

GAO@100 Highlights

Highlights of [GAO-22-104456](#), a report to congressional addressees

Why GAO Did This Study

Recent deaths of individuals during law enforcement encounters have generated interest in the federal government's efforts to better understand and reduce the use of excessive force and bias in law enforcement. Law enforcement officers may use force to mitigate an incident, make an arrest, or protect themselves or others from harm. However, if an officer uses more force than is reasonable under the circumstances, that use of force is excessive and may violate an individual's civil rights.

Generally, the regulation of the nation's estimated 18,000 state and municipal law enforcement agencies is entrusted to the states. However, within the federal government, DOJ performs some roles related to law enforcement's use of force, including collecting relevant data, providing grants and training to law enforcement agencies, and receiving and investigating allegations of excessive force.

GAO prepared this report under the authority of the Comptroller General in light of national and congressional interest in law enforcement's use of force. This report addresses (1) DOJ's collection and publication of data on use of force by law enforcement officers; (2) what is known about practices to reduce excessive force; (3) DOJ resources for such practices; and, (4) DOJ's investigations into allegations of excessive force by law enforcement.

View [GAO-22-104456](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or goodwin@gao.gov.

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LAW ENFORCEMENT

DOJ Can Improve Publication of Use of Force Data and Oversight of Excessive Force Allegations

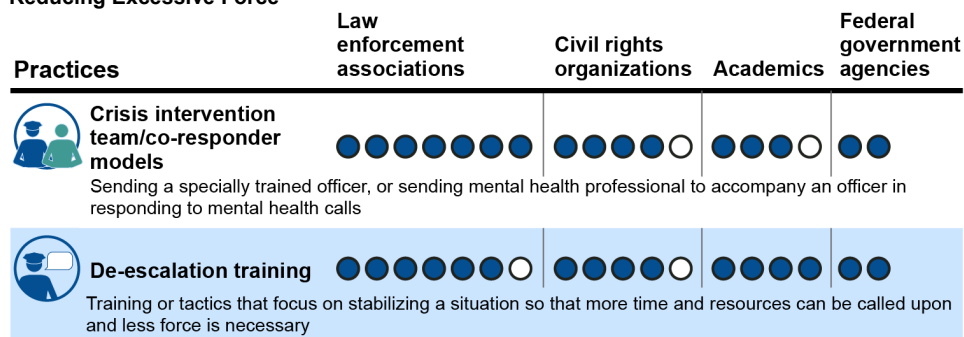
What GAO Found

Between fiscal years 2016 through 2020, the Department of Justice (DOJ) collected and published some data related to law enforcement's use of force. However, DOJ did not publish an annual summary of data on excessive force in each of these fiscal years, as required by the Violent Crime Control and Law Enforcement Act of 1994, because officials did not assign roles and responsibilities for doing so. Stakeholders GAO interviewed, including law enforcement associations, civil rights organizations, and academic researchers, underscored the importance of these data to improve understanding of how to reduce excessive force. Assigning and communicating responsibility for publishing such data would help DOJ meet the law's requirements and develop useful data for the Congress and the public.

In 2016, the Federal Bureau of Investigation (FBI) initiated a new data collection effort on law enforcement use of force incidents. However, due to insufficient participation by law enforcement agencies, the FBI has not met thresholds set by the Office of Management and Budget for publishing use of force data or continuing the effort past December 2022. Further, as of February 2021, the FBI had not assessed alternative data collection strategies. Assessing alternative data collection strategies would position the FBI to more quickly publish use of force data if the program is discontinued.

In addition, stakeholders GAO interviewed identified some practices as promising or potentially promising in reducing the use of excessive force (see fig.).

Figure: Practices Stakeholders Most Often Identified as Promising or Potentially Promising in Reducing Excessive Force



Legend
 ● Stakeholder rated practice as promising or potentially promising ○ Not promising/did not know

Source: GAO analysis of stakeholder interviews. | GAO-22-104456

DOJ does not have a specific grant program focused on reducing excessive force by law enforcement, but GAO identified six programs that awarded grants that covered practices that may reduce law enforcement's use of force. From fiscal year 2016 through fiscal year 2020, these six grant programs cumulatively provided \$201.6 million for grant awards that included practices that may reduce law enforcement's excessive force.

To conduct this audit, GAO reviewed DOJ data and documentation and interviewed DOJ officials. GAO also analyzed data on DOJ grants and investigations and cases related to civil rights violations. In addition, GAO reviewed academic literature and interviewed stakeholders from law enforcement associations, civil rights organizations, academic researchers, and federal government agencies.

What GAO Recommends

GAO is making 11 recommendations including the following:

- The Attorney General should assign responsibility for collecting and annually publishing data on the use of excessive force by law enforcement officers and communicate this responsibility to the designated DOJ components.
- The Director of the FBI should begin to assess potential alternative data collection strategies for the National Use of Force Data Collection.
- The Attorney General should ensure that the Office for Civil Rights, the Civil Rights Division, the FBI, and the U.S. Attorney's Offices jointly assess the feasibility of systematically tracking and sharing information on civil rights violation allegations within DOJ's jurisdiction.
- The Assistant Attorney General for Civil Rights should require staff to use information from allegations within the department's jurisdiction received from across DOJ to identify potential patterns of systemic law enforcement misconduct and analyze trends.

DOJ concurred with nine recommendations, but did not concur with two recommendations related to its management of excessive force allegations. GAO continues to believe these recommendations would help DOJ better oversee such allegations.

In addition to grants, DOJ components provided training and technical assistance related to practices that may reduce excessive force. For example, DOJ's Community-Oriented Policing Services provided online courses on practices that may reduce excessive force (see fig.).

Figure: DOJ-Provided Online Training Courses Related to Practices That May Reduce Excessive Force



Source: GAO analysis of Community-Oriented Policing Services Training data. | GAO-22-104456

Five components within DOJ have the authority to act upon allegations of civil rights violations by law enforcement, including those arising from excessive force. These components include: (1) the Special Litigation Section within DOJ's Civil Rights Division, (2) the Criminal Section within DOJ's Civil Rights Division, (3) DOJ's 94 U.S. Attorneys' Offices, (4) the Civil Rights Unit within the FBI, and (5) the Office for Civil Rights within the Office of Justice Programs.

From fiscal year 2016 through fiscal year 2020, all five components opened investigations into civil rights violations. However, DOJ does not ensure that all allegations within its jurisdiction are shared across these components. In 2016, the Civil Rights Division and the Office for Civil Rights established a protocol, which directed the components periodically assess and, when appropriate, adopt available options for systematically sharing electronic information on misconduct allegations related to law enforcement agencies that may be receiving DOJ grants. As of March 2021, officials from the Office for Civil Rights stated that they had not done so, as they believed that the protocol was merely advisory. Rather, Civil Rights Division officials told us they share allegations of civil rights violations with the FBI, Office for Civil Rights, and U.S. Attorneys' Offices through monthly meetings, emails, and phone calls.

Members of the public who submit allegations to one DOJ's five components with jurisdiction over civil rights may not have complete information on the respective jurisdictions and priorities of each of these components. Therefore, systematic tracking and information sharing could provide members of the public with assurance that their allegations will be shared with all components with the power to take action.

The Civil Rights Division's Special Litigation Section is responsible for identifying patterns and practices of law enforcement misconduct. However, Special Litigation Section staff are not required to use DOJ's allegation information to identify potential problems at law enforcement agencies or analyze trends. Instead, staff review each allegation independently, and are not required to identify trends across individual allegations of police misconduct that cumulatively may indicate a pattern or practice of misconduct. Civil Rights Division officials stated that, though not required, staff could use the Civil Rights Division's allegation database to identify patterns and trends if they wanted to do so. Requiring staff to use allegation information to identify potential patterns of systemic law enforcement misconduct and analyze trends could improve the utility of DOJ's allegation information and provide greater assurance that the Division is optimizing its use of information assets to aid decision-making.