



United States Mission to the OSCE

Ensuring Constitutional Policing in the United States

As delivered by Greg Macris, Counselor for Political Affairs
to the Permanent Council, Vienna
March 22, 2018

I would first like to provide an update on a specific issue previously raised by my distinguished Russian colleague regarding the alleged shooting of Anthony Weber by a Los Angeles County Sheriff's deputy on February 4. The matter is being handled by local law enforcement and judicial entities. At this stage, no federal charges are pending.

Mr. Chair, in keeping with my delegation's track record of proactively briefing the Permanent Council on the broader subject of ensuring constitutional policing in the United States, I would like to provide additional details to clarify U.S. law and policy on the subject for concerned delegations.

The U.S. Department of Justice vigorously investigates and, where the evidence merits, prosecutes allegations of constitutional violations by law enforcement officers. The Department's investigations most often involve alleged uses of excessive force, but also include sexual misconduct, theft, false arrest, and deliberate indifference to serious medical needs or a substantial risk of harm to a person in custody. The Department's authority extends to all law enforcement conduct, regardless of whether an officer is on or off duty, so long as he or she is acting, or claiming to act, in his or her official capacity.

The principles of federal prosecution, set forth in the United States Attorneys' Manual, require federal prosecutors to meet two standards in order to seek an indictment. First, the government must be convinced that the potential defendant committed a federal crime. Second, the government must also conclude that the government would be likely to prevail at trial, where the government must prove the charges beyond a reasonable doubt.

There are two recent cases I would like to briefly mention that illustrate the U.S. government's approach. Most recently, on January 23, the Department of Justice announced that two former Police Department lieutenants in Tuskegee, Alabama were indicted by a federal grand jury for their roles in the beating of an arrestee. The former officers are also charged with directing and encouraging other Tuskegee Police Department officers and recruits who witnessed the assault to keep it a secret. Finally, the indictment charges that one officer gave false testimony under oath about the assault in a state court proceeding regarding criminal charges against the arrestee. An indictment is by definition an accusation, and defendants are presumed innocent unless and until proven guilty.

In a separate, highly publicized case, the Department of Justice obtained a guilty plea in May 2017 from a former police officer in North Charleston, South Carolina, for fatally shooting an

African-American man in the back in 2015. On December 7, 2017, the former police officer was sentenced to 20 years in prison.

Mr. Chair, the U.S. government is committed to ensuring constitutional policing, and works with civil society organizations and local law enforcement entities, among other stakeholders, to further that objective.

Thank you, Mr. Chair.