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THE INTERNET

October 20, 2017

The Honorable Jeff Sessions
Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20052

Dear General Sessions:

As you know, the country has been immersed in a national dialogue on the role of race in society precipitated, in part, by protests from players in the National Football League. The reason for the demonstrations is rooted in police misconduct—specifically the disparate treatment of communities of color by law enforcement, and the mistreatment of African-Americans generally.¹

The reality that gives rise to these demonstrations is startling. According to the Washington Post, during this year alone, law enforcement agencies across the country have shot and killed at least 748 people, including at least 244 who were fleeing from officers when they were shot.² A closer look at these numbers reveals an alarming pattern. According to an October 17, 2017 joint letter to you from the Leadership Conference on Civil and Human Rights ("Leadership Conference") and the American Civil Liberties Union ("ACLU") (collectively "the Joint Letter"), "[black] males are almost three times as likely, and Hispanic males are almost twice as likely to be killed by police use of force [as] white males."³

These issues are not new and past presidential administrations and Congresses have attempted to bridge the chasm between police and the communities they serve. A product of these efforts was the Office of Community Oriented Policing Services, or C.O.P.S. According to materials available on the Department of Justice's (DOJ) own website, C.O.P.S. was codified in the Violent Crime Control and Enforcement Act of 1994 and only after "most [local] law enforcement agencies had fully embrace[d] the concept."⁴

¹ Alexander Burns, *Defying Trump, Athletes Intensify Debate on Race and Protest*, N.Y. TIMES, September 24, 2017, available at <https://www.nytimes.com/2017/09/24/us/trump-nfl-protest-kaepernick.html>.

² See Fatal Force." *The Washington Post*. <https://www.washingtonpost.com/graphics/national/police-shootings-2017/>.

³ October 17, 2017 Leadership Conference on Civil and Human Rights/American Civil Liberties Union Joint Letter to Attorney General Jeff Sessions, available at <https://www.aclu.org/letter/aclu-and-leadership-conference-write-ag-sessions-policing>.

⁴ Gayle Fisher-Stewart, *Community Policing Explained: A Guide for Local Governments*, available at https://cops.usdoj.gov/pdf/vets-to-cops/cp_explained.pdf, at 6.

As you are aware, the C.O.P.S. office, through grants, technical assistance and other community programming allowed for dynamic collaboration among different stakeholders: federal officials, elected officials, local police leaders and community partners. Partnerships between local law enforcement and C.O.P.S. are voluntary, and an invaluable resource for police departments and communities facing formidable and persistent policing issues.

I was disappointed to learn that the DOJ has recently decided to refocus a mission of the C.O.P.S. office. A hallmark of the C.O.P.S. office was its Collaborative Reform Initiative,⁵ a critical tool in the federal government's effort to address police misconduct. This program, at the request of local police departments and communities, "assessed the policies of police departments and recommended changes in cities like Milwaukee and North Charleston, S.C., following instances in which officers killed African-American men."⁶

It is my understanding that the program will now focus on providing resources to law enforcement agencies fighting violent crime. Given the persistent nature of police misconduct issues plaguing certain communities—especially communities of color—I believe this is in error. Moreover, it is my understanding that you cited federalism as the reason to end the program. In fact, you are quoted as much, when you said that, "[c]hanges to this program will fulfill my commitment to respect local control and accountability, while still delivering important tailored resources to local law enforcement to fight violent crime."⁷ Such a statement belies an understanding of the reasons for federal implementation of the program.

The C.O.P.S. office, and its Collaborative Reform Initiative, was implemented to increase the dynamism and interaction between the federal government and state and local law enforcement. A natural byproduct of this relationship was greater mutual understanding between law enforcement and the communities they serve, with an emphasis on remedial efforts that can be implemented following a pattern of allegations of police misconduct.

Furthermore, your decision to end the Collaborative Reform Initiative comes at an especially concerning time. According to the Joint Letter, the Leadership Conference and the ACLU explain that when your office decided to repurpose the Collaborative Reform Initiative, there were over a dozen collaborative reform projects open.⁸ What will happen to these investigations? Furthermore, the Joint Letter explains that reports on police misconduct from

⁵ Codified at 42 U.S.C. § 14141.

⁶ Jon Collins, *Justice Dept. Changes Community Policing; St. Anthony Uncertain About Effect*, MPR NEWS, September 15, 2017, available at <https://www.mprnews.org/story/2017/09/15/st-anthony-justice-department-community-policing>.

⁷ *Id.*

⁸ According to the Joint Letter, *supra* note 2, as of the date that the end of the Collaborative Reform Initiative was announced, the following police departments had collaborative reform initiatives pending (i.e., final reports were not yet filed) by and with the Department of Justice: Calexico Police Department (CA), the Fayetteville Police Department (NC), the Salinas Police Department (CA), the San Francisco Police Department (CA), the Chester Police Department (PA), the Commerce City Police Department (CO), the Fort Pierce Police Department (FL), the Memphis City Police Department (TN), the Milwaukee Police Department (WI), the North Charleston Police Department and the St. Anthony Police Department (MN).

Milwaukee and North Charleston are nearly finalized. Does the DOJ intend to publish these two reports?

Given this information, in addition to the questions posed in the preceding paragraph, I write to ask the following:

Beyond principles of federalism, what other considerations informed your decision to change the Collaborative Reform Initiative of the C.O.P.S. office?

Are the changes to the Collaborative Reform Initiative a temporary suspension or a permanent decision?

Are there any considerations that may compel you to revisit your decision?

Thank you for your consideration of this letter and its contents. Please kindly provide a response to this query within 30 days of the date of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hank Johnson", written over the printed name.

Henry C. "Hank" Johnson, Jr.
Member of Congress