



United States Mission to the OSCE

Ensuring Constitutional Policing in the United States

As delivered by Deputy Chief of Mission Kate M. Byrnes
to the Permanent Council, Vienna
January 19, 2017

The U.S. delegation has reported regularly to the Permanent Council on allegations of and investigations into police misconduct in the United States, and efforts by the U.S. Department of Justice to ensure that policing is conducted in accordance with the U.S. Constitution.

In 2016 and 2017, the Justice Department completed investigations involving policing in Chicago, Illinois; Baltimore, Maryland; and Ville Platte and Evangeline Parish, Louisiana as part of the government's ongoing effort to ensure constitutional policing in the United States.

On January 13, 2017, the Justice Department announced that it has found reasonable cause to believe that the Chicago Police Department engages in a pattern or practice of using excessive force, including deadly force, in violation of the Fourth Amendment of the U.S. Constitution. The Justice Department found that this pattern is largely attributable to systemic deficiencies in training and accountability, including a historical failure to train officers in de-escalation and failure to conduct meaningful investigations of uses of force.

The city of Chicago and the Justice Department have signed an agreement in principle to work together, with community input, to create a federal court-enforceable consent decree addressing the deficiencies found during the investigation. The Justice Department and the city of Chicago agreed that compliance with the consent decree will be reviewed by an independent monitor. The Justice Department will continue speaking to local authorities, officers, and ordinary citizens to gather their perspectives about the challenges facing the city – and the changes needed to address them.

On January 12, 2017, the Justice Department announced that it has entered into a court-enforceable consent decree with the city of Baltimore to resolve the Justice Department's findings that the Baltimore Police Department engages in a pattern and practice of conduct that violates the First, Fourth, and Fourteenth Amendments of the U.S. Constitution, as well as federal anti-discrimination laws. The consent decree creates a pathway toward lasting reform within the Baltimore Police Department. It also focuses on building community trust, prohibiting unlawful stops and arrests, preventing discriminatory policing and excessive force, ensuring public and officer safety, and enhancing officer accountability. The parties will jointly recommend an independent monitor to the court to assess and report publicly on whether the requirements of the agreement are being implemented by the Baltimore Police Department.

On December 19, 2016, the Justice Department concluded that there is reasonable cause to believe that the Ville Platte Police Department and the Evangeline Parish Sheriff's Office, both of which are in the State of Louisiana, have engaged in a pattern or practice of unconstitutional conduct. Both the Ville Platte Police Department and the Evangeline Parish Sheriff's Office have arrested and held people in jail—without obtaining a warrant and without probable cause to believe that the detained individuals had committed a crime—in violation of the Fourth Amendment of the U.S. Constitution. The Justice Department investigation raised additional concerns that these unconstitutional acts have led to coerced confessions and improper criminal convictions. The leadership of the Ville Platte Police Department and the Evangeline Parish Sheriff's Office admitted that these actions are unconstitutional and have taken steps to eliminate their use. Agreed-upon next steps include new policies and procedures, reinforced with training and oversight mechanisms that ensure a sustained commitment to long-term institutional change.

On January 4, 2017, the Justice Department released a comprehensive report that provides an overview of its police reform work undertaken since 1994. The report is designed to serve as a resource for local law enforcement agencies and communities by making the Justice Department's police reform work more accessible and transparent. We will include a link to this report in the version of this statement circulated to participating States, allowing them to better understand U.S. government efforts to ensure constitutional policing in the United States.

<https://www.justice.gov/crt/file/922421/download>