

Enhancing Oversight to End Discrimination in Policing Act of 2020

After 18-year-old Michael Brown was tragically shot and killed by an officer with the Ferguson, Missouri Police Department, President Obama's Department of Justice (DOJ) launched a civil rights investigation—also called a “pattern or practice” investigation—into the Ferguson Police Department (Ferguson PD). The investigation concluded that DOJ had a history of engaging in unlawful and discriminatory practices and resulted in a consent decree—a legally-enforceable agreement between the federal government and the Ferguson PD detailing a list of reforms. This agreement required the Ferguson PD to, among other steps, establish stronger restrictions on the use of force by officers. The Ferguson consent decree was one of 14 consent decrees that the Obama administration used to compel police departments to address unconstitutional behavior.

Consent decrees are powerful oversight tools that allow DOJ to combat police abuse and force local police departments to adopt meaningful reforms. However, in 2018, former Attorney General Jeff Sessions severely curtailed DOJ's ability to deploy these powerful tools by issuing guidance that limited the use of consent decrees. That guidance weakened DOJ's Civil Rights Division, which already had limited capacity to pursue pattern or practice investigations due to funding constraints. At a time when police abuse is more rampant than ever, it's time for DOJ to use the tools that Congress gave it—and for Congress to give states the funding and tools necessary to act when DOJ won't.

The *Enhancing Oversight to End Discrimination in Policing Act of 2020* would strengthen federal and state governments' ability to investigate and prosecute discriminatory police practices. The bill would:

- Rescind the November 2018 memorandum issued by former Attorney General Jeff Sessions, which placed limits on DOJ's ability to enter into consent decrees to reform police departments with a history of unconstitutional and discriminatory policing practices.
- Empower state attorneys general to pursue pattern or practice investigations, providing a critical backstop if DOJ fails to act, and create a grant program to assist states in pursuing investigations and consent decrees.
- Triple funding for the DOJ Civil Rights Division, and dedicate \$100 million per year for the next 10 years to the Division to pursue these investigations into police departments with a history of engaging in unconstitutional and discriminatory policing practices.