

Questions for Attorney General William Barr
House Judiciary Committee Oversight Hearing of the Department of Justice
July 28, 2020

A. Criminal Justice – Policing

1. Federal Agent Response to Protests

- a. In December 2019, during a [speech](#) at the Attorney General’s Award for Distinguished Service in Policing, you stated and I quote “ if communities don’t give that support and respect, they may find themselves without the police protection they need.”
 - i. In making that statement, were you suggesting that those communities, typically communities of color, that have criticized police for acts of misconduct are not worthy of or should not receive police services? If not, what did you mean?
 - ii. Do you agree that communities that exercise their First Amendment right to criticize the government have the right to do so?
 - iii. Would you agree that as Attorney General, you are obligated to protect communities’ First Amendment right to free speech and peaceful assembly?
- b. Since the horrific police killings of George Floyd, Breonna Taylor, and countless others, residents across the country have protested police violence and demanded police accountability. Under your direction, however, the Department of Justice’s response to demonstrators protesting police violence has been more violence. For example on June 1, protesters who were simply exercising their constitutional rights was confronted by federal officers under your authority who used tear gas and rubber bullets to clear Lafayette Square in Washington, DC so that President Trump could take a photo in front of a church while holding a bible upside down. You [later thanked](#) federal agencies who participated in these acts of violence against protesters who were not violent and recently expanded the federal program, Operation Legend, to [surge](#) more federal agents to cities.
 - i. Under what authority did you deploy federal agents to Washington, DC on June 1?
 - ii. Since on or about June 27 late June, similar violent acts against protesters by federal officers from DOJ against protesters have been

underway in Portland, Oregon. Under what authority have you deployed officers to Portland?

According to [news reports](#), federal agents operated in Portland using unmarked cars and without identifying themselves to individuals they took into their custody. Do you agree that law enforcement must identify themselves and explain to an individual why he/she is being detained? If so, why didn't federal agents provide this information to individuals they detained? If not, why not?

- iii. In addition to DOJ federal agents, what other agencies have assigned federal agents to cities to engaged in law enforcement activities in the past month? Under what authority have they been deployed? What is the purpose of their deployment?
- iv. Federal agents claim to be in Portland and other cities to protect federal buildings. Recently, United States District Court Judge Salas' family was attacked, her son killed, and her husband injured, by a shooter dressed in a FedEx uniform. What, if anything, is DOJ doing to protect federal judges from acts and threats of violence.?
- v. In the aftermath of the police killing of George Floyd and others, multiple videos have shown people driving their cars into protesters, including in Bakersfield, California, where [Robert Forbes](#), one of many protesters advocating for police accountability, was killed after being struck by a vehicle. His killing evokes painful memories of Heather Heyer's murder by a white supremacist in Charlottesville, who rammed his car into a group of a peaceful counter-protesters during a 'Unite the Right' rally.
 1. Has the DOJ investigated recent incidents of vehicular violence against protesters – and determined whether they are reflective of a coordinated strategy to intimidate and assault those advocating for justice?
 2. And, has there been any investigation into a possible connection with white supremacist or other groups known for perpetuation of hate crimes?
 3. If not, will the DOJ investigate coordinated violence against protesters, including exploring links to white supremacist groups and/or groups known for perpetuation of hate crimes?

2. Commission on Law Enforcement and the Administration of Justice

- a. In January 2020, you established the President's Commission on Law Enforcement and the Administration of Justice, which would in your words [“serve the important function of studying ways to make American law enforcement the most trusted and effective guardians of our](#)

[communities.](#)” Since February 2020, this country witnessed and grappled with a series of videos and news reports showing the needless use of deadly force against Black and Brown persons by former and current law enforcement officers, including the police killings of Ahmaud Arbery and Rayshard Brooks in Georgia, George Floyd in Minnesota, Breonna Taylor in Kentucky, Carlos Ingram-Lopez in Arizona, and Tony McDade in Florida. In response, there have been sustained mass demonstrations nationwide protesting police violence and demanding police accountability.

- i. Has the Commission studied, and will it make recommendations on how to prevent the excessive use of force and other unlawful police conduct? If so, please explain. If not, why not?
- ii. Has the Commission studied, and will it make recommendations on how to hold law enforcement officers accountable when they engage in misconduct? If so, please explain. If not, why not?
- iii. Would you agree that ending needless police killings and holding police accountable for misconduct might lead to public trust in American law enforcement?
- iv. A [summary](#) of the Commission’s hearing on Grant Programs includes recommendations for streamlining the grants application and reducing grant requirements. As you know Title VI of the Civil Rights Act of 1964 prohibits recipients of federal funds from discriminating based on race and national origin. In the current climate of police violence in communities of color, will the Commission examine and make recommendations for increasing local law enforcement agencies’ compliance with Title VI and similar laws. If so, how? If not, why not?
- v. When do you anticipate the Commission will complete its work and issue a report as required by the President’s executive order?

3. Enforcement of Title VI of the Civil Rights Act of 1964

- a. As you know, [Title VI of The Civil Rights Act of 1964](#) prohibits any program that receives federal funds or other financial assistance from discriminating based on race, color or national origin. The Department of Justice administers several grant and technical assistance programs that support law enforcement and other criminal justice agencies. DOJ’s Office of Justice Programs’ Office for Civil Rights (OJP/OCR) is required to enforce Title VI, and similar civil rights laws, by conducting compliance reviews and investigating complaints filed by individuals. If a grant recipient refuses to comply with Title VI, then the law allows DOJ to seek compliance or terminate funding.

Several police departments, including those in Chicago, Baltimore, and Cleveland, have recently received federal funding and assistance through [Operation Relentless Pursuit](#) and [Operation Legend](#) Programs to address violent crime by sending federal officers to these cities. But DOJ's own investigative reports have found several of these cities to have engaged in a pattern or practice of racially discriminatory policing practices.¹

- i. Did DOJ consider its own findings of discriminatory conduct of recipients of federal funds when it awarded grants and other forms of financial assistance to cities through Operation Relentless Pursuit and Operation Legend?
- ii. How does the OJP/OCR identify law enforcement agencies for compliance reviews?
- iii. How many compliance reviews has OJP/OCR conducted since January 2017? How many are pending?
- iv. Has the OJP/OCR found any law enforcement agencies in violation of the civil rights laws the agency is required to enforce? If so, which laws did they violate?
- v. Has the OJP/OCR terminated federal funds to law enforcement agencies this year? If so, how many agencies?

4. Pattern or practice investigations of law enforcement agencies

- a. The Violent Crime Control and Law Enforcement Act of 1994 allows the U.S. Attorney General to initiate a civil rights investigation and sue law enforcement agencies that engage in a pattern or practice of policing that violates the U.S. Constitution and federal laws. After highly publicized incidents of police killings of unarmed residents in Chicago, IL, Ferguson, MO, and Baltimore, MD, police chiefs and elected officials invited the DOJ to open civil rights investigations of their police departments. Since this most recent series of police violence, civil rights [organizations](#) and members of [Congress](#) have asked the DOJ to conduct pattern or practice investigations of the Minneapolis and Louisville police departments.
 - i. Since 2017, how many new civil rights investigations have been opened? How many requests have been denied?
 - ii. Has DOJ responded to the requests for pattern or practice investigations of the Minneapolis and Louisville police departments? If so, what was the response? If not, why not?

¹ See e.g., DOJ's investigative reports of the [Baltimore Police Department](#) and the [Chicago Police Department](#).

- b. In November 2018, as a final act, former Attorney General Sessions released a memorandum to the Heads of Civil Litigating Components and U.S. Attorneys limiting the use of consent decrees, settlement agreements and independent monitors in litigation against state and local entities who are alleged to have violated federal civil rights laws.
 - i. Have you reviewed the memorandum? If so, what if any changes have you made to it?
 - ii. What is your position on the value of consent decrees and settlement agreements to ensure state and local entities comply with federal civil rights laws?
- c. On July 8, 2020, after a more than two-year investigation, DOJ released its [report](#) on its investigation of the Narcotics Bureau of the Springfield, Massachusetts Police Department. The investigation found that the officers in the Narcotics Bureau engaged in a pattern or practice of using excessive force. The report makes recommendations on how the Springfield Police Department should address DOJ's findings, but it does not state what, if anything, DOJ will do if the police department does not comply with the recommendations.
 - i. How will DOJ the Springfield Police Department's compliance with federal civil rights laws based on DOJ's recommendations?
 - ii. Will DOJ enter into a formal agreement with the Springfield Police Department to ensure the findings of a pattern or practice violative of the United States Constitution and federal civil rights law ceases?
 - iii. Will DOJ withhold federal funds to the Springfield Police Department until compliance with its recommendations is reached as permitted under Title VI?
- d. What is the status of pending consent decrees with law enforcement agencies? Does the DOJ plan to seek end pending consent decrees? If so, in which cities?

5. Community Oriented Policing Services Office

- a. DOJ's Office of Community Oriented Policing Services (COPS Office) spearheads the Collaborative Reform Initiative, a voluntary program where police agencies around the country have requested DOJ's assistance with conducting comprehensive assessments of policing practices and making recommendations for reform through data, policy, and operational analyses. In September 2017, former AG Sessions ended the COPS Office's practice of conducting assessments through this Initiative.

In March 2018, the COPS Office launched a new initiative that allows agencies to receive technical assistance from a network of national law enforcement organizations. When former AG Sessions terminated the COPS Office assessments, dozens of police agencies were in the midst of implementing recommendations from those evaluations or waiting for the assessments to be completed.

- i. How many law enforcement agencies have participated in the revamped Collaborative Reform Initiative? Please identify the agencies.
- ii. How are the outcomes of the technical assistance provided by the COPS Office Collaborative Reform Initiative reported to the public?