Louisiana police illegally jailed hundreds without charges

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A federal investigation released this week found that hundreds of people have been routinely and illegally imprisoned without charges in a rural Louisiana parish (the state's equivalent of a county), in flagrant violation of the Fourth Amendment's prohibition against arbitrary searches and seizures.

The report was the outcome of an investigation launched last April by the US Department of Justice into the Evangeline Parish Sheriff's Office (EPSO) and the police department of Ville Platte (VPPD), the Parish seat and largest town.

Police and sheriff's deputy referred to their practice of throwing people into holding cells at the local jails for days at a time, with no warrant for their arrest or even probable cause, as "investigative holds." According to the report, the two agencies together threw more than 900 people, out of a total parish population of 34,000, into jail in this fashion between 2012 and 2014 alone.

The police used these "investigative holds" routinely and systematically in cases where they lacked sufficient evidence to make a legitimate arrest. Based solely on the "hunch" or "gut instinct" of the detectives, to use the report's phrasing, an individual could be held for 72 hours (in some cases, up to a week) or more while the detectives developed a case against them, either by gathering evidence or coercing the suspects into making confessions. During this time, detainees were denied all access to the outside world, even the ability to make calls to family members or employers to tell them where they were.

Individuals placed under "investigative holds" were subjected to strip searches during processing. The holding cells in the parish jail contain no beds, no running water or restroom facilities; people were forced to sleep on the concrete floor or a metal bench for days at a time. In one case, a jailer was reprimanded by a detective for providing a prisoner with toothpaste.

Longstanding legal precedent cited by the report has established that police either require a warrant or probable cause to make an arrest. In cases where the police do not have a warrant, probable cause must be verified by a judge as soon as possible, usually within 48 hours of making an arrest. Otherwise, such an arrest is considered an unreasonable seizure under the Fourth Amendment. Any confessions obtained in this fashion would likewise be considered inadmissible in court due to the Fifth Amendment's protections against self-incrimination, as well as a violation of the Fourteenth Amendment's Due Process Clause.

Far from the result of a few overzealous detectives, the use of "investigative holds" was official departmental policy, undoubtedly with the support of the local political establishment, for more than two decades. Remarkably, the report is based primarily upon the testimony of a number of police officers themselves, who frankly admitted to using the practice in order to compel participation in criminal investigations.

While the scope of the federal report did not include the courts, there can be no doubt, given the scale and duration of the practice, and the fact that "investigative holds" often led directly to criminal charges, that the police enjoyed at least the implicit protection of the courts. The report cited one case where the district attorney took part in an interrogation during an illegal "investigative hold."

The arbitrariness of this practice reached absurd heights. According to the report, "[one] EPSO detective explained that he has used investigative holds experimentally, testing whether a crime wave subsides while a particular person is in jail. The detective

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explained that if the crimes continue during the hold, the presumably innocent person is released. Conversely, if the crimes cease during the detention, the detective investigates the person further."

"Moreover," the report continues, "both agencies confirmed that they used holds to detain individuals whom they did not suspect of any involvement in criminal activity, but who instead were related to suspects, witnessed crimes, or otherwise might have knowledge of criminal activity."

"The willingness of officers in both agencies to arrest and detain individuals who are merely possible witnesses in criminal investigations means that literally anyone in Evangeline Parish or Ville Platte could be arrested and placed 'on hold' at any time."

The report cites one case where a Ville Platte woman and her family were thrown in jail after having possibly "witnessed an armed robbery and shooting" while grocery shopping. They were detained for hours before finally being interrogated by police and shown a line-up. When the woman called the chief of police after her ordeal to complain he explained that her "detention was pursuant to department policy."

Another woman was jailed, along with her one- and five-year-old children, when police falsely suspected her of participating in an armed robbery. The woman was separated from her children in jail, and her five-year-old was interrogated by police separately.

Predictably, the Obama administration has declined to press charges against a single person for this flagrant, systematic deprivation of parish residents' civil rights. Instead, the report declares its "optimism" that the Justice Department "will be able to continue to work collaboratively with both agencies to forge a court-enforceable agreement that memorializes the reforms necessary to stop this unlawful practice, rebuild community trust, and ensure effective, constitutional policing."

This is in keeping with a longstanding pattern under the Obama administration. In the aftermath of cases of police criminality, such as the murder of Michael Brown in Ferguson, 12-year-old Tamir Rice in Cleveland, and many others, the Justice Department opens up civil rights investigations that detail a litany of abuses by local police departments. The primary function of such investigations has been to screen the Obama administration's moves to exonerate or shield cops from prosecution. The administration, now entering its final month, has sided with the police in every civil rights case to have come before the federal courts.

Police brutality in the United States is not an aberration but the inevitable result of the explosive growth of poverty and social inequality, which is incompatible with democratic forms of rule. Evangeline Parish, with an official poverty rate of more than 25 percent (rising to over 50 percent for the parish's African American residents), is only one of countless deeply impoverished rural communities throughout the United States.

Under successive Democratic and Republican administrations, the US has transformed local police forces into paramilitary organizations through the provision of limitless amounts of military hardware, while shielding police from any criminal responsibility.

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