



# Attorney General Raoul Urges Congress To Give State Attorneys General Authority To Investigate Unconstitutional Policing

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Chicago – Attorney General Kwame Raoul and New York Attorney General Letitia James today led a coalition of 18 attorneys general urging Congress to expand federal law to give state attorneys general clear statutory authority to investigate patterns or practices of unconstitutional policing.

[In a letter issued to Congressional leadership](#), Raoul and the coalition are asking Congress to expand the law enforcement misconduct section of the Violent Crime Control and Law Enforcement Act of 1994, which was enacted following the severe beating of Rodney King by Los Angeles Police Department officers in 1991. Raoul and the coalition argue that attorneys general should have authority to investigate and resolve patterns or practices of unconstitutional policing, particularly in the event that the U.S. Department of Justice (DOJ) fails to use its authority to act.

“The violent death of George Floyd at the hands of police has rightfully shocked and outraged a nation. But the truth is that George Floyd and Breonna Taylor are two of the latest in a long line of African Americans who have lost their lives at the hands of police using excessive force,” Raoul said. “Their tragic deaths should serve as a catalyst that causes each of us to ask ourselves whether we have done enough to fight racism and inequality in our criminal justice system. I am committed to using the tools and resources of my office to hold departments accountable and to push for policies that address unconstitutional policing.”

Attorney General Raoul and the coalition are calling on Congress to take urgent action as thousands of Americans march in cities throughout the country to protest police brutality and the systemic failures that cause and allow misconduct to perpetuate. Raoul

and the coalition are asking Congress to grant statutory authority to conduct “pattern-or-practice” investigations, to obtain data regarding excessive use of force by law enforcement officers, and to bring appropriate actions in federal court to ensure constitutional policing in states, in particular when the federal government is unwilling or unable to act.

According to the attorneys general, the DOJ initiated 69 pattern-or-practice investigations between 1994 and 2017, which resulted in 40 court-enforceable consent decrees. However since 2017, the DOJ has largely curtailed the ability of federal law enforcement to use court-enforced agreements to reform local police departments. In a March 31, 2017, memo, former Attorney General Jeff Sessions wrote, “Local control and local accountability are necessary for effective local policing. It is not the responsibility of the federal government to manage non-federal law enforcement agencies.” Since January 2017, the DOJ has initiated zero pattern-or-practice investigations into police conduct and has not entered any consent decrees.

Raoul and the attorneys general state that the DOJ’s refusal to address the pervasive problem of police misconduct has left communities without critical civil rights protections. As a remedy, the coalition is asking Congress to authorize state attorneys general, in addition to the DOJ, to investigate complaints of pattern-or-practice violations through the use of investigative subpoenas, which the DOJ has proposed in the past to help strengthen its oversight capacity.

In addition, the coalition is asking that attorneys general be granted authority to gather data about the use of excessive force by law enforcement officers. Such data would be especially important when identifying law enforcement agencies that have above-average rates of excessive force complaints, which can also help identify at-risk law enforcement agencies before a devastating incident occurs. For example, the former Minneapolis police officer accused of killing 46-year-old George Floyd on May 25 had 18 prior complaints filed against him with the Minneapolis Police Department’s Internal Affairs.

Today’s letter is part of a multifaceted approach Attorney General Raoul’s office is taking to address criminal justice and policing reform. The Attorney General’s office continues to enforce the terms of a comprehensive consent decree entered to reform the Chicago Police Department (CPD), which was entered after Attorney General Sessions announced that the DOJ would no longer use its authority to hold officers and departments accountable for a pattern or practice of misconduct. Raoul’s office negotiated the court-enforceable consent decree after former Chicago police officer Jason Van Dyke – who had received more than 20 complaints of official misconduct against him, including 10 related to excessive use of force – shot and killed 17-year-old Laquan McDonald.

In addition to enforcing the consent decree, Raoul's office is continuing to evaluate policies aimed at ensuring constitutional policing throughout Illinois. As a state senator, Raoul passed landmark reforms, including standards for officer-worn body cameras and the creation of a statewide database of officers under investigation.

Joining Raoul in filing the comment letter are the attorneys general of California, Delaware, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Virginia.