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# It's official: the Trump administration will “pull back” from investigating police abuses

Obama's Justice Department uncovered horrible abuses at police departments. Trump's attorney general said they'll “pull back” from such investigations.

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Win McNamee/Getty Images

Over the past several years, the US Department of Justice played a key role in exposing abuses from local police departments, exposing everything from unjustified shootings to a broader pattern of racism in a police force. But on Tuesday, Attorney General Jeff Sessions confirmed that all of that work will come to an end — **saying** that the Justice Department will “pull back” on civil rights lawsuits and investigations against police.

Under President Barack Obama, the Justice Department took on more civil rights investigations of local police departments than Obama's two predecessors — including President Bill Clinton, who signed the law in the 1990s allowing these types of investigations by the Justice Department. By the last count, the Obama Justice Department has investigated nearly two dozen police departments, from Baltimore to Ferguson, Missouri to Chicago — uncovering a wide range of abusive, even racist, police practices.

With Sessions's announcement, those investigations will likely come to an end.

The news isn't unexpected. On the campaign trail, President Donald Trump consistently decried what he characterized as the Obama administration's aggressive attitude toward the police. Trump **argued** that the administration's policies have fostered a broader anti-police sentiment, enabling more crime and violence against cops. And he **suggested** that he would allow police to be even more aggressive than they are today.

Sessions expressed a similar view. "There is a perception, not altogether unjustified, that this department, the Civil Rights Division, goes beyond fair and balanced treatment but has an agenda that's been a troubling issue for a number of years," Sessions **said** during a November 2015 Senate hearing called "**The War on Police.**"

When you put it all together, it always looked like the Trump administration would be less likely to launch investigations into local police departments. But it's still a huge shame. These investigations, although limited in their scope and outcomes, offered crucial insight into just how destructive American policing can be — particularly for communities of color.

**We learned of some pretty terrible police abuses thanks to Obama's Justice Department**



Former US Attorney General Eric Holder. | Chip Somodevilla/Getty Images

The Justice Department, with limited staff and resources, could never have investigated every police department in America. But under the Obama administration, it took a much more aggressive approach to investigating police departments, typically after a high-profile police shooting. And the findings were often horrifying.

In Ferguson, Missouri, for example, the Justice Department **found** a police department that was encouraged to crack down on petty offenses to raise as much revenue from fines and court fees as possible — often in a way that targeted black residents. Much of this effort led to totally frivolous policing, the Justice Department noted:

Officers frequently arrest individuals under Section 29-16(1) on facts that do not meet the provision's elements. Section 29-16(1) makes it unlawful to "[f]ail to comply with the lawful order or request of a police officer in the discharge of the officer's official duties where such failure interfered with, obstructed or hindered the officer in the performance of such duties." Many cases initiated under this provision begin with an officer ordering an individual to stop despite lacking objective indicia that the individual is engaged in wrongdoing. The order to stop is not a "lawful order" under those circumstances because the officer lacks reasonable suspicion that criminal activity is afoot. ... Nonetheless, when individuals do not stop in those situations, FPD officers treat that conduct as a failure to comply with a lawful order, and make arrests.

In Cleveland, another Justice Department investigation **found** that police frequently used excessive force. Just take this one example from the Justice Department's report, in which police shot at a man in his underwear who was actually a victim of a crime:

An incident from 2013 in which a sergeant shot at a victim as he ran from a house where he was being held against his will is just one illustration of this problem. "Anthony" was being held against his will inside a house by armed assailants. When officers arrived on scene, they had information that two armed assailants were holding several people inside the home. After officers surrounded the house, Anthony escaped from his captors and ran from the house, wearing only boxer shorts. An officer ordered Anthony to stop, but Anthony continued to run toward the officers. One sergeant fired two shots at him, missing. According to the sergeant, when Anthony escaped from the house, the sergeant believed Anthony had a weapon because he elevated his arm and pointed his hand toward the sergeant. No other officers at the scene reported seeing Anthony point anything at the sergeant.

The sergeant's use of deadly force was unreasonable. It is only by fortune that he did not kill the crime victim in this incident. The sergeant had no reasonable belief that Anthony posed an immediate danger. The man fleeing the home was wearing only boxer shorts, making it extremely unlikely that he was one of the hostage takers. In a situation where people are being held against their will in a home, a reasonable police officer ought to expect that someone fleeing the home may be a victim. Police also ought to expect that a scared, fleeing victim may run towards the police and, in his confusion and fear, not immediately respond to officer commands. A reasonable officer in these circumstances should not have shot at Anthony.

In Baltimore, the Justice Department **found** a police department that regularly violated residents' constitutional rights throughout virtually every aspect of policing, at times encouraged racist practices, and frequently did nothing when it uncovered wrongdoing within its ranks. Black residents suffered the most as a result, the Justice Department concluded:

BPD disproportionately stops African-American pedestrians. Citywide, BPD stopped African-American residents three times as often as white residents after controlling for the population of the area in which the stops occurred. In each of BPD's nine police districts, African Americans accounted for a greater share of BPD's stops than the population living in the district. And BPD is far more likely to subject individual African Americans to multiple stops in short periods of time. In the five and a half years of data we examined, African Americans accounted for 95 percent of the 410 individuals BPD stopped at least 10 times. One African American man in his mid-fifties was stopped 30 times in less than 4 years. Despite these repeated intrusions, none of the 30 stops resulted in a citation or criminal charge.

These are only three of many more investigations by the Justice Department, ranging from **Chicago** to New Orleans. Time and time again, the Justice Department found big problems: a pattern of excessive use of force, racial bias, outright discrimination, and more.

These police departments were enormously troubled. The cities' residents were outright terrorized by police departments that were far more interested in looking "tough" with higher arrest numbers or collecting budget revenue for their local governments than improving public safety. Yet we would have never known about just how bad these problems were without the deep, months-long Justice Department investigations.

The investigations weren't perfect. They typically resulted in "consent decrees" in which the local government and Justice Department agree to a certain set of reforms that are supervised by the courts. But these agreements, an investigation by *Frontline* and the Washington Post **found**, have a mixed record of success, often failing to reach many of their goals because the financial costs imposed on local governments are just too high for a budget-strained city to afford.

Still, the Justice Department at least helped show that there really is a problem with how policing works not just in these cities but potentially America more broadly. And while the exact solutions that the Justice Department came up with may not have always worked out, we're definitely never going to find solutions if we don't accurately identify the problem in the first place.

### **Trump's Justice Department likely won't investigate the police**



Jeff Swensen/Getty Images

So what will Trump’s Justice Department do?

On the campaign trail, Trump **described** himself as “tough on crime.” He advocated for more police departments to adopt **stop and frisk**, which was ruled unconstitutional in New York City because it was used to target minority residents. He **said** at a debate in February that police officers are “absolutely mistreated and misunderstood.” He even **suggested** that Black Lives Matter protesters may need to be investigated by the Department of Justice. And Sessions, Trump’s attorney general, is vocally skeptical of investigations into local police departments, saying that his Justice Department will “pull back” on these kinds of investigations.

So Trump’s administration will take a more sympathetic approach and less investigative one to the police.

It wouldn’t be the first time that the Justice Department’s Civil Rights Division was effectively gutted by an administration. As **Ryan Reilly reported for the Huffington Post**, the Bush administration between 2001 and 2009 severely weakened the agency’s ability to investigate *any* civil rights violations, much less police departments’. And the result is Americans were by and large left in the dark about some of the worst abuses from law enforcement and other government officials.

That history now looks certain to repeat itself.

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