover from threats or acts of terrorism using the Whole Community approach.”⁶⁸ Of the UASI funds awarded to urban areas, 25 percent must be used for activities related to law enforcement and terrorism prevention.⁶⁹

2. Operation Stonegarden

First introduced in the 2010 Homeland Security Appropriations Act during Janet Napolitano’s tenure, \$1.8 billion was allocated to the OPSG.⁷⁰ Today, this grant “enhance [s] cooperation and coordination among local, tribal, territorial, state, and federal law enforcement agencies to jointly enhance security along the United States land and water borders.”⁷¹ The OPSG grant program also supports the Ramey Sector, the only Border

⁶⁶ Fire Engineering, “More Than \$1.8 Billion in Fiscal Year 2010 Preparedness Grants.”

⁶⁷ “Urban Areas Security Initiative (UASI) Program,” Grants Office, accessed January 19, 2022, <https://www.homelandsecuritygrants.info/GrantDetails.aspx?gid=17162>.

⁶⁸ Grants Office.

⁶⁹ Department of Homeland Security, “DHS Announces Grant Allocations for Fiscal Year 2020.”

⁷⁰ Department of Homeland Security Appropriations Act of 2010, Pub. L. No. 111–83, 123 Stat. 2142 (2009), <https://www.govinfo.gov/content/pkg/PLAW-111publ83/pdf/PLAW-111publ83.pdf>. See also Congressional Research Service, *The Congressional Appropriations Process: An Introduction*, CRS Report No. R42388 (Washington, DC: Congressional Research Service, 2016), 3–4, <https://crsreports.congress.gov/product/pdf/R/R42388>. The U.S. Congress passes appropriations bills to fund departments, agencies, and programs of the federal government, including operations, personnel, equipment, and activities.

⁷¹ Department of Homeland Security, “DHS Announces Grant Allocations for Fiscal Year 2020.”

Patrol sector outside the continental United States.⁷² The grant awards benefit the following law enforcement agencies: the Puerto Rico Police Department Joint Forces for Rapid Action (FURA), the Department of Natural and Environmental Resources, the Virgin Islands Police Department, and the municipal police departments of Aguadilla, Aguada, Barceloneta, Cabo Rojo, Carolina, Isabela, Manati, and Ponce.⁷³ The funding is appropriated based on Customs and Border Protection's risk-based prioritization, which includes "threat, vulnerability, miles of the border and other border-specific law enforcement intelligence."⁷⁴ Over 10 years, collaboration between OPSG participants and the Ramey Border Patrol Sector has yielded positive results, which may have been unlikely without the financial support. Over the years, officials have reported seizures of over three tons of drugs, valued on the street at approximately \$45 million; they have also intervened in over 2,000 illegal immigration attempts.⁷⁵ Remarkably, "in March 2015, an Operation Stonegarden led operation produced the seizure of 2,513 pounds (1,140 kilos) of cocaine worth an estimated \$32 million."⁷⁶

3. Overview of the DHS/FEMA Grant Acquisition Process

For state and local agencies that potentially qualify for aid from DHS as the grant-making agency, the federal government officially manages this funding program through individual states. The state-level oversight bodies are called state administrative agencies

⁷² The Ramey Sector comprises U.S. territories and partners in Puerto Rico and the U.S. Virgin Islands. "Ramey Sector Aguadilla Puerto Rico," Customs and Border Protection, February 11, 2021, <https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/ramey-sector-aguadilla-puerto-rico#:~:text=Service%20Area%3A%20The%20Ramey%20Sector,Rico%20and%20U.S.%20Virgin%20Islands.&text=Stations%3A%20The%20Ramey%20Sector%20has,located%20in%20Ramey%2C%20Puerto%20Rico.>

⁷³ "Operation Stonegarden Grant Program Reaches a 10-Year Milestone for the Caribbean Border," Customs and Border Protection, October 15, 2019, <https://www.cbp.gov/newsroom/local-media-release/operation-stonegarden-grant-program-reaches-10-year-milestone-caribbean>.

⁷⁴ "FY 2010 Operation Stonegarden Grants," Federal Emergency Management Agency, accessed January 20, 2022, https://www.fema.gov/pdf/government/grant/2010/fy10_opsg_fa.pdf.

⁷⁵ "Sectors," Customs and Border Protection, accessed January 14, 2022, <https://www.cbp.gov/tags/sectors#>.

⁷⁶ "CBP, Operation Stonegarden Partners Seize 340 Pounds of Cocaine; One Man Arrested," Customs and Border Protection, January 11, 2016, <https://www.cbp.gov/newsroom/local-media-release/cbp-operation-stonegarden-partners-seize-340-pounds-cocaine-one-man>.

(SAAs), and they act as governor-appointed state coordinators. An SAA can submit applications for funds directly to DHS/FEMA for the UASI and OPSG programs. All 56 states and territories qualify to apply for these grant allocations.⁷⁷ While tribal governments do not qualify for HSGP funding, they may find SHSP and OPSG funding opportunities by working through their SAAs.⁷⁸

In cases where funds “pass through” from the federal government to the state agency or institution, this “prime recipient” is obliged to “make funds available to local units of government, combinations of local units, tribal governments, or other specific groups or organizations.”⁷⁹ These secondary recipients, including cities, counties, and municipalities, are referred to as “subrecipients.”⁸⁰ The state, as the SAA, makes the subaward to subrecipients by way of a pass-through with specific requirements, providing in writing its commitment to transfer funds to subrecipients. That commitment must be unconditional, without contingencies, and officially documented, and any required award terms must be clearly communicated to the subrecipients.⁸¹

Within 45 calendar days of receiving SHSP or UASI funds on behalf of local or tribal governments, SAAs are required to pass through at least 80 percent of the funds to subrecipients—so they may carry out the public purpose of the grant program in their states.⁸² Utilizing federal grants through this process has a two-fold purpose: flexibility and autonomy. As detailed in the Federal Grant and Cooperative Agreement Act,

Each executive agency shall use a type of grant agreement as the legal instrument reflecting a relationship between the Federal Government and a

⁷⁷ The 56 states and territories include the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Department of Homeland Security, “Notice of Funding Opportunity: Fiscal Year 2020.”

⁷⁸ Department of Homeland Security, “Notice of Funding Opportunity: Fiscal Year 2020 Homeland Security Grant Program” (Washington, DC: Department of Homeland Security, 2020), https://www.fema.gov/sites/default/files/2020-07/fy_2020_hsgp_nofo.pdf.

⁷⁹ Department of Homeland Security, “Notice of Funding Opportunity: Fiscal Year 2020,” 38. See also “Grant Terminology,” Department of Health and Human Services, accessed January 14, 2022, <https://www.grants.gov/web/grants/learn-grants/grant-terminology.html>.

⁸⁰ Department of Health and Human Services, “Grant Terminology.”

⁸¹ Department of Homeland Security, “Notice of Funding Opportunity: Fiscal Year 2020,” 38.

⁸² Department of Homeland Security, 38.

State or local government or other recipient whenever . . . no substantial involvement is anticipated between the executive agency [SAA], acting for the Federal Government, and the State or local government or other recipient during performance of the contemplated activity.⁸³

B. GRANT PROGRAMS UNDER THE DOJ

This section discusses the primary sources of DOJ funding to state and local public safety providers, namely the Justice Assistance Grant and COPS programs. This section closes with an overview of the process for obtaining funds through these grants under the DOJ umbrella.

1. The Edward Byrne Memorial Justice Assistance Grant

The Edward Byrne Memorial Justice Assistance Grant (JAG), administered by the Bureau of Justice Assistance, is “the leading source of federal justice funding to state and local jurisdictions.”⁸⁴ It provides “states, tribes, and local governments with the critical funding necessary to support a range of program areas.”⁸⁵

The Violence against Women and Department of Justice Reauthorization Act of 2005 ushered in JAG along with measures to protect women and children from sexual and

⁸³ Federal Grant and Cooperative Agreement Act, Pub. L. No. 95–224 § 5, 92 Stat. 3 (1978), <https://www.govinfo.gov/content/pkg/STATUTE-92/pdf/STATUTE-92-Pg3.pdf>. “‘Executive agency’ means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, an independent establishment as defined in section 104 of title 5, United States Code (except that it shall not include the General Accounting Office), [or] a wholly owned Government corporation.” Federal Grant and Cooperative Agreement Act, § 3(4).

⁸⁴ “Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Overview,” Bureau of Justice Assistance, January 3, 2022, <https://bja.ojp.gov/program/jag/overview>. See also Edward Byrne Memorial Justice Assistance Grant Program, 34 U.S.C. §§ 10151–10726 (2006), <https://uscode.house.gov/view.xhtml?path=/prelim@title34/subtitle1/chapter101/subchapter5/partA&edition=prelim>; Authority to Use Available Funds, 28 U.S.C. § 530C(a) (2002), <https://www.law.cornell.edu/uscode/text/28/530C>.

⁸⁵ Bureau of Justice Assistance, “Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Overview.” See also Bureau of Justice Assistance, *Grant Activity Report: Justice Assistance Grant (JAG) Program, April 2012–March 2013* (Washington, DC: Bureau of Justice Assistance, 2013), 1, https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/JAG_LE_Grant_Activity_03-13.pdf. Funded activities include law enforcement; prosecution, courts, and indigent defense; crime prevention and education; corrections and community corrections; drug treatment and enforcement; program planning, evaluation, and technology improvement; and crime victim and witness initiatives.

domestic abuse.⁸⁶ This act combined the Edward Byrne Memorial Formula Grant and the Local Law Enforcement Block Grant into one program under the DOJ.⁸⁷ According to the National Criminal Justice Association, the “breadth and flexibility means states and local communities can use [JAG funds] to balance resources and address problems across the entire criminal justice system and to react quickly to urgent challenges and changing circumstances.”⁸⁸ According to a 2013 report by Bureau of Justice Assistance, while approximately 64 percent of all JAG funds were allocated to general law enforcement program areas, just over 21 percent were earmarked for gang, firearm, and drug task forces.⁸⁹ These multijurisdictional task forces, composed of federal, state, and local resources, form partnerships to respond to the most significant crime problems plaguing an area. The Bureau of Justice Assistance explains, “JAG funds often support drug task forces by paying for the salaries or overtime hours of task force officers and other personnel.”⁹⁰ Vehicles and undercover equipment for task force operations are also supported through JAG funds.

2. Community Oriented Policing Services Program

Under the Violent Crime Control and Law Enforcement Act of 1994, which authorized the COPS program,

Grants could be awarded for (1) hiring new police officers or rehiring police officers who have been laid off to engage in community policing, (2) hiring former members of the armed services to serve as a career law enforcement officers engaged in community policing, and (3) supporting non-hiring initiatives, such as training law enforcement officers in crime prevention

⁸⁶ Violence against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109–162, 119 Stat. 2961 (2006), <https://www.govinfo.gov/content/pkg/STATUTE-119/pdf/STATUTE-119-Pg2960.pdf#page=154>; Lisa N. Sacco, *The Violence against Women Act: Overview, Legislation, and Federal Funding*, CRS Report No. R42499 (Washington, DC: Congressional Research Service, 2015), <https://sgp.fas.org/crs/misc/R42499.pdf>.

⁸⁷ Nathan James, *Edward Byrne Memorial Justice Assistance Grant (JAG) Program*, CRS Report No. RS22416 (Washington, DC: Congressional Research Service, 2013), 2, <https://sgp.fas.org/crs/misc/RS22416.pdf>.

⁸⁸ National Criminal Justice Association, *Byrne JAG Funding: A Snapshot from the States*, quoted in James, *Edward Byrne Memorial Justice Assistance Grant*, 3.

⁸⁹ Bureau of Justice Assistance, *Grant Activity Report*, 2, 6.

⁹⁰ Bureau of Justice Assistance, 6.

and community policing techniques or developing technologies that support crime prevention strategies.⁹¹

The COPS program was reauthorized by the Violence against Women and Department of Justice Reauthorization Act of 2005.

From 1995 to 1999, the annual appropriation for the COPS program was \$1.4 billion.⁹² The Office for Civil Rights under the Office of Justice Programs has been delegated as the enforcing body, responsible for “ensuring that recipients of DOJ grants and cooperative agreements awarded by the Office of Justice Programs (OJP), the Office of Community Oriented Policing Services (COPS Office), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law.”⁹³

For four consecutive fiscal years, reports the Congressional Research Service, “funding for COPS has increased . . . , from \$276 million for FY2018 to \$386 million for FY2021. Increased funding for the COPS account is the result of Congress increasing funding for hiring programs, and for anti-heroin task forces, active shooter training, and grants under the Matching Grant Program for School Security.”⁹⁴ Additional 2021 funding was allotted for police reform; training for de-escalation, mental health calls, and anti-bias and diversity awareness; and agency accreditation.⁹⁵

⁹¹ Nathan James, *Community Oriented Policing Services (COPS) Program*, CRS Report No. IF10922 (Washington, DC: Congressional Research Service, 2021), 1, <https://crsreports.congress.gov/product/pdf/IF/IF10922>. See also Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103–322, 108 Stat. 1796 (amended 2018), <https://www.govinfo.gov/content/pkg/COMPS-10824/pdf/COMPS-10824.pdf>; Nathan James, *Community Oriented Policing Services (COPS): Background Legislation, and Issues*, CRS Report No. RL33308 (Washington, DC: Congressional Research Service, 2008), <https://www.hsdl.org/?abstract&did=485270>.

⁹² James, *Community Oriented Policing Services (COPS) Program*. The Congressional Research Service serves as a shared nonpartisan staff to congressional committees and members of Congress.

⁹³ “Civil Rights,” Office of Justice Programs, January 7, 2020, <https://www.ojp.gov/program/civil-rights/statutes-regulations>.

⁹⁴ James, *Community Oriented Policing Services (COPS) Program*, 2.

⁹⁵ James, 2.

The COPS umbrella comprises three specific hiring programs: the Tribal Resources Grant Program, the COPS Hiring Program, and the COPS Hiring Recovery Program, all of which are supported by the American Recovery and Reinvestment Act.⁹⁶

3. Overview of the DOJ Grant Acquisition Process

For state and local law enforcement agencies that potentially qualify for aid from the DOJ as the grant-making agency, the federal government provides JAG and COPS program grants through the OJP. While both programs support various law enforcement activities, the COPS program uniquely provides funding for the hiring and retaining of sworn staff. While the HSGP allows only an SAA to apply for grant assistance from the federal government, the DOJ accepts applications directly from local entities.⁹⁷

a. The JAG Program

There are two kinds of formula awards available under the program: state and local.

- State awards: “Only states may apply under this solicitation, and states must designate a single State Administering Agency (SAA) that has authority to apply on their behalf.”⁹⁸
- Local awards: “Only local government units appearing on the JAG Allocations List may apply under this solicitation.”⁹⁹

⁹⁶ Office of Community Oriented Policing Services, *Grant Monitoring Standards and Guidelines for All COPS Grants and Cooperative Programs* (Washington, DC: Office of Community Oriented Policing Services, 2014), 42, 54, https://cops.usdoj.gov/pdf/e081420661_Grant%20Monitoring_Final.pdf.

⁹⁷ “Opportunities & Awards: OJP Award Data,” Office of Justice Programs, January 21, 2020, 4, <https://www.ojp.gov/funding/explore/ojp-award-data>.

⁹⁸ Bureau of Justice Assistance, “Edward Byrne Memorial Justice Assistance Grant (JAG) Program Frequently Asked Questions (FAQs)” (Washington, DC: Bureau of Justice Assistance, 2020), 1, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/JAGFAQ.pdf>. “For purposes of the JAG Program, the term *state* includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, and American Samoa.”

⁹⁹ Bureau of Justice Assistance, “Frequently Asked Questions (FAQs),” 1. “By law, for purposes of the JAG Program, the term ‘units of local government’ includes a town, township, village, parish, city, county, borough, or other general-purpose political subdivision of a state, or it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior).”

Each year, JAG publishes on its website program solicitations, funding allocations, and related charts for all eligible recipients including the 56 states and territories, local government, and tribal units.¹⁰⁰

The state's allocation of JAG funding is "based on its share of violent crime [i.e., homicide, rape, robbery, and aggravated assault] and population (weighted equally)."¹⁰¹ After a state's allocation is calculated, the Bureau of Justice Assistance "divid [es] each state's final award amount (except for the territories and District of Columbia) between the state and its units of local governments at a rate of 60 and 40 percent, respectively."¹⁰² Agencies that do not qualify for funding under the JAG program's provisions "may reach out to their respective State Administering Agency (SAA) to determine whether subaward funding is available."¹⁰³ Notably, SAAs that receive JAG funding must pass through "a predetermined percentage of funds to 'units of local government.'"¹⁰⁴

In addition, in meeting the requirements of JAG program areas under the *U.S. Code*, an SAA can "make a subaward for the following purposes: (1) criminal justice projects that would benefit the entire state, (2) a criminal justice project that will benefit a local jurisdiction, and (3) a private non-profit that is in partnership with a local law enforcement agency to provide criminal justice services to designated units of local government."¹⁰⁵

b. The COPS Program

Allocations through the COPS program go to "state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing

¹⁰⁰ Bureau of Justice Assistance, "Frequently Asked Questions (FAQs)."

¹⁰¹ Bureau of Justice Assistance, 2.

¹⁰² Bureau of Justice Assistance, 3.

¹⁰³ Bureau of Justice Assistance, 3.

¹⁰⁴ Bureau of Justice Assistance, 3.

¹⁰⁵ Bureau of Justice Assistance, "Frequently Asked Questions (FAQs)," 6; Edward Byrne Memorial Justice Assistance Grant Program, § 10152(a)(1).

strategies.”¹⁰⁶ COPS allocations are based on the individual law enforcement agency’s “entry-level full-time sworn officer salary and approved fringe benefits at the time of grant application or updated grant application.”¹⁰⁷ Moreover, to use this program for staffing, agencies may apply the funding to employ only career officers, defined as those “hired on a permanent basis who [are] authorized by law or by a state/local public agency to engage in or supervise the prevention, detection, or investigation of criminal law violations.”¹⁰⁸ Notably, there is no pass-through process for the COPS programs as all current hiring grants are directly accessible by recognized law enforcement agencies, according to COPS guidelines and *U.S. Code*.¹⁰⁹

C. RESOURCE PROGRAMS UNDER THE DOD

This section discusses the DOD’s available resources at no cost to state and local public safety providers, known broadly as the 1033 Program. To this point, the chapter has focused on grants-in-aid. While this federal program is the only one not a grant-in-aid because, by definition, it does not provide funding for public safety, it is a significant resource worthy of discussion. This section closes with an overview of the process for obtaining resources, particularly tactical equipment used in warfighting.

The excess property program “began in 1989 when Congress amended the National Defense Authorization Act to permit the Secretary of Defense to transfer, without charge, excess DOD personal property (supplies and equipment) suitable for employment in counter-drug activities to Federal and State agencies.”¹¹⁰ The National Defense

¹⁰⁶ Office of Community Oriented Policing Services, *Grant Monitoring Standards and Guidelines*, 3.

¹⁰⁷ Office of Community Oriented Policing Services, 32.

¹⁰⁸ Office of Community Oriented Policing Services, 104.

¹⁰⁹ Crime Control and Law Enforcement, 34 U.S.C. § 10389 (renumbered as of 2022), [https://uscode.house.gov/view.xhtml?req=\(title:34%20section:10389%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title34-section10389\)&f=treesort&num=0&edition=prelim](https://uscode.house.gov/view.xhtml?req=(title:34%20section:10389%20edition:prelim)%20OR%20(granuleid:USC-prelim-title34-section10389)&f=treesort&num=0&edition=prelim).

¹¹⁰ James Williams, *Federal Property and Equipment Manual: Federal Sources of Personal Property for Law Enforcement*, NCJ 172872 (Washington, DC: National Institute of Justice, 2002), 1, <https://public.intelligence.net/lea-federal-property-manual/>.

Authorization Act of 1990, section 1208, “authorized the transfer of excess DOD property to federal, state and local law enforcement agencies.”¹¹¹

1. National Institute of Justice Surplus Property Program

In 1995, the National Institute of Justice created the Surplus Property Program for state and local law enforcement agencies to learn about and access what would become the 1033 Program.¹¹² As part of the DOD, the Defense Logistics Agency (DLA)’s Law Enforcement Support Office (LESO)—whose motto is “from warfighter to crimefighter”—administers the 1033 Program.¹¹³

The end of the last century and the early 2000s saw a sharp increase in police agencies’ expanded use of military equipment at the local and state level. In 1990, its first year in operation, the program supplied state and local drug law enforcement agencies with more than \$1 million in excess defense equipment.¹¹⁴ By the end of the 1995 fiscal year, annual consumption of defense equipment had ballooned to \$324 million.¹¹⁵ Nearly two decades later, in 2013, close to \$450 million in equipment made its way to American law enforcement agencies.¹¹⁶ Since 2006, every state in the union, including Puerto Rico and the District of Columbia, has participated in the 1033 Program. Aaron Poynton highlights the expansiveness of the program: “In 2013 alone, DOD transferred nearly a half-billion dollars’ worth of excess property to some of the over 8,000 civilian law enforcement agencies that participate.”¹¹⁷ In 1997, language was added to the National Defense Authorization Act that expanded the program, allowing “all law enforcement agencies to acquire property for any bona fide law enforcement purpose, although preference is given

¹¹¹ Defense Logistics Agency, “1033 Program FAQs.”

¹¹² Williams, *Federal Property and Equipment Manual*, iii.

¹¹³ American Civil Liberties Union, “Written Statement,” 5.

¹¹⁴ American Civil Liberties Union, 5.

¹¹⁵ American Civil Liberties Union, 5.

¹¹⁶ American Civil Liberties Union, 5.

¹¹⁷ Aaron Sean Poynton, “Military and Civilian Resources: Doing More with Less,” *Domestic Preparedness Journal* 10, no. 9 (September 2014): 24, <https://www.domesticpreparedness.com/journals/sustainability/>.

to counter-drug and counter-terrorism requests.”¹¹⁸ The purpose was to assist in law enforcement’s “arrest and apprehension mission.”¹¹⁹

2. Overview of the DOD Resource Acquisition Process

For federal, state, and local agencies that potentially qualify to obtain resources through the 1033 Program, the DOD as the grant-making agency works through coordinators at the state level.¹²⁰ The same 8,200 law enforcement agencies—from all but one state in the union—and several U.S. territories participated in the program, based on June 2020 figures.

For a state to participate in the 1033 Program, “the governor must appoint in writing a state coordinator, who is responsible for ensuring proper oversight of participating law enforcement agencies from that state.”¹²¹ If for no other reason than distance, “proper oversight” is nearly impossible with this single point of failure. In addition, states maintain a memorandum of agreement with LESO that “outlines the responsibilities, rules, and regulations that must be followed for continued participation in the program.”¹²² However, no one at the recipient level is responsible for providing proof of such compliance.

Furthermore, “LESO relies on the state coordinator’s judgment in determining the rationale for a law enforcement agency’s request for the property through the program.”¹²³ Any law enforcement agency that participates in the program must sign an agreement with

¹¹⁸ Illinois Department of Central Management Services, *LESO Program Enrollment/Renewal Packet* (Springfield: Illinois Department of Central Management Services, 2019), 5, https://www2.illinois.gov/cms/business/surplus/Documents/fed/LESO_ApplicationPacket.pdf. Illinois is used as an example to represent general requirements for all 56 states and jurisdictions.

¹¹⁹ Illinois Department of Central Management Services, 5.

¹²⁰ “A law enforcement agency is defined as a government agency whose primary function is the enforcement of applicable federal, state and local laws and whose compensated law enforcement officers have the powers of arrest and apprehension.” Defense Logistics Agency, “1033 Program FAQs.”

¹²¹ Defense Logistics Agency, “1033 Program FAQs.”

¹²² Illinois Department of Central Management Services, *LESO Program Enrollment/Renewal*, 5.

¹²³ Defense Logistics Agency, “1033 Program FAQs.”

the coordinator, called the State Plan of Operation.¹²⁴ Arguably, the processes and procedures for this program are delineated and, at times, clearly defined.

Conversely, the program fails to articulate a clear purpose, approved scenario-based use cases, and desired outcomes for the defense equipment. A law enforcement agency can participate simply by submitting “electronic requests to the state coordinator that thoroughly justify the request for the available property.”¹²⁵ According to the DLA, “The governor-appointed state coordinators approve and certify law enforcement agencies in their state and work with agencies regarding program participation.”¹²⁶ Applicants receive online access to a list of available equipment that the DLA deems suitable for law enforcement purposes and can be transferred to an agency at no cost upon a coordinator’s request.¹²⁷ The available documentation provided for this program does not define criteria for approval and certification other than meeting the definition of a “law enforcement agency.”¹²⁸ Furthermore, requests approved by state coordinators “are routed to the LESO for further review. Every request for the property must have a justification outlining how the property will be used . . . [and] must be for bona fide law enforcement purposes.”¹²⁹

Given that most materials provided through this program are designed for warfighting—an activity that has clear rules of engagement—it would stand to reason that repurposing such material would come with similarly clear rules. Instead, in the program’s current state, ambiguity exists, leaving room for misuse or abuse.

D. CONCLUSION

The breadth and scope of federal spending is prolific. Federal grants and resource allocations have tripled since the 1980s and amounted to \$697 billion in 2018, across an

¹²⁴ Defense Logistics Agency.

¹²⁵ Defense Logistics Agency.

¹²⁶ Defense Logistics Agency.

¹²⁷ Defense Logistics Agency.

¹²⁸ “Law Enforcement Support Office,” Defense Logistics Agency, accessed January 15, 2022, <https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement.aspx>.

¹²⁹ Defense Logistics Agency, “1033 Program FAQs.”

estimated 1,400 individual programs.¹³⁰ The focus of today's grants-in-aid is multipurpose and gradually becoming more complex over the years, as funding streams have proliferated. It is challenging to connect their current use and original intent succinctly.

Grants are a strategic "tool" that has taken on a crucial role at all levels of government, one that cannot simply be discontinued. The following chapter discusses how political agendas directly affect grant proliferation and use and lends context to the often-tenuous interdependence of federal and state governments and their strategies to maximize these funds. These factors are connected to and are, in ways, complicit in the gaps introduced in the previous chapter.

¹³⁰ Edwards, *Restoring Responsible Government*, 1.

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III. GRANT MANAGEMENT: PRACTICES AND IMPLICATIONS

Much of the literature and critical discussion on grants often suggest increasing government oversight, but these recommendations rarely become a reality. The result has been a misalignment between overarching grant goals and the activities they end up supporting. This chapter starts by examining significant issues with the misalignment of grant goals and the local use of resources. Equally important is why this misalignment exists. Therefore, this chapter examines literature and critical discussions suggesting that this misalignment is partly due to competing political agendas at multiple levels, in which grants play a significant role. In addition, the grant system plays a role in political bargaining and strategy between the federal and state governments.

A. RESOURCE USE MISALIGNED WITH PROGRAM FUNDING GOALS

Inside today's federal acquisition programs, grant-making agencies have varying purposes. These variations lead to the inconsistencies examined in this section. The type and amount of information required of recipients in public safety, primarily in law enforcement, to purchase or acquire weapons and other controlled equipment are often absent in critical areas that would ensure the actual use aligns with the intended purpose.¹³¹ This section highlights examples of misalignment in the context of resource use vis-à-vis the original intent for these funds. This section also sets the foundation for the subsequent section, which discusses why these misalignments occur.

1. DHS: HSGP Counterterrorism Resources Misused

The intent of DHS in creating grants is to support "states and urban areas' efforts to prevent, protect against, mitigate, respond to, and recover from acts of terrorism."¹³² Today, however, as the American Civil Liberties Union (ACLU) points out, "it is clear that

¹³¹ Law Enforcement Equipment Working Group, *Recommendations Pursuant to Executive Order 13688 Federal Support for Local Law Enforcement Equipment Acquisition* (Washington, DC: Law Enforcement Equipment Working Group, 2015), 25, https://bja.ojp.gov/sites/g/files/xyckuh186/files/publications/LEEWG_Report_Final.pdf.

¹³² Law Enforcement Equipment Working Group, 48.

local law enforcement agencies use DHS funds ostensibly obtained for the purpose of fighting terrorism to conduct ordinary law enforcement activities.”¹³³ Although justifications offered for these grants include the requisite DHS language, the applications read as boilerplate, and the intended use of funds ultimately has no nexus to threats of terrorism. For example, police departments in three New Hampshire counties—Concord, Keene, and Manchester—were able to procure BearCat armored personnel carriers with DHS grants. These cities are less than 30 miles apart from each other in any direction. Pundits might ask, “What’s wrong with that?” “As the saying goes,” explains the ACLU, “if all you have is a hammer, everything looks like a nail. Likewise, if the federal government gives the police a huge cache of military-style weaponry, they are highly likely to use it, even if they do not really need to.”¹³⁴ Moreover, without guidance and oversight to say otherwise, every encounter with police can be justified to look like a fight.¹³⁵

Following an extensive study of the proliferation of war-like tactics in American policing, the ACLU published its findings in *War Comes Home*, a report that highlights Keene County’s grant application.¹³⁶ Explaining the department’s use of the word “terrorism” in its funding application for the BearCat purchase, a city councilmember was quoted as saying, “Our application talked about the danger of domestic terrorism, but that’s just something you put in the grant application to get the money. What red-blooded American cop isn’t going to be excited about getting a toy like this? That’s what it comes

¹³³ American Civil Liberties Union, *War Comes Home*, 25. See also Blake Ainsworth et al., *Cooperative Threat Reduction: Status of Defense Conversion Efforts in the Former Soviet Union*, GAO/NSIAD-97-101 (Washington, DC: General Accounting Office, 1997), <https://www.gao.gov/pdf/product/223833>.

¹³⁴ American Civil Liberties Union, *War Comes Home*, 25. See also Abraham H. Maslow, *The Psychology of Science* (New York: Harper & Row, 1966), 15; Nicole Colson, “They Turned U.S. Streets into a War Zone,” *Socialist Worker*, August 9, 2016, <https://socialistworker.org/2016/08/09/they-turned-us-streets-into-a-war-zone>.

¹³⁵ Law Enforcement Equipment Working Group, *Recommendations Pursuant to Executive Order 13688*, 25. According to the Law Enforcement Equipment Working Group, “Only three agencies currently require information related to the size of the requesting LEA or the population of the LEA’s jurisdiction. Just two agencies require evidence of a training plan as a part of the criteria. And only four agencies require information on the availability of requested equipment that is either already in the possession of the requesting LEA or is available via applicable mutual aid agreements.”

¹³⁶ American Civil Liberties Union, *War Comes Home*.

down to.”¹³⁷ The study goes on to cite an interesting detail on Keene County’s application, that the annual pumpkin festival was a potential terrorism target in need of protection with an armored personnel carrier.¹³⁸ While terrorism is real, New Hampshire’s application cited no intelligence supporting any credible threat. The implication is that this police department was not using resources for the intended purpose—there was no nexus to terrorism, yet it successfully obtained the equipment. Having three armored vehicles in suburban New Hampshire, particularly in this context, falls short of helping the overall goal of making the public safe, at least with this application.

In the broader context, this kind of logic used to justify these machines, as well as their ultimate application on the streets of American cities, is common. For example, county commissioners in Berrien County, Michigan, accepted an MRAP vehicle despite overwhelming public opposition. County officials could not provide evidence of threats that would warrant the need. Commissioner Andrew Vavra did offer that “the real purpose of this vehicle is the safety of our tactical response team. . . . That’s where I’m at with my support for it.”¹³⁹ Although its approved application for an MRAP could not be found, the town of Dundee, Michigan, population of 3,900, owns the armored vehicle. In fact, Dundee is one of 14 Michigan counties to receive an MRAP.¹⁴⁰ No evidence of a threat is required when applying to obtain this type of equipment, so theoretically, even the smallest of police forces can get military-grade tactical equipment at will.¹⁴¹

¹³⁷ American Civil Liberties Union, 25.

¹³⁸ New Hampshire Department of Safety, Grants Management Unit, “FY 2010 Homeland Security Grant Application” (Concord: New Hampshire Department of Safety, 2010), quoted in American Civil Liberties Union, *War Comes Home*, 67; Garret Ean, “BEARCAT Hearing Promises Controversy,” Free Keene, August 12, 2013, <https://freekeene.com/2013/08/12/bearcat-hearing-promises-controversy/>.

¹³⁹ Scott Aiken, “County Commissioners Accept MRAP Vehicle over Opposition,” *Harbor Country News*, January 15, 2014, https://www.harborcountry-news.com/news/county-commissioners-accept-mrap-vehicle-over-opposition/article_06d1226d-2e73-5ead-8c53-f1df4d402c96.html.

¹⁴⁰ Brad Devereaux, “14 Michigan Police Agencies Could Get New MRAP Vehicles from Military,” MLive, January 19, 2019, https://www.mlive.com/news/2016/01/14_michigan_agencies_on_waitin.html.

¹⁴¹ Radley Balko, “Congratulations! Your Tiny Town Has an MRAP and Is Ready for War,” *Washington Post*, April 18, 2014, <https://www.washingtonpost.com/news/the-watch/wp/2014/04/18/congratulations-your-tiny-town-has-an-mrap-and-is-ready-for-war/>.

2. DOJ: JAG Funds Intended to Reduce Incarceration

The original intent of JAG—channeling funds to communities to change the emphasis of law enforcement—was lofty. The goal—moving away from what is often seen as overly aggressive policing that results in incarceration and brutality—was promising. Again, the actual use of that funding has deviated from some of those critical goals.

Rampant increases in crime occurred in the United States between 1980 and 1985, and as a result, the “federal government increased its support for domestic crime control by creating a series of grant programs designed to assist state and local law enforcement,” including JAG.¹⁴² Of the seven designated purposes for JAG funding, including programs or projects for indigent defense and drug treatment, grantees spend much more of their allotments on law enforcement than areas that could be more meaningful.¹⁴³ According to the Bureau of Justice Assistance, JAG grantees spent 64 percent of their allotments on law enforcement from April 2012 to March 2013.¹⁴⁴ Even so, local agencies decide how to meet the basic requirements of the grant’s parameters, and lawmakers—not members of the public—decide on allocations across defined program areas.¹⁴⁵

Such deviation from the original purpose of the grant equates to grantees spending 9 percent on courts, including prosecution and indigent defense; 6 percent on crime prevention and education; and a meager 5 percent on drug treatment.¹⁴⁶ This is noteworthy because drug abuse is often at the center of a large portion of aggressive law enforcement action. Drugs also account for many incarcerations. Furthermore, increasing efforts to

¹⁴² James, *Edward Byrne Memorial Justice Assistance Grant*, 1.

¹⁴³ The Bureau of Justice Assistance lists the following seven areas: “law enforcement; courts; crime prevention and education; corrections and community corrections; drug treatment and enforcement; program planning, evaluation, and technology; and crime victim and witness programs.” Bureau of Justice Assistance, *Grant Activity Report*, 1.

¹⁴⁴ Bureau of Justice Assistance, *Grant Activity Report*, 2.

¹⁴⁵ “Funding & Awards,” Bureau of Justice Assistance, accessed January 15, 2022, <https://bja.ojp.gov/funding>.

¹⁴⁶ Bureau of Justice Assistance, *Grant Activity Report*, 2.

provide education and resources to shrink the sphere of drug influence would reduce police action and the need for an overaggressive, broken criminal justice system.¹⁴⁷

Though Congress requires JAG program applicants to “certify that they maintain adequate policies and procedures for eliminating racial profiling and have eliminated any existing practices that permit or encourage racial profiling,” practice is often misaligned with the intent.¹⁴⁸ In addition, critics say the “Byrne JAG funding is used to conduct unnecessarily aggressive activities in drug cases,” again speaking to this misalignment.¹⁴⁹ According to the ACLU, “Approximately 21 percent of all law enforcement JAG funds go to task forces, the majority of which are drug task forces, which routinely employ paramilitary tactics in drug investigations.”¹⁵⁰ The structure of the JAG program lends to practices that alter original grant priorities, mainly related to minor drug offenses, “including highway drug interdiction programs and neighborhood ‘stop and frisk’ programs.”¹⁵¹ These practices run counter to JAG’s priorities: “eliminating unnecessary incarceration while promoting public safety and reducing unwarranted racial disparities in arrest.”¹⁵² Sentiments like that of the Fresno police—“the best money we get [is] from state and federal sources because we can expend funds to meet our local needs in the way we see fit”—also suggest the loose state of these grant processes can foster misuse.¹⁵³

Similarly, once intended to enhance community-based policing, the DOJ’s COPS program has fallen short, not so much in its hiring of law enforcement officers but in its inability to bolster the ranks of law enforcement professionals dedicated to community-

¹⁴⁷ American Civil Liberties Union, “Written Statement,” 3.

¹⁴⁸ End Racial Profiling Act, H.R.1933, 114th Cong. (2015), <https://www.congress.gov/bill/114th-congress/house-bill/1933>.

¹⁴⁹ American Civil Liberties Union, *War Comes Home*, 26.

¹⁵⁰ American Civil Liberties Union, *War Comes Home*, 26. See also McCaskill, “Oversight of Federal Programs.”

¹⁵¹ End Racial Profiling Act.

¹⁵² Bureau of Justice Assistance, “Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2015 Local Solicitation,” OMB No. 1121-0329 (Washington, DC: Bureau of Justice Assistance, 2015), 6, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/BJA-2015-4167.pdf>.

¹⁵³ Bureau of Justice Assistance, *A History of the Local Law Enforcement Block Grants Program: Supporting Local Solutions to Crime*, Bulletin NCJ 179982 (Washington, DC: Bureau of Justice Assistance, 2000), 1, <https://www.ojp.gov/pdffiles1/bja/179982.pdf>.

centric policing as initially planned. Nathan James details the origins of the program's deficiencies: "After the initial push to hire and fund 100,000 new law enforcement officers, Congress started to change COPS into a conduit for supporting a range of local law enforcement needs."¹⁵⁴ The year 1998 brought changes to COPS funding allocations with "increasing portions dedicated to programs that helped law enforcement agencies procure needed equipment, drug related interventions, and improve crime record keeping and investigatory capabilities."¹⁵⁵ In response to questions about the value of the program and his willingness to support it, President Biden lamented, "The [COPS] program has never fulfilled the original vision for community policing. . . . As a condition of the grant, hiring police officers must mirror the racial diversity of the community they serve."¹⁵⁶

3. DOD: Our Police Look Different—Militarization of the Police

This discussion focuses on the growth and specific impact of law enforcement access to surplus property, designed initially for warfighting, from the U.S. military. This resource was designed to provide access to surplus military equipment to support the wars on drugs and terrorism. Since its inception, \$196 million in property has been transferred to law enforcement agencies.¹⁵⁷ This largely unregulated stream of excess defense equipment has significantly contributed to the militarization of our nation's police, with remarkable and often negative impacts. The research of William D. Hartung, director of the Arms and Security Program at the Center for International Policy, adds perspective to the significance of this expansion.¹⁵⁸ A comparison of the LESO program for law enforcement purposes and the Foreign Military Financing program—which provides most U.S. military aid, including sophisticated weapons systems, overseas—is striking. Compared to the Pentagon-supported program, assistance to America's law enforcement

¹⁵⁴ James, *Community Oriented Policing Services (COPS) Program*, 1.

¹⁵⁵ James, 1.

¹⁵⁶ James, 2.

¹⁵⁷ Defense Logistics Agency, "Law Enforcement Support Office."

¹⁵⁸ "William Hartung," Center for International Policy, accessed January 15, 2022, <https://www.internationalpolicy.org/people/William-Hartung>.

community ranks number four behind Israel, Egypt, and Iraq but ahead of noted allies Jordan, Lebanon, and Columbia.¹⁵⁹

This finding is problematic because our domestic police, with the help of this program, have a significantly different look and posture from images of the past. The DOD's 1033 Program, though focused in part on enforcing drug laws and countering terrorism, has been a primary source of military equipment and funding for police forces despite little evidence that narcotics or terrorism is a credible problem.¹⁶⁰ The ability to acquire military equipment with no requisite training, no relevant or visible connection to an actual need, and inadequate guidelines directing use lends to the kind of militarized overreaction seen in Ferguson.

Paramilitary units in local police agencies have multiplied, resulting directly from the drug war.¹⁶¹ Uniforms, procedures, and weaponry designed for war have become the hallmark of these "special" units. The Drug Policy Alliance details the effects of such a war-like posture: "As local police arsenals have proliferated, the use of these heavily-armed units for everyday policing activities, particularly for executing search warrants in the pursuit of drugs, has led to an increase in police violence and numerous tragic killings."¹⁶² Dr. Peter Kraska, professor of justice studies at Eastern Kentucky University, has provided significant research on police departments and militarization in this country, particularly in the growth of special weapons and tactics (SWAT) teams nationwide. He estimates that "the number of Police Paramilitary Units (PPU), often referred to as SWAT teams, in small towns grew from 20 percent in the 1980s to 80 percent in the mid-2000s."¹⁶³ He suggests

¹⁵⁹ "Foreign Military Financing (FMF)," Defense Security Cooperation Agency, accessed January 15, 2022, <https://www.dsca.mil/foreign-military-financing-fmf>; "Excess Defense Articles (EDA)," Defense Security Cooperation Agency, accessed January 20, 2022, <https://www.dsca.mil/programs/excess-defense-articles-eda>.

¹⁶⁰ Defense Logistics Agency, "1033 Program FAQs." Military-style gear and equipment can be purchased or obtained from multiple federal government programs that provide support through grants or property transfers.

¹⁶¹ "Policing and the Drug War," Drug Policy Alliance, accessed January 15, 2022, <https://drugpolicy.org/issues/policing>.

¹⁶² Drug Policy Alliance.

¹⁶³ Kraska, "Militarization and Policing," 506.

this “militarization was evidenced by a precipitous rise and mainstreaming of PPU.”¹⁶⁴ With roughly 90 percent of police departments serving more than 50,000 people having a PPU, the exponential growth of SWAT raids, from 3,000 in the 1980s to 45,000 in the mid-2000s, was of no surprise.¹⁶⁵

Over the years, police officers have been faced with the proliferation of gangs that are more aggressive, more violent, and in many cases, armed with more sophisticated weapons. According to the Office of Justice Programs, “There were approximately 28,100 active gangs across 3,500 jurisdictions in 2009 . . . , representing more than 20 percent growth since 2002.”¹⁶⁶ In addition, violence impacting the public—for instance, the infamous 1997 Hollywood shootout in which 12 police officers and eight civilians were injured—has increased and required police officers to acquire and train with assault-style weapons, merely so they are not outgunned by criminals.¹⁶⁷ Numerous and astonishing acts of violence over the last two decades would seem to support the exponential growth of SWAT teams nationwide.¹⁶⁸ The reality is that most SWAT deployments and subsequent engagements are not countermeasures to violent assaults on the public or direct threats to law enforcement. According to the ACLU, hostage, barricade, and active shooter events make up only 7 percent of all SWAT deployments while raids to execute search warrants account for 80 percent.¹⁶⁹

To illustrate the adverse outcomes from acquiring warfighting equipment, Casey Delehanty et al. examined four counties that receive military weapons. Their study concluded that “the receipt of more military equipment increases both the expected number

¹⁶⁴ Kraska, 506.

¹⁶⁵ Kraska, 506.

¹⁶⁶ “Gangs,” Office of Justice Programs, January 8, 2020, <https://www.ojp.gov/program/programs/gangs>.

¹⁶⁷ Wikipedia, s.v. “North Hollywood shootout,” last modified January 13, 2022, https://en.wikipedia.org/wiki/North_Hollywood_shootout.

¹⁶⁸ Radley Balko, *Rise of the Warrior Cop: The Militarization of America’s Police Forces* (New York: Public Affairs, 2014), 210.

¹⁶⁹ American Civil Liberties Union, *War Comes Home*, 30.

of civilians killed by police . . . and the change in civilian deaths.”¹⁷⁰ Furthermore, incidents of civilian casualties increased by roughly 129 percent when a police force was equipped with military equipment.¹⁷¹ In stark contrast, there were no civilian killings by police when comparable agencies did not have military equipment.¹⁷² In examining cases where dogs were killed by law enforcement, Delehanty et al. found that “police that received the highest 1033 transfers kill dogs at an order of magnitude higher . . . than those with no transfers.”¹⁷³

In May 2015, likely fueled by scenes of police interactions during protests in Baltimore that year, President Obama began to examine the free-for-all acquisition and use of military equipment by police. Obama discussed this issue in a speech on May 18, 2015: “We’ve seen how militarized gear sometimes gives people a feeling like they are an occupying force as opposed to a part of the community there to protect them.”¹⁷⁴ He went on to say, “Some equipment made for the battlefield is not appropriate for local police departments.”¹⁷⁵

The state of Kentucky, for example, is an active participant in the 1033 exchange program. From 2006 to 2014, Kentucky law enforcement agencies, including the Louisville police, acquired armored cars, automatic weapons, and more from the military transfer program to the tune of \$38 million.¹⁷⁶ Breonna Taylor’s death on March 13, 2020, serves as a painful reminder of the adverse outcomes associated with this proliferation. On the heels of a no-knock warrant to pursue evidence of drug offenses ultimately unrelated to

¹⁷⁰ Delehanty et al., “Militarization and Police Violence,” 3.

¹⁷¹ Delehanty et al., 3.

¹⁷² Delehanty et al., 3.

¹⁷³ Delehanty et al., 5.

¹⁷⁴ David Nakamura and Wesley Lowery, “Obama Administration Bans Some Military-Style Assault Gear from Local Police Departments,” *Washington Post*, May 18, 2015, <https://www.washingtonpost.com/news/post-politics/wp/2015/05/18/obama-to-visit-camden-n-j-to-tout-community-policing-reforms/>.

¹⁷⁵ Julia Edwards, “Obama Sets New Limits on Police Use of Military Equipment,” Reuters, May 18, 2015, <https://www.reuters.com/article/us-usa-race-obama/obama-sets-new-limits-on-police-use-of-military-equipment-idUSKBN0030UQ20150518>.

¹⁷⁶ Johnathan Meador, “Kentucky Police Get Guns, Aircraft, and Socks from Military Surplus Program,” WFPL News Louisville, August 27, 2014, <https://wfpl.org/kentucky-police-get-guns-aircraft-and-socks-from-military-surplus-program/>.

Taylor, at 1:00 a.m., police entered Taylor's Louisville home, where she was shot eight times.¹⁷⁷ It would be an overstatement to suggest that the weapons that took Taylor's life were obtained specifically from the military transfer program, but there was certainly a trending away from working with and toward warring against the community.

There is a correlation between this increased warrior mindset of today's police and the influx of military weaponry, the proliferation of military-style clothing or battle dress uniforms (known commonly as BDUs) and military-style tactics. In his book *Rise of the Warrior Cop*, Radley Balko illustrates how the feverish declarations of war against the elusive enemies of crime, drugs, and terror have fueled a battlefield mentality and blurred the distinction between American police officers and soldiers.¹⁷⁸ In addition to important anecdotal evidence, psycho-sociological research suggests "militarized policing can greatly escalate situations that might otherwise end peacefully."¹⁷⁹ Brad Bushman, in his article for *Psychology Today*, borrows the term "weapons effect" from Leonard Berkowitz and Anthony LePage to explain the increasingly aggressive and violent responses toward civilians by police officers.¹⁸⁰

In turn, I would argue there is no correlation between an area's quantifiable safety needs and the number of resources its public safety organization requests and receives. An analysis of data from LESO's 1033 Program from 2006 through April 2014 indicated there was neither a significant drug-trafficking issue nor intelligence related to terrorism in agencies where the program thrived.¹⁸¹ Nevertheless, those two security concerns formed

¹⁷⁷ "No More Excuses. The Drug War Killed Breonna Taylor," Drug Policy Alliance, March 9, 2021, <https://drugpolicy.medium.com/no-more-excuses-the-drug-war-killed-breonna-taylor-e931d33c6728>.

¹⁷⁸ Balko, *Rise of the Warrior Cop*.

¹⁷⁹ Jesse Singal, "How Militarizing Police Can Increase Violence," *Cut*, August 14, 2014, <https://www.thecut.com/2014/08/how-militarizing-police-can-increase-violence.html>.

¹⁸⁰ Brad J. Bushman, "The 'Weapons Effect,' *Psychology Today*, January 18, 2013, <http://www.psychologytoday.com/blog/get-psyched/201301/the-weapons-effect>; Leonard J. Berkowitz and Anthony LePage, "Weapons as Aggression-Eliciting Stimuli," *Journal of Personality and Social Psychology* 7 (1967): 202–207.

¹⁸¹ Daniel Rue, "Who Gets What? Factors Determining Pentagon's Militarization of Local Law Enforcement Agencies" (master's thesis, University of North Carolina at Chapel Hill, 2015), https://cdr.lib.unc.edu/concern/honors_theses/s1784q80n.

the foundation of the program.¹⁸² In addition, having a large population or a high crime rate does not necessarily determine a locale's proportion of resources from the program, as agencies with proportionately smaller populations or less crime can still receive significant resources. Furthermore, areas with the most significant security and safety challenges, such as border and coastal areas—historically drug-trafficking corridors and terrorist targets—do not receive more federal resources than lower-risk areas.¹⁸³ Again, no correlation between need and disbursement of resources exists.

B. STRATEGY AND BARGAINING: GOVERNMENT ROLES IN GRANTS MANAGEMENT

The main goal of this section is to examine why today's grant use fails to align with the grant's original goals, assuming this is not the result of gross neglect or wanton misuse but a cumulation of deviations gone unchecked. Systemic misalignment does not happen overnight, nor does it happen in a single silo of government. At each level of government, grants are used to support different goals, and the strategies to meet them differ. The following pages examine the design and motivations for engaging in the grant process and then discuss how these can lead to a misalignment between resources and intentions.

The roles and responsibilities of government are examined from the perspectives of several researchers because they shed light on the relationship between the federal and state seats of power and the bargaining that serves as an undercurrent for their interests and strategies in using grants-in-aid. Sharing that perspective, scholar Richard Nathan states, "A grant-in-aid is the product of a political bargaining process, not just in Washington where the grant is created, but also at the state and local levels where it is executed."¹⁸⁴ The federal government, by design and the Constitution, has specific and limited powers, leaving most government operations to the states. The first United States Congress in 1789 wanted to "ensure that people understood the limits of federal power" in writing the 10th

¹⁸² Defense Logistics Agency, "1033 Program FAQs."

¹⁸³ Arezou Rezvani et al., "MRAPs and Bayonets: What We Know about the Pentagon's 1033 Program," NPR, September 2, 2014, <https://www.npr.org/2014/09/02/342494225/mraps-and-bayonets-what-we-know-about-the-pentagons-1033-program>.

¹⁸⁴ Nathan, "State and Local Governments under Federal Grants."

Amendment to the Constitution, thus adding that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”¹⁸⁵ As Chris Edwards explains, “The amendment embodies federalism: the idea that federal and state governments have separate policy areas and that proper federal activities are ‘few and defined.’”¹⁸⁶ This part of the Constitution is important because it is at the center of the tenuous relationship and power struggle between the federal and state governments.

1. The Federal Grant Strategy

This section discusses the strategic use of grants from the federal perspective. Helen Ingram suggests, “The underlying logic of federal grants-in-aid as an implementation technique is that the federal government can hire states with money to run its errands and do its will.”¹⁸⁷ Others posit that federal funds are strategically deployed to “alter state behavior.”¹⁸⁸ Though federal financing helps bolster the state’s ability to do what federal policy specifies, some suggest that states would not pursue specific actions if it were not for the strong allure and availability of federal money. By making grant applications inviting, federal grant-giving agencies find government and non-profit partners interested in advancing these objectives with the promise of support from the federal government. Following grant awards, federal agencies manage grants to make progress on their desired objectives.¹⁸⁹ Nevertheless, the GAO has found that “the federal grant system continues to be highly fragmented, potentially resulting in a high degree of duplication and overlap among federal programs.”¹⁹⁰

How do the federal government’s motivations shape the misalignment of goals and allocation of resources? First, participants at all levels of government share a common

¹⁸⁵ Edwards, *Restoring Responsible Government*, 2; U.S. Const. amend. X.

¹⁸⁶ Edwards, 2.

¹⁸⁷ Ingram, “Policy Implementation through Bargaining,” 500.

¹⁸⁸ Ingram, 501.

¹⁸⁹ Metzenbaum, *Federal Grant Management*.

¹⁹⁰ Paul Posner, *Federal Assistance: Grant System Continues to Be Highly Fragmented*, GAO-03-718T (Washington, DC: Government Accountability Office, 2003), 2.

interest in coming to a decision but then diverge on areas of value and administrative objectives. Overall, federal agencies administering the grants and recipient state agencies alike have a vested interest in the survival of the funding. Whether the recipients make strides to fulfill the original intent of the grant becomes a lesser priority. The primary focus, then, is two-fold: ensuring that all funds are spent during the grant cycle and obtaining grant funding in the next fiscal year.¹⁹¹

Second, while publicizing federal aid programs' fraud, waste, and abuse is not rare, "state administrators have little incentive to reduce such costs because the funds come 'free' from Washington."¹⁹² In other words, grants that receive the most funding do not require the state to match the federal contribution. These are not federal loans; unless there is blatant grant abuse, there is no obligation to repay the grant-maker. The federal government relies on the state to administer the grant as the primary recipient, but the state has little to no mechanism to ensure that the local recipient accomplishes a specified goal with the monies or resources it receives.

At the same time, while publicized waste does not escape the notice of Congress, members of Congress have "little incentive to reduce waste in aid programs because all federal spending in their districts is a political positive."¹⁹³ As reelection is a driving force for a federal lawmaker, gaining support while avoiding criticism and scrutiny is a means to remaining in office. Federal lawmakers know states have neither the will nor the resources to enact federal goals entirely. Still, too much federal interference goes against states' rights. Thus, rather than passing rules that compel states to attain intended grant goals, lawmakers settle for the middle ground. Ultimately, grants-in-aid help to accomplish federal goals more than any other means.

¹⁹¹ Ingram, "Policy Implementation through Bargaining," 502.

¹⁹² Edwards, *Restoring Responsible Government*, 12.

¹⁹³ Edwards, 2.

Estimates say that billions of dollars in grants-in-aid spending have been improper.¹⁹⁴ Instead of upsetting the balance, the federal government defaults to the states to enact guidelines. At the state and—more often—the local level, these guidelines are set aside in pursuit of political agendas, just short of breaking the law. The result is that the implementation of federal policies fails, thus derailing many grant goals.¹⁹⁵

Ultimately, this relationship around grants reaches a tipping point where the federal government loses. In a study of grants-in-aid for public assistance, Gilbert Steiner, American scholar of social policy, found that over time, states were likely to win their battles with Washington.¹⁹⁶ He suggests that federal control over the states through grants is not sustainable.¹⁹⁷ States recognize the structural stability of managing federal grant programs is insecure at best. Therefore, if funding continues to be substantial and the burden on the states is relatively small, the states are willing to concede just enough to keep the purse strings open.¹⁹⁸ Ultimately, this not-so-publicized negotiation process—rather than federal withdrawal—becomes the norm.

2. The States' Playbook

The concern with the extent of federal encroachment on states' rights is persistent. As a facet of intergovernmental relations, grants-in-aid undercut state sovereignty by injecting federal fiscal control into policy areas that states have traditionally dominated, such as education and welfare.¹⁹⁹ The aim of state agencies in the transaction is “maximum possible leeway to pursue their own separate goals with the federal money.”²⁰⁰ States have

¹⁹⁴ Carolyn L. Yocom, *Medicaid: Further Action Needed to Expedite Use of National Data for Program Oversight*, GAO-18-70 (Washington, DC: Government Accountability Office, 2017), <https://www.gao.gov/assets/gao-18-70.pdf>.

¹⁹⁵ Ingram, “Policy Implementation through Bargaining,” 501.

¹⁹⁶ Gilbert Y. Steiner, *Social Insecurity: The Politics of Welfare* (Chicago: Rand McNally, 1966).

¹⁹⁷ Steiner, 8.

¹⁹⁸ Ingram, “Policy Implementation through Bargaining,” 502.

¹⁹⁹ Sheldon M. Edner, “Intergovernmental Policy Development: The Importance of Problem Definition” (paper presented at the annual meeting of the American Political Science Association, Chicago, IL, August–September 1971).

²⁰⁰ Ingram, “Policy Implementation through Bargaining,” 502.

strength in numbers. A state has the advantage of being only one among 50, and federal grant offices are seldom capable of giving detailed supervision to all at once. The bargaining strength of states increases over time because the more state participation increases, the more the program is likely to continue, and the less likely it will be amended against state interests.²⁰¹

How do state motivations and orientations shape the misalignment of goals? Martha Derthick, known for her work on social security programs, deregulation, and federalism in the 1970s, focused on the nature and impact of federal and state relationships.²⁰² She suggests that in a “bargaining situation,” states are likely to respond most positively to federal directives where the cost of compliance is small and the expected return is significant. Derthick found that many local and urban organizations, especially urban renewal, public housing, and anti-poverty programs, have been created to receive and administer federal grants.²⁰³ This fact supports the claim that winning the grant gets far more attention than realizing the intended purpose.

Ira Sharkansky’s observations support a point made earlier about the common interests that ultimately affect policy outputs. He suggests that “the values and objectives of the designated agency must be fashioned along the lines of federal objectives” to survive ultimately.²⁰⁴ Another reason for the weakness of federal requirements in some grant programs is that their legislative purpose is more about improving state programs to further larger federal agendas than imposing some federal objective.²⁰⁵

²⁰¹ Weidner, “Decision-Making in a Federal System.”

²⁰² Martha Derthick, *Influence of Federal Grants: Public Assistance in Massachusetts* (Cambridge, MA: Harvard University Press, 1970).

²⁰³ Derthick, 203.

²⁰⁴ Ira Sharkansky, *The Malignant States: Policy, Accomplishments, Problems and Opportunities* (New York: McGraw-Hill, 1972), 30–33.

²⁰⁵ Exec. Order No. 12612, 3 C.F.R. 252 (1987), <https://www.archives.gov/federal-register/codification/executive-order/12612.html>.

3. Local Government: The Silent Beneficiary

How do state motivations and orientations shape the misalignment of goals at the local level? In most cases, local government is simply a subrecipient of federal funding, so it does not play a significant role in the bargaining relationships addressed to this point. However, it is influenced by and stands to gain from participating.

As much of a grant's funding terminates at the local level, this is often where the most apparent evidence of misalignment emerges. Numerous and infamous federal aid projects show the strategic use of grants in opposition to the public good. While the following examples are not directly tied to public safety overall, they are relevant to the discussion because they share a common thread. The governing bodies that make decisions on how to use these funds are generally the same bodies that decide how best to use public safety grants. Regardless of the source, the community feels the negative impact. First, as Edwards describes, "the urban renewal or slum clearing wave of the mid-20th century . . . used billions of federal aid dollars beginning in 1949 to bulldoze poor neighborhoods in favor of grand development schemes."²⁰⁶ Edwards argues that the death of Detroit's Poletown section was part of the effort to take advantage of federal grants in the onset of the 1980s.²⁰⁷ He maintains, "The Poletown expropriation would not have happened without hundreds of millions of dollars of federal grants and loans as well as state subsidies."²⁰⁸ The same could be said of the militarization of many of Michigan's police forces. Much like grants encourage cities to use excessive eminent domain, federal resources spur excessive use of military-style equipment on urban streets.²⁰⁹ Referencing the 2005 *Kelo v. City of New London* case in Connecticut, William Fischel highlights how federal subsidies induce local governments to "expropriate private property for the sake of

²⁰⁶ "The Housing Act of 1949 launched a large federal effort of urban renewal, slum clearing, and public housing projects." Edwards, *Restoring Responsible Government*, 10, 29.

²⁰⁷ Edwards, *Restoring Responsible Government*, 10. See also James T. Bennett, *Corporate Welfare: Crony Capitalism That Enriches the Rich* (New Brunswick, NJ: Transaction Publishers, 2015), 123–64. Detroit removed 4,200 people from over 1,300 homes when it condemned nearly 500 acres for the General Motors plant.

²⁰⁸ Edwards, *Restoring Responsible Government*, 10. See also William A. Fischel, "Before *Kelo*," *Regulation* 28, no. 4 (Winter 2005): 32–35, Gale.

²⁰⁹ Fischel, "Before *Kelo*," 33.

developers.”²¹⁰ According to Edwards, “Federal aid induces state and local governments to make decisions divorced from the actual needs of their citizens. . . . Federal and state subsidies prompt city politicians to disenfranchise their residents and spend on dubious projects that the cities would not pursue if they had to raise their local funds.”²¹¹ In sum, federal aid holds sway in local governments, enticing decision-makers to push projects they could otherwise not afford nor would their constituents support.²¹²

C. CONCLUSION

This chapter has provided evidence of a bureaucratic vortex—at both the federal and state level—that causes failure points in federal aid programs.²¹³ The research suggests the inability to examine causes and develop improvements is linked to a lack of interest or resources to do so, and these factors contribute to critical oversight gaps. Summarily, through form or function, the government cannot fill those gaps. Thus, the public is either a victim or an underutilized resource. In 2005, the GAO found that the Pentagon did not “have management controls in place to avert waste, abuse, and fraud in the program.”²¹⁴ In other reports, “investigators identified hundreds of millions of dollars in reported lost, damaged, or stolen excess property . . . which contributed to program waste and inefficiency.”²¹⁵

Public safety agencies ensure that the public is and feels safe. While there will always be an element of society that takes advantage of the weak and the poor for financial gain, the daily motivation of public safety should be to support the community’s efforts to create a safe environment. Meeting this goal requires partnership, collaboration,

²¹⁰ Fischel, 35.

²¹¹ Edwards, *Restoring Responsible Government*, 6.

²¹² Edwards, 6.

²¹³ General Accounting Office, *Perspectives on Intergovernmental Policy and Fiscal Relations*, GGD-79-62 (Washington, DC: General Accounting Office, 1979), 2, 9.

²¹⁴ General Accounting Office, 9.

²¹⁵ Gregory D. Kutz, *DOD Excess Property: Management Control Breakdowns Result in Substantial Waste and Inefficiency*, GAO-05-729T (Washington, DC: Government Accountability Office, 2005), 1, <https://www.gao.gov/assets/gao-05-729t.pdf>.

transparency, and regular, intentional communication, without which the service may fall short of the need.

Police activity in America, according to Kraska, “has become unnecessarily and dangerously militarized, in large part through federal programs that have armed state and local law enforcement agencies with the weapons and tactics of war, with almost no meaningful public discussion or oversight.”²¹⁶ Therefore, the next chapter delves into the benefits of public inclusion—not only in identifying the best uses for federal funding and support but also in filling the gaps in oversight and accountability that government entities are challenged to do themselves.

Some studies indicate that public safety professionals would agree. Chanin and Espinoza’s *Criminal Justice Policy Review* article includes valuable insights from an exhaustive survey of 63 police agency executives conducted between December 2014 and March 2015.²¹⁷ First, responding police chiefs and senior administrators endorsed the inclusion of oversight, primarily from civilians. They found that external (civilian) oversight promotes accountability. They also concluded that expanded regulatory measures bolster relations between law enforcement and the public; specifically, “civilian oversight promotes community trust, improves police–community relations, promotes accountability and promotes transparency.”²¹⁸ It is challenging in a public safety setting, however, because “accountability is a power relationship” in that “to be held accountable is to have one’s autonomy and power over others constrained.”²¹⁹ Given that challenge, the next chapter also provides tools to aid the public safety provider in making the transition.

²¹⁶ Kraska, “Militarization and Policing,” 45.

²¹⁷ Chanin and Espinosa, “Examining the Determinants of Police Department Transparency,” 499.

²¹⁸ Chanin and Espinosa, 510.

²¹⁹ Robert O. Keohane, “Accountability in World Politics,” *Scandinavian Political Studies* 29, no. 2 (June 2006): 12, <https://doi.org/10.1111/j.1467-9477.2006.00143.x>.

IV. THE WISDOM OF THE CROWD AS A SOLUTION

Much of the focus in this thesis has been on the cause and effect of the underwhelming oversight and accountability measures related to federal grant and resource provisions for public safety, primarily law enforcement. Given the dynamics of grant distribution and grant-seeking, the behaviors and strategies ever present in government, demanding or expecting more oversight from these quarters will be limited in its effectiveness to bring about change. Therefore, this chapter has several purposes. First, this chapter explores the value the public brings as a partner in public safety matters and ways to seek and create opportunities deliberately for public collaboration. Second, the content provides specific recommendations for how public engagement should be shaped and planned, as well as the necessary mindset and planning decisions that should go into it. Third, the chapter provides practical advice for incorporating public participation strategically for *direct* guidance and decision-making and a template for putting the recommendations into practice moving forward.

A. WISDOM OF CROWDS FOR BETTER GRANT AND RESOURCE ACQUISITIONS

Some may suggest that in the face of the current challenges, we should be demanding more oversight from grantors and local governments. However, I am not alone in holding the position that continuing to demand more and better oversight from government is likely a waste of time. As discussed in the previous chapters, decades of research and academic discussion have addressed the value of oversight, accountability, and transparency in general terms. The recommendations to increase these measures continue today, but there has been little change. According to Deil Wright and Richard Nathan, a plausible explanation for the insufficient efforts to incorporate valuable oversight measures is the role federal funding plays in the often tenuous but interdependent relationship governments have.²²⁰ Ultimately, the priorities of federal, state, and even local

²²⁰ Wright, “Intergovernmental Games”; Nathan, “State and Local Governments under Federal Grants.”

organizations prevent them from fulfilling the recommended functions of oversight. Experts such as Hale and Palley have also insisted on the value of greater government oversight.²²¹ However, considering the relative costs, scholars like Jonathan Rauh argue that increased government oversight would be too costly to be beneficial.²²² Although I grant that implementing effective oversight measures is costly, I maintain that the best way to curb that costliness is to stop placing this responsibility on government; the better investment is in accessing the public.

The GAO, the OMB, and grant performance studies have repeatedly highlighted the ineffectiveness of existing oversight practices by government agencies, which have led to waste and misuse of funds and resources.²²³ Therefore, if the GAO and OMB assessments are right, as I presume they are, we need to reassess the approach of merely debating where government goes off course to eventually bring about the changes experts have tirelessly recommended. Given the earlier examination of the political interests that federal funding serves and the strategic maneuvering that goes into keeping those interests alive, it is not surprising that critics like Rauh generally conclude seeking more oversight from government entities is a waste of time.

Some may counter that public oversight and engagement already exist and, like Rauh, question the need for more. While such mechanisms as police commissions have existed for many years, they often do not fully represent the public, address issues only “after the fact,” and are insufficient for influencing decision-makers.²²⁴ In many public safety organizations, internal governing bodies—commissions, assessors, and review boards—are typical. The City of Los Angeles, for example, utilizes boards or commissions for every major city department.²²⁵ While these boards comprise members of the public at

²²¹ Hale and Palley, “Federal Grants to the States,” 5–6.

²²² Rauh, “Give a Little or Lose a Lot?”

²²³ Posner, *Grant System Continues to Be Highly Fragmented*.

²²⁴ “Police Commission,” Los Angeles Police Department, January 15, 2022, <https://www.lapdonline.org/police-commission/>.

²²⁵ “Boards and Commissions,” City of Los Angeles, accessed January 15, 2022, <https://www.lacity.org/government/popular-information/boards-and-commissions>.

large, they do not effectively represent communities that manifest the issues.²²⁶ Furthermore, using the City of Los Angeles as an example, board members are composed entirely of mayoral appointees, confirmed by the city council. Therefore, in effect, Los Angeles engages only the elite, with political interests, as part of its oversight process. As a result, the city is left with more political ties and influence than connections to the public.²²⁷ Essentially, although commission matters are open to the community, and public participation in the proceedings is encouraged, the commission's purported openness is only for optics—a necessary detail of the process but not a forum for the public to influence the discussion or be part of the decisions made about the matter. Furthermore, because this public interaction is largely after the fact, the city is not fully engaging the public or reaching out directly to enlist citizens or elicit their feedback. This tacit engagement, checking the box as it were, falls short of a good faith effort to integrate the public into the process of decision-making about grant acquisition and the use of funds and materials.

Given this disconnect between public commissions and the communities they are charged to serve, enlisting the public—specifically those in communities who face the most negative impacts of policies—may be the answer. Camilla Stivers and Cheryl King arrive at similar conclusions in their book *Government Is Us: Public Administration in an Anti-Government Era*.²²⁸ Their discussions support the argument that “improved citizen participation could stem the deterioration of public trust evidenced by widespread hostility toward government entities.”²²⁹ Their work also maintains that while government workers “cannot control the economy or the bureaucracy, they can take practical steps to improve their interactions with citizens.”²³⁰ Other academics like Carole Pateman have shed light

²²⁶ “Board of Fire Commissioners,” Los Angeles Fire Department, accessed January 15, 2022, <https://www.lafd.org/about/organization/fire-commission/board-of-fire-commissioners>.

²²⁷ Los Angeles Police Department, “Police Commission.”

²²⁸ Camilla M. Stivers and Cheryl Simrell King, *Government Is Us: Public Administration in an Anti-Government Era* (Thousand Oaks, CA: SAGE Publications, 1998), 14, https://engagedscholarship.csuohio.edu/urban_bks/14.

²²⁹ Renee A. Irvin and John Stansbury, “Citizen Participation in Decision-Making: Is It Worth the Effort?,” *Public Administration Review* 64, no. 1 (February 2004), 56, <https://doi.org/10.1111/j.1540-6210.2004.00346.x>.

²³⁰ Stivers and King, *Government Is Us*, 14.

on the value of including the public. She wrote in 1970 that “informed and involved citizens become citizen-experts, understanding technically difficult situations and seeing holistic, communitywide solutions.”²³¹

I surmise that exposure to and use of public input makes for better decision-making at all levels of government and makes for a better-educated, better-engaged community. Frans Coenen examines “the relationship between public participation and the quality of decision-making from a functional perspective.”²³² In his book *Public Participation and Better Environmental Decisions*, he offers three benefits to engaging the public, the first of which involves increasing the “legitimacy of decisions taken and reducing the level of conflict.”²³³ The second benefit is the “quality of decision-making,” as policymakers can garner important information and input that facilitates efficient problem-solving, roots out causes, and establishes alternate strategies.²³⁴ Third, through participation, “people will learn of the environmental problems that society faces and change their behaviour.”²³⁵

Therefore, an engaged public can do good not only for communities themselves but for public safety professionals. The collaborative relationship between the public and the public servant is due for an overhaul, with a systematic move to public participation as the focus. As President John F. Kennedy admonished, “In a democracy, every citizen, regardless of his interest in politics, ‘holds office’; every one of us is in a position of responsibility; and, in the final analysis, the kind of government we get depends upon how we fulfill those responsibilities.”²³⁶ Sir Francis Galton’s research showed that, remarkably, a crowd can guess the accurate weight of an ox. Likewise, public service organizations can achieve greater results if rather than discounting community involvement they allow the

²³¹ Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970).

²³² Frans Coenen, introduction to *Public Participation and Better Environmental Decisions*, ed. Frans Coenen (Dordrecht: Springer, 2009), https://doi.org/10.1007/978-1-4020-9325-8_1.

²³³ Coenen, 2.

²³⁴ Coenen, 2.

²³⁵ Coenen, 2.

²³⁶ Michael Kozlov and Radoslav Valkov, “Harnessing the Wisdom of the Crowd,” WorldQuant, October 2, 2019, <https://www.weareworldquant.com/en/thought-leadership/harnessing-the-wisdom-of-the-crowd/>.

public to provide input, they incorporate that input, and they create policy and practice that reflects the value of the input. Scholars also suggest that active public participation can improve government performance and the public's perception of the government's value to the public and assist governments in being more responsive and accountable to their communities.²³⁷

B. PUTTING THE CROWD TO WORK: RECOMMENDATIONS IN PRACTICE

To this point, this chapter's discussion on the value of public engagement has been theoretical. Putting the recommendations into practice, on the other hand, is a chore unto itself. This section of the chapter is directed to members of local government who play a role in deciding matters of public safety. For example, in cities like Santa Monica, Beverly Hills, Culver City, and Los Angeles and in Los Angeles County, these recommendations are directed toward the deputy mayor or city managers of public safety, fire and police commissions, general managers of public safety departments, and emergency and special operations chiefs. This section discusses the purpose and process for government officials and the public to strategically develop valuable public collaborations. This part of the chapter offers recommendations that are informed by several key publications, particularly the work of the Government Finance Officers Association (GFOA). In addition, and essential to that collaboration, the research focuses on three specific elements: shifting the service mindset, purposely forming public engagement groups, and tailoring public engagement processes for successful collaboration.

1. Shift the Mindset about How to Deliver Service.

Getting the right people in the room also requires a shift of those in positions of authority. The traditional approach to developing public services, which includes reinvestment in existing services, consumer choice, and public involvement, often falls short of bringing about change. These old approaches are rooted in traditions of power—

²³⁷ "Public Engagement in Budget Process," Government Finance Officers Association of the United States and Canada, accessed January 15, 2022, para. 2, <https://www.gfoa.org/materials/public-engagement-in-the-budget-process>.

that presume the practitioner or the professional automatically knows what is best. Shifting that point of view is challenging but necessary for collaboration. From a collaborative perspective, getting to what looks right requires a kind of flattening out of that power. Public safety professionals must be willing to share the passion for driving the outcome for real change.²³⁸

2. Recognize the Value and Leverage Personalization of Services.

The new practitioner then aims to design the delivery of services by soliciting the public's perspective. While delivering public services is best left to the professional, *how* this service is delivered is a design task best given to the public. Understanding that kind of “non-expert” perspective allows academics and practitioners to translate the users' experience into a desirable solution. This valuable, non-traditional knowledge and expertise, for example, can come from long-standing community members. In his book *Personalisation through Participation*, Charles Leadbeater supports the idea that public servants must go beyond the traditional consumer model of simply engaging to involving users in the design and delivery of the next generation of services.²³⁹ This idea means personalization. Leadbetter suggests such tailoring through involvement offers public safety professionals a good template for reforming the development and delivery of services to the community.²⁴⁰

3. Be Willing to Relinquish or Reframe Authority.

Decentralization, in this context, occurs when “power does not fully reside in one central location, and many of the important decisions are made by individuals based on their own local and specific knowledge rather than by an omniscient or farseeing planner,” allowing local knowledge and specialized skill sets to be a force multiplier.²⁴¹ While the

²³⁸ John M. Bryson et al., “Designing Public Participation Processes,” *Public Administration Review* 73, no. 1 (January/February 2013): 23–34, <https://doi.org/10.1111/j.1540-6210.2012.02678.x>.

²³⁹ Charles Leadbeater, *Personalisation through Participation: A New Script for Public Services* (London: Demos, 2004), 57, <https://lx.iriss.org.uk/sites/default/files/resources/PersonalisationThroughParticipation.pdf>.

²⁴⁰ Leadbeater, 29.

²⁴¹ James Surowiecki, *The Wisdom of Crowds* (New York: Anchor Books, 2005), 71.

practitioner clearly understands and can qualify general use case scenarios, as well as the use of tools in a given scenario, it is the involvement of public input that allows the practitioner to tailor the application to the public's identified areas of need. To this end, the public safety professional can establish regular communication with stakeholder groups and create avenues, such as web pages, for the public to give feedback on a proposed use and its benefits.

4. Build Relationships and Encourage Engagement.

Once a group is established, it must *want* to engage and *stay* the course for real success, thereby following the recommendations of the GFOA to engage the public in a way that ensures its “input meaningfully influences decisions.”²⁴² This approach is appropriate at all stages of the oversight process. Simply engaging the public amounts to a series of discrete experiments, but the process need not be superficial or one-off. Otherwise, the effort will be perceived as a “temporary project,” a phenomenon experienced by citizens, public officials, and other leaders “within the confines of a particular issue or decision during a specific period of time.”²⁴³ Therefore, building a lasting relationship with the public by creating an ongoing collaborative endeavor is important.

It is also essential to maintain a high level of public awareness, educating and supporting members of the community with quality information to consume once their interest is piqued. In this area, the practitioner can seek opportunities to showcase the tool—for example a drone—associated equipment, and operations to the public who live in areas where the tool will be used frequently. In Los Angeles, this engagement would involve residents of hillside areas. In attending townhall, neighborhood council, and other

²⁴² “Public Engagement in the Budget Process,” Government Finance Officers Association of the United States and Canada, accessed January 15, 2022, para. 4, <https://www.gfoa.org/materials/public-engagement-in-the-budget-process>.

²⁴³ Matt Leighninger, “*The Promise and Challenge of Neighborhood Democracy: Lessons from the Intersection of Government and Community*” (Grassroots Grantmakers and Deliberative Democracy Consortium, 2008), 11, 16, http://www.grassrootsgantmakers.org/wp-content/uploads/2011/07/Neighborhood_Democracy_6-30-09.pdf.

community meetings, leadership could erase much of the misunderstandings about the tool and demonstrate its value in protecting lives and property in the city.

5. Deliberately Form Public Engagement Groups.

If it were simply a matter of harnessing the power of the public at random, in every case, all grants and expenditures could be on local ballots, and all stakeholders could vote on them. However, because of the timing, topics, and varying participation, voting as a mechanism can be cumbersome, and the results of voting are too vague and far removed from the impacted decisions. Although ballot measures can be specific and closely direct local funding of services, using that approach to facilitate a public review component can add more time to available purchasing cycles. At the state level, bureaucrats, private consulting firms, and public safety officials direct how and where resources are used—inside this bubble is where the misapplication of federal resources can occur. Public input can be implemented at this stage in the homeland security grant process to allow the public to take a more engaging role. Nevertheless, because this implementation requires purposeful planning and execution, the next section frames the theory in its practical application.

6. Choose the Format of Engagement to Fit the Circumstances.

Using a defined group and committees with an array of relevant expertise and experience as resources can help leaders arrive at better-informed decisions. However, public participation takes time, and without a clear purpose, people will ask, “Why am I here?” Quickly establishing a meaningful purpose with a desired end helps to answer that question. The GFOA suggests, “Determining the purpose should be the first step in designing a participation effort.”²⁴⁴ Public participation encourages “people and groups to

²⁴⁴ Government Finance Officers Association of the United States and Canada, “Public Engagement in the Budget Process,” para. 3. See also Massachusetts Municipal Association, “MMA Policy Committee on Municipal and Regional Administration Best Practice Recommendation: Sharing Municipal Services,” *MMA Best Practices Series* 1, no. 11 (January 2016), https://41g41s33vxdd2vc05w415s1e-wpengine.netdna-ssl.com/wp-content/uploads/2018/07/mma_best_practices_vol1no11_jan2016.pdf.

learn more about themselves, their community, or an issue.”²⁴⁵ As Sandy Heierbacher describes in the framework for the National Coalition for Dialogue and Deliberation, dialogue and deliberation engagement streams comprise four steps:

- Exploration . . . to encourage people/groups to learn more about themselves, their community, or an issue, and possibly discover innovative solutions . . .
- Conflict Transformation . . . to resolve conflicts, to foster personal healing and growth, and to improve relations among groups . . .
- Decision-Making . . . to influence policy decisions and improve public knowledge. . . [and]
- Collaborative Action . . . to empower people and groups to solve complicated problems and take responsibility for the solution.²⁴⁶

For nearly half a century, design practices have embraced “collective creativity,” the idea behind the participatory design movement and user participation in systems development.²⁴⁷ This process has engaged people’s ideas for developing new approaches by situating the expertise of the people most impacted squarely in the middle of the solution. Using similar processes in the public arena can bring together multiple points of expertise, built on relevant experiences, which can result in solutions reflective of an empowered public.²⁴⁸

7. Avoid Groupthink by Embracing Diversity.

Often, one kind of valuable expertise is taken at the expense of all others. Diversity of input, however, is beneficial and leads to disruptive innovation. Indeed, Surowiecki has suggested “wise crowds” welcome diverse opinions.²⁴⁹ Building on this position, author Archon Fung posits that the group’s inclusion and diversity also depend on defined

²⁴⁵ Sandy Heierbacher, “NCDD’s Engagement Streams Framework,” National Coalition for Dialogue and Deliberation, accessed January 15, 2022, <https://www.sparc.bc.ca/wp-content/uploads/2020/11/ncdd-engagement-streams-framework.pdf>.

²⁴⁶ Heierbacher, 2–3.

²⁴⁷ Nigel Cross, ed., *Design Participation: Proceedings of the Design Research Society’s Conference, Manchester, September 1971* (London: Academy Editions, 1972).

²⁴⁸ Susanne Bødker, “Creating Conditions for Participation: Conflicts and Resources in Systems Development,” *Human–Computer Interaction* 11, no. 3 (1996): 215–236, https://doi.org/10.1207/s15327051hci1103_2.

²⁴⁹ Surowiecki, *The Wisdom of Crowds*, 11.

organizing principles and intended project outcomes. In simplest terms, some processes are open to the public while others involve only experts or professional or lay stakeholders.²⁵⁰ Regardless of a group's composition, freedom of thought is mission critical. Surowiecki theorizes groups from diverse backgrounds and schools of thought offer the most value. Regarding the benefits of having diverse decision-makers, he writes that "it actually adds perspectives that would otherwise be absent and because it takes away, or at least weakens, some of the destructive characteristics of group decision making."²⁵¹

8. Rely on Both Recruitment and Volunteer Approaches.

James Surowiecki regularly revisits a simple idea: groups of people are more intelligent and better at solving problems, fostering innovation, making wise decisions, and even predicting the future.²⁵² In a public setting, group development results from voluntary self-selection, random selection, targeted demographic recruitment, or incentives.²⁵³ However, given the stakes involved in public safety decisions, it is critical to take a more planned approach. Considerations when developing a more targeted group, according to the GFOA, include creating public or neighborhood advisory groups, committees, and informal task forces.²⁵⁴ For public safety professionals, such engagement involves a plan for strategic collaboration with specific groups or neighborhoods. Instead of launching a program and later suffering criticism from the community, public safety professionals should ask for and use the public's input during the development of a program and regularly publicize the progress until its fully approved launch.²⁵⁵ For example, if a department wants to use a drone for routine inspections, it could send letters of intent to all residents

²⁵⁰ Archon Fung, "Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences," *Journal of Political Philosophy* 11, no. 3 (2003): 341.

²⁵¹ Surowiecki, *The Wisdom of Crowds*, 11.

²⁵² Surowiecki, 32.

²⁵³ Tina Nabatchi, "Putting the 'Public' Back in Public Values Research: Designing Participation to Identify and Respond to Values," *Public Administration Review* 72, no. 5 (2012): 699–708.

²⁵⁴ Government Finance Officers Association of the United States and Canada, "Public Engagement in the Budget Process."

²⁵⁵ American Civil Liberties Union to Los Angeles Board of Fire Commissioners, June 16, 2017.

in the affected area, inviting their feedback and providing a mechanism—for example, an email address or web page—to capture it.²⁵⁶

9. Ensure the People Most Affected Are Heard.

Equally important is that the group's membership be reflective of those most affected by the decisions made. The public must be seen as experts as well. Indeed, lifelong community members can become a critical part of the group as “expert [s] of their experiences.”²⁵⁷ Just having the lived experience means having an area of expertise, which is often as valuable as formal or traditional education. Public safety professionals can, first, look for opportunities to let citizens direct the assistance they receive by giving them the reins to participate in its design and delivery. Second, in looking for opportunities to allow the public to develop and deliver decisions, public safety professionals can foster collaboration and motivate more community members to share their voices. Third, as direct participation creates personalized solutions, officials can create environments that keep the public engaged throughout the entire decision-making process. Leadbetter suggests these efforts foster “an active, informed and articulate [public] participant.”²⁵⁸

10. Tailor Public Engagement Processes Carefully.

At the foundation of processes involving the community is leadership's clear understanding of the public's priorities, and delivering a process reflective of that understanding is essential to the longevity of any public engagement endeavor. Practitioners echo the findings of researchers like Sanders and Stappers, who posit that “co-creation practiced at the early front end of the design development process can have

²⁵⁶ Ralph M. Terrazas, “Unmanned Aerial Systems Expanded Use in 2020 Brush Clearance Inspection Program,” BOFC File No. 20-042 (official memorandum, Los Angeles: Los Angeles Fire Department, 2020), 3.

²⁵⁷ Froukje Sleeswijk Visser et al., “Contextmapping: Experiences from Practice,” *CoDesign* 1, no. 2 (2005): 127, <https://doi.org/10.1080/15710880500135987>.

²⁵⁸ Leadbeater, *Personalisation through Participation*, 31.

an impact with positive, long-range consequences.”²⁵⁹ Public participation in political decisions provides a promising future for policymaking in the United States.²⁶⁰

a. *Set a Clear Purpose and Priorities.*

In studying several American cities that experienced successful public engagement, researchers found discernible patterns and two cultural factors: “a strong motivation to make participation work and close attention to the design of the participatory system and its processes.”²⁶¹ A key element to those processes is defining the purpose and objectives for public engagement clearly and from the beginning. To accomplish this, departments need to clearly define and justify the scenarios in which they intend to use the tool.²⁶² In addition to the initial development, this clear focus on purpose should be present when equipment is purchased, as well as during any subsequent deployment and expanded use, thus promoting “substance, transparency, legitimacy, and fairness of policy development.”²⁶³

b. *Provide the Public Access to Information and Expertise.*

In its ideal form, public engagement does not end once the government acquires the tool. There needs to be a process of ongoing accountability and review, constant access to relevant information that supports the goal. When the public is operating from a shared set of facts, it can make more informed decisions.²⁶⁴ In addition, as researchers suggest, whenever possible, “providing access to the subject matter to answer technical questions

²⁵⁹ Elizabeth B-N Sanders and Pieter Jan Stappers, “Co-creation and the New Landscapes of Design,” *CoDesign* 4, no. 1 (2008): 9, <https://doi.org/10.1080/15710880701875068>.

²⁶⁰ Ortwin Renn et al., “Public Participation in Decision Making: A Three-Step Procedure,” *Policy Sciences* 26 (1993): 189–214, <https://doi.org/10.1007/BF00999716>.

²⁶¹ Tina Nabatchi and Lisa Blomgren Amsler, “Direct Public Engagement in Local Government,” *American Review of Public Administration* 44, no. 4 suppl. (2014): 69S, <https://doi.org/10.1177/0275074013519702>.

²⁶² Terrazas, “Unmanned Aerial Systems Expanded Use,” 2, 8–9.

²⁶³ Carolyn J. Lukensmeyer and Lars Hasselblad Torres, *Public Deliberation: A Manager’s Guide to Citizen Engagement* (Washington, DC: IBM Center for the Business of Government, 2006), 5.

²⁶⁴ Government Finance Officers Association of the United States and Canada, “Public Engagement in the Budget Process,” para. 4.

or concerns in a collaborative context” pays future dividends.²⁶⁵ The GFOA also stresses the importance of educating the public. A regular schedule of distributing public reports, annual reports, or performance reports better prepares the public for engagement. Other research adds to these recommendations by including common informational materials such as open forum presentations, panel discussions, issue guides, discussion books, individual or group emails, phone calls, and in-person contact.²⁶⁶

Following this guidance, departments can establish accounts across all social media platforms and, if available, utilize the departments’ public-facing websites to give the public access to department activities that involve federally sourced equipment. As a force multiplier, an organization’s internet presence can provide links to other public safety websites to reinforce efforts to promote transparency about specific operations. In addition, departments should provide a mechanism to capture concerns, complaints, or comments about departmental activities. These actions align with earlier recommendations to build a lasting relationship with the public by creating an ongoing collaborative endeavor.

c. Leverage Communication and Information Technology.

The GFOA recognizes that technological solutions, such as a customer relationship management systems, can help inform decisions about service levels and preferences, community priorities, and organizational performance.²⁶⁷ The GFOA also recognizes that posting financial documents on websites and dashboards is a best practice for promoting transparency with the public.²⁶⁸ In addition, as Tina Nabatchi and Ines Mergel have examined in their work, the evolution of information and communication technologies has

²⁶⁵ John Gastil and Peter Levine, eds., *The Deliberative Democracy Handbook: Strategies for Effective Civic Engagement in the Twenty-First Century* (San Francisco: Jossey-Bass, 2005), 213.

²⁶⁶ Gastil and Levine.

²⁶⁷ Shafiq Darwish Alabri, et al., “The Moderation Influence of Power Distance on the Relationship between Technological Factors and the Successful Implementation of Citizen Relationship Management in the Public Sector,” *IEEE Access* 8 (2020): 132447, <https://doi.org/10.1109/ACCESS.2020.3010126>.

²⁶⁸ James E. Groff and Marshall K. Pitman, “Municipal Financial Reporting on the World Wide Web: A Survey of Financial Data Displayed on the Official Websites of the 100 Largest U.S. Municipalities,” *Journal of Government Financial Management* 53, no. 2 (Summer 2004): 20–30, ProQuest.

prompted growth in online public engagement, sometimes called “participation 2.0.”²⁶⁹ Researchers, recognizing the value of online technology, strongly urge its adoption and integration as an “effective complement to or substitute for face-to-face discussions.”²⁷⁰ In this area, departments can provide the public access to statistical response information.²⁷¹ Computer-aided dispatch systems are a good resource to capture incident metadata for public consumption. Another possibility is to use data from a real-time geographic information system—the LAFD, for example, uses LAFDReady.²⁷²

11. Synchronize Collaboration and Funding Life cycles.

The success of public engagement and participation efforts requires sustained application of these detailed collaboration tools. Otherwise, well-intentioned efforts resemble a superficial exercise or a one-off experiment. One way to develop a sustainable process is to synchronize engagement with annual grant application cycles. This purposeful effort keeps leaders from falling into the familiar pattern of shallow or poorly designed public engagement efforts that ultimately misuse time and fiscal resources or, worse, reinforce a cynical public. Since grants and resource allocations for public safety have an established pre-award, award, and post-award timeline. The detailed processes in each phase can be opportunities for local officials to engage with regular “expert” groups for each grant type.²⁷³ This life cycle of public engagement also provides multiple opportunities and ideal structures for garnering public input throughout the grant/resource process. Developing, defining, and maintaining an asynchronous collaboration cycle with

²⁶⁹ Tina Nabatchi and Ines Mergel, “Participation 2.0: Using Internet and Social Media Technologies to Promote,” in *The Connected Community: Local Governments as Partners in Citizen Engagement and Community Building*, ed. James H. Svara and Janet Denhardt (Phoenix: Alliance of Innovation, 2010), 82, https://www.researchgate.net/publication/313650836_Participation_20_Using_Internet_and_Social_Media_Technologies_to_Promote_Distributed_Democracy_and_Create_Digital_Neighborhoods.

²⁷⁰ Stephen Coleman and Peter M. Shane, eds., *Connecting Democracy: Online Consultation and the Flow of Political Communication* (Cambridge, MA: MIT Press, 2011).

²⁷¹ “FireStatLA,” Los Angeles Fire Department, accessed January 15, 2022, <https://www.lafd.org/fsla/stations-map>.

²⁷² “Gallery for LAFD GIS,” Los Angeles Fire Department, accessed January 15, 2022, <https://lafd.maps.arcgis.com/home/gallery.html?view=grid&sortOrder=desc&sortField=relevance&searchTerm=uas>.

²⁷³ “Grant Lifecycle Timeline,” Department of Health and Human Services, accessed January 15, 2022, <https://www.grants.gov/learn-grants/grants-101/grant-lifecycle.html>.

the funding cycle would create a clear timeline and benchmarks for collaborative work. Oversight would be established through dialogue before and during application and implementation to assess the relevance and potential effectiveness of funding, focusing on the question “What problem are we trying to solve?”

C. CHECKLIST FOR THE PUBLIC ENGAGEMENT PROCESS

Public input at the onset of planning while developing budgets and incorporated into management decisions is crucial. It is also vital for government leaders to regularly review how public involvement has impacted plans, projects, and mission performance and solicit feedback on the effectiveness of the process from the public’s perspective, thereby reinforcing the benefits of public participation.²⁷⁴ The following tables are two parts of a checklist for designing a thorough and cyclical process for public oversight and engagement, one that also fosters future collaboration opportunities.

Table 1. Initial Steps

Step	Goal	Actions
1) What problem are we trying to solve?	Provide an honest assessment and precise description of the problem or need being addressed.	• Create the foundation for a well-balanced assessment of whether to pursue the resource. • Develop a set of practical use case scenarios for a given tool. • Develop a foundation for public and expert engagement to solve a problem. • Build trust and direct participation effectively. • Determine whether the proposed solution meets the needs of the public.
2) Define possible solutions (grants or federal resources) and clearly explain why this may solve the problem.	Establish a clear nexus between the possible solution and the identified problem.	• Establish a transparent problem-solving model. • Provide essential information about the way the proposed solution is a logical response to the problem.
3) Create a proposal that captures the problem and proposed solution.	Draft and formalize the goal and proposed solution for discussion, modification, and approval.	

²⁷⁴ Leadbeater, *Personalisation through Participation*, 31.

4) Prepare to provide information, education, and expertise about the problem and proposed solution.	• Gather information and subject-matter experts. • Create platforms to give the public access to information (e.g., documentation, a website, a flyer).	• Create a platform to identify and address anticipated concerns and objections. • Creates opportunities for communication and dialogue, Q&As. • Repeat throughout the process.
5) Decide the format (including target participants) for public engagement.	• Establish working groups. • Decide whose input is sought—targeted or broad? • Self-selected, nominated, or incentivized?	• Anticipate public concerns (e.g., privacy and surveillance, misuse, violation of First Amendment rights, community interests, the potential for excessive harm). • Plan formal and extensive engagement based on public concerns. • Consider whether more formal engagement is needed. • Consider whether more diversity in formats of public engagement is necessary. • Consider whether design of public engagement needs to be more deliberate. • Ensure that the type of engagement reflects time-sensitive decisions. • Consider how much engagement your organization can afford.
6) Plan and execute public engagement efforts.	Set parameters: • How does the timing of the public engagement process synchronize with the timing of the grant application process? • How long does the engagement last? • How many stages of public engagement will there be? • Who is on the internal team, and what are their roles?	• Keep the public informed at each stage of engagement. • Define the purpose for each phase, and define the end state—outreach to keep the public <i>engaged</i>. • Create cyclical and iterative process to keep the public <i>informed</i>. • Create mechanisms for open dialogue (e.g., chat function, question box or email address, or in-person town halls).

7) Process the feedback received from public engagement.	• Determine how the feedback gets processed into useful formats. • Determine who needs to be persuaded or how the decision-makers will receive the data • Is the feedback nuanced or straightforward? Quantitative or qualitative?	• Use visual representation. Present statistical data in charts or graphs. • Use open-source answers or quotations. Provide transcripts and open survey question entries. • Provide written reports, memoranda, and summary papers. • Share the data or results informally in a format the public can consume. • Formally present the data to the public.
8) Close the public engagement process.	• At this point, the public engagement process is complete. • Public influence on policy is clearly described in the documentation.	• Public input is reflected in the selection of equipment, tools, expenditures. • Public input is reflected in policy on use and limitations/scope of use. • Fully disclose practices with the public. • Determine the end of public input period. • Schedule follow-up or reassessments.

Table 2. Interim Steps

Step	Goal	Actions
9) Roll out or implement the tool.	At this point, the public engagement process is less involved but provides transparency (confirmation of plan execution).	• Publicly unveil and demonstrate the new project, tool, or equipment. • Provide the public with additional relevant information about the tool and its application. • Plan for the next input and feedback periods.
10) Review the proof of concept.	At this point, keep the public abreast of the use and application of the tools.	• Engage the public at regular intervals throughout the year when the tool or technology is new or controversial (e.g., unmanned aerial vehicles). • Clearly and accurately document cases of use for review by the oversight committee or assessor. • Review use parameters. • Consider whether the use meets or deviates from policy or agreed-upon use. • Address and resolve unexpected or undesirable outcomes.
11) Looking forward: maintain, modify, or terminate.	• Prepare for the next grant life cycle. • Assess support functions and associated costs for facilitating the collaborative process.	• Prepare for selecting the next “crowd.” • Activate support and communication mechanisms. • Review lessons learned for unexpected or undesirable results. • Set the groundwork for modifying local allocations of funds. • Create new processes or suspend or terminate use based on value assessments.

D. MRAP EXAMPLE

For some practitioners, having a list of recommendations to follow is not enough to visualize its practical application. Therefore, this section applies the checklist to the purchase of an MRAP vehicle by a public safety agency. To reinforce the engagement process, checklist references coincide with the following six steps:

1. Start early in the process by first notifying the public of the intended purpose of the grant or resource request, early enough that public input meaningfully influences decisions (Steps 1–3).
2. Next, the agency educates the public by providing use case scenarios and concepts of operation for the MRAP. This approach gives a clear line of information to the public based on a shared set of facts (Steps 4–6).
3. Once the grant is awarded, the next step in the cycle includes following up with the public to explain that resources are available and the intent to procure has not been altered (Steps 7 and 9).
4. In the post-award period, the group engages in a report-back process that includes after-action reports of the MRAP's use, lessons learned about the vehicle, feedback from the impacted community, and performance assessments to establish the vehicle's effectiveness (Step 10).
5. Accountability benchmarks include identifying instances when the MRAP's use deviated from agreed-upon deployment scenarios, with justifications and/or course corrections (Step 10).
6. As the grant completes a cycle and nears the new pre-award phase, the group transitions to a working model, stabilized by the previous year's lessons learned, and moves into an ongoing status (Step 10 and 11).

I acknowledge there is no singular solution or template for effective collaborative decision-making. Recommendations found in this chapter are consistent with literature that focuses heavily on the benefits of public engagement. In practice, however, designing a public participation process is labor intensive. It is a substantial challenge for the public

safety leader to create an iterative and interrelated set of guidelines to produce specific outcomes, fulfill a purpose, and achieve benchmarks along the way. To scope and properly scale even a well-envisioned process, inherent complexities, time, and budgetary constraints, as well as internal and external requirements, need to be satisfied and the *right* crowd engaged. The intent here was not to ignore these complexities but to draw attention to the value of accessing the crowd's wisdom, engaging the public served, and collaborating with those impacted by the decisions, utilizing various practical guidelines. That value can make the work, albeit arduous, worth it.

Last, the findings and conclusions come from a small sample of extant literature. There is certainly more exploration to be done to strengthen the foundation on which my process proposals are based and develop them more fully. Nevertheless, the exploration done in this area of study is sufficient that, with reasonable confidence, I consider these guidelines to be sound. The advantages gained by those of us who seek to foster, grow, and reap the benefits of public participation are exciting. I simply aimed to assist in that endeavor.

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V. RECOMMENDATIONS, AREAS FOR FUTURE RESEARCH, AND CONCLUSIONS

Over the last few decades, it has become increasingly difficult to distinguish between a police officer meant to protect and serve and a soldier trained to engage with and destroy his enemy offensively. This is, in part, due to the proliferation of battle dress uniforms, assault weapons, armored vehicles, and the like among American police forces. Suppose police organizations were to follow the suggestion of creating more effective checks and balances, of which public engagement plays a critical role. In that case, this equipment might not find its way into our communities without clearly answering “What problem are we trying to solve, and how does this tool solve it?” In other words, there should be little confusion about why a public safety organization is utilizing a tool and how it got into the hands of the public servant and onto domestic streets, particularly when it comes to equipment designed for warfighting. When such an organization uses a potentially controversial tool, it should not come as a surprise to the community. An engaged public could have recognized the problem and, more importantly, whether the tool matched that need, ideally because these issues were resolved through collaboration.

A. BUILDING ACCOUNTABILITY AND TRANSPARENCY MECHANISMS

Accountability provides transparency, and transparency, trust. Research has shown that public adherence to the law has a correlation to trust. Tom R. Tyler has contributed significantly to the understanding of why people obey the law. He shares, “Public trust in the police must start from a clear understanding of police action”—its intended purpose and oversight mechanisms; this trust provides a “starting point for a fair public assessment and evaluation of the police force.”²⁷⁵ Trust, then, is foundational to or even synonymous with a collaborative police–public relationship. According to Keohane, in an accountability relationship “an individual, group, or other entity demands that an agent report on his or her activities and can impose costs on the agent.”²⁷⁶ In a responsibility relationship, those

²⁷⁵ Tyler, *Why People Obey the Law*, 33.

²⁷⁶ Keohane, “Accountability in World Politics,” 77.

in power maintain accountability and, when a breach occurs, are willing to answer for and accept the cost of shortcomings.

If federal and state governments use grants as leveraging tools to further agendas, and at the local and municipal level, the sentiment is “Why not take what is being offered?,” one might ask whether it is even feasible to remedy the problem. Even with convincing findings, like those of Chanin and Espinoza, underwriting the value of citizen involvement in government decision-making, history suggests neither grantor nor end user will fully come to the table. Policing ourselves, if you will, runs counter to the latitude that federal resources allow. Admittedly, we engage in a practice of spending that is often aimed only at keeping the funding stream open; my experience working with UASI grants confirms this. In the current climate, a voluntary move to transparent, shared, and more responsible decision-making surrounding what we do with these monies is not likely.

As of this writing, no external mechanisms exist to weigh in on how and when a local police department can use an armored vehicle and tactical gear purposed for the battlefield. Nor is there an external mechanism to determine when use or deployment is necessary, or when it is excessive or prohibited. Until government has the will or resources to address these issues, we are left with some of the unintended consequences discussed in the pages of this thesis. However possible, this systematic change will take courage and a commitment to putting the needs of the public ahead of our own convenience and expedience.

B. RECOMMENDATIONS

If governmental systems never include stringent oversight measures, what is the answer? Simply, there must be a demand from the *people*. Those being “served” and “protected” are owed a voice on their provision. If the aim is a more secure homeland, it is incumbent on the government, through mandates, to require that grant recipients be accountable to the *people*.

1. Oversight Recommendations

As we do with governance, every resident should have a say in how they are being protected and policed. Throughout the process, greater public engagement adds the missing layer of public accountability at the local level, weighing in on and authorizing the parameters of use and clearly and explicitly defining use. When there is a breach of those defined parameters, this layer—public engagement and citizen participation—adds direct accountability in a transparent format that, in turn, advises future grant awards and allocation. That may curtail those cases absent of this type of oversight, in which the public safety community is free to use warfighting tactical gear in a non-war scenario.

At this point, an engaged public can be a viable option to effectively manage the application of federal resources at the local level. The existing government structure and management systems are challenged to provide adequate resources to regulate the end use, and it can be argued that heavy regulation was never the plan. Again, the answers seem to start with engaging those who would be most impacted: the recipients, victims, the communities, and the public. The tools, equipment, and armor impact them; therefore, they should have an official platform on which to stand and offer input that ultimately affects outcomes.

2. Accountability Recommendation

The “served” should designate and determine how public safety providers are serving them in a way that matters to them. This measure is vital if we are to see effective regulation, structure, and oversight. The served have the right to demand and expect that law enforcement and public safety are transparent about their acquisition and use of anything they get through federal funding programs. Engaging citizens in public policy and government activities leads to mutual benefits: the public becomes better informed about government activities and policies, and officials can access the experience and expertise of their constituents.

C. FUTURE RESEARCH

This thesis focused on funding and resources from the federal government. However, special interest funding creates another challenge for effective oversight and accountability. The National Philanthropic Trust estimated that in 2019, donations accounted for nearly \$450 billion in the United States alone. Notably, about \$310 billion, or 69 percent of that year's total giving, came from private individuals.²⁷⁷ When private funding or grants are the sources of governmental acquisitions, ensuring oversight, transparency, and accountability could be challenging. Thus, effectively managing these grant processes is worthy of future research.

Additionally, there have been recent developments among federal policymakers in recording all federal programs, including grants.²⁷⁸ Some grant authorities have suggested a move to a federal mandate that would require those who manage federal financial assistance awards to report "results" every year.²⁷⁹ To date, 34 agencies have reported to the OMB on approximately 700 programs and sub-programs under 12 different grant categories.²⁸⁰ The progress of the inventory development—both the pilot and its impact on grant management—may be worthy of future exploration.

D. THE GRANT CONUNDRUM

The initial driver of this research project was a fundamental understanding of how the grant process works and how public safety organizations use grants, recognizing through professional experience that grant awards come with relative ease. However, a subsequent reporting or substantial accounting of how organizations use the allotments, providing a measurable result associated with the equipment, was missing. When the

²⁷⁷ "Charitable Giving Statistics," National Philanthropic Trust, accessed January 15, 2022, <https://www.nptrust.org/philanthropic-resources/charitable-giving-statistics/>.

²⁷⁸ "Federal Program Inventory (FPI) Exploratory Pilot," Office of Management and Budget, accessed January 15, 2022, <https://fpi.omb.gov/>.

²⁷⁹ John Kamensky, "There's a Better Way to Manage Federal Grants, a New Report Says," Government Executive, April 30, 2021, <https://www.govexec.com/management/2021/04/theres-better-way-manage-federal-grants-new-research-shows/173736/>.

²⁸⁰ Kamensky.

George Floyd incident occurred, all the aftereffects—particularly the protests, the outcome of this problem, unintended as it was—became clear: the militarization of our police was a byproduct of this ease of acquisition.

A significant research finding was that grants for public safety come from multiple sources. DHS grants primarily fund fire and rescue agencies. DOJ grants largely support law enforcement, with some fire service nexus outliers. In addition, equipment acquired through grants, such as the DOD’s surplus exchange or 1033 Program, supplies excess military equipment to law enforcement. Similarly managed, it creates the same gaps that I found in traditional grant processes.

The research led to another aspect of the grant conundrum. While the system has gaps and related flaws, the contributing factors were unexpected. In many cases, the federal government uses grants as leverage. It cannot enact every plan itself, so it must rely on the states to push initiatives and agendas; the best vehicle is money. However, there is a delicate balance when supplying funds to the states while avoiding crossing the line or infringing on them. The states hold onto the federalist principles of individual governance. From the states’ perspective, grants are a means to forward their priorities at the state level while playing the game of one foot in and one foot out—do only as much as necessary to meet the federal requirements to get the grant while maintaining individuality. Grants augment state budgets. Thus, as grants increase, so does state reliance on them.

For federal and state governments, regulation impedes the ability to influence and advance agendas. There is less concern about reaching intended grant goals than about maintaining the funding stream at each level. Generally, when states meet all the grant criteria, the award is successful. Only in examining ongoing oversight, performance measurements, or evidentiary returns on investment does the system begin to show its flaws. Regulatory mechanisms, indeed, were never intended. As a failed example of federalism, the current grant system encourages shortsighted, hurried, and frivolous spending, according to Edwards. Federal grants to the states reduce “accountability for failures while generating costly bureaucracy and regulations,” concurrently promoting careless policymaking, suppressing policy diversity, and destabilizing democratic

control.²⁸¹ Norm Stamper, Seattle police chief from 1994 to 2000, recommends strategies for making police departments accountable and more responsive to their communities.²⁸² One way, he suggests, is ending the war on drugs, which has disproportionately targeted minority communities. He goes a step further, supporting investments “in civilian review boards with investigative and subpoena powers that allow them real oversight.”²⁸³ Last, he insists on “meaningful community representation in all aspects of police policy-making, program development, priority setting, and crisis management.”²⁸⁴

The literature discussed earlier in this thesis establishes that, in one form or another, regardless of the administration in power, demanding government oversight is an exercise in futility. I once again put forth that well-functioning democratic governance requires both public engagement and actionable citizen participation. In ancient Athens, by relying on citizen engagement, the best ideas often became policy.²⁸⁵ It created a deep citizen commitment to the state’s goals, particularly in matters of war. As Surowiecki maintains, a sense of connection between citizens and their government is crucial for improving government accountability.²⁸⁶ When engaged citizens partner with an engaged government, they respond effectively to issues, fortified throughout with transparent processes and mutual accountability.

²⁸¹ Edwards, *Restoring Responsible Government*, 1.

²⁸² Norm Stamper, “Militarizing Ferguson Cops with Riot Gear Is a Huge Mistake,” *Time*, August 18, 2014, <http://time.com/3136586/militarizing-ferguson-cops-with-riot-gear-is-a-huge-mistake>.

²⁸³ Stamper.

²⁸⁴ Stamper.

²⁸⁵ Matthew Landauer, *Dangerous Counsel: Accountability and Advice in Ancient Greece* (Chicago: University of Chicago Press, 2019).

²⁸⁶ Surowiecki, *The Wisdom of Crowds*.

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