

Senator Richard Durbin
Questions for the Record
Sally Quillian Yates
Nominee to be United States Deputy Attorney General

- 1. In December 2014, the Justice Department issued updated “Guidance for Federal Law Enforcement Agencies regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity.” Please describe what steps the Justice Department has taken to implement this Guidance. Is there an office in the Department that is primarily responsible for implementing the Guidance?**

RESPONSE: As a career prosecutor, I have dedicated my career to improving public safety. I recognize that racial profiling undermines the trust between police forces and the communities they serve, and I know firsthand that fair law enforcement is effective law enforcement. Consequently, I have directed my staff in the Office of the Deputy Attorney General to oversee the implementation of the Department’s updated guidance, which is an ongoing process, and to provide me with regular updates.

My staff is working with the executive staff of the Department’s Civil Rights Division and Office of Legal Policy to ensure that the Department’s vision of unbiased, even-handed law enforcement, as reflected by the policy, is fully realized, and that progress is communicated to appropriate stakeholders, including interested civil rights groups. The implementation process has included meeting with the Department’s components to determine what steps have been, or need to be, taken to implement the guidance, particularly with respect to training, data collection, and accountability. I am confident this process will lead to successful implementation of the updated guidance and I am committed to that goal.

- 2. The Guidance states, “In order to ensure its implementation, this Guidance finally requires that Federal law enforcement agencies take the following steps on training, data collection, and accountability.”**
 - a. With respect to training, the Guidance mandates, “Law enforcement agencies therefore must administer training on this Guidance to all agents on a regular basis, including at the beginning of each agent’s tenure. Training should address both the legal authorities that govern this area and the application of this Guidance. Training will be reviewed and cleared by agency leadership to ensure consistency through the agency.” What steps has the Justice Department taken to implement this requirement for Department employees? Has the Department created a curriculum or other materials for use in training? When will the first training take place? What assistance has the Department provided to other federal law enforcement agencies in implementing this requirement?**
 - b. With respect to data collection, the Guidance requires, “Each law enforcement agency therefore (i) will begin tracking complaints made based on the Guidance, and (ii) will study the implementation of this Guidance through targeted, data-**

driven research projects.” What steps has the Justice Department taken to implement this requirement for Department employees? What assistance has the Department provided to other federal law enforcement agencies in implementing this requirement?

- c. With respect to accountability, the Guidance requires, “Therefore, all allegations of violations of this Guidance will be treated just like other allegations of misconduct and referred to the appropriate Department office that handles such allegations. Moreover, all violations will be brought to the attention of the head of the Department of which the law enforcement agency is a component.” What steps has the Justice Department taken to implement this requirement for Department employees? What assistance has the Department provided to other federal law enforcement agencies in implementing this requirement?**

RESPONSE: I have directed my staff to oversee the implementation of the Department's updated guidance, which is an ongoing process. The implementation process will include meeting with the Department's components to determine what steps have been, or need to be, taken to implement the guidance, particularly with respect to training, data collection, and accountability. I am confident this process will lead to successful implementation of the updated guidance.

- 3. The Justice Department’s Bureau of Justice Assistance operates an important program called the John R. Justice (JRJ) program, which provides student loan repayment assistance to state and local prosecutors and public defenders across the nation.**

Congress enacted the JRJ program in 2008, modeling it after the Attorney Student Loan Repayment Program that the Department of Justice operates for its own attorneys. The JRJ program helps state and local prosecutors and public defenders pay down their student loans in exchange for a three-year obligation to continue serving in their positions. This has proven to be an effective recruitment and retention tool for prosecutor and defender offices. And since the Department of Justice is awarding hundreds of millions of dollars in grants each year to state and local law enforcement, which generates higher numbers of arrests and criminal cases, it is critical that we help prosecutor and defender offices keep experienced attorneys on staff to handle these cases.

The JRJ program has helped thousands of prosecutors and defenders across the country. But for the program to remain successful, the Department of Justice must remain committed to this program and to carefully administering and overseeing it. Will you commit to work with me to keep this program operating effectively during your tenure if you are confirmed?

RESPONSE: Yes, I commit to working with Congress to ensure that the Department’s Bureau of Justice Assistance continues to properly oversee the John R. Justice program. As a career federal prosecutor and now as the Acting Deputy Attorney General, I know that it is critical to have a robust workforce of prosecutors and defense attorneys to support the criminal justice system.