

Questions for Michael Horowitz
Inspector General of the United States Department of Justice

February 4, 2021, Hearing: “Accountability and Lessons Learned from the Trump Administration’s Child Separation Policy”

Questions from Rep. Cori Bush

- 1. In your estimation, would you say that this policy led to an increase in the number of felony and/or misdemeanor charges filed?**

OIG Response: In our Review of the Department of Justice’s Planning and Implementation of Its Zero Tolerance Policy, based on testimonial evidence, we noted that the policy resulted in an increased number of prosecutions of misdemeanor illegal entry charges, but that the Department failed to adequately prepare for this increase. For example, our report states that the Office of the Attorney General “did not include the [U.S. Marshals Service] in its discussions about increasing illegal entry prosecutions prior to issuing the zero tolerance policy. As a result, we found that the USMS did not have an opportunity to address the significant resource and operational needs associated with housing an increased number of defendants until after the Attorney General’s announcement in April 2018.” The report further notes that Department officials and federal judges raised concerns that the increase in prosecutions of misdemeanors resulted in fewer serious felony convictions at the southwest border. However, the OIG did not obtain specific data on the number of charges filed during our review. We provided the Committee’s three questions to the Executive Office for United States Attorneys (EOUSA) and recommend contacting EOUSA for the specific data sets requested in your questions.

- 2. From your review, do you know exactly how many separated parents were charged with misdemeanors?**

OIG Response: Please refer to the response to Question 1.

- 3. From your review, do you know exactly how many separated parents were charged with felonies?**

OIG Response: Please refer to the response to Question 1.