



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

Effective Remedies Deter Civil Rights Violations

Several factors establish that making effective legal remedies available to the victims of civil rights violations operates as a deterrent against future violations.

1. The United States relies primarily upon private enforcement through civil suits to secure civil and constitutional rights. Administrative remedies for the enforcement of civil rights laws are limited and seldom employed. Criminal prosecutions of police officers and prison officials for rights violations are almost never filed. Civil cases filed by aggrieved individuals account for well in excess of 99% of civil rights violations reviewed by the judicial system.
2. Cities and towns purchase insurance or participate in collective self-insurance plans to meet the risk of adverse judgments. In New Mexico most municipalities other than the largest cities are covered by the New Mexico Municipal League. These insurers and insurance plans are motivated to reduce their payments on judgments and settlements by reducing the incidence of civil rights violations. The New Mexico Municipal League, for example, recently consulted with a number of outside experts, including the undersigned representative of NPAP, to determine the best methods of reducing violations of civil rights by law enforcement officers.
3. The litigation of private civil rights claims results in case law about what conduct by law enforcement is proscribed. This case law is then used to develop training materials for officers. Police departments use these training materials in their academies and distribute periodic bulletins to officers with new developments in the law. For example, in 1985 the Supreme Court decided *Tennessee v. Garner*, 471 U.S. 1, which ruled it was unconstitutional to shoot someone merely because he was a fleeing felon. Police officials formed a national commission to develop training materials embodying the new standards, which it then distributed to departments across the country. The undersigned was a member of that commission.

Michael Avery, on behalf of the National Police Accountability Project