



# Federal policy on crime and justice, 2017-2020

DONALD TRUMP CABINET EXECUTIVE DEPARTMENTS FEDERAL POLICIES

PRESIDENTIAL ELECTIONS PAST ISSUES

President Donald Trump signed executive orders aimed at reducing crime, improving public safety and reducing recidivism rates. He also signed a bill to make it easier for victims of online sex trafficking to take legal action against websites for facilitating the crime.

**This page tracks major events and policy positions of the Trump administration and the 115th United States Congress and 116th United States Congress on crime and justice** *Think something is missing? Please email us at [editor@ballotpedia.org](mailto:editor@ballotpedia.org).*

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## Trump Administration



**President Donald Trump**  
**Vice President Mike Pence**  
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## Policy positions

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# June 25, 2020: House passes Justice in Policing Act

*See also: Changes to policing policy in the states and 100 largest cities, 2020*

On June 25, 2020, the House passed HR 7120—the George Floyd Justice in Policing Act of 2020 —by a vote of 236-181. Republican Reps. Brian Fitzpatrick (R-Pa.), Will Hurd (R-Texas), and Fred Upton (R-Mich.) joined all 233 Democrats to vote in favor of the bill. One hundred and eighty Republicans and Rep. Justin Amash (L-Mich.) voted against the bill.<sup>[1][2]</sup>

The bill proposed the following:<sup>[1]</sup>

- Banning chokeholds at the federal level;
- Banning no-knock warrants at the federal level;
- Limiting qualified immunity as a defense for law enforcement officers;
- Lowering "the criminal intent standard—from willful to knowing or reckless—to convict a law enforcement officer for misconduct in a federal prosecution;"
- Requiring states to "report data on use-of-force incidents;"
- Requiring officers to have implicit bias and racial profiling training;
- Making lynching a federal crime;
- Limiting the transfer of military equipment to local police departments; and
- Requiring officers to wear body cameras.

Congressional Black Caucus Chair Karen Bass (D-Calif.), the bill's sponsor, praised the passage of the bill, saying, "Today's bipartisan passage of the George Floyd Justice in Policing Act in the House is not just a victory for the Congressional Black Caucus and its founding members who first championed legislation to address the issue of police brutality. This is a victory for our entire country. For far too long, Black Americans have endured systemic racism and discrimination—especially from police. Congress may have written this bill, but the people own it. Now that this historic bill has passed the House, we call upon our colleagues in the Senate to commit to a good faith negotiation on the provisions put forward by the House in the George Floyd Justice in Policing Act."<sup>[4]</sup>

The bill was unlikely to be considered, according to Vox.<sup>[5]</sup>

President Donald Trump said that he opposed the bill. He added, "They want to take away a lot of the strength from our police and from law enforcement generally, and we can't live with it. We can't live with it."<sup>[5]</sup>

The Senate's version of the policing bill did not move forward after a motion to begin debate was voted down on June 24, 2020.

## June 24, 2020: Senate motion to begin debate on Justice Act fails

*See also: Changes to policing policy in the states and 100 largest cities, 2020*

On June 24, 2020, a motion to begin debate on a GOP policing bill introduced by Sen. Tim Scott (R-S.C.) failed 55-45. Sixty votes were needed to begin debate on S 3985—the Justice Act . Sens. Joe Manchin (D-W.Va.), Doug Jones (D-Ala.), and Angus King (I-Maine) voted to begin debate with all Republicans, with the exception of Senate Majority Leader Mitch McConnell (R-Ky.), who voted against it for procedural reasons to bring the bill up for debate a second time.<sup>[6][7]</sup>

The Justice Act proposed awarding federal grants to state and local police departments that banned the use of chokeholds, reported data about uses of force and no-knock warrants, required officers to wear body cameras, and trained officers to de-escalate situations. Additionally, the bill proposed making lynching a federal crime, increasing penalties for false police reports, increasing access to police records for hiring decisions, and increasing minority hiring. It also proposed creating a commission to investigate issues facing Black men and boys, and a commission to review the U.S. criminal justice system.<sup>[6][8]</sup>

Senate Democrats voted against the bill because "they said did not go far enough to address racial inequality," according to NPR.<sup>[9]</sup>

Sen. Kamala Harris (D-Calif.) said, "Mitch McConnell has put up a bill challenging us to either to comply with his political game that is about obstructing the United States Senate's ability to actually do something or to play a game with him, which is only about covering his political concerns and not about the real concerns that the American people have about the realities of two systems of justice in America. And we're not going to play that game. And we're not going to be played."<sup>[9]</sup>

Senate Minority Leader Chuck Schumer (D-N.Y.) also criticized the bill and McConnell, saying, "We don't want this political show that will lead to no bill. No one, no one, no one has detailed a way under McConnell's plan that we actually get to a bill that can pass."<sup>[9]</sup>

During a speech on the Senate floor after the bill failed to move forward, Sen. Tim Scott (R-S.C.), the bill's sponsor, shared his personal experiences as a Black man with law enforcement and his choice to spearhead the bill. He said, "I'm the person in our conference who has experienced firsthand racial discrimination, racial profiling by law enforcement, and I'm still a fan because I believe most law enforcement officers are good. ...This is an issue for every poor kid growing up in every poor neighborhood in this nation who feels like when I leave my home for a jog, I might not come back."<sup>[10]</sup>

Scott also discussed the defeat of his bill saying, "Today, we lost a vote on a piece of legislation that would have led to systemic change in the relationship between communities of color and the law enforcement community. We would have broken the concept in this nation that you have to be for law enforcement or for communities of color. That is a false binary choice."<sup>[11]</sup>

## December 20, 2018: House passes FIRST STEP Act, Trump signs into law

On December 20, 2018, the House passed S 756—the First Step Act of 2018—by a vote of 358 - 36. President Donald Trump signed it into law the same day.<sup>[12]</sup>

The law reformed lifetime mandatory minimum sentencing by giving a judge more discretion when sentencing non-violent repeat drug offenders and made the Fair Sentencing Act retroactive. It also provided prisoners with drug treatment programs, vocational and educational training and instruction, the ability to earn credit for early release, and allowed inmates to be placed closer to their family and friends to allow for easier and more frequent visitations.<sup>[13]</sup>

## December 18, 2018: Senate passes FIRST STEP Act

On December 18, 2018, the Senate passed the First Step Act of 2018 by a vote of 87-12.<sup>[14][15]</sup>

President Donald Trump praised the passage of the bill, writing in a tweet, "America is the greatest Country in the world and my job is to fight for ALL citizens, even those who have made mistakes. This will keep our communities safer, and provide hope and a second chance, to those who earn it. In addition to everything else, billions of dollars will be saved. I look forward to signing this into law!"<sup>[16]</sup>

Sen. Cory Booker (D-N.J.) also praised the passage of the bill, saying, "Our criminal justice system is a cancer on the soul of this country. One of the top reasons I wanted to run for United States Senate was to get legislation like this done."<sup>[16]</sup>

Forty-seven Democrats, 38 Republicans, and independent Sens. Angus King (Maine) and Bernie Sanders (Vt.) voted for the bill. Twelve Republicans voted against the bill. Sen. Lindsey Graham (R-S.C.) did not vote.<sup>[14]</sup>

The Republicans who voted against the bill were Sens. Tom Cotton (R-Ark.), Mike Enzi (R-Wyo.), John Kennedy (R-La.), Jon Kyl (R-Ariz.), Lisa Murkowski (R-Alaska), Jim Risch (R-Idaho), Mike Rounds (R-S.D.), Marco Rubio (R-Fla.), Ben Sasse (R-Neb.), Richard Shelby (R-Ala.), Dan Sullivan (R-Alaska), and John Barrasso (R-Wyo.).<sup>[14]</sup>

Cotton opposed the bill because he said it would allow violent criminals to be released from prison early. Cotton and Kennedy introduced amendments to the bill that proposed excluding more prisoners from participating in the bill's earned-time credit program and proposed requiring the Bureau of Prisons to notify victims when an offender was being released. The amendments failed.<sup>[16]</sup>

Kennedy said, “How can anybody oppose telling a woman who has been raped that her rapist is about to get out of prison early? It’s not letting her veto it. ... It just says you gotta tell her and let her offer her opinion. I mean, who could be against that?”<sup>[16]</sup>

## November 14, 2018: Trump backs FIRST STEP Act

On November 14, 2018, President Donald Trump announced his support for the FIRST STEP Act, a bipartisan criminal justice reform bill. The bill proposed reforming lifetime mandatory minimum sentencing by giving a judge more discretion when sentencing non-violent repeat drug offenders and making the Fair Sentencing Act retroactive. It also proposed providing prisoners with drug treatment programs, vocational and educational training and instruction, the ability to earn credit for early release, and placing inmates closer to their family and friends to allow for easier and more frequent visitations.<sup>[13]</sup>

Speaking about the legislation, Trump said, “I urge lawmakers in both House and Senate to work hard and to act quickly and send a final bill to my desk, and I look very much forward to signing it. ... Today’s announcement shows that true bipartisanship is possible and maybe it will be thriving. When Republicans and Democrats talk, debate and seek common ground we can achieve breakthroughs that move our country forward and deliver for our citizens.”<sup>[17]</sup>

Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) and Senate Democratic Whip Dick Durbin (D-Ill.) released a joint statement stating that Trump’s endorsement would help them “quickly take a critical first step towards reforming our criminal justice system.”<sup>[18]</sup>

Sen. Ben Cardin (D-Md.) doubted that the Senate would take up the bill before the end of the year but added, “I think there’s leadership that could bring about some change. We need to do it. We’re losing too many of our people. It’s ridiculous.”<sup>[18]</sup>

## May 22, 2018: House passes bill to reduce recidivism

On May 22, 2018, the House passed HR 5682—the FIRST STEP Act—by a vote of 360-59. The bill proposed providing training programs for prisoners to reduce recidivism rates.<sup>[19][20]</sup>

It was unlikely that the Senate would vote on the bill unless members of the House and Senate were able to agree on a compromise bill that included prison reform and changes to federal sentencing rules. Sen. Chuck Grassley (R-Iowa), the chairman of the Judiciary Committee, and Senate Minority Whip Dick Durbin (D-Ill.) supported the larger reform package. Grassley said of the House bill, “For that deal to pass the Senate, it must include sentencing reform. At least as of now, that’s something Sen. Durbin and I still are sticking together on.”<sup>[21]</sup>

## April 11, 2018: Trump signs online sex trafficking bill

On April 11, 2018, President Donald Trump signed HR 1865—the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA)—into law. The law, which included language from the Senate’s version of the bill—the Stop Enabling Sex Traffickers Act of 2017 (SESTA)—amended section 230 of the Communications Act of 1934 to make it easier for victims of online sex trafficking to take legal action against websites for facilitating the crime. The law allows victims to seek damages from websites that facilitate sex trafficking and increases fines and prison terms for individuals who promote or facilitate sex trafficking online.<sup>[22][23]</sup>

The bill passed the House by a vote of 388-25 on February 27, 2018. It passed the Senate by a vote of 97-2 on March 21, 2018. Sens. Rand Paul (R-Ky.) and Ron Wyden (D-Ore.) were the only senators who voted against the bill.<sup>[24][25]</sup>

Supporters of the bill said that the law would help prevent online sex trafficking and give victims legal recourse. Rep. Ann Wagner (R-Mo.), the bill’s sponsor, said, “Online trafficking is flourishing because there are no serious legal consequences for the websites that profit. This...package will finally give prosecutors the tools they need” to protect communities and help victims obtain justice. Sen. Richard Blumenthal (D-Conn.) said that federal immunity protections for websites were “never intended to immunize completely those websites so they could knowingly facilitate sex trafficking.” He added that the legislation would “give survivors their day in court.”<sup>[26][27]</sup>

Opponents of the bill said that it could harm free speech online and hurt small internet companies. Sen. Ron Wyden (D-Ore.) criticized the legislation, saying, “In the absence of Section 230, the internet as we know it would shrivel. Only the platforms run by those with deep pockets, and an even deeper bench of lawyers, would be able to make it.”<sup>[28]</sup>

## March 20, 2018: Sessions issues memo on using death penalty in drug-related cases

On March 20, 2018, Attorney General Jeff Sessions issued a memo to U.S. attorneys encouraging them to seek the death penalty for some drug traffickers when appropriate. Citing congressional statutes that allow prosecutors to seek the death penalty in drug cases that include “certain racketeering activities”, “the use of a firearm resulting in a death during a drug trafficking crime”, “murder in furtherance of a continuing criminal enterprise”, and “dealing in extremely large quantities of drugs”, Sessions wrote, “I strongly encourage federal prosecutors to use these statutes, when appropriate, to aid in our continuing fight against drug trafficking and the destruction it causes in our nation.” The memo was issued after President Donald Trump released his plan to fight the opioid epidemic.<sup>[29]</sup>

Robert Dunham, the executive director of the Death Penalty Information Center, commented on the memo, saying, “Under long established United States Supreme Court precedent it’s unconstitutional to use the death penalty for any offense that does not result in death.”<sup>[30]</sup>



# March 7, 2018: Trump issues executive order establishing the Federal Interagency Council on Crime Prevention and Improving Reentry

On March 7, 2018: President Donald Trump issued an executive order establishing the Federal Interagency Council on Crime Prevention and Improving Reentry. The order stated that purpose of the council was to prevent crime, improve public safety, and “provide those who have engaged in criminal activity with greater opportunities to lead productive lives.” It called on the council to examine ways to reduce recidivism and improve the process for individuals re-entering society after being incarcerated.<sup>[31]</sup>

## July 25, 2017: Sessions announces criminal justice grant requirement changes

See also: *Sanctuary jurisdictions*

On July 25, 2017, Attorney General Jeff Sessions announced that localities receiving Byrne Memorial Justice Assistance Grants from the U.S. Department of Justice would need to meet new conditions to remain eligible for the grants. The grants provide federal funding to states and localities to be used for law enforcement and criminal justice purposes. The DOJ announced that jurisdictions that wanted to receive JAG funds had to honor requests by federal immigration officials to receive 48-hour notice prior to releasing certain detainees and allow federal immigration officials access to local jails and prisons in order to interrogate prisoners. Localities already were required to allow communication between local law enforcement and federal immigration officers to receive the grants.<sup>[32]</sup>

"So-called 'sanctuary' policies make all of us less safe because they intentionally undermine our laws and protect illegal aliens who have committed crimes," Sessions said when detailing the policy. The previous policy, which had been put in place by the Obama Administration in July 2016, required jurisdictions to prove that they were not preventing local law enforcement from enforcing federal immigration law and gave noncompliant jurisdictions time to adjust their policies.<sup>[32]</sup>

### The First 100 Days

In its first 100 days, the Trump administration made the following executive and legislative actions on crime and justice:

- President Trump signed three executive orders related to crime and public safety.
- The orders directed Attorney General Jeff Sessions to establish a task force on crime reduction and public safety.
- The orders instructed federal agencies to promote intelligence sharing between the federal government and state and local law enforcement—focusing on international drug cartels—and requested a report documenting actions to target and dismantle criminal drug organizations.
- Under the orders, the U.S. Department of Justice was required to prosecute individuals who commit crimes

## Lawsuit from Chicago

On August 7, 2017, the City of Chicago filed suit in an effort to prevent implementation of the new criteria. The city contended that the new criteria were unconstitutional. In filing for a preliminary injunction preventing enforcement of the new grant criteria, the city argued that the government could not deny JAG grants to the city as the grants were based on a statutory formula created by Congress. The city also said that both the president and the Justice Department lacked the constitutional authority to alter Congress' requirements for awarding the grants. Chicago expected to receive \$3.2 million in JAG grants in 2017 year to purchase new police vehicles and equipment.<sup>[33]</sup>

against state and local law enforcement officers.

On September 15, 2017, U.S. District Judge Harry Leinenweber ordered a preliminary injunction to block the new criteria. In his ruling, Leinenweber said, "The court finds that the city has established that it would suffer irreparable harm if a preliminary injunction is not entered." The injunction applied nationwide because Leinenweber concluded that the issues presented by Chicago could also apply to other cities.<sup>[34][35]</sup>

The United States Court of Appeals for the 7th Circuit released a ruling upholding the nationwide injunction on April 19, 2018. In the ruling by a three-judge panel, Judge Ilana Rovner wrote, "If the Executive Branch can determine policy, and then use the power of the purse to mandate compliance with that policy by the state and local governments, all without the authorization or even acquiescence of elected legislators, that check against tyranny is forsaken."<sup>[36]</sup>

## Lawsuits from San Francisco and California

On August 14, 2017, the city of San Francisco and the state of California filed separate but coordinated lawsuits against the U.S. Department of Justice alleging that the new grant requirements were detrimental to public safety and violated the U.S. Constitution. The lawsuits challenged the requirements that federal agents be given access to correctional facilities and that the U.S. Department of Homeland Security be given 48 hours' notice before the release of individuals wanted by immigration authorities, arguing that these conditions did not have a basis in federal law. California received \$28 million in public safety funds through the program each year and San Francisco received \$1.5 million.<sup>[37][38][39]</sup>

## Lawsuit from Philadelphia

On August 30, 2017, the city of Philadelphia, Pennsylvania filed a lawsuit against the Department of Justice challenging the new requirements for the Byrne justice grants. The lawsuit argued that because the grant program was established by Congress, the attorney general did not have the statutory authority to impose the two new conditions upon the program. The city's solicitor general also stated that the immigration-related conditions were irrelevant to grants that funded local criminal justice programs. According to the lawsuit, Philadelphia received \$1.6 million in Byrne grants in 2016.<sup>[40]</sup>

On November 15, 2017, U.S. District Judge Michael Baylson issued a preliminary injunction to prevent the Justice Department from withholding grant funding from the city. The judge found that Philadelphia was in compliance with the law and that withholding \$1.6 million in grant money would cause substantial damage. The judge also ruled that the new immigration-related requirements were unrelated to the grant program.<sup>[41]</sup>



On June 6, 2018, Baylson ruled that Philadelphia was entitled to receive grant funding and that the Trump administration's attempt to withhold federal funds from the city "violates statutory and constitutional law." Baylson also said that Philadelphia's policies were reasonable and appropriate.<sup>[42]</sup>

Department of Justice spokesman Devin O'Malley said of the ruling, "Today's opinion from the district court in Philadelphia is a victory for criminal aliens in Philadelphia, who can continue to commit crimes in the City knowing that its leadership will protect them from federal immigration officers whose job it is to hold them accountable and remove them from the country."<sup>[42]</sup>

After the ruling, Philadelphia Mayor James Kenney (D) said, "It is a ruling that prevents a White House run by a bully from bullying Philadelphia into changing its policies. It is a ruling that should make clear to Attorney General [Jeff] Sessions that federal grant dollars cannot be used for political shakedowns."<sup>[42]</sup>

## July 19, 2017: Sessions announces revised federal asset forfeiture policy

On July 19, 2017, Attorney General Jeff Sessions announced revised policies related to the federal adoption of assets seized by state or local law enforcement under state law. Sessions issued the legal guidance to clarify DOJ policy on the federal adoption of seized assets. The order allowed the Justice Department to forfeit all types of assets seized by state and local law enforcement under respective state laws whenever the conduct resulting in the seizure violated federal law. In addition, law enforcement agencies participating in the Department of Justice Asset Forfeiture Program were required to provide annual training on state and federal laws related to asset forfeiture to law enforcement officers beginning in 2018.<sup>[43][44]</sup>

The Justice Department's Asset Forfeiture Program involves the seizure and forfeiture of assets that represent the proceeds of or were used to facilitate federal crimes. The program's stated purpose is "to employ asset forfeiture powers in a manner that enhances public safety and security." The program involves using the proceeds of crime and other assets used by individuals and their associates in criminal activity to disrupt or dismantle criminal organizations.<sup>[45]</sup>

## May 10, 2017: Sessions issues memo on mandatory minimum sentences

On May 10, 2017, Attorney General Jeff Sessions issued a memo outlining changes to federal prosecution of crimes. The memo, sent to all 94 U.S. attorneys' offices, stated that prosecutors should "charge and pursue the most serious, readily provable offense." The memo also stated that if a prosecutor did not want to pursue the most serious offense, the prosecutor had to receive supervisory approval, such as from a U.S. attorney to the assistant attorney general. The memo reversed the Obama administration's policy, issued by then-Attorney General Eric Holder in 2013, encouraging prosecutorial discretion in pursuing mandatory minimum sentences in criminal charges, particularly in low-level, nonviolent offenses, such as drug offenses.<sup>[46]</sup>

## May 9, 2017: Trump fires FBI Director James Comey

*See also: Donald Trump firing of FBI Director James Comey*

On May 9, 2017, President Donald Trump fired FBI Director James Comey. Trump wrote in a letter to Comey, "While I greatly appreciate you informing me, on three separate occasions, that I am not under investigation, I nevertheless concur with the judgment of the Department of Justice that you are not able to effectively lead the bureau. It is essential that we find new leadership for the F.B.I. that restores public trust and confidence in its vital law enforcement mission."<sup>[47]</sup>

At the time of his dismissal, Comey was investigating potential ties between the Trump campaign and the Russian government. He was the third high-profile law enforcement official Trump fired. He also fired Preet Bharara, the former U.S. attorney for the Southern District of New York, and Sally Yates, the acting attorney general.<sup>[48]</sup>

After Comey was fired, hearings were held to understand the circumstances behind his termination and the Trump administration's involvement in the investigation into Russian interference in the 2016 election. Read more about Comey's firing and the aftermath here.

## February 10, 2017: Trump signs three crime and public safety executive orders

On February 10, 2017, President Donald Trump signed three executive orders related to crime and public safety. First, the orders directed Attorney General Jeff Sessions to establish a task force on crime reduction and public safety. The force was directed to establish "strategies to reduce crime, including, in particular, illegal immigration, drug trafficking and violent crime" and put forth legislative proposals, as well as a report to the president within one year. Second, the orders instructed federal agencies to promote intelligence sharing between the federal government and state and local law enforcement—focusing on international drug cartels—and requested a report documenting actions to target and dismantle criminal drug organizations. Third, the orders required the U.S. Department of Justice to prosecute individuals who commit crimes against state and local law enforcement officers.<sup>[49]</sup>

## November 2016: Trump's "Contract with the American Voter"

In his "Contract with the American Voter"—the "100-day action plan to Make America Great Again"—President Donald Trump said he would work with Congress to introduce and pass the End Illegal Immigration Act, which proposed establishing "a two-year mandatory minimum federal prison sentence for illegally re-entering the U.S. after a previous deportation, and a five-

year mandatory minimum federal prison sentence for illegally re-entering for those with felony convictions, multiple misdemeanor convictions or two or more prior deportations." The bill also proposed changes to visa rules by strengthening the penalties for overstaying.<sup>[50]</sup>

Additionally, Trump said he would sign the Restoring Community Safety Act, which would put together a task force on violent crime, increase funding for programs intended to train and help local police forces, and increase "resources for federal law enforcement agencies and federal prosecutors to dismantle criminal gangs and put violent offenders behind bars."<sup>[50]</sup>

## See also

- Federal policy on immigration, 2017-2020
- Federal policy on marijuana, 2017-2020

## External links

- U.S. Department of Justice
- Search Google News for this topic

## Footnotes

1. *Congres.gov*, "H.R.7120 - George Floyd Justice in Policing Act of 2020," accessed June 26, 2020
2. *Clerk.House.gov*, "Final Vote Results for Roll Call 119," June 25, 2020
3. *Cornell Law School Legal Information Institute*, "Qualified Immunity," accessed June 25, 2020
4. *Rep. Karen Bass*, "House Passes George Floyd Justice In Policing Act," June 25, 2020

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