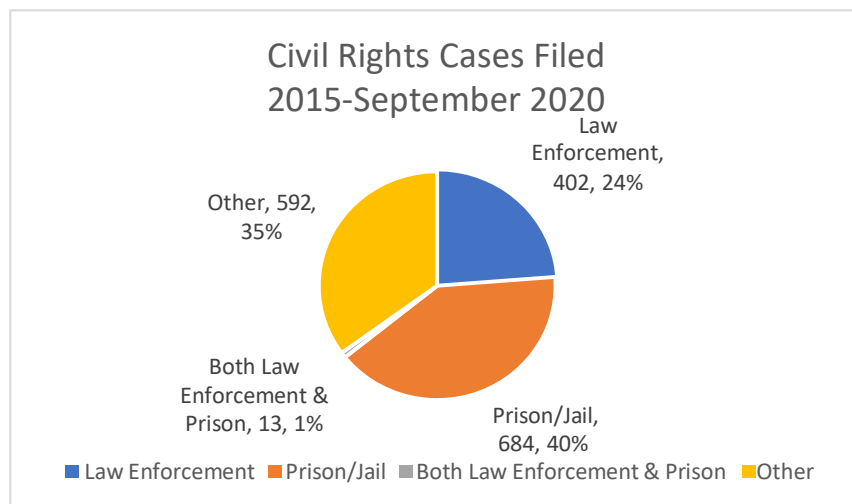




Statement of National Police Accountability Project (NPAP)  
In Support of House Bill No. 0004

### The New Mexico Civil Rights Bill Will Primarily Affect Police and Prisons

The majority of civil rights claims that plaintiffs have filed in the past several years have been against law enforcement officers and jail and prison officials.<sup>1</sup> A total of 1,691 federal civil rights cases were filed between 1/1/2015 and 9/7/2020. Of those cases, 402 cases were against law enforcement officers, 684 were against jail or prison officials (for conditions of confinement or safety issues),<sup>2</sup> and thirteen were brought against both law enforcement or jails/prisons. Together, the law enforcement/jail cases account for approximately 65% of the total. “Other defendants” account for 592 cases.



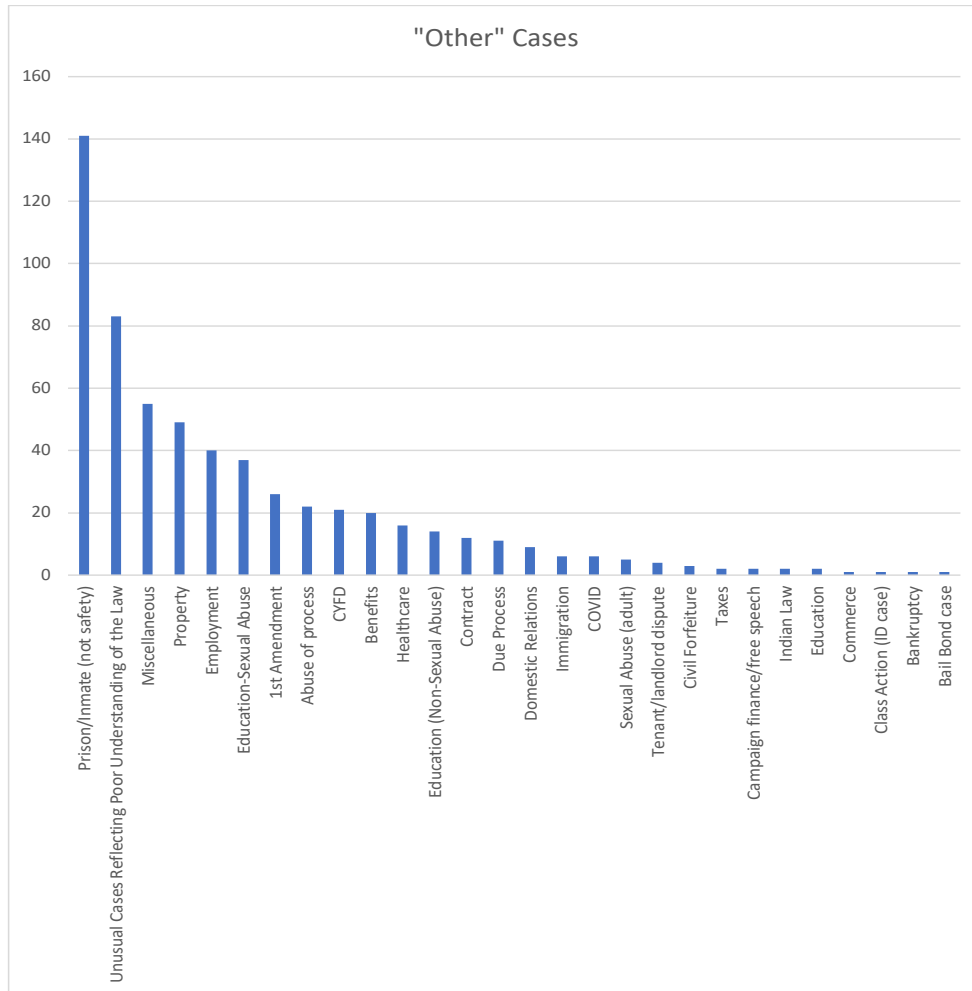
It is important to note that of the 592 “other” cases, 306 cases were not defended by the government in any capacity, and 259 of those undefended cases were dismissed by the court. All but one of those 259 cases were filed by a person without a lawyer.

Only 53 suits were filed against teachers or school districts, approximately 3% of the total number of civil rights cases filed during the reviewed period.

The attached chart shows the categories of “other” defendants. The second-largest category, “unusual” cases, largely contains filings by unrepresented parties who lacked the legal training to assert an appropriate civil-rights claim. For the “miscellaneous” category, the basis for the complaint could not be ascertained.

<sup>1</sup> In September 2020, a review was conducted of federal civil rights cases filed between 1/1/2015 and 9/7/2020. Only cases including claims brought pursuant to 42 U.S.C. § 1983 were included. Each docket was reviewed for information, including the identity of the governmental defendant, the nature of the claim, and whether a qualified immunity motion was filed.

<sup>2</sup> The “prison/jail” category does not include cases against judges or prosecutors, habeas cases, probation/parole challenges, or good-time disputes. Those cases were included in the “prison/inmate” section of the “other” category.



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