

QUESTIONS FOR THE RECORD
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NOMINEE TO BE UNITED STATES ATTORNEY GENERAL

QUESTIONS FROM SENATOR TILLIS

Technology and Law Enforcement

1. It is increasingly clear that technology provides very useful tools in crime fighting and crime prevention, especially when they are in an integrated system. I would like to see Federal support for the deployment of these technologies increased. Most gunshot incidents, for example, go unreported to the police. Gunfire detection and location technology, where it has been deployed, and that includes some communities in my state, has helped police respond to more gunshot incidents, and in a safer and timely way. This enables police to collect the shell casings, interview witnesses, and occasionally catch a fleeing suspect. When those shell casings are run through another technology, the National Integrated Ballistic Identification System – NIBIN – law enforcement agencies can determine if the gun has been used in other crimes and can focus their investigation. The use of cameras in public spaces is another positive tool. Will you support increased Federal support to assist localities to deploy these kinds of technologies?

RESPONSE: Although I am not fully versed in current law enforcement technologies, I generally appreciate and understand the great benefits they can provide to law enforcement and would work to support their use where appropriate and consistent with law. Because I am not familiar with the Department’s current budget and funding requests and allocations, I do not have sufficient information to commit to specific financial support from the Department for our local and state partners to expand use of these technologies. If confirmed, I look forward to learning more about this issue.

Digital Evidence in Support of Criminal Investigations

2. Access to digital evidence has grown increasingly important in investigations and prosecutions of criminal cases at the local, state, and federal levels. Investigators increasingly obtain data from mobile communications devices, social media accounts, internet browsing histories, and myriad other data sources to help them generate leads, identify suspects, and build their cases. Yet, as the Center for Strategic and International Studies (CSIS) recently reported, law enforcement agencies are facing significant challenges impeding their ability to effectively access digital evidence to support criminal investigations.

The CSIS report found that nearly one-third of law enforcement professionals cited difficulties in identifying which service providers had access to digital evidence as their

largest challenge, followed by difficulties in obtaining evidence from providers, and a lack of resources needed to access and analyze data from devices.

- a. As Attorney General, what steps will you take to promote digital evidence training programs for federal, state and local law enforcement officers?

RESPONSE: I am not familiar with the specific CSIS report you cite, but generally understand the importance of accessing digital evidence in criminal investigations and would support digital evidence training programs consistent with available resources. However, because I am not familiar with the Department's current budget and funding requests and allocations, I do not have sufficient information to commit to the specific steps I would take to support such training.

- b. Will you conduct a review of existing programs to promote digital evidence training and report back to this Committee on those efforts and any steps that can be taken to improve them?

RESPONSE: If confirmed, I will review the issue of support for digital evidence training along with other issues affecting public safety, and would look forward to working with the Committee.

Combatting Sexual Exploitation

3. I'm concerned that the Department of Justice—which has the legal authority to prosecute internet based platforms which promote prostitution and facilitate sex trafficking—rarely does so. While it is encouraging that DOJ finally cracked down on certain bad actors last year, these actions came years too late for many victims of sex-trafficking.
 - a. What steps will you take to continue the Department's work to prosecute existing internet based platforms that promote prostitution and sex-trafficking?

RESPONSE: As I noted at my hearing, Internet-based platforms and other emerging technologies that facilitate sex trafficking, prostitution, and human trafficking are a particularly abhorrent form of criminality. If confirmed, Americans can count on me examining this issue closely to learn more about the Department's current efforts and to ensure that appropriate steps are being taken to address this scourge.

- b. What will you do as Attorney General to anticipate and crack down on emerging technologies used by sexual exploiters to engage in prostitution and human trafficking?

RESPONSE: Please see my response to Question 3(a) above.

- c. What protective measures can you take to increase federal, state and local law enforcement's understanding of emerging modalities of sexual exploitation?

RESPONSE: State and local investigators and prosecutors have an important role to play in addressing this terrible problem. If confirmed, I will ensure that the Department is appropriately collaborating with state and local officials to effectively pursue sexual exploitation crimes. With regard to federal enforcement, please see my response to Question 3(a) above.

- d. How can the Department of Justice better coordinate and collaborate with social media companies to eradicate criminal exploitation that may be occurring on their platforms?

RESPONSE: Because I am not currently at the Department, I am unaware of the degree and nature of federal coordination and/or collaboration with social media companies on these issues. Given the role of Internet-based platforms in facilitating such activities, social media companies do have a responsibility to help us address the problem. If confirmed, I will ensure that the Department is appropriately working with social media companies to seek the most effective response.

- 4. For the last few decades the federal government has made a concerted effort to fight sex trafficking. We've taken steps to protect victims and help them escape sexual exploitation. We've also cracked down on sex traffickers, enhancing criminal penalties for sex trafficking and providing the Department with more tools and resources to prosecute them.

Unfortunately, one thing we haven't done well is focus on prosecuting those who solicit and purchase sex. In recognition of this, last year, Congress passed the Abolish Human Trafficking Act of 2017, which requires the Department to create a national strategy to reduce demand for human trafficking victims. The law also requires the Department to issue guidance urging Department components to prosecute those who purchase sex from minors and trafficking victims.

- a. Will you commit to finalizing and issuing the guidance required by the Abolish Human Trafficking Act of 2017?

RESPONSE: If confirmed, I will ensure that the Department complies with any statutory requirements, including in this area.

- b. How will you increase Department efforts to crack down on those who purchase sex commercially?

RESPONSE: Because I am not currently at the Department, I am not familiar with the Department's current efforts in this area. Sex trafficking and sexual exploitation are important problems that need to be addressed and that I intend to examine closely if confirmed.

- c. Will you direct DOJ's criminal division to provide technical and, to the extent allowed by law, financial support to state and local law enforcement efforts aimed at prosecuting commercial sex buyers?

RESPONSE: Please see my response to Question 4(b) above.

International Parental Child Abduction

5. Every year, hundreds of American-citizen children are abducted to a foreign country by one of their parents. These children are usually taken from the parent who has custody by their ex-spouse. The federal government has several tools to combat international parental child abduction but as Senator Feinstein and I noted in a letter to Secretary Pompeo, we rarely if ever use all of these tools. One of the most underused tools is prosecution of the taking parent—and their accomplices—under the International Parental Kidnapping Crime Act. That law makes it a federal crime to remove an American-citizen child from the United States with intent to obstruct custodial rights and individuals can face up to 3 years in prison for violations of its provisions.

According to conversations my office has had with victim-advocates, it appears the Department rarely prosecutes individuals under the IPKCA.

- a. As Attorney General, will you commit to prosecuting those who commit and assist in international parental child kidnapping to the fullest extent allowed by law?

RESPONSE: International parental child kidnapping is a concerning issue, and I appreciate your leadership on this. If confirmed, I will examine this issue more closely and ensure that the Department is taking appropriate steps to combat it.

6. Another complaint victims have brought to my attention is the general lack of knowledge about this issue from federal, state and local law enforcement. Many law enforcement officers don't even realize a parental kidnapping is a crime. As Attorney General, what will you do to provide better training and information to federal, state and local law enforcement officers? Specifically, what can or will you do to teach our law enforcement officers about how the potential for prosecution under the IPKCA can be both a deterrent and remedy for international parental kidnapping?

RESPONSE: Please see my response to Question 5(a) above.

Intellectual Property

7. I'd like to commend President Trump and former Attorney General Jeff Sessions for their commitment to protecting the intellectual property rights of American innovators. Domestically and internationally intellectual property crime is on the rise. Intellectual property crime not only threatens our nation's economic health and well-being, but it also poses a national security risk. Deputy Attorney General Rosenstein and Assistant Attorney General Delrahim (DEL RA HEEM) have made great strides in prosecuting intellectual property theft. If confirmed as Attorney General, what will you do to continue the efforts of General Sessions, Deputy Attorney General Rosenstein and Assistant Attorney General Delrahim?

RESPONSE: I am aware that the Department has identified intellectual property crime as a priority area due to the wide-ranging economic impact on U.S. businesses and, in some situations, the very real threat to the health, safety, and security of the American public. If confirmed, I look forward to examining this issue in greater depth and will ensure the Department continues to combat these significant harms.

8. As you know, certain countries have been more egregious in their theft of American intellectual property. China is perhaps the most notorious, but India, Brazil and Russia are also bad actors. How will you approach international intellectual property theft and work with your foreign counterparts to preserve and protect the property rights of American innovators?

RESPONSE: I understand that the Department works with our law enforcement counterparts across the globe to ensure they are prepared to address crimes involving intellectual property, cyber intrusions, and digital evidence. In addition, prosecutors in the Criminal, Civil and National Security Divisions work closely with U.S. Attorneys' Offices throughout the country on a wide range of cases involving foreign theft of intellectual property. If confirmed, I will examine these and other efforts to ensure that the Department is effectively building relationships with foreign partners to counter foreign threats to our intellectual property.

9. Does the Department need additional tools, resources or legal authorities to better combat international IP crime?

RESPONSE: I appreciate your interest in this important area, which is vital to protecting American interests here and abroad. If confirmed, I look forward to working with you on ways to enhance the Department's current enforcement efforts on international IP theft.

Faith Based and Community Organization Partnerships in the Bureau of Prisons

10. The BOP recently reported over 16,000 prisoners were on a wait-list for basic literacy programs. The First Step Act will provide some funding to support prison programming, but there is also a lot of room for greater partnership with volunteer faith-based and community-based groups that provide programming without government funding.

- a. How will you go about ensuring there is a focus on increasing the number and quality of programs available through partnerships with programs that do not take direct funding from the government?

RESPONSE: As I am not currently at the Department, I have not had the opportunity to study programming capacity in the Bureau of Prisons. If confirmed, I look forward to learning more about this issue and the Bureau's programs to ensure compliance with the law.

- b. Will you encourage in-prison programs proven to reduce recidivism offered by faith-based organizations to be considered as a reentry program in addition to being offered through the chaplaincy? (Background: Currently, faith-based organizations are generally only considered for programming under the chaplaincy by the BOP. The chaplaincy has strict limits on the number of volunteers and hours provided by each faith tradition, even if the program is holistic, offering more than explicitly religious activities, open to prisoners of any faith, and does not take any government funding. The First Step Act states that the AG shall inform the BOP that faith-based programs proven to reduce recidivism shall qualify as a reentry program outside the chaplaincy).

RESPONSE: While I am aware generally of this provision within the FIRST STEP Act, I am not currently at the Department, and I am not familiar with details regarding how this provision can best be legally effectuated by the Bureau of Prisons. If confirmed, I look forward to learning more about the provision and its implementation to ensure compliance with applicable law.

11. The Second Chance Act provided that, "any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison." The First STEP Act expands that provision stating that a prisoner in prerelease custody may not be prohibited from receiving mentoring, reentry or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated. "Reentry or spiritual services" was inserted because many people leaving prison without much family support have worked closely with chapel and other faith-based volunteer mentors. These volunteers are in a place to encourage them through the difficult reentry process.

But BOP policies currently only allow specially trained mentors to remain in contact with parishioners after they release. Will you shepherd the implementation of this part of this

new law, ensuring that the chapel and other faith-based volunteers are able to play a critical role in the reentry process of the men and women they have come to know and care about?

RESPONSE: While I am aware generally of this provision within the FIRST STEP Act, I am not currently at the Department, and I am not familiar with the details regarding volunteer services for inmates in pre-release custody. It is my understanding that BOP program considerations that might be affected include contracts with Residential Reentry Centers as well as public safety considerations. If confirmed, I look forward to learning more about the provision and its implementation to ensure compliance with law.

Bureau of Prisons Director

12. Director: The federal prison system has been without a permanent director since May of last year. The Attorney General is responsible for hiring this non-political position. Given the mandates on the federal prison system obligated under the newly passed First Step Act, how would you prioritize the hiring for this position and what qualities would you look for in a candidate?

RESPONSE: If confirmed, I will be committed to finding high-quality candidates to serve in the Department of Justice and ensuring the Department's staffing decisions are made with integrity and without political, ideological, or any other prohibited consideration and consistent with civil service law and Departmental policies. It is my understanding that the Director position at the Bureau of Prisons has been open for some time. I believe it is important to fill this position, particularly in light of the recently-passed FIRST STEP Act, and I will make it a priority to do so.