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# Exit Memo: Department of Justice

Record of Progress and Vision for the Future

Attorney General Loretta E. Lynch | January 5, 2017

## Introduction

For the past eight years, the men and women of the Department of Justice have upheld the solemn responsibility of protecting and defending the lives, liberty, and interests of all Americans. In doing so, we have enforced the nation's laws, defended against foreign and domestic threats, provided leadership in preventing crime, and ensured the fair and impartial administration of justice. We have upheld bedrock constitutional principles, safeguarded the most vulnerable in our communities from exploitation and abuse, and secured just punishment for those responsible for unlawful acts.

Our first priority, of course, is protecting the American people from terrorism and violent extremism. In pursuit of that mission, the department's employees have made significant progress on a number of fronts: from successfully prosecuting terrorists in Article III courts; to bringing first-of-their kind charges against state-sponsored hackers; to disrupting terrorist plots before they can be executed. I am proud to say that throughout the Obama Administration, the Justice Department has shown that we can uphold our national security in a way that is consistent with our national values.

We have also made considerable progress in making our communities safer for all Americans, and we have been focused on combatting violent crime in our cities and wherever else it occurs. Through innovative initiatives like our Violence Reduction Network and our efforts to keep deadly firearms out of the hands of wrongdoers, we are bringing an all-hands approach to ensuring that our people can lead lives of safety and opportunity.

In addition to shielding the American people from terrorism and violent crime, the Justice Department represents their interests in a wide range of civil and criminal matters. Whether our employees are holding financial institutions accountable for irresponsible lending practices, securing compensation for those affected by the Gulf oil disaster, or keeping the

American economy free of corruption and fraud, all of our efforts are aimed at ensuring that the public's interest is vindicated in our courts.

One of this Administration's lasting legacies will be its efforts to make our criminal justice system more efficient, more effective, and more fair. In a time of heightened tensions between law enforcement officers and communities of color, I have made it a personal priority to repair trust where it has frayed, devoting a considerable amount of my time and energy to meeting with stakeholders in cities from coast to coast. We are working with police departments across the country to reform practices and improve training. And we have instituted landmark reforms to the federal prison system, especially with regard to how it prepares inmates to live productive, law-abiding lives once they have paid their debt to society.

Finally, I am especially proud of the Department's efforts over the last eight years to extend the protection of the law to include communities previously excluded from its safeguards. We have deepened the Department's commitment to empowering survivors of human trafficking. We have vigorously prosecuted crimes that target Americans because of what they look like, how they worship, or whom they love. We have used the law to defend our LGBT brothers and sisters, most notably in the landmark Supreme Court case *Obergefell v. Hodges*, which finally recognized marriage equality. In challenging North Carolina's discriminatory House Bill 2, we have assured transgender Americans that they are no longer invisible to their government. And although the Supreme Court has significantly weakened the Voting Rights Act, we continue to regard the protection of every American's right to vote as one of our most urgent and sacred responsibilities.

In these and in all of our efforts, we have been determined to defend not only America's people, but also America's values. It has been our sacred duty to serve the nation we hold dear. And it has been my immense privilege to lead the Department of Justice as Attorney General. I am tremendously proud of all that we have accomplished, and I urge the next Administration to use our achievements as the foundation for a stronger, safer, and brighter future for all who call our country home.

## Safeguarding National Security

Preventing violent acts of terrorism and promoting the security of our nation in a way consistent with the rule of law are chief among the Justice Department's responsibilities. The Department has been highly effective over the course of the Obama Administration. Thanks to the dedication and talent of many individuals across the Department, including substantial contributions from the Federal Bureau of Investigation (FBI), we have made important gains to counter homegrown violent extremists and radicalized Americans overseas; strengthen the nation's cybersecurity; prevent U.S. military and strategic

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technologies from falling into the wrong hands; and protect our constitutional principles in national security matters.

## **COUNTERING HOMEGROWN VIOLENT EXTREMISTS AND RADICALIZED AMERICANS OVERSEAS**

The Department must continue to confront the evolving threat posed by both radicalized Americans traveling overseas and homegrown violent extremists living in this country who take steps to act on their extremist beliefs. Since 2013 alone, we have publicly charged more than 100 individuals in over 35 districts for foreign terrorist fighter or homegrown violent extremist-related conduct. And when tragedy does strike – as it has in Boston, San Bernardino and Orlando, among other places – the Department and FBI have worked around the clock to secure justice on behalf of victims.

The Justice Department must continue to collaborate with communities around the country to meet the threat posed by violent extremists. Along with government and NGO partners at the federal, state, and local levels, DOJ and FBI are working to support the creation of community-led intervention programs designed to help at-risk individuals resist the siren song of radicalization. The Department should also continue to collaborate closely with other national security agencies, as well as non-governmental organizations and our allies overseas.

## **STRENGTHENING THE NATION'S CYBERSECURITY**

The Digital Age has opened new horizons for spreading knowledge, boosting innovation, and fostering prosperity around the world. But our ever-growing reliance on the internet has also opened a new front for malicious actors in their quest to do us harm. DOJ and FBI are ever vigilant in targeting, investigating, and prosecuting these complex cyber threats. In 2014, we successfully indicted five officers in the Chinese People's Liberation Army for computer fraud and abuse, economic espionage, theft of trade secrets, and other hacking activities relating to computer intrusions targeting six U.S. companies in the nuclear power, metals, and solar products industries. That year, we also led a multinational effort to disrupt the Gameover ZeuS Botnet – a global network of computers infected by cyber criminals to steal millions of dollars from businesses and consumers – and unsealed criminal charges against a Russian national who served as an administrator of the botnet. And in 2016, the Department indicted seven Iranian hackers associated with the Iranian Islamic Revolutionary Guard Corps for their roles in conspiracies to conduct distributed denial of service attacks against the U.S. financial sector.

In order to respond more nimbly and effectively to cyber threats, we established the National Security Cyber Specialist (NSCS) Network to bring together representatives from Main Justice and the United States Attorneys' Offices. NSCS allows the Department to

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comprehensively address the complex challenges presented by terrorist- and state-sponsored computer intrusions and attacks. We also established a new Cybersecurity Unit within the Computer Crime and Intellectual Property Section. The new unit has worked to ensure that legislative protections against cyberattacks are strong; to engage in extensive outreach to private sector partners; and to serve as the Department's central hub for expert guidance regarding criminal electronic surveillance statutes.

It is especially vital that the next Administration continues building partnerships with the private sector to strengthen our cybersecurity. Private companies control much of the internet and hold much of our most valuable information. As the menaces we confront in cyberspace continue to grow in number and complexity, government and industry must present a united front against hackers, terrorists, and state-sponsored actors operating online.

## **PREVENTING U.S. MILITARY AND STRATEGIC TECHNOLOGIES FROM FALLING INTO THE WRONG HANDS**

While traditional threats to national defense, military operations, and science and technology remain, many intelligence threats are expanding their targets to include sensitive economic information and emerging proprietary technology. Since 2009, the Department and FBI have developed state-of-the-art capabilities to dismantle major espionage networks, and we have done so successfully in a wide range of cases. The Department also has increased its coordination with other agencies to counter the increasing threat posed by the illegal foreign acquisition of controlled U.S. military and strategic technologies. These efforts have resulted in hundreds of investigations, indictments, and arrests; numerous successful extraditions; and the disruption of major international procurement networks. The next Administration must continue to make a priority of safeguarding America's critical edge in strategic technologies.

## **PROTECTING OUR CONSTITUTIONAL PRINCIPLES IN NATIONAL SECURITY MATTERS**

As long as there is a United States, there will be forces in the world who wish us ill. As we weather the challenges to come, the Department of Justice must respond to these forces as we have for the past eight years: firmly, decisively, and in accordance with the traditions and principles that make our country great. Upholding our principles is not a luxury – it is a responsibility, and as the next Administration addresses the national security threats of the 21st century, it must never lose sight of the timeless values that truly keep us strong.

To this end, we have exercised careful oversight over our intelligence gathering and other national security activities, ensuring that in our pursuit of terrorists and spies, we do not undermine the very constitutional rights and liberties we are sworn to protect. We have also used our nation's courts to effectively handle terrorism cases, continuing our long history of

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using the criminal justice system to prosecute individuals who pose a threat to the U.S. Since 2009, we have obtained convictions for international terrorism-related charges against hundreds of defendants in Article III courts – from Faisal Shazad, who attempted detonation of a car bomb in Times Square, to Dzhokhar A. Tsarnaev, who perpetrated the Boston Marathon bombing. Those cases and many others since have laid to rest the contention that our civilian legal system is not capable of delivering swift and certain justice to the world's worst terrorists.

## Reducing Violence

### KEEPING GUNS OUT OF THE WRONG HANDS

The Second Amendment guarantees the right to bear arms. But this right is not inconsistent with our need to better protect our children and our communities from the gun violence that we have seen all too often in recent years. To that end, in early 2016, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) finalized a rule to ensure that dealers who ship firearms notify law enforcement if their guns are lost or stolen in transit, as well as a rule requiring background checks for people trying to buy some of the most dangerous weapons through a trust, corporation, or other legal entity. ATF also issued guidance clarifying that anyone engaged in the business of selling firearms must conduct background checks, regardless of whether those sales occur in a store, at a gun show, or on the internet. In conjunction with that guidance, I sent a letter to state governors asking for their cooperation in ensuring that the background check system has a complete set of relevant data, including complete criminal history records (especially histories of domestic violence) that would disqualify them from buying weapons; the Department also provided millions of dollars to enable states to share information with the background check system. In order to make the background check system more effective and efficient, FBI announced its plan to overhaul the system and to hire more than 230 additional examiners and other staff to help process these background checks. And ATF established an Internet Investigation Center to track illegal online firearms trafficking, and it dedicated \$4 million and additional personnel to enhance the National Integrated Ballistics Information Network (NIBIN).

We hope future Administrations build on these efforts by implementing the kind of commonsense gun safety reforms supported by a majority of the American people. For example, Congress should fund 200 new ATF agents and investigators to help enforce our gun laws. And it is long past time that Congress take action on commonsense gun reform legislation, and I urge the next Congress to do so.

### HELPING CHALLENGED AREAS

The Department has continued to focus special attention on cities grappling with especially high rates of violence. In early 2016, the U.S. Marshals Service completed Operation

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Violence Reduction 12, a sweep operation that targeted violent fugitives in 12 cities experiencing increases in violent crime. The sweep resulted in the arrests of 8,075 gang members, sex offenders, and other violent offenders. In addition, we launched the Violence Reduction Network (VRN), a partnership with local authorities in 11 selected cities to create a holistic approach to reducing violence. The results of the VRN have been encouraging, and I urge the next Administration to continue this promising initiative.

## **ENDING VIOLENCE AGAINST WOMEN**

We are particularly concerned with violence against women, which frequently takes the form of sexual assault and domestic violence. Our Office on Violence Against Women has been working closely with state and local law enforcement to boost their capacity to respond to these crimes. In December of 2015, we issued guidance to state and local law enforcement on detecting and addressing gender biases in policing. We provided \$41 million in grants to 20 jurisdictions to help them reduce backlogs in untested sexual assault kits. And we helped secure a landmark provision in the Violence Against Women Reauthorization Act of 2013 that significantly expanded protections for women living in Indian Country. By continuing to offer grants and technical assistance to state and local law enforcement, the incoming Administration can help give our women and girls the protections they deserve.

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## **Safeguarding Consumers and Preserving a Fair Marketplace**

### **COMBATTING CORPORATE AND FINANCIAL FRAUD**

In 2009, President Obama created the Financial Fraud Enforcement Task Force to hold accountable the companies and individuals whose practices plunged our economy into the financial crisis. Task Force members have charged a record number of mortgage fraud-related cases and trained more than 100,000 professionals responsible for awarding and overseeing Recovery Act funds. Members of the Task Force successfully prosecuted and secured convictions of hundreds of corporate and individual defendants involved in financial fraud schemes affecting industries such as investments and securities, mortgage lending, and commercial banking.

In 2012, Attorney General Eric Holder launched the Residential Mortgage-Backed Securities (RMBS) Working Group to help federal and state law enforcement agencies collaborate on combatting fraud in the packaging and sale of RMBS offerings. This working group collaborates on investigations and streamlines processes to ensure that misconduct is uncovered and justice is sought for the victims. Through the working group's efforts, the Department obtained six settlements against 10 financial institutions, resulting in over \$16 billion in collected penalties and \$15 billion in consumer relief commitments.

Moving forward, the Department must build on our work to hold individual wrongdoers responsible for crimes committed in corporate settings. In 2015, among other changes, the Department announced a new policy designed to maximize the Department's ability to hold individual corporate wrongdoers accountable when they break the law. Among other things, the policy requires that corporations fully disclose all relevant facts about individual misconduct in order to be eligible for any cooperation credit. Under the next Administration, the Department of Justice and its federal law enforcement partners should continue to strengthen and refine its methods for holding individuals accountable for corporate malfeasance.

These efforts have depended on our collaboration with agencies like the Securities & Exchange Commission, the Commodity Futures Trading Commission, and the Office of the Special Inspector General for the Troubled Asset Relief Programs. These partnerships will continue to be vital in the next Administration, as the Department of Justice continues to confront unacceptable financial risk-taking that endangers ordinary Americans.

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## **PREVENTING ANTICOMPETITIVE MERGERS AND PRESERVING MARKET COMPETITION**

Since 2009, we have challenged more than 100 anticompetitive mergers, including in the consumer goods, transportation, technology, and telecommunications industries. In addition, more than 400 criminal cases have been filed and more than \$5.8 billion in criminal penalties have been obtained against corporations and individuals engaged in price fixing, bid rigging, and other fraud that hurts the American consumer. In coming years, the Department of Justice should continue to challenge mergers that unreasonably deprive consumers of the benefits of competition, and robustly enforce antitrust laws in civil and criminal contexts.

## **PROTECTING ENVIRONMENTAL RESOURCES**

The Department of Justice has also taken a leadership role in protecting the nation's natural resources and public lands. For example, the Department secured justice for victims of the Gulf oil spill disaster by holding BP criminally responsible. The global settlement totaled more than \$20 billion, the largest settlement with a single entity in the Department's history. In court, the Department took the lead in defending the EPA's authority to regulate greenhouse gases, a critical component of the nation's strategy to put the brakes on climate change. This work has been crucial to preserving our environment, and future Administrations should continue to ensure that the natural resources used and enjoyed by Americans today are protected for generations to come.

## **COMBATTING LENDING FRAUD AND LENDING DISCRIMINATION**



Throughout the Obama Administration, the Department of Justice has sought to maintain a level playing field for all borrowers, regardless of race, national origin, or other protected class status. In the past eight years, the Department has filed or resolved dozens of lending cases involving fraud or discrimination, including matters protecting the rights of service members. Settlements in these matters have provided more than \$1 billion in monetary relief for individual borrowers and impacted communities. Continued vigilance in eliminating fraudulent lending practices is essential to empowering families and strengthening neighborhoods around the country.

## Reforming the Criminal Justice System

### OVERHAULING SENTENCING POLICIES

Since day one, this Administration has been committed to improving the criminal justice system. Our country now spends \$80 billion per year keeping people in prison; for the Department, the Federal Bureau of Prisons (BOP) comprises roughly one third of the Department's budget. This reality isn't just bad for the federal budget; it's bad for public safety, because every dollar we spend imprisoning a non-violent drug offender for longer than necessary is a dollar we don't have for police, prosecutors, and investigating terrorists and violent criminals. From a human perspective, incarceration of inmates for periods longer than necessary has taken a huge toll on our communities, particularly communities of color. And it has weakened the public's confidence in the fairness of the criminal justice system.

Taking these fiscal and fairness realities to heart, in 2010, the Department reversed a policy requiring prosecutors to charge crimes carrying the most severe sentences. Instead, we instructed prosecutors to choose charges based on the individual circumstances of the offense and the defendant. Then in August 2013, as part of the "Smart on Crime" initiative, we further revised our policies to avoid triggering mandatory minimum sentences for low-level, nonviolent drug offenders. In subsequent years, the Department successfully worked with the United States Sentencing Commission to implement a broader reduction in sentencing guidelines for drug offenders (known as "Drugs Minus Two"), which applied both prospectively and, in most cases, retroactively. And in April 2014, the Department took a leading role in encouraging low-level, non-violent drug defendants serving sentences much longer than they would receive today to petition President Obama to commute their sentences. That initiative so far has led to over a thousand commutations, more than the last 11 Administrations combined.

Since these changes were enacted, the results have been just as we hoped: federal prosecutors have been more selective and, as a result, have prioritized drug prosecutions against the worst offenders; have reserved mandatory minimums for cases involving the

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most significant misconduct; and at the same time, have seen no adverse change in the rates at which defendants cooperate or plead guilty. As a result of these changes to the Department's charging and sentencing policies, the federal prison population declined in 2013 for the first time in more than 30 years. The number of federal inmates has dropped each year since, declining from nearly 220,000 in 2013 to fewer than 195,000 at the end of 2016. Accordingly, President Obama is likely to leave office with a smaller federal prison population than when he assumed office – making him the first president to do so since President Lyndon Johnson left office in 1969.

Much of the work still ahead on criminal justice reform requires congressional action. Among other steps, Congress should pass a sentencing reform bill that reduces mandatory minimums for non-violent, low-level drug offenders. Sentences need to fit the crime. When sentences are too long, they harm public safety, waste taxpayer dollars, and severely damage communities.

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## REDUCING RECIDIVISM TO IMPROVE PUBLIC SAFETY

The Department of Justice has devoted a significant amount of attention to helping prisoners make the most of their second chance once they have paid their debt to society. Giving inmates the tools they need to succeed upon release is crime prevention; it creates safe communities; and it's one of the best investments we can make in the criminal justice system.

Since 2009, the Department has also awarded almost \$500 million in Second Chance Act grants and technical assistance to help incarcerated adults and youth rejoin their communities as productive, law-abiding citizens. These grants to state, tribal, and local governments, as well as non-profit organizations, support reentry strategies that include not only evidence-based corrections and supervision strategies, but also employment assistance, housing, mentoring, substance abuse treatment, family programming, and other services designed to reduce recidivism. Another important part of this work has been the Federal Interagency Reentry Council. Created by Attorney General Eric Holder in 2011, the Reentry Council works to identify and remove obstacles faced by the formerly incarcerated in order to promote their successful return to society as law abiding citizens.

The Federal Bureau of Prisons has worked hard to expand and revitalize programs proven to reduce recidivism. Recognizing that higher education is correlated with significant reductions in recidivism, in 2016, the Federal Bureau of Prisons embarked on building a semi-autonomous "school district" within the federal prison system. The Department of Justice should continue to support this innovative initiative, which will offer a blended model of teaching that includes face-to-face classroom instruction as well as education software provided through mobile tablets customized for the prison environment. In this same vein, the Department also overhauled – and worked to save from insolvency – Federal Prison

Industries, an 80-year-old BOP job training program that has been shown to reduce recidivism by 24% by giving inmates skills that they can use upon release. We also banned the use of solitary confinement and other forms of “restrictive housing” for juveniles in the federal system. And we issued more than 50 guiding principles and launched a series of restrictive housing reforms in the federal system designed to ensure that it is only used in cases warranting severe discipline; to provide treatment for inmates so that they can be released from restrictive housing sooner; and to offer more out-of-cell time to those placed in restrictive housing.

In the next Administration, the Department of Justice should also continue its reforms to ensure Residential Reentry Centers (RRCs) – also known as halfway houses – are adequately preparing inmates to become law-abiding citizens. And Department leadership should continue to make the case for improving reentry as a way to improve both public safety and America’s economy. In addition, Congress should pass serious reentry reform that would give inmates incentives to participate in programs proven to reduce recidivism.

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## **PRESERVING CONSTITUTIONAL RIGHTS**

The Department launched the Office for Access to Justice in March 2010 in order to promote the right to competent counsel in the criminal and civil justice system. In addition to engaging a wide variety of state, local, and tribal partners, the office has contributed to watershed lawsuits over inadequate funding of public defender programs, the criminalization of homelessness, and unconstitutional monetary bail schemes imposed without consideration of a defendant’s ability to pay.

The Department also revamped its internal policies and training regarding when prosecutors should turn over evidence to defendants. New guidance encouraged broad and early discovery and directed prosecutors to give exculpatory information promptly to the defense. And in a major step to advance accountability, promote trust, and enhance the credibility and reliability of interrogations, the Department required federal agents to videotape the questioning of detained individuals.

The Constitution makes clear that all defendants have a right to due process and equal justice under the law. It is up to the next Administration to continue seeking ways to guarantee that all defendants – regardless of race, gender, or means – enjoy their full rights as Americans.

## **Making Historic Progress on Civil Rights**

### **DEFENDING THE RIGHTS OF LGBT INDIVIDUALS**

Over the course of this Administration, the Department has overseen historic gains in the rights of LGBT individuals. President Obama set the tone from his earliest days in office, signing the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act in 2009. That landmark statute made it easier to prosecute hate crimes based on race, color, religion and national origin. And for the first time, it allowed the federal prosecution of hate crimes based on gender, sexual orientation, gender identity, and disability status.

In 2012, Attorney General Holder concluded that Section 3 of the Defense Against Marriage Act, which barred the federal government from recognizing state-approved same-sex marriages, unconstitutionally discriminated against gay and lesbian couples. In 2015, the Department filed a historic amicus brief in *Obergefell v. Hodges*, stating the government's position that same-sex couples have a constitutional right to marry and to have their marriages recognized by the states in which they live. The Supreme Court agreed, in a decision that I said had "recognized the equality, dignity and essential humanity of our gay and lesbian brothers and sisters and reaffirmed this country's bedrock principle . . . that all Americans are entitled to equal justice under law." Subsequently, the Justice Department oversaw the conferral of scores of federal benefits to same-sex couples.

In 2016, the Department again stood up for equal justice when I announced a suit against the State of North Carolina, which had enacted a law requiring transgender individuals to use public restrooms consistent with their birth sex, rather than their gender identity. Although it remains pending, the case represents a trailblazing stand for transgender rights and equality.

It is undeniable that our nation has made great progress in civil rights over the past half-century, and it is up to future Administrations to consolidate that progress - and to build upon it. Hate crimes remain a sobering reality in our country, and LGBT Americans still face daunting obstacles to full equality. The Department of Justice must continue to protect these individuals and safeguard their rights to safety and dignity.

## PROTECTING THE RIGHT TO VOTE

The Department of Justice played a crucial role in the passage of the Voting Rights Act of 1965, which ended centuries of discrimination against minorities at the polling place. However, in its 2013 ruling in *Shelby County v. Holder*, the Supreme Court struck down the VRA's preclearance system, which empowered the Department to block voting restrictions in certain states before they did damage. Despite this setback, the Department has still been able to challenge discriminatory voting laws and practices under other sections of the Voting Rights Act and other federal statutes, most recently in Texas and North Carolina. We also filed dozens of statements of interest and amicus briefs in lawsuits against other practices in states including Alabama and Wisconsin.

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The Department has also acted to protect the rights of our service members, their families, and overseas civilians to vote – no matter where they are stationed in the world – through aggressive enforcement of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Military and Overseas Voter Empowerment Act.

Though these efforts are critical and represent positive steps, it is critical that the next Congress act to restore the Voting Rights Act to its full strength. The right to vote is fundamental to our democracy, and the *Shelby County* decision significantly weakened the federal government's ability to prevent unlawful attempts to disenfranchise, harass, and intimidate American citizens as they attempt to exercise their most basic right as Americans. In the next Administration, the Justice Department should continue to defend the voting rights of Americans under the provisions of the act that remain, while making clear the enormous stakes of Congress failing to restore Section 5 of the VRA.

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## COMBATTING THE SCOURGE OF HUMAN TRAFFICKING

This Administration has recognized human trafficking for the appalling crime that it is: nothing less than modern-day slavery. Over the course of the Obama Administration, the Justice Department spearheaded the Anti-Trafficking Coordination Team Initiative to coordinate interagency human trafficking enforcement efforts. The initiative was designed to complement Project Safe Childhood and the Innocence Lost National Initiative – which both focus on reducing child sexual exploitation – by concentrating enforcement efforts on labor trafficking, international sex trafficking, and sex trafficking of adults by force, fraud, and coercion. And in the past eight years, the Department has brought a record number of human trafficking prosecutions. The next Administration should continue to combat human trafficking, particularly where the threat of trafficking is compounded by risk factors like high rates of poverty or unstable living conditions.

## Building Trust between Law Enforcement Officers and the Communities They Serve

### STRENGTHENING LAW ENFORCEMENT AND COMMUNITY RELATIONS

I took office on the day that tensions over the death in custody of Freddie Gray resulted in nights of violence in Baltimore. Over the months that followed, our nation witnessed a flurry of officer-involved shootings and attacks on police officers that underscored the precarious state of citizen-police relations in many communities. In response, I launched a 12-city Community Policing Tour, traveling to cities across the country during 2015 and 2016 to discuss and highlight examples of successful community policing. Stops on the tour's first phase shined a spotlight on cities – many with a history of strained relations between law

enforcement and community members – that have worked hard to rebuild trust while undertaking new and collaborative initiatives to advance public safety.

During the second phase of the tour, I visited six cities. Each site focused on one of the six main recommendations of the President’s Task Force on 21st Century Policing, such as innovative uses of training and technology. Deputy Attorney General Sally Yates and I also hosted a series of local convenings across the country – known as “Justice Forums” – that brought together law enforcement, state and local officials, community leaders, and youth advocates to critically examine police-community relations in their respective regions and to discuss productive ways to move forward collectively.

The Department also spearheaded efforts to help promulgate the findings of the President’s Task Force on 21st Century Policing. In partnership with CNA and the International Association of Chiefs of Police and other law enforcement associations, we launched the Advancing 21st Century Policing Initiative. This groundbreaking effort works closely with 15 jurisdictions that are making notable strides in advancing task force recommendations. It has also developed a number of implementation guides, which will be widely distributed to over 18,000 local, state and tribal law enforcement agencies through the IACP’s Center for Community-Police Relations, helping to spread best practices of community policing throughout the country.

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## **ENSURING CONSTITUTIONAL POLICING**

Since 2009, the Office of Community Oriented Policing Services (COPS Office) has worked to improve trust between police agencies and the communities they serve. The COPS Office has helped a dozen law enforcement agencies around the country to reorganize and change in order to better meet the specific challenges in their jurisdictions.

The Department’s letter of findings documenting constitutional violations in policing practices in Ferguson, Missouri has become a national blueprint for reform that other jurisdictions can adapt to their own purposes. Since 2009, the Department’s Civil Rights Division has opened 23 “pattern or practice” investigations into police departments, in order to determine whether these police departments have any persistent patterns of misconduct that violate community members’ constitutional rights, ranging from discriminatory policing to uses of excessive force. Five of these investigations are ongoing. The Department is now enforcing 17 agreements with law enforcement agencies across the country, including 14 consent decrees. The Department must continue to investigate credible allegations of constitutional policing, and, where necessary, work with local authorities to implement meaningful changes.

## **PROMOTING OFFICER SAFETY**

In response to deadly assaults on our nation's law enforcement officers, the Department has dedicated funding resources, training, and research to protecting those who protect our communities. We have provided millions of dollars to assist state, local, and tribal law enforcement agencies in procuring bulletproof vests, deploying body-worn camera programs, and providing active-shooter training. And in 2015, President Obama signed the Rafael Ramos and Wenjian Liu National Blue Alert Act into law to assist in the apprehension of those who injure or kill law enforcement officers.

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## IMPROVING CRIME DATA COLLECTION

The Department has worked with state and local law enforcement to transition to the National Incident Based Reporting System (NIBRS), which will provide more accurate and detailed national crime data. The Department is also launching a first-of-its-kind online portal to capture data on the use of force by federal, state, and local law enforcement agencies.

## REDUCING POTENTIAL BIAS IN LAW ENFORCEMENT

Our communities are more secure and our officers are more effective when they are trained to promote fairness and eliminate bias. In the past eight years, the Department has undertaken serious efforts to identify and prevent biases in law enforcement efforts. One significant change was the expansion of our policy banning the use of racial profiling in federal law enforcement investigations. In addition to race, the new policy also prohibits the use of ethnicity, religion, and sexual orientation, and it applies to state and local law enforcement officers working on federal task forces.

Because bias can hinder law enforcement's handling of sexual assault and domestic violence cases, we have worked closely with state and local law enforcement to develop and release guidance designed to prevent gender bias. The new guidance focuses on the need for clear policies, robust training, and responsive accountability systems as law enforcement officials work to prevent, investigate, and prosecute these crimes.

Based on research showing that the effects of unconscious bias can be countered by acknowledging its existence and using response strategies, the Department now requires all employees, as well as federal agents from FBI, ATF, DEA, and the U.S. Marshals Service, to undergo training on implicit bias. The Department has also funded implicit bias training for thousands of state and local police.

## Closing Statement

This is just a snapshot of what the Department of Justice has accomplished under the Obama Administration. Leading such a dedicated and talented group of public servants has been the privilege of a lifetime, and I could not be prouder of the work we have done to

defend our nation, to empower our communities, to protect our natural resources, and to assure the most vulnerable members of our society that they have a champion in government.

Of course, our work is far from complete. Our progress should make us proud, but it cannot make us complacent. Too many communities still struggle with the scourge of violence. Too many people still seek to harm our national security and violate our laws. Too many Americans feel themselves excluded from full participation in our national life.

I hope that the work begun under this Administration will provide a foundation for future generations to build upon – so that together, we can continue our centuries-old march toward a more perfect and inclusive union.

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