

# United States Senate

WASHINGTON, DC 20510

June 9, 2020

## **VIA ELECTRONIC DELIVERY**

The Honorable Gene Dodaro  
Comptroller General  
U.S. Government Accountability Office  
441 G Street NW  
Washington, D.C. 20548

Dear Mr. Dodaro,

We respectfully request that the Government Accountability Office (GAO) conduct a review to examine the safety of rubber bullets to control large crowds during civil rights protests.

The brutal killing of George Floyd by a Minneapolis police officer motivated thousands of Americans to practice their First Amendment right to protest peacefully. After high-profile police-involved deaths, civil rights protesters have organized large demonstrations to express their anger when the justice system fails their community and to demand fair and equal treatment under the law and from law enforcement. During some of these demonstrations, there have been reported incidences of law enforcement firing rubber bullets at protesters and causing serious injury.

To help maintain the security and safety of the public, Federal law enforcement officers are trained and equipped to use a variety of less-lethal weapons and tactics in response to civil disturbances (i.e. protests and rallies). Less-lethal weapons and tactics, such as rubber bullets, flash bangs, tear gas, pepper balls and electronic control weapons (e.g., TASERS), are designed to give law enforcement officers an alternative to using other physical force options to subdue crowds and protect the public. Although intended to only cause minimal harm, such weapons may cause significant injury, including deep bruises, broken bones and respiratory damage, which may increase susceptibility to coronavirus disease 2019 (COVID-19) for those exposed to tear gas.

In late May and early June 2020, the Departments of Homeland Security, Interior and Justice, among others, deployed Federal law enforcement officers to the streets of Washington, D.C. and other cities to respond to nationwide protests following the death of George Floyd. Press reports indicate that Federal law enforcement officers from these agencies used less-lethal weapons and tactics during these protests, including on peaceful protesters and journalists.

Moreover, during these deployments, Federal law enforcement agencies were charged with assisting State and local law enforcement partners in maintaining public safety. These deployments call for further study into the coordination of Federal, State and local law enforcement in responding to protests occurring across the country and the use of less-lethal tactics.

Better information is needed to identify deficiencies in the training and use of these less-lethal weapons in real-life situations by Federal law enforcement. Considering that rubber bullets and other less-lethal tactics are accepted and standard protocol by Federal law enforcement used for crowd control purposes, we request that the GAO review the Federal government's use of less-lethal weapons and tactics in response to civil disturbances, and address the following questions:

- 1) To what extent have Federal agencies assessed the safety, appropriateness and effectiveness of the use of less-lethal weapons and tactics to respond to civil disturbances? Relatedly, what is known about the impact of less-lethal weapons and tactics on underlying health conditions, including potential increased susceptibility to COVID-19?
- 2) What policies and procedures do Federal law enforcement agencies have in place regarding the use of less-lethal weapons and tactics for civil disturbances? What kinds of weapons do Federal law enforcement agencies have in their possession?
- 3) To what extent do Federal law enforcement officers receive training on less-lethal weapons and tactics for civil disturbances?
- 4) In the past five years, how often and under what circumstances have Federal law enforcement officers been deployed to respond to civil disturbances, and of these, how many have involved the use of less-lethal weapons and tactics? After these incidences, to what extent did Federal agencies assess the appropriateness of these actions and identify potential lessons learned?
- 5) To what extent do Federal, State and local law enforcement agencies coordinate their responses to civil disturbances?
- 6) To what extent are Federally-funded grants available to State and local law enforcement agencies to train officers on less-lethal weapons and tactics?

Sincerely,



Tammy Duckworth  
United States Senator

/S/

Kamala D. Harris  
United States Senator

/S/

Jeffrey A. Merkley  
United States Senator

/S/

Chris Van Hollen  
United States Senator

/S/

Amy Klobuchar  
United States Senator

/S/

Robert Menendez  
United States Senator

/S/

Ron Wyden  
United States Senator

/S/

Cory A. Booker  
United States Senator

/S/

Edward Markey  
United States Senator

Letter to GAO Comptroller Dodaro

June 9, 2020

Page 3 of 3

/S/

Kirsten Gillibrand  
United States Senator

/S/

Mazie K. Hirono  
United States Senator

/S/

Patrick Leahy  
United States Senator

/S/

Tom Carper  
United States Senator