

Patterns or Practices of Civil Rights Violations Testimony

Attorney General Brown used his January 8 inaugural address to ask for the authority to conduct pattern-or-practice investigations as part of his police reform strategy. What is a pattern-or-practice investigation and how will it benefit Marylanders?

In the wake of the Rodney King beating by Los Angeles police officers in 1991, and the resulting Christopher Commission Report, the 1994 crime bill passed by Congress authorized the United States Attorney General to investigate law enforcement agencies for “a pattern-or-practice of conduct...that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.”

These investigations do not focus on specific incidents of misconduct but patterns-or-practices that suggest routine uses of excessive force, bias-based policing, or arrests that are unreasonable, and any discrimination based on race, ethnicity, national origin, religion, disability, or sex. In his speech, Attorney General Brown made clear that the “...goal of these investigations is to support law enforcement agencies, and, to foster community confidence by promoting best policing practices.”

Since 1994, the U.S. Justice Department has conducted pattern-or-practice investigations in communities across the nation. They have been used to address problems in departments ranging in size from six officers to seventeen thousand officers.

The investigation may focus on traffic or investigative stops, searches, or arrest practices and procedures, use of excessive force, bias-based policing, or violations of constitutional rights. Investigations may be prompted by a persistent series of complaints regarding police practices or a single incident that captures the attention of the public.

While each pattern-or-practice investigation is different, most involve reviewing written policies and systems for accountability, a review of training, observing officer activities, and analyzing relevant data surrounding incidents that show an unacceptable pattern-or-practice.

A pattern-or-practice investigation assesses whether any systemic deficiencies contribute to officer misconduct or enable it to persist. Hearing directly from community members and police officers through forums and interviews is a central part of the investigation and is critical to understanding the issues particular to the community under examination. The community as well as rank and file officers must be heard in order to instill confidence in the thoroughness and integrity of the investigation.

When there are findings of patterns-or-practices that are in conflict with law or the Constitution, the report will clearly delineate what those patterns-or-practices are and will identify any systemic deficiencies and possible remedies.

When patterns-or-practices of unlawful policing are found, the investigating authority will work with the department and community stakeholders to remedy any unlawful practices.

A broad range of measures that are often a product of these investigations and agreements include policies to prevent bias-based policing, stricter use of force guidelines, improvements in training and

data collection, fairer hiring and promotion processes, greater accountability, and increased community input regarding police department policy.

A pattern-or-practice investigation can help a police department remedy persistent problems, increase trust between the community and the police, and bring about improved policing practices that are lawful, effective and better meet a community's needs. It can also ensure police officers have the policies, supervision and training needed to police in a manner that provides a greater measure of safety for the community as well as the individual officers.

With around 18,000 state and local law enforcement agencies nationwide, Attorney General Brown has recognized that the U.S. Department of Justice cannot adequately address the needs of every community.

Providing Attorney General Brown the authority to conduct pattern-or-practice investigations will permit Maryland to join the Department of Justice and several other states in pursuit of improved police services through greater accountability. I am respectfully ask that you provide our new attorney general the tools to do the job if we are serious about police reforms.

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