U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515–6216
One Hundred Sixteenth Congress

May 14, 2019

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Barr:

As you know, the House Judiciary Committee exercises legislative and oversight jurisdiction in areas of civil rights and criminal law enforcement. These areas continue to be subjects of intense national concern in the wake of high-profile incidents involving the fatal use of force by law enforcement against unarmed people in cities such as Ferguson, Baltimore, Cleveland, Chicago, Falcon Heights, Tulsa, Pittsburgh, and Dallas. In 2018, 992 people were shot and killed by police.[1] In the first two months of this year, at least 265 people have suffered the same fate.[2]

Despite continuing concerns from civil rights and community-based organizations, the Department has sharply curtailed its statutory role in identifying and eradicating civil rights abuses by law enforcement. Excessive force in police-civilian encounters presents a crisis of trust throughout our nation. Changes to Department policy and failure to uphold the law run the risk of undermining federal oversight authority in this space.

Congress identified the need for the Department and community stakeholders to play a role in eliminating unjust and discriminatory practices by law enforcement. With that goal in mind, Congress has provided the Department with the authority to identify and eliminate patterns and practices of unconstitutional conduct in law enforcement agencies through civil action and administrative authority.[3] Additionally, it provided the Department the ability to encourage communities to have a voice in how they are policed through programs offered by the Community Oriented Policing Services or "COPS Office."[4] These tools must be used to promote Constitutional policing practices that support public safety and respect civil rights and civil liberties.

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[1] *Fatal Force Database 2018*, WASH. POST, (last updated Mar. 31, 2019), https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/?utm_term=.85b6e050a755.
[2] *Fatal Force Database 2019*, WASH. POST, (last updated Apr 15, 2019), https://www.washingtonpost.com/graphics/2019/national/police-shootings-2019/?utm_term=.1ccebda1d2e7.
[3] 34 U.S.C. § 12601 (recodified from 42 U.S.C. § 14141) (2018).
[4] 34 U.S.C. § 10381(d).

Accordingly, we write to request information related to the manner in which the Department of Justice is currently carrying out its statutory responsibilities to eliminate patterns and practices of unconstitutional conduct in law enforcement agencies. We respectfully request you provide complete responses and produce the relevant documents and communications listed below by no later than June 5, 2019:

1. Documents and communications dated from January 1, 2017 to March 31, 2017, relating to Attorney General Sessions's March 31, 2017 Memorandum, "Supporting Federal, State, Local, and Tribal Law Enforcement." This should include any prior drafts of the memorandum. Please include a list identifying all individuals involved in the decision to conduct the review of "existing or contemplated consent decrees."
2. Documents and communications dated from January 1, 2017 to November 7, 2018, relating to Attorney General Sessions's November 7, 2018 Memorandum "Principles and Procedures for Civil Consent Decrees and Settlement Agreements with State and Local Government Entities." This should include any prior drafts of the memorandum. Please include a list identifying all individuals involved in the decision to identify issues arising from the Department's "civil action[s] against a state or local government … by consent decree or settlement agreement."
3. Documents and communications dated from January 1, 2017 to November 21, 2018, from or to the Acting Associate Attorney General Jesse Panuccio and Deputy Associate Attorney General Stephen Cox concerning the Department's recession or withdrawal of policies, procedures, and guidance issued by the Civil Rights Division, the Office of Justice Programs, the COPS Office, and the Office of Violence Against Women.
4. Please provide copies of any standards or guidelines, by which the Department identifies potential patterns or practices of conduct by law enforcement agencies that deprive persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.
5. Documents and communications dated from January 1, 2017 to the date of this letter, identifying any Department-negotiated consent decree, authorized under 34 U.S.C. Section 12601(b), that has "deprived the elected representatives of the people of any affected jurisdiction of control over their government."
6. Documents and communications dated from January 1, 2017 to the date of this letter, identifying any Department-negotiated consent decree, authorized under 34 U.S.C. Section 12601(b), that has subjected a law enforcement agency to ongoing court oversight after the Department determined that the purpose of the consent decree had been achieved.
7. Documents and Communications dated from January 1, 2017 to the date of this letter, from non-government organizations relating to the Department's review of existing or proposed consent decrees or reform agreements pursuant to the Attorney General's March 31, 2017 Memorandum.
8. Documents and communications dated from November 7, 2018 to the date of this letter, relating to updating standards or guidelines used to identify patterns and practices of

discriminations by state or local law enforcement agencies. This response should include how complaints against recipients of federal financial assistance from the Office of Justice Programs, other grant making agencies, and participants in the Asset Forfeiture Program are centrally accounted for or tabulated and considered in opening investigations into alleged discriminatory patterns and practices by law enforcement agency.

9. Copies of standards or guidelines in force as of January 1, 2017, that the Department uses to determine whether the Attorney General has reasonable cause to believe that a violation of 34 U.S.C. Section 12601(a) has occurred.

10. Documents and communications dated from November 7, 2018 to the date of this letter, relating to updating guidelines or standards used to determine whether the Attorney General has reasonable cause to believe that a violation of 34 U.S.C. Section 12601(a) has occurred.

11. Copies of any evidence-based study, analysis, or report supporting the decision to adopt the general statement of principles as memorialized in the Attorney General's November 7, 2018 Memorandum.

12. Documents and communications dated from January 1, 2018 to the date of this letter, relating to proposed changes to the existing memorandums of understanding or agreement, resolution agreements, or consent decrees, including but not limited to the matters open in Baltimore, Chicago, and Ferguson.

13. Total number of preliminary inquiries and investigations of law enforcement agencies opened, initiated, or given a case or other tracking number by the Civil Rights Division or civil rights matters opened by the Office of Justice Programs after January 1, 2017. Please include a list identifying each law enforcement agency subject to a preliminary investigation or inquiry after January 1, 2017, and a brief description of the basis for the preliminary investigation or inquiry.

14. Total number of preliminary inquiries or investigations of law enforcement agencies closed after March 31, 2017. Please include a list identifying the date each case was closed, the identity of the law enforcement agency subject of the preliminary inquiry or investigation, and a brief description of the basis for closing the preliminary investigation or inquiry.

15. Total number of complaints, referrals, or multi-party complaints received by the Department after January 1, 2017, from a federal, state, or local public official relating to potential pattern or practice violations by a law enforcement agency. Please provide brief descriptions of each referral or complaint.

16. Documents and communications dated from February 9, 2017 to the date of this letter, relating to modifications of existing agreements for technical assistance with law enforcement agencies, COPS Office proposed budget, or changes to existing Department guidelines or standards relating to the administration of the Collaborative Reform Initiative for Technical Assistance.

17. Total number of requests, including any memorandums or communications dated after January 1, 2017 to the date of this letter, to open investigations of law enforcement

agency officers or agencies from the Special Litigation Section to the Assistant Attorney General for Civil Rights under section 12601.

18. Documents or Communications dated from January 1, 2017 to the date of this letter, related to the review and decision to retreat from the agreement in principle with the Chicago Police Department and Chicago, including any review or analysis of the findings by the AG and his office of evidence of constitutional violations presented in the findings letter dated January 3, 2017.

19. An account of open investigations alleging an unlawful pattern and practice or disparate impact involving law enforcement agencies and explanation of what steps the Department has taken to withdraw federal funding of law enforcement agencies that are subject to the grant conditions pursuant to Title I of the Omnibus Crime Control and Safe Streets Act of 1968.[5] In your response, please address the Department's investigations of the Springfield, Massachusetts Police Department, the Alabama Law Enforcement Agency, and the Orange County District Attorney's Office and Sheriff's Department.

Thank you for your prompt attention on this matter. We look forward to working more closely with your office in the 116th Congress.

Sincerely,

Jerrold Nadler
Chairman
House Committee on the Judiciary

Mary Gay Scanlon
Vice Chair
House Committee on the Judiciary

Karen Bass
Chairwoman
Subcommittee on Crime,
Terrorism, and Homeland Security
House Committee on the Judiciary

Steve Cohen
Chairman
Subcommittee on Constitution, Civil
Rights, and Civil Liberties
House Committee on the Judiciary

Sheila Jackson Lee
Member of Congress

[5] 34 U.S.C. §§ 10221-10238.

Cc: Honorable Doug Collins, Ranking Member, House Committee on the Judiciary
Honorable John Ratcliffe, Subcommittee Ranking Member, House Committee on the Judiciary
Honorable Mike Johnson, Subcommittee Ranking Member, House Committee on the Judiciary