



Department of Justice

**STATEMENT OF THE
U.S. DEPARTMENT OF JUSTICE**

**ERIN NEALY COX
U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS**

AND

**BILL WOOLF
SENIOR ADVISOR TO THE OFFICE OF THE
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS**

BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

FOR A HEARING ENTITLED

“POLICE USE OF FORCE AND COMMUNITY RELATIONS”

PRESENTED

JUNE 16, 2020

**ERIN NEALY COX
U.S. ATTORNEY NORTHERN DISTRICT OF TEXAS**

**BILL WOOLF
SENIOR ADVISOR TO THE OFFICE OF THE ASSISTANT ATTORNEY GENERAL
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JOINT STATEMENT**

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COMMITTEE ON THE JUDICIARY
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Good afternoon Chairman Graham, Ranking Member Feinstein, and members of the Committee. Thank you for inviting us to appear before you today to discuss police use of force and community relations. As the nation’s leading law enforcement agency, the U.S. Department of Justice is committed to using every tool at its disposal to actively support our state, local, and tribal law enforcement partners to promote good policing practices and positive community engagement. These are essential pillars to upholding the rule of law. Through grant opportunities and a range of important programs, multiple Department components work to ensure we have a strong, fair criminal justice system throughout the United States.

Department Leadership

When President Trump took office, the United States was on a dangerous trajectory in regards to violent crime and murder. From 2014-2016, the FBI Uniform Crime Reports reflected sizeable increases in national violent crime (6.9 percent) and murder rates (21.2 percent). Beginning in 2017, the Department of Justice placed a renewed emphasis on reducing violent crime and making American communities safer for all. As a result, the violent crime rate and murder rate reversed course and began to fall in 2017 and 2018. Preliminary data for 2019 suggests we experienced a third consecutive year of decreases in violent crime and murder nationwide.

The Department believes these positive trends are due in part to revitalization of initiatives that encourage collaboration and communication between law enforcement and communities.

Presidential Commission on Law Enforcement and the Administration of Justice

In October 2019, President Trump announced the formation of the Presidential Commission on Law Enforcement and the Administration of Justice. The mission of this Commission is to “study issues related to law enforcement and the administration of justice and to make recommendations to the Attorney General, who shall submit a report and recommendations to the President, on actions that can be taken to prevent, reduce, and control crime, increase respect for the law, and assist victims.”¹ This is the first such commission in a half century. Since its establishment, the Commission has hosted numerous public hearings on topics such as Social Problems Impacting Public Safety – Homelessness, Federal Programming, and Substance Abuse; Crime Reduction – The National and Local Impact of Violent Crime, Gun Crime, and Gangs; Reentry; Grant Programs; and Juvenile Justice.

To-date, the Commission has invited more than 30 civil rights and community engagement groups to present testimony to the LEC. Although a good number have declined to testify, some have submitted written statements and recommendations on improving law enforcement and the administration of justice for the Commission to consider. Just recently, the Commissioners heard from the Racial Equity Institute, the Central Florida Urban League, and the National Association of Criminal Defense Lawyers. The Commission also recently heard testimony from the National Association for Civilian Oversight of Law Enforcement and the current president of the Minneapolis chapter of the NAACP. As Chairman Phil Keith noted on June 9, 2020, the President’s Commission on Law Enforcement and Administration of Justice remains committed to hearing from a wide variety of viewpoints and is still interested in hearing from 25 organizations who were unable to or chose not to participate in the Commission’s teleconferences. The Commission will continue its outreach to these organizations to ensure their voices are heard.

In the coming months leading up to its October report to the Attorney General, the Commission will continue to hold hearings to facilitate discussion on police use of force, the Rule of Law, and community/law enforcement engagement and relations.

Project Safe Neighborhoods and Community Engagement by United States Attorney’s Offices

In 2017, this administration also revitalized Project Safe Neighborhoods (PSN), which has once again become the Department’s cornerstone anti-crime initiative. PSN is specifically designed to create and foster safer neighborhoods through a sustained reduction in violent crime, including, but not limited to, addressing criminal gangs and the felonious possession and use of firearms. PSN has historically combined national-level programs with programs specifically developed and tailored at the local-level. PSN programs and funding can and are used by local communities to encourage engagement by local police forces, develop community partnerships, and build trust between local law enforcement and the people they serve.

PSN requires each United States Attorney, in collaboration with local partners, to develop a violent crime reduction strategy that includes targeted and prioritized enforcement in the most violent locations and against the individuals who are driving crime in those areas; support for

¹ Executive Order 13896, <https://www.govinfo.gov/content/pkg/FR-2019-11-01/pdf/2019-24040.pdf>

locally based prevention and reentry programs to prevent additional violence; and accountability for results.

The PSN program is built on five pillars: leadership by the US Attorney; partnerships at all levels of law enforcement and with community groups, victims' advocates, social service providers, and research entities; targeted/prioritized enforcement that uses the full range of information and technology to focus enforcement efforts on the most violent locations in the district and target the individuals who drive the violence in those areas; support for locally based prevention and reentry programs to prevent additional violence; and accountability.

PSN is unique; not only are the strategy decisions made at the local level, but so are the funding decisions. Each district receives a formula-based grant from the Department that reflects its population and violent crime rate. Local stakeholders then direct PSN funding towards the prevention strategies, enforcement efforts, and reentry programs that have proven most successful in their communities. Since 2017, the Department has distributed \$77,349,644 in grant funding for PSN efforts.

These programs are achieving measured positive results in communities across the nation. For example, even as the Dallas' city-wide crime rate climbed double-digits, in the PSN target area, the Northern District of Texas U.S. Attorney's Office (USAO-NDTX) PSN program achieved a 3.15 percent *reduction* in crime in its first year of implementation (April 2018-April 2019). One large contributor to this success is the heavy emphasis USAO-NDTX places on community engagement when executing its PSN resources. Since 2019, USAO-NDTX has held over 100 community meetings related to PSN. This active community partnership has borne a number of initiatives to reduce crime in targeted areas. After engaging in a certain micro-neighborhood with large apartment-building owners, businesses, and stakeholders to develop and implement a comprehensive private security plan, crime has dropped more than 60 percent in that area. Additionally, the USAO-NDTX partnered with the Better Block Foundation in the fall of 2019 to redesign and overhaul a large city square near a vibrant middle school. This project, which was born in the USAO-NDTX, was subsequently driven by community volunteers, who transformed an area that was long known as a hot spot for violent crime into a vibrant community square.

Community Engagement by U.S. Attorney's Offices

The United States Attorney's Office for the Southern District of California (USAO-SDCA) also showcases how the Department's United States Attorney's Offices enhance law enforcement-community relations. USAO-SDCA leads the Regional Hate Crimes Coalition, a group of law enforcement and community leaders who work together to stand against racism and educate the public about hate crimes. USAO-SDCA has sponsored a series of hate crimes forums with various community leaders, including an African American pastor who investigates claims of police misconduct. Due to connections made at one of these forums, this pastor began organizing meetings between faith leaders and law enforcement at the FBI Field Office. USAO-SDCA has also participated in several dialogues sponsored by community leaders aiming to bring law enforcement together with justice involved youth and young adults and community activists to have frank discussions on issues such as racial profiling, use of force, and common

misconceptions held by both police and community members. After the discussions, attendees enjoy a sports event together. The experience invariably changes the perspectives of both community members and law enforcement, resulting in increased trust and improved relationships. SDCA also worked with community leaders, San Diego School officials, and federal law enforcement agencies to launch an eight-week Project LEAD program in targeted elementary schools near a Southeast San Diego neighborhood challenged by gang activity and violent crime known as the “Four Corners of Death.” The program places heavy emphasis on building strong mentoring relationships and expanding youth education on drug, alcohol, and gang refusal skills. As a result, more than 2,000 San Diego students are better prepared to make good choices and informed decisions when faced with invitations to engage in unlawful behavior and have stronger relationships with local law enforcement officials.

Community Engagement by the Community Relations Service

The Department’s Community Relations Service (CRS) provides services to federal, state, tribal, and local law enforcement agencies that help communities resolve conflict. Through facilitated dialogue, mediation, consultation, and training, CRS's services help to build trust and improve partnerships between law enforcement and the communities they serve. These partnerships help to facilitate problem solving and improve communication, which reduces tensions, clarifies misunderstandings, and improves local communities’ capacity to resolve future conflict. Some ways CRS works with law enforcement are:

- Improving partnerships and communication between law enforcement and diverse communities through dialogue and problem solving, such as the Strengthening Police and Community Partnerships, and the Dialogue on Race program.
- Supporting efforts to reduce community conflict and tension following controversial incidents, including prosecutorial decisions or verdicts.
- Helping organizers hold safe public events through contingency planning and event marshal training.
- Improving community awareness of hate crime laws, prevention, and response, such as by facilitating Hate Crime Forums.
- Improving law enforcement awareness of the customs and practices of the diverse communities they serve, through the Strengthening Engagement with Muslim Americans, Strengthening Engagement with Sikh Americans, and Strengthening Engagement with Transgender Communities training programs.

Department of Justice State and Local Law Enforcement

In 2019, Attorney General Barr directed the establishment of the State and Local Law Enforcement Coordination Section (SLEC-S) within the Department. This new unit is dedicated to fostering productive relationships and strong communication between the Department’s leadership and the state and local law enforcement community. The ongoing dialogues between

law enforcement agencies across the country and the SLEC-S will allow the Department to develop informed policies and protocols to better keep our communities safe and secure.

Grants, Training, and Technical Assistance

Office of Justice Programs

The Department provides to state, local, and tribal governments federal grants, training, and technical assistance. Employed largely through the Department's Office of Justice Programs (OJP), these resources improve the nation's capacity to prevent and reduce crime, assist victims, and enhance the rule of law. Examples of these resources include the following programs:

- The **Edward Byrne Memorial Justice Assistance Grant (JAG) Program** provides state, tribal, and local governments with critical funding necessary to support a wide range of program areas including law enforcement, indigent defense, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, crime victim and witness initiatives, mental health programs, and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.
- **Innovations in Community Based Crime Reduction** is a grant program that helps communities build trust and support law enforcement agencies working with these communities by integrating enforcement strategies into community-based crime reduction efforts and using this information to understand and target the local issues.
- **Justice Reinvestment Initiative** is a site-based grant program that employs a data-driven approach that can help state, local, and tribal justice stakeholders analyze, understand, and address key challenges in their justice systems.
- **National Center for Restorative Justice** exists to educate and train the next generation of juvenile and criminal justice leaders, and supports research focusing on how best to provide direct services to address social inequities such as simultaneous access to substance abuse treatment and higher education.
- **Body Worn Camera Policy and Implementation Program** provides funding for the purchase of body worn cameras and training and technical assistance regarding best practices. The Bureau of Justice Assistance awarded \$52,621,244 in Body Worn Camera awards between Fiscal Years 2017 and 2019.
- **Sentinel Events Review** seeks to empower local jurisdictions to take an all-stakeholder, non-accusatory, forward-looking approach to learning from errors after major events or crises with the goal of mitigating future risk.
- **VALOR Initiative Programs** promote officer safety and wellness and include community relationship building programs. For example, tactical safety programs address the tactical considerations of assaults and ambushes on law enforcement,

defusing difficult encounters, casualty care and rescue tactics, and other critical incidents. The VALOR Initiative's combined programs have trained over 124,000 state, local, tribal, and territorial law enforcement officers in over 3,900 training events since its inception in 2010.

Community Oriented Policing Services Office

In addition to OJP's resources, the Department's Community Oriented Policing Services Office (COPS) awards grants to hire community policing professionals, develop and test innovative policing strategies, and provide training and technical assistance to community members, local government leaders, and all levels of law enforcement. Since its establishment in 1994, COPS has invested more than \$14 billion to help advance the practice of community policing by state, local, territorial, and tribal law enforcement. Examples of COPS efforts include the following:

- The **COPS Hiring Program (CHP)** provides funding for the hiring and rehiring of entry-level career law enforcement officers in an effort to create and preserve jobs and increase community policing capacity and crime prevention efforts. On June 2, the COPS Office announced nearly \$400 million in funding to hire more than 2,700 community policing officers and deputies.
- The **Community Policing Development Program (CPD)** develops the capacity of law enforcement to implement community policing strategies. Funding results in training, technical assistance, resources, and pilot programs for the law enforcement field. The Community Policing Development Microgrant program provides awards directly to local law enforcement to implement innovative community policing programs and strategies that can be shared with others in the field. In the coming weeks, the COPS Office plans to award over \$2 million in funding for approximately 30 innovative community policing Microgrant initiatives.
- The **COPS Office Collaborative Reform Initiative for Technical Assistance Center (CRI-TAC)** advances the practice of effective policing in law enforcement agencies by providing technical assistance to state, local, and tribal law enforcement agencies on a variety of topics that are tailored to meet each agency's unique needs. Topics include, but are not limited to, de-escalation, community engagement, problem solving techniques, management, supervision and youth engagement.
- The **Law Enforcement Mental Health and Wellness Act (LEMHWA)** program provides funding to improve the delivery of and access to mental health and wellness services for law enforcement through training and technical assistance, demonstration projects, and implementation of promising practices related to peer mentoring mental health and wellness programs. This summer, the COPS Office plans to award over \$4 million in funding for approximately 40 programs that will increase agency capacity to build and support healthy and resilient officers.

- The **COPS Office Online Training Portal** offers free training on a variety of topics including how to conduct after-action reviews, fair and impartial policing, and ethical decision making. More than 5,600 officers have completed an online training portal course in 2020. For example, **Changing Perceptions: A Fair and Impartial Policing Approach** is a video-based simulation program that allows learners to assume the roles of three different law enforcement officers in an interactive movie, make decisions for these officers, and experience the consequences of their choices.

COPS offers a variety of other resources, including programming related to use of force and enhancing cultural responsiveness for law enforcement. These publications, training materials, and other resources are made available to the field.

Federal Bureau of Investigation's Training Division

Through the Federal Bureau of Investigation's (FBI) Training Division, the Department provides roughly 300,000 hours of leadership training to more than 1,200 law enforcement leaders from around the world each year. These programs are devoted to core leadership principles that govern all of law enforcement world-wide and include good policing and community relations.

- Each quarter, the **FBI National Academy** brings in approximately 267 law enforcement leaders for a 10-week residential program to take six college accredited courses. Many current course offerings focus on leadership supporting good policing and fostering relations with the community. For example, one course is "Breaking Barriers & Building Community," which focuses on the need for addressing police-community relations, particularly in African American communities.
- **The National Executive Institute** is for chief executives of law enforcement agencies, including more than 500 sworn officers serving a population of more than 250,000. The focus of this programming is law enforcement leadership, including positive policing and community relations. Additionally, the Law Enforcement Development Seminar is a similar executive program designed to support law enforcement chief leaders in mid-sized (between 50 and 499 sworn officers) municipal, state and federal agencies.
- **Regional Command Colleges** are partnership training programs between law enforcement agencies and the local FBI divisions. They provide an annual weeklong program focusing on leadership and improving policing.

Civil Rights Enforcement

The Department recognizes that the Rule of Law that holds our nation together is only protected when equally applied. It is a violation of federal law for an individual under color of law to willfully deprive another person of any right protected by the Constitution or the laws of the United States. Accordingly, the Department's Civil Rights Division criminally prosecutes law enforcement officers who exhibit excessive force while operating under the color of the law. The Criminal Section of the Civil Rights Division, in conjunction with United States Attorney's

Offices and the Federal Bureau of Investigation (FBI), enforces the federal criminal civil rights statutes pertaining to the willful abuse of authority by officials acting under color of law. These laws make it a crime for an officer to willfully use unreasonable force during an arrest, and also for an officer to fail to intervene and stop an unreasonable use of force if the officer sees the violation, has the opportunity to intervene, and willfully chooses not to do so.

From Fiscal Years 2017-2019, the Department of Justice has brought 140 cases charging 198 law enforcement officials for willful violations of civil rights under color of law, and related conduct. Most cases we have brought against police officers involve the unconstitutional use of excessive force.

The killing of George Floyd is being pursued by both the state and federal government. The state has filed second degree murder charges against one officer and aiding and abetting charges against three other officers. The Department is conducting a parallel and independent investigation into possible violations of federal civil rights laws.

In addition, the Department has authority to address a pattern or practice of police conduct by law enforcement officers that violates constitutional or federal statutory rights. The Department, using this authority, has addressed such issues as excessive force; unlawful stops, searches, or arrests; and discriminatory policing, in a way that enhances public safety and promotes community confidence in law enforcement. We will continue to utilize this authority where supported by the facts and the law.

Research

The Department recognizes that sound policy decisions are made when accurate research is deployed. The National Institute of Justice, the Department's research, development, and evaluation agency has active research projects that will help us determine how to better police, improve community relations, and mitigate police use of force. Projects include the following:

- ***Improving officer decision-making: Can personality predict outcomes in use of force decisions*** examines the impact of select psychological, cognitive, social and professional factors on police officers' decisions to use force in a simulated environment. Male and female police officers and citizens participate in the study to provide a broader understanding of personality and its impact on decision making in stressful situations.
- ***Understanding the Broader Impacts of Body Worn Cameras on Police Work, Community Perceptions and Community Health: A Multi- Method Assessment*** is a quasi-experimental study to uncover officer and citizen perceptions of body worn cameras in Philadelphia, PA, in conjunction with the Philadelphia Police Department. It uses spatial analyses to explore potential impacts on community health (a focus on how officers respond to individuals affected by drug use and addiction).
- ***Infusing Community Policing Strategies into Hot Spots Policing Practices: The Impacts on Police-Community Relations in a Mid-Sized City*** examines the impact of

different policing strategies (targeted patrol versus community policing) in hot spots on citizen perceptions of the police.

- ***Police Stops, Crime Prevention, and Community Reaction: A Randomized Field Experiment at Violent Crime Hot Spots*** involves a randomized experiment to test whether an enhanced version of pedestrian stops, focused on violent crime hot spots and informed by constitutional and procedural justice principles, can significantly reduce crime in these spots while enhancing perceptions of procedural justice among those stopped, and increasing community opinions about police.

Conclusion

George Floyd's death has crystalized the Department's need to continue its efforts to improve law enforcement and community relations and train state, local, and community law enforcement officers to do their jobs in a manner that ensures everyone receives equal protection under the law— nothing less is acceptable. We recognize that while the vast majority of law enforcement officers do their job bravely and righteously, recent events expose a threat to the rule of law that we must do our part to eradicate.

In the weeks and months ahead, the Department of Justice will be working with community leaders to find constructive solutions to the challenges our communities face with police use of force and police-community relations.

Chairman Graham, Ranking Member Feinstein, and members of the Committee, we would like to close by thanking you for this opportunity to discuss the ongoing work of the Department of Justice. We look forward to answering your questions.