

National Police Accountability Project

A Project of the National Lawyers Guild

LAW ENFORCEMENT BILL OF RIGHTS STATUTES: HOW STATE LAW LIMITATIONS CONTRIBUTE TO POLICE HARM AND COMMUNITY DISTRUST

Communities have to grapple with many injustices when a police officer kills a civilian but one particularly offensive outcome is when the responsible officer keeps their job. Often this is caused by incompetent internal affairs investigators and complicit supervisors. But there is a more systemic cause that affects a great many departments. Law enforcement bill of rights (LEOBR) laws¹ provide officers with a robust set of procedural and substantive protections that undermine effective investigations and block meaningful discipline.

Police officers who never face corrective action for misconduct have little incentive to improve their behavior. They stay on the force, racking up civilian complaints and terrorizing communities. The police officers who killed David Jones in Philadelphia, George Floyd in Minneapolis, and Alton Sterling in Baton Rouge all had documented instances of abusive behavior but faced no discipline prior to taking a life.² They also all were employed in a state with a LEOBR statute.

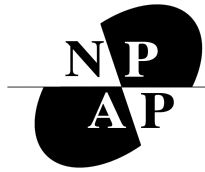
LEOBR laws also interfere with attempts to hold police officers accountable through civil rights lawsuits and public pressure. For instance, many LEOBR laws require destruction of documentation of officer misconduct that could be used as evidence in a civil suit. Additionally, LEOBR laws frequently contain provisions that strictly prohibit public access to civilian complaints and disciplinary records. This makes it difficult for communities to identify officers with a history of misconduct and to evaluate how the agency is handling bad cops.

Twenty-two states have LEOBR laws on the books.³ While the specific provisions and scope of these statutes vary from state-to-state, their impact is the same. They

¹ These laws are also often called Peace Officer Bill of Rights.

² Claudia Lauer and Colleen Long, *Across the US, most police disciplinary records are secret*, ASSOCIATED PRESS, June 13, 2020, <https://www.mercurynews.com/2020/06/12/across-the-us-most-police-disciplinary-records-are-secret/>; Eric Levenson, *Baton Rouge police chief apologizes for hiring the officer who killed Alton Sterling*, CNN, Aug. 1, 2019, <https://www.cnn.com/2019/08/01/us/alton-sterling-baton-rouge-police/index.html>.

³ Arizona (ARIZ. REV. STAT. § 38-1101, *et seq.*), Arkansas (ARK. CODE ANN. § 14-52-301, *et seq.*), California (CAL. GOV'T CODE § 3300, *et seq.*), Delaware (11 DEL. CODE ANN. § 9200, *et seq.*), Georgia. (HB 838 155TH Gen. Assem., 2nd Reg. Sess. (Ga. 2020)), Florida (FLA. STAT. § 112.532, *et seq.*), Illinois (50 ILL. COMP. STAT. §§ 725/1, *et seq.*), Indiana (IND. CODE § 36-8-2.1-1 *et seq.*), Iowa (IOWA CODE § 80F.1 *et seq.*), Kentucky (KY. REV. STAT. ANN. § 15.520),



National Police Accountability Project

A Project of the National Lawyers Guild

release police and correctional officers from accountability. LEOBR protections were created by state lawmakers and can be repealed through the state legislative process. Any legislator who is serious about police reform must vote to repeal LEOBR if it has already been enacted in their state and uncodify the protections that make employment consequences, civil liability, and public accountability more difficult. Moreover, in states where special protections currently do not exist, legislators should fervently object to their creation.

HISTORY OF LEOBR LAWS

While states have long regulated employment procedures for government workers, most jurisdiction did not enact specific protections for law enforcement officers until the 1970s.⁴ One of the reasons LEOBR statutes came to prominence during this period was to ensure compliance with two Supreme Court rulings—*Garrity v. New Jersey* and *Gardner v. Broderick*.⁵ The Court's decision in *Garrity* prohibited the use of compelled statements during disciplinary investigations in future criminal proceedings.⁶ *Gardner* prohibited internal affairs investigators from threatening an officer with termination if they refuse to waive their right against self-incrimination.⁷ Many states started contemplating enacting LEOBR laws with the intent to provide guidance to police agencies to enforce these new due process protections.⁸

Unfortunately, the statutes that were ultimately enacted did more than guarantee safeguards against unjust discipline and compelled self-incrimination. The police professionalization movement of the 1960s prompted unions to fight for legislation

Louisiana (LA. REV. STAT. § 40:2531, *et seq.*), Minnesota (MINN. STAT. ANN. § 626.89, *et seq.*), Nevada (NEV. REV. STAT. ANN. tit. 23, Ch. 289, *et. seq.*), Missouri (SB 26, 101st Gen. Assem., 1st Reg. Sess. (Mo. 2021)) New Mexico (N.M. STA. ANN. § 29-14-1, *et seq.*), Oregon (OR. REV. STAT. ANN. § 236.350, *et seq.*), Pennsylvania (PA STAT. ANN. tit. 43, §217;), Rhode Island (42 R.I. GEN. LAWS ANN. §§ 28.6 *et seq.*), Tennessee (TENN. CODE ANN. §§ 38-8-301 *et seq.*), Texas (TEX. GOV. CODE §143 *et. seq.*); Virginia (VA. CODE ANN. §§ 9.1- 500, *et seq.*), West Virginia (W. VA. CODE ANN. § 8-14A-1, *et. seq.*), Wisconsin (WIS. STAT. ANN. §§ 164.01, *et seq.*).

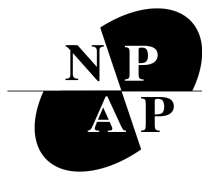
⁴ Mike Riggs, *Why Firing A Cop is Damn Near Impossible*, Reason, Oct. 19, 2012, <https://reason.com/2012/10/19/how-special-rights-for-law-enforcement-m/>.

⁵ Stephen Rushin, *Police Union Contracts*, 66 Duke L.J. 1191, 1209 (2017).

⁶ *Garrity v. New Jersey*, 383 U.S 441 (1967).

⁷ *Gardner v. Broderick*, 392 U.S. 273 (1968).

⁸ See *supra* note 5



National Police Accountability Project

A Project of the National Lawyers Guild

and union contracts that would claw back power from reformist police chiefs.⁹ That movement created new standards of competence and respectable conduct for rank and file police officers. LEOBR laws were the legislative vehicle through which police unions sought to protect their members from discipline when they failed to meet increasing expectations.¹⁰ Accordingly, the standard LEOBR statute ended up being much broader than a set of reasonable protections to preserve due process.

Over the years, LEOBR laws that were enacted in the 1970s have been amended to add even more restrictions on accountability or expanded to cover other types of law enforcement officers, including prison guards and campus police.¹¹ There have also been subsequent waves of LEOBR laws enacted since their advent. For instance, Arkansas, Minnesota, and New Mexico all passed their LEOBR laws in 1991,¹² the same year Rodney King's beating sparked national calls for police reform.¹³ Current public pressure for improved policing has similarly prompted new states to create LEOBR laws with Georgia and Missouri both passing bills in the wake of George Floyd's murder.¹⁴

COMMON LEOBR PROTECTIONS

LEOBR protections can be grouped into one of four categories: (1) restrictions on investigations into misconduct; (2) limitations on discipline; (3) limitations on transparency and civilian oversight; and (4) destruction of evidence of misconduct. Officers in states with LEOBR laws usually benefit from more than one of these restrictions.¹⁵

⁹ Kevin M. Keenan and Samuel Walker, *An Impediment to Police Accountability? An Analysis of Use of Statutory Law Enforcement Officers' Bills of Rights*, 14 PUB. INT. L.J. 185, 200 (2005).

¹⁰ *Id.*

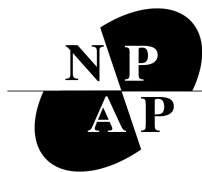
¹¹ For instance, Florida, Illinois, and Louisiana added a number of protections in 2003 and 2005. 2003 Fla. Sess. Law Serv. Ch. 2003-149 (C.S.C.S.S.B. 1856); 2005 Fla. Sess. Law Serv. Ch. 2005-100 (C.S.S.B. 656); 2003 Ill. Legis. Serv. P.A. 93-592 (S.B. 946) (West); 2007 Ill. Legis. Serv. P.A. 95-293 (H.B. 539) (West); 4 2005 La. Sess. Law Serv. Act 452 (H.B. 711).

¹² ARK. CODE ANN. § 14-52-301.; MINN. STAT. ANN. § 626.89; N.M. STAT. ANN. § 29-14-4.

¹³ See eg. Myriam E. Gilles, *Reinventing Structural Reform Litigation: Deputizing Private Citizens in the Enforcement of Civil Rights*, 100 Colum. L. Rev. 1384, 1401 (2000)(stating that "in 1991, however, the brutal beating of Los Angeles resident Rodney King by six LAPD officers, caught on tape and broadcast repeatedly in the days following the incident, focused national attention on the problem of police abuse and spurred Congress to action").

¹⁴ Georgia. (HB 838 155TH Gen. Assem., 2nd Reg. Sess. (Ga. 2020)), Missouri (SB 26, 101st Gen. Assem., 1st Reg. Sess. (Mo. 2021)).

¹⁵ See supra note 2, Appx C



National Police Accountability Project

A Project of the National Lawyers Guild

Investigations

A number of LEOBR laws provide detailed requirements for how an investigation should be conducted, including who can participate in the investigation, what evidence an officer can review prior to an interrogation, when an interrogation can take place, and what types of interrogation tactics can be used.

- *Access to Evidence and Information Before Interview*—LEOBR laws go beyond typical due process protections and allow officers to review witness statements and other evidence of misconduct prior to answering questions.¹⁶
- *Cool-Off Periods*—Police officers in most LEOBR states are entitled to a mandatory waiting period before they sit for questioning about an allegation of misconduct.¹⁷ These periods range from 14 days in Louisiana to 1 day in Missouri. The window is justified as necessary to ensure that officers have the opportunity to obtain counsel and recover from emotional trauma. Further, in states where an officer is entitled to review evidence against him prior to questioning, the mandatory wait period is functionally extended so that investigators can collect other witness statements first.¹⁸
- *Restrictions on Interrogation Tactics*—LEOBR laws include a number of restrictions on interrogation methods, including the number of people who can ask questions,¹⁹ the use of “offensive” language,²⁰ and permissible topics about which an officer can be questioned.²¹

Many of these restrictions frustrate prompt, effective investigations by undermining investigators’ ability to obtain candid responses. In particular, LEOBR restrictions on investigations provide officers with the opportunity to construct a favorable narrative that will lead to their exoneration.²² Moreover, these restrictions are

¹⁶ See eg. Arizona, Florida, Iowa, and Pennsylvania.

¹⁷ See eg. Iowa, Kentucky, Louisiana, Missouri, New Mexico, Virginia.

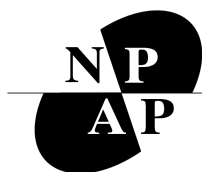
¹⁸ See Eg. Florida, Illinois, Minnesota, and Rhode Island Fla. § 112.532(d); 50 ILL. COMP. STAT. 725/3.9; MINN. STAT. ANN. § 626.89(9); R.I. GEN. LAWS § 42-28.6-2(j).

¹⁹ Ark. Code Ann. § 14-52-303(4); Cal. Gov’t Code § 3303(b); Fla. § 112.532(1)(c); O. R. S. § 236.360(2)(c).

²⁰ Fla. § 112.532(f); Ill. § 725/3.6.; N.M. Stat. Ann. § 29-14-4(D); O. R. S. § 236.360(h)(A); W. Va. Code Ann. § 8-14A-2(3).

²¹ Ind. Code § 36-8- 2.1-5(b)(10).

²² See Eg. Eli Hager, *Blue Shield: Did you know police have their own Bill of Rights*, The Marshall Project, Apr. 27, 2015, https://www.themarshallproject.org/2015/04/27/blue-shield?utm_medium=email&utm_campaign=newsletter&utm_source=opening-statement&utm_term=newsletter-20150428-168; see also Samuel Walker, *The Baltimore Police*



National Police Accountability Project

A Project of the National Lawyers Guild

problematic in principle in that they give officers preferential treatment vis-à-vis civilians who are being interrogated about officer misconduct or suspected criminal activity.²³

Discipline

LEOBR laws create procedural barriers to disciplining a police officer as well as substantive limitations on when and how corrective action can be imposed.

- *Deadlines to Impose Discipline*—In several states, an officer can only be disciplined if the investigation into their misconduct is completed within a certain number of days after their employer was notified of misconduct.²⁴ These requirements can benefit dangerous officers in busy and understaffed departments that are slower to initiate and complete an investigation. Even sufficiently staffed departments with diligent investigators would have trouble meeting the shorter deadlines in states like Louisiana that limit investigations to 75 days. The problem is exacerbated when an investigation requires forensic analysis and multiple witness interviews.
- *Hearing Rights*—While the right to contest allegations of misconduct is not in and of itself objectionable, many states have created hearing processes that are shrouded in secrecy and biased in favor of officers. For instance, some states mandate that the hearing panel be staffed entirely by an officer's peers.²⁵ A few states also require hearings to be closed to the public and confidential.²⁶
- *Limiting What Misconduct Can Be Punished*—Many states only permit police managers to discipline an officer when the initiating complaint is supported by a signed affidavit.²⁷ Also in this category are states that effectively prohibit progressive discipline by limiting supervisors from considering an officer's prior disciplinary history when making a decision.²⁸

Union Contract and the Law Enforcement Officer's Bill of Rights: Impediments to Accountability, (May 2015), <http://samuelwalker.net/wp-content/uploads/2015/06/BALTIMORE-POLICE-UNIONCONTRACTFinal.pdf>.

²³ See eg. Kate Levine, *Police Suspects*, 115 Colum. L. Rev. 1197 (2016).

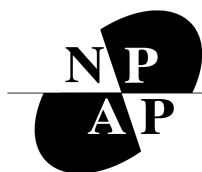
²⁴ Arizona, Georgia, Florida, Kentucky, Louisiana, Missouri, New Mexico, Oregon, Pennsylvania, and Rhode Island.

²⁵ Florida, Virginia, and Rhode Island.

²⁶ Arizona, Iowa, Nevada, Pennsylvania, and Wisconsin.

²⁷ Arkansas, Illinois, Iowa, Kentucky, New Mexico, and Rhode Island.

²⁸ Kentucky and Louisiana.



National Police Accountability Project

A Project of the National Lawyers Guild

- *Limits on the Severity of Discipline*—Some statutes prohibit a law enforcement agency from taking specific types of corrective action against an officer. For instance, Rhode Island prohibits suspension without pay even if the officer has been indicted for a felony or convicted of a misdemeanor. Similarly, California bans departments from transferring an officer to administrative duties.

These limitations not only prevent discipline from being imposed, they can often have the effect of dissuading police managers from pursuing disciplinary measures in the first place. The time and expense associated with meeting procedural requirements may steer supervisors towards coaching or other non-disciplinary forms of corrective action even for misconduct which should be sanctioned. Moreover, this set of restrictions can diminish public trust in police if the department is forced to continue to employ officers who have caused significant harm.

Civilian Oversight/Transparency

LEOBR provisions can block the public from participating in all aspects of police discipline, including prohibiting victims of misconduct from knowing when discipline had been imposed. Several LEOBR laws limit who can participate in questioning²⁹ and explicitly limit the role that civilian oversight bodies can play in conducting an investigation.³⁰ Additionally, some states shield investigatory findings, police disciplinary records, and civilian complaints from public access.³¹ These restrictions make it difficult for the public to hold departments accountable through both informal and formal means.

Erasure of Evidence

LEOBR laws place restrictions on the inclusion of certain adverse information in an officer's personnel file³² and allow for expungement of complaints and findings after a few years.³³ Erasing and excluding evidence of misconduct undermines a

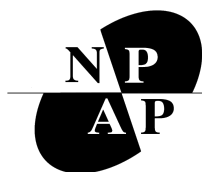
²⁹ Delaware, Florida, Indiana, and Tennessee.

³⁰ Delaware, Florida, Minnesota, and Tennessee.

³¹ Delaware, Florida, Georgia, Iowa, and Missouri.

³² California, Minnesota, Nevada, New Mexico, and Rhode Island.

³³ California, Louisiana, Nevada, and Pennsylvania. *See also* supra n. 4; Thomas J. Morgan, *Police officer convicted of kicking handcuffed woman resigns*, Providence Journal, Aug. 15, 2013, <https://www.providencejournal.com/article/20130815/news/308159904>.



National Police Accountability Project

A Project of the National Lawyers Guild

department's ability to account for repeated acts of misconduct and impose progressive discipline. Moreover, these provisions make it more difficult to pursue community and legal accountability measures. In order to sue a police agency for a civil rights violation, a plaintiff has to show their injury was the result of a departmental practice, custom, or policy. Unconstitutional policies are often not committed to writing and can only be demonstrated through evidence of repeated acts of misconduct. When these acts of misconduct are destroyed in compliance with LEOBOR statutes, plaintiffs lose evidence that is critical to holding municipalities accountable.

BARRIERS TO EMPLOYMENT CONSEQUENCES

There are many instances where a police officer was able to keep their job notwithstanding clear public evidence of their misconduct because of LEOBR protections. There are even cases where officers were able to remain on the force after being criminally convicted. For instance, a police officer in Lincoln, Rhode Island was convicted of felony battery for kicking a seated handcuffed woman in the head.³⁴ The officer was able to stay on the force after the conviction was handed down by exercising his LEOBR right to a hearing.³⁵ Before Maryland repealed its LEOBR law, an officer invoked the statute to continue paid employment with the Baltimore Police Department after he was convicted of misdemeanor evidence fabrication.³⁶

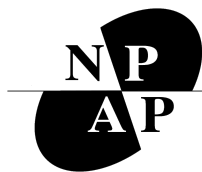
LEOBR laws can also help officers keep their job when they are involved in high-profile acts of brutality. Kentucky's LEOBR shield against suspending an officer without a hearing³⁷ played a role in the Louisville Metropolitan Police Department's decision to continue to pay the officers involved in Breonna Taylor's death—a

³⁴ *Id.*

³⁵ *Id.*

³⁶ Kevin Rector, *Caught fabricating evidence, convicted Baltimore police officer remains on force 2 ½ years later*, Baltimore Sun, Mar. 9, 2020, <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-pinheiro-appeal-20200309-ze3hkbq7vrfcfdnaeixx3rjqvu-story.html>.

³⁷ Memorandum from Dennis Simms to David Leighty (Apr. 9, 2015), <https://bloximages.newyork1.vip.townnews.com/wdrb.com/content/tncms/assets/v3/editorial/d/b7/db71db58-b0d2-11ea-9b94-a3822d2c5853/5eea72839faa5.pdf.pdf>; Marcus Green, *Louisville Officers Who Raided Breonna Taylor's home can't be suspended without pay city lawyer says*, WDRB, Jun. 18, 2020, https://www.wdrb.com/in-depth/louisville-officers-who-raided-breonna-taylor-s-home-can-t-be-suspended-without-pay-city/article_8c213c74-b0d2-11ea-a08a-339de0820deb.html.



National Police Accountability Project

A Project of the National Lawyers Guild

decision that created an additional source of pain for her grieving family.³⁸ Similarly, Wisconsin's requirement that police under investigation receive compensation while suspended ensured the officer who shot Jacob Blake in Kenosha, Wisconsin was on paid leave for the pendency of the investigation.³⁹

LEOBR laws block or substantially delay a police agency from cutting ties with their most dangerous and problematic officers. Accordingly, many police managers are unable to demonstrate their commitment to accountability and repudiate their employee's harmful conduct.

BARRIERS TO CIVIL LIABILITY

Civil lawsuits are often the only form of recourse available to victims of police abuse, especially in states with LEOBR laws where officers are particularly insulated from employment consequences. However, the same laws that protect officers from internal discipline also hinder accountability in court. First, victims of police misconduct who are pursuing relief and accountability through civil suits in LEOBR states will face difficulties proving their claims because police agencies are prohibited from collecting or keeping relevant evidence of police misconduct. As described above, LEOBR laws often prohibit the inclusion of certain civilian complaints or adverse findings in an officer's file or permit them to be purged after a statutory period. When this information is not erased or never collected, civil rights plaintiffs are unable to obtain it through discovery. Prior civilian complaints and adverse findings can help show an individual officer's liability where their motive and intent are at issue since prior wrongs and acts can be used to prove absence of mistake or accident.⁴⁰ Complaints and other disciplinary records can also be probative of municipal liability as it can show failure to properly train, supervise, and discipline.⁴¹

Similarly, LEOBR restrictions on public access to complaints and disciplinary records can make it difficult for a plaintiff to investigate and build their case.⁴² The public access restrictions in LEOBR laws often make it impossible for plaintiffs to know whether a police agency is liable for the harm they suffer and to evaluate the strength of their case. Investigation limitations in LEOBR laws can also undermine

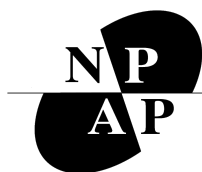
³⁸ *Id.*

³⁹ Wis. Stat. Ann. § 62.13(5)(h).

⁴⁰ Michael Avery et. al., *Police Misconduct and Litigation*, §8.4 (3ed. 2021)

⁴¹ *Id.*

⁴² *Id.* at §6:12



National Police Accountability Project

A Project of the National Lawyers Guild

a civil rights case by giving an officer an opportunity to construct a favorable narrative about their conduct that will endure throughout the case.⁴³

BARRIERS TO CIVILIAN OVERSIGHT

LEOBR laws have also prevented cities from creating effective civilian review boards.⁴⁴ The average civilian review board lacks authority to compel participation in an investigation or to issue binding discipline.⁴⁵ Civilian oversight bodies are often unable to meaningfully address misconduct because of LEOBR limits on who can investigate and discipline police officers.⁴⁶ Specifically many LEOBR laws have strict provisions requiring all interrogations be conducted by other police officers which essentially prohibits civilian oversight structures from questioning their own questioning. Further, laws that designate police disciplinary records and civilian complaints as confidential prohibit an independent community board from evaluating other types of evidence. Florida's LEOBR law was used to block Miami's civilian review board from exercising its intended investigatory functions⁴⁷ and also kept Palm Beach County from creating a commission to investigate civilian complaints.⁴⁸ Similarly, Delaware's restrictions on public access to police misconduct records have prevented Wilmington's Civilian Review Board from fulfilling its mission.⁴⁹

⁴³ Walter Olson, *Police Officer Misconduct and 'Law Enforcement Officers' Bill of Rights' Laws*, Cato Institute, Apr. 24, 2015, <https://www.cato.org/blog/police-misconduct-law-enforcement-officers-bill-rights-laws>.

⁴⁴ See supra note 3 at 189

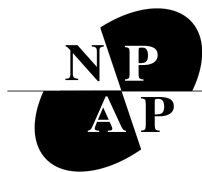
⁴⁵ Marlene Lenthag, *Police Oversight Boards Are Proliferating But Do They Actually Work?*, ABC News, June 4, 2021, <https://abcnews.go.com/US/police-oversight-boards-proliferating-work/story?id=77919091> (noting only 6% of civilian review boards have disciplinary authority and 40% have subpoena power).

⁴⁶ See Eg. Natalie Delgadillo, *Civilian Oversight of Police Appeals to Many. But Is It Always Effective*, Governing Magazine, May 22, 2017, <https://www.governing.com/archive/gov-civilian-oversight-police-charter-amendment.html> (quoting observations about the ineffectiveness of civilian review boards from policy experts from the CATO Institute and the ACLU of Southern California).

⁴⁷ *D'Agostino v. City of Miami*, 220 So. 3d 410 (Fla. 2017)

⁴⁸ Rhonda Swan, *Residents should create their own police oversight board*, South Florida Sun Sentinel, Sept. 7, 2015, <https://www.sun-sentinel.com/opinion/fl-rscol-oped0907-20150907-column.html>.

⁴⁹ Sean Greene, *Wilmington City Council pushing for Delaware Law Enforcement Bill of Rights reform*, WDEL, Jun. 7, 2021, https://www.wdel.com/news/wilmington-city-council-pushing-for-delaware-law-enforcement-bill-of-rights-reform/article_55dceff6-c730-11eb-8494-07dcd11040b5.html; Amy Cherry, *Civil rights, social justice advocates to push General Assembly*



POLICE OFFICERS DO NOT NEED SPECIAL STATUTORY PROTECTIONS

LEOBR laws are often justified as necessary to protect officers' due process rights in light of the investigation tactics and disciplinary measures unique to the law enforcement profession.⁵⁰ However, it is difficult to justify LEOBR laws on due process grounds when civilians are subject to the same procedures while facing a deprivation of their liberty, an interest much greater than one's employment. Police unions also argue that officers need special confidentiality rights because they are subject to greater public scrutiny.⁵¹ This argument ignores a heightened public interest in police vis-à-vis other government employees. Members of the public are interested in police and correctional officer personnel matters because they are in a singular position to take a person's life or liberty pursuant to their job duties. The public's stake in police and corrections officer disciplinary matters should warrant fewer restrictions on public participation not more. Locking out public voices and civilian oversight from the disciplinary process will deepen the divide between communities and law enforcement.

Police and corrections officers undoubtedly deserve due process but LEOBR laws in their current iteration are not necessary to provide these protections. The U.S. Constitution ensures that police officers cannot be coerced to incriminate themselves in order to avoid employment consequences. While LEOBR laws are not necessary to protect police officers from unfair treatment, repealing these laws is essential to improving accountability, increasing transparency, and rebuilding community trust. Maryland has already recognized the disproportionate harm its LEOBR law caused and passed legislation to repeal it.

CONCLUSION

The employment benefits of law enforcement officers cannot come at the expense of public safety. When the worst officers cannot be investigated or disciplined, they remain a continuing threat to the communities they police. LEOBR statutes make internal discipline nearly impossible. These statutes also can severely undermine accountability through civil legal and community oversight mechanisms. There is

to make police reforms, WDEL, Apr.21, 2021, https://www.wdel.com/news/civil-rights-social-justice-advocates-to-push-general-assembly-to-make-police-reforms/article_d668df72-a2cf-11eb-b867-eb27b50a8201.html.

⁵⁰ See supra note 19

⁵¹ *Id.*



National Police Accountability Project
A Project of the National Lawyers Guild

no reason these statutes should be enacted, expanded, or permitted to remain on the books.

We urge every state legislator to oppose attempts to create these laws and take action to repeal statutes that already exist. NPAP is eager to assist with these efforts. Please do not hesitate to contact us at legal.npap@nlg.org if you are interested in fighting LEOBR laws in your state.