

# National Police Accountability Project

A Project of the National Lawyers Guild

**OPPOSITION TO HB 601** – An act that precludes local control over public safety  
**Written Testimony** of National Lawyers Guild-National Police Accountability Project, Lauren Bonds, Executive Director  
**Local Administration, Federal Affairs & Special Districts Subcommittee** –, January 19, 2024

Dear Chair Persons-Mulicka and Members of the Subcommittee

Thank you for the opportunity to provide testimony on this important issue. The National Police Accountability Project (“NPAP”) is a nonprofit organization dedicated to ending police violence by holding law enforcement and corrections officers accountable to constitutional and professional standards. NPAP strongly opposes HB 601, a bill that will ban local governments from adopting police accountability measures of their choosing to make their communities safer.

At NPAP, we believe that local communities are the experts on what policing reforms will keep them safe. HB 601 will deprive communities of the power to make important decisions about how their police departments operate. NPAP opposes HB 601 because it will divest communities of decision-making authority on how to investigate and respond to police misconduct.

Depending on the community dynamics, civilian oversight boards have the potential to remedy past police abuses, mitigate ongoing ones, and prevent future violations. Police departments often wield life-and-death authority over the lives of residents within a community, and civilian oversight is a way to allow residents to democratically participate in a societal function that concerns their rights and liberties.

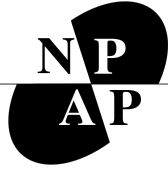
Civilian oversight boards can play an important role in mitigating the influence that politics and risk aversion play in employment accountability.<sup>1</sup> Civilian complaints investigated by internal affairs divisions are almost never substantiated.<sup>2</sup> This is not because officers’ are not engaging in misconduct, but because government agencies have little incentive to thoroughly investigate officer misconduct or to find wrongdoing at the conclusion of their investigation.<sup>3</sup>

---

<sup>1</sup> See Rachel Moran, *Ending the Internal Affairs Farce*, 64 *Buffalo L. Rev.* 837, 877-879 (2016)

<sup>2</sup> *Id.*

<sup>3</sup> See Joanna C. Schwartz, *What Police Learn from Lawsuits*, 33 *CARDOZO L. REV.* 841, 870 (2012)



## National Police Accountability Project

A Project of the National Lawyers Guild

First, an acknowledgement of wrongdoing could expose the agency to financial liability as most municipalities indemnify officers that are sued for misconduct in the course of their employment.<sup>4</sup> Internal affairs may clear an officer to protect the agency's budget. Second, many police managers decline to find an officer engaged in misconduct to avoid the lengthy bureaucratic process of union grievances and appeals that follow.<sup>5</sup> Finally, police are often biased when it comes to investigating others in their profession, making them less likely to view a civilian complainant as credible or see the officer's conduct in a negative light.<sup>6</sup>

Civilian oversight boards can help ensure neutral, unbiased investigations into allegations of misconduct. State legislation that preempts local government bodies from designing their own accountability measures is anti-democratic and severely limit innovation in public safety.

We urge you to vote against this bill. Thank you again for allowing us to provide testimony on this important bill. Please do not hesitate to contact us at [legal.npap@nlg.org](mailto:legal.npap@nlg.org) if you have any questions.

---

<sup>4</sup> Joanna Schwartz, *Police Indemnification*, 89 NYU L. Rev. 885, 925 (2014)(finding departments indemnify officers that they have found violated department policies).

<sup>5</sup> *Law Enforcement Bill of Rights Statutes: How State Law Limitations Contribute to Police Harm and Community Distrust*, 6 <https://engage.nlg-npap.org/sites/default/files/2022-06/LEOBOR-White-Paper-Final-Paper.pdf>

<sup>6</sup> Walter Katz, *Enhancing Accountability and Trust with Independent Investigations of Police Lethal Force*, 128 HARV. L. REV. FORUM 235, 238 (2015)(“system of internalized criminal investigations has been criticized for years for its inherent bias.”)