



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 20, 2015

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter to the Attorney General dated February 10, 2015, regarding the investigation into the shooting death of John Geer. Your letter poses questions based on information concerning the shooting of Mr. Geer that was recently released to the public by the Fairfax County Police Department (FCPD).

As we noted in our November 21, 2014, letter, the Department of Justice (the Department) has an open investigation into the shooting incident. The Department typically does not provide non-public information regarding open investigations in order to protect their integrity and independence. Below, in an effort to be as responsive as possible, we provide the following answers to your questions related to process issues that arise in the context of parallel and state investigations:

1. Would the Justice Department object to FCPD's provision of these IA files to the Commonwealth Attorney? If so, please explain.

The Department does not object to FCPD's providing the IA files to the Commonwealth's Attorney. However, please be aware that the Department does not advise local law enforcement agencies regarding the provision of information to local prosecutor's offices.

2. Did FCPD provide the Justice Department with Officer Torres' IA files? If so, which ones?

This question concerns a matter favorably litigated by the Department in federal court, which remains under seal. Accordingly, we are unable to provide additional information in response to this question.

3. Would the Justice Department object to the Commonwealth Attorney conducting a concurrent investigation of the Geer shooting for possible violations of state law? If so, please explain.

The Department has no objection to the Commonwealth Attorney's conducting a concurrent investigation. However, please understand that the Department does not instruct or advise local prosecutors' offices regarding whether or when they should initiate criminal investigations. In certain circumstances, we have conducted parallel investigations with local authorities.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General

cc: The Honorable Patrick J. Leahy
Ranking Member