

United States Senate

March 12, 2021

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland:

We write to ask you to prioritize vigorous enforcement of constitutional policing at the Department of Justice (DOJ) and resume the use of consent decrees where necessary. We welcome the statements you made during your confirmation hearing, as well as your commitment to holding law enforcement accountable for constitutional violations.¹ In that effort, we direct you to report language included in the explanatory statement accompanying the *Consolidated Appropriations Act, 2021* (P.L. 116-260).² This language, included in the previous fiscal year as well, directs the DOJ to enforce constitutional policing statutes.³

The Trump Administration's decision to reduce sharply the use of consent decrees hindered efforts to hold law enforcement accountable for constitutional violations. In a memorandum, then-Attorney General Jeff Sessions stated: "It is not the responsibility of the federal government to manage non-federal law enforcement agencies." This statement was mischaracterization of the DOJ's duties, as Congress has given the department the authority to investigate systemic violations of constitutional rights of all law enforcement agencies.⁴

Over the past four years, many criminal justice experts, law enforcement officials, and police reform advocates raised concerns about the impact of the Trump Administration's policy on police accountability and broader reform efforts. It is therefore imperative that the DOJ reverse course and use all available tools, including consent decrees, to ensure that constitutional policing standards are being upheld.

To that end, the Congress directed the DOJ to enforce constitutional policing with the following report language:

Constitutional Policing.—The Committee directs the Department to enforce constitutional policing statutes, including 34 U.S.C 12601, which may require the use of consent decrees as necessary, where constitutional policing standards are not being upheld.

¹ Nick Grube, "Police Accountability An 'Essential Element' In Rebuilding Trust, Garland Says," Honolulu Civil Beat, 22 Feb. 2021, <https://www.civilbeat.org/2021/02/police-accountability-an-essential-element-in-rebuilding-trust-garland-says/>.

² Congressional Record, Vol. 166, No. 218—Book III, 21 Dec. 2020, <https://www.govinfo.gov/content/pkg/CREC-2020-12-21/pdf/CREC-2020-12-21-house-bk3.pdf>.

³ Senate Report 116-127, <https://www.congress.gov/116/crpt/srpt127/CRPT-116srpt127.pdf>.

⁴ U.S. Commission on Civil Rights, "U.S. Commission on Civil Rights Urges Department of Justice to Use All Available Tools to Work with Police Departments to Ensure Constitutional Policing," 24 April 2017, http://www.usccr.gov/press/2017/Statement_04-24-2017-Policing.pdf.

We applaud your stated commitment to restoring the integrity of the DOJ, including by returning the department to its role as defender of the civil rights of citizens. Thank you very much for your attention to this matter, and we look forward to your written response.

Sincerely,



BRIAN SCHATZ
United States Senator



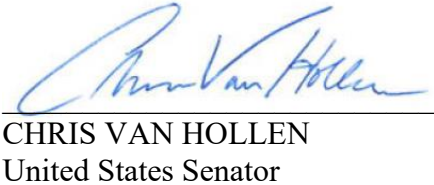
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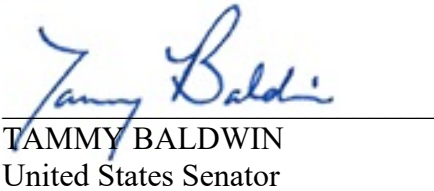
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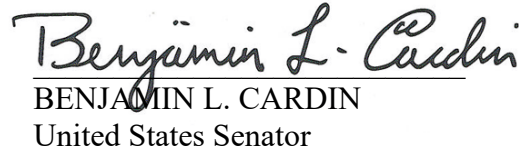
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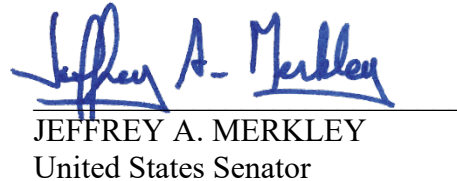
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United States Senator



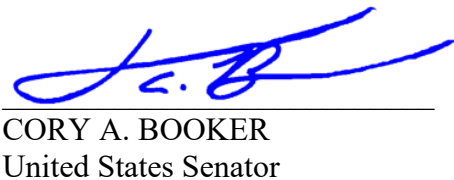
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