No. 24-16

In the Supreme Court of the United States

ANTHONY MONROE, PETITIONER

v.

TERRY CONNER, ET AL., RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF OF LAW ENFORCEMENT ACTION PARTNERSHIP AS AMICUS CURIAE SUPPORTING PETITIONER

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INTEREST OF AMICUS CURIAE

The Law Enforcement Action Partnership (LEAP) is a nonprofit organization comprised of police, prosecutors, judges, corrections officials, and other law enforcement veterans advocating for criminal justice and other reforms to make our communities safer and more just.

Police accountability is a central interest of LEAP. LEAP understands that accountability is essential for community trust and effective policing and that the failure to hold police accountable for misconduct undermines the ability of all police to do their jobs. Affording victims of police misconduct a reasonable opportunity to seek redress through Section 1983 civil rights litigation is key to this accountability. This petition is therefore important to LEAP because it presents the question whether Louisiana's statute of limitations is so short as to undermine the goals of Section 1983 and foreclose this essential avenue of redress.[1]

INTRODUCTION AND SUMMARY OF ARGUMENT

This case will help determine whether victims of police misconduct in Louisiana are afforded a reasonable time to seek redress in court, as Congress

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[1] Pursuant to this Court's Rule 37.2, *amicus* affirms that counsel of record for all parties received notice of its intention to file this brief at least 10 days prior to the due date.

Pursuant to Rule 37.6, *amicus* affirms that no counsel for any party authored this brief in whole or in part and that no person or entity other than *amicus*, its members, or counsel made a monetary contribution to the brief's preparation or submission.

intended over a century and a half ago when it passed the Enforcement Act of 1871 (today codified in relevant part at 42 U.S.C. § 1983). Because of Louisiana's extremely short statute of limitations, victims of police misconduct in Louisiana face unwarranted obstacles to vindication of their rights. *Amicus* urges this Court to grant the petition for certiorari because, for four reasons, it presents an important question of federal law.[2]

First, Louisiana's one-year statute of limitations for Section 1983 claims[3] significantly burdens the vindication of civil rights. This is so because both practical hurdles (such as the need to attend to injury from the misconduct) and legal obstacles (such as the need to find counsel or resolve criminal charges related to the incident) make it impractical and sometimes impossible to file a Section 1983 claim within one year. Moreover, Doe defendant rules in Louisiana and the Fifth Circuit make it imperative to file well before the already-short limitations period in

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[2] *Amicus* recently filed a virtually identical brief in *Brown v. Pouncy*, No. 23-1332 (June 18, 2024), a case presenting the same question of federal law. *Amicus* is filing this brief here to illustrate both (1) the importance of the question for the vindication of Mr. Monroe's civil rights, and (2) that the question presented in Mr. Brown's petition affects many other similarly situated civil rights plaintiffs.

[3] On June 3, 2024, Louisiana enacted Act No. 423, which alters the state's residual statute of limitations and lengthens it to a two-year period. *See* 2024 La. Sess. Law. Serv. Act 423 (H.B. 315) (West). This change will only apply to injuries suffered after July 1, 2024. The new statute of limitations does not affect claims brought by plaintiffs before that date in Louisiana (nor Kentucky, Tennessee, and Puerto Rico), which remain subject to the one-year statute of limitations.

cases where plaintiffs need discovery to learn the identities of all involved officers.

Second, when victims have no path to redress for civil rights violations, community trust in policing erodes, causing citizens to rely less on police. Louisiana's one-year statute of limitations forecloses this potential path to redress in many instances.

Third, when a community understands that individual wrongdoers among law enforcement are not held to account, community trust further erodes. This erosion undermines safe and effective policing.

Finally, and perhaps counter-intuitively, a longer statute of limitations for Section 1983 claims may result in fewer claims ultimately being filed, as it is often the failure of police departments to take citizens' complaints seriously that necessitates litigation. A reasonable opportunity for police departments to investigate citizens' complaints may satisfy more victims and obviate the need to file certain Section 1983 claims.

ARGUMENT

I. A ONE-YEAR STATUTE OF LIMITATIONS SIGNIFICANTLY BURDENS THE VINDICATION OF CIVIL RIGHTS AND DOOMS MANY MERITORIOUS CLAIMS.

A. FOR MANY LEGITIMATE REASONS, CIVIL RIGHTS CLAIMS CANNOT ALWAYS BE FILED QUICKLY.

Filing a civil rights claim is no easy feat. Section 1983 is a notoriously complex law, full of traps for the unwary. This Court summarized the challenges of bringing Section 1983 litigation in *Burnett v. Grattan*, 468 U.S. 42, 50–51 (1984):

> Litigating a civil rights claim requires considerable preparation. An injured person must recognize the constitutional dimensions of his injury. He must obtain counsel, or prepare to proceed *pro se*. He must conduct enough investigation to draft pleadings that meet the requirements of federal rules; he must also establish the amount of his damages, prepare legal documents, pay a substantial filing fee or prepare additional papers to support a request to proceed *in forma pauperis*, and file and serve his complaint. At the same time, the litigant must look ahead to the responsibilities that immediately follow filing of a complaint. He must be prepared to withstand various responses, such as a motion to dismiss, as well as to undertake additional discovery.

For persons injured in an encounter that gave rise to a civil rights claim, these difficulties are magnified: They may be dealing with a physical or mental injury from the encounter, as well as loss of income if an injury interfered with their employment. Addressing these emergencies will understandably take priority over finding an attorney and considering litigation.

Likewise, the interplay with criminal proceedings can cause delay in filing civil rights lawsuits for both practical and legal reasons. The practical reason is that many attorneys will not take a civil rights case, even for investigation, while the potential plaintiff is facing criminal charges. Among other things, this reluctance can stem from fear of retribution against an arrestee facing pending charges, concern about complicating a criminal case with reciprocal civil discovery, or the difficulties of conducting the pre-

filing investigation required by Rule 11 of the Federal Rules of Civil Procedure during a criminal proceeding.

The legal reason that criminal charges often delay the filing of civil rights cases is that many claims against police officers arise from the circumstances of an arrest. A plaintiff who brings a Section 1983 suit for malicious prosecution or false arrest must obtain a "favorable termination" of the criminal prosecution. *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). While the "favorable termination" requirement does not require an acquittal or other "affirmative indication" of innocence, it does require some termination of the proceedings, even if only an unexplained dropping of the charges. *Thompson v. Clark*, 596 U.S. 36, 39 (2022). This process frequently takes more than a year.

For example, a study by the National Center for State Courts found that in one sample, 25 percent of felony cases remain unresolved for over 365 days after filing. Brian Ostrom et al., *Timely Justice in Criminal Cases: What the Data Tells Us*, Nat'l Ctr. for St. Cts., 2020, at 14. Notably, measuring the time from filing to disposition actually understates the statute of limitations problem, because the statutes can begin to run when a defendant is "bound over by a magistrate"—even before arraignment. *Wallace v. Kato*, 549 U.S. 384, 389 (2007). And Louisiana also allows prosecutors up to 60 days to file a felony indictment against defendants held in custody after an arrest. La. Code Crim. Proc. art. 701(B)(1)(a). This extends to 120 days if the indictment is for a felony punishable by death or life imprisonment. *Id.* 701(B)(1)(b). Other states provide for similarly long delays between arrest and indictment. *See, e.g.*, Ark. R. Crim. Proc. Rule 8.6 (Arkansas, 60 days); Ga. Code § 17-7-50 (Georgia, 90

days); Iowa R. Crim. Proc. Rule 2.33(2)(a) (Iowa, 45 days). It is therefore possible for a defendant's claim for false imprisonment, for example, to accrue within 3 days of arrest, but for over 57 days to elapse before a felony indictment is filed and well over one year before any "favorable termination" is achieved. The combination of *Heck*'s "favorable termination" requirement with a short statute of limitations therefore frustrates many Section 1983 claims, deeming them out-of-time before they can even be filed.

Moreover, courts have created an interpretive patchwork as they have decided when different Section 1983 claims accrue. A notable example is the ongoing disagreement regarding when a Section 1983 claim for false imprisonment accrues. The Fifth Circuit has held that a Section 1983 claim for false imprisonment accrues "once legal process is initiated." *Johnson v. Harris County*, 83 F.4th 941, 945–46 (5th Cir. 2023). The Seventh Circuit, on the other hand, has held that a false imprisonment claim accrues only "when the detention ends." *Manuel v. City of Joliet, Illinois*, 903 F.3d 667, 670 (7th Cir. 2018). It reached this conclusion in part because "the existence of detention forbids a suit for damages contesting that detention's validity." *Id.* The Seventh Circuit thus recognized that "Section 1983 cannot be used to contest ongoing custody that has been properly authorized" until the custody ends, and a case based on a post-release accrual of claims is "entitled to a decision on the merits." *Id.* This poses no issue in states with sufficiently lengthy statutes of limitations. However, in states like Louisiana, this means that those arrested (before the recent change to Louisiana's statute of limitations) may be required to contest an indictment while in custody while also gathering the required

discovery and information to file a false imprisonment claim within the one-year statute of limitations. In other states, those in custody will not face a shortly-expiring statute of limitations that forces them to expend scarce resources to gather that information while still detained. This asymmetry frustrates federal interests in uniformity and denies many Section 1983 claimants their sole opportunity to seek compensation for violations of civil rights.

B. IN CASES INVOLVING DOE DEFENDANTS, PLAINTIFFS MUST FILE WELL BEFORE THE ONE-YEAR STATUTE RUNS OUT, MAKING THE LIMITATIONS PERIOD EVEN SHORTER.

For many victims of civil rights abuses, the formidable difficulties of bringing a timely claim are exacerbated by the interplay of pleading rules with filing deadlines. When a plaintiff does not know the alleged violators' names, it is common to sue so-called "Doe" defendants who will be named once their identities are ascertained. Police misconduct litigation often requires this procedure because officers do not always identify themselves to victims, or victims—many of whom suffered injury or trauma—do not know or recall the perpetrators' names. Thus, civil rights actions are among the most common categories of civil cases to be pleaded against Doe defendants. Teressa Ravenell, *Unidentified Police Officials*, 100 Tex. L. Rev. 891, 898–99 (2022). Such Doe defendant cases have played an important role in the development of civil rights law. *See, e.g.*, *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). Frequently, it takes discovery

for the identities of the officers involved to be ascertained.

The problem arises because of the time it can take to begin and conduct discovery, resolve discovery disputes, and receive the necessary identifying information to replace Doe defendants with named defendants. Under Rule 26(d)(1), discovery in most cases cannot begin until the parties have conferred as required by Rule 26(f). And Rule 26(f) requires that conference to take place no more than 21 days prior to the scheduling conference or scheduling order required under Rule 16(b), which in turn can occur as late as 90 days after service or 60 days after a defendant appears. Thus, for example, in a case filed on June 1, it is likely that productions of documents, interrogatory responses, and other substantive discovery do not begin until August, and possibly not until much later if threshold discovery disputes remain unresolved.

Accordingly, a named defendant may (intentionally or not) stall the identification of Doe co-defendants by objecting to the scope of plaintiff's discovery requests, or by providing only limited responses. *See, e.g.*, *Famous v. Pollard*, 449 F. App'x 515, 518 (7th Cir. 2011) (affirming denial of discovery extension where *pro se* plaintiff asserted inadequacy of discovery responses in identifying Doe defendants as reason for delay).

Section 1983 police misconduct defendants may also file motions to dismiss and request stays of plaintiff's discovery requests pending the motion. *See* Joanna C. Schwartz, *After Qualified Immunity*, 120 Colum. L. Rev. 309, 340 (2020). Even where a court denies the stay of discovery, the motion itself can slow

the identification of Doe defendants. *See, e.g.*, *Idiakheua v. New York State Dep't of Corr. & Cmty. Supervision*, No. 20-CV-4169 (NGG) (SJB), 2022 WL 10604355, at *3 (E.D.N.Y. Oct. 18, 2022) (describing procedural history in Section 1983 action that included two motions for stay of discovery and eventual identification of Doe defendants two and a half years after filing of original complaint).

The interplay of these complex discovery timing rules with the statute of limitations can undermine the ability to bring Section 1983 claims—a predicament well illustrated by *Balle v. Nueces County, Texas,* 952 F.3d 552 (5th Cir. 2017). In *Balle*, the plaintiff filed a Section 1983 suit over injuries he allegedly sustained in custody. *Id.* at 555–56. Not knowing the names of some of the medical personnel who allegedly violated his rights, he named Doe defendants. *Id.* at 556. Seven months after filing the complaint, the plaintiff amended it to name the two medical professionals he had identified through discovery. *Id.* The Fifth Circuit affirmed dismissal of the plaintiff's claims against these defendants, holding that the claims were barred by the statute of limitations and did not relate back to the original complaint under Rule 15(c)(1). *Id.* at 556–58.

Because the technical nature of Doe pleading and its interplay with the relation back doctrine is so important in civil rights cases, it is worth explaining the Fifth Circuit's *Balle* decision in some detail.

Relation back for Doe defendants in Section 1983 actions, like the statute of limitations for such claims, depends in part on state law. At least one state, New York, provides a "special procedure" for claims against Doe defendants, which allows Section 1983 claims to

be "deemed amended" after the identification of the Doe defendants.[4] But the laws of other states, like Texas and Louisiana, do not offer similar procedures. In those states, the combination of a short statute of limitations period and potential unavailability of relation back further reduces a plaintiff's time to bring a Section 1983 claim. Indeed, in *Balle*, the observation that the applicable Texas law was "silent on the issue of tolling and relation back" led the court to conclude that relation back under Rule 15(c)(1)(A) was unavailable. *Balle*, 952 F.3d at 557.

Citing circuit precedent, and consistent with the rule in most circuits,[5] the Fifth Circuit also rejected relation back under Rule 15(c)(1)(C), which allows a claim against a newly named defendant to relate back to the original filing date when the party to be brought in "knew or should have known that the action would have been brought against it, but for a mistake concerning the proper party's identity." *See Balle*, 952

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[4] *See Hogan v. Fischer*, 738 F.3d 509, 518–20 (2d Cir. 2013) (quoting N.Y. C.P.L.R. 1024) (holding that New York statute allows relation back of amended pleadings in Section 1983 claims against Doe defendants and allowing relation back under Rule 15(c)(1)(A)).

[5] The Fifth Circuit noted that the majority of circuits to have considered the issue have likewise found that amendments to add the names of Doe defendants do not fall within Rule 15's relation back authority to correct mistakes. *See Balle*, 952 F.3d at 557 n.3; *see also Smith v. City of Akron*, 476 F. App'x 67, 69–70 (6th Cir. 2012) (collecting cases rejecting use of relation back to add names of unknown defendants).

F.3d at 557–58 (quoting Fed. R. Civ. P. 15(c)(1)(C)(ii)).[6]

Finally, the Fifth Circuit considered equitable tolling, a doctrine that "preserves a plaintiff's claims when strict application of the statute of limitations would be inequitable." *Balle*, 952 F.3d at 558 (quoting *Lambert v. United States*, 44 F.3d 296, 298 (5th Cir. 1995)). Reasoning that "Balle's inability to determine the identities of the Jane Does before the limitations period had run was attributable to his own decision to file his suit so close to the end of the limitations period," the court held that "equitable tolling was unnecessary." *Id.*

The lesson of *Balle* and similar cases is clear: Plaintiffs who require discovery to identify responsible defendants must file significantly earlier

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[6] Scholars and courts have expressed concern about the conclusion that an amendment identifying a Doe defendant does not relate back under Rule 15(c). *See, e.g.*, *Singletary v. Pa. Dep't of Corr.*, 266 F.3d 186, 201 n.5 (3d Cir. 2001) ("highly problematic" for courts not to view the replacement of a Doe defendant as a mistake under Rule 15). Although not involving Doe defendants, this Court held in *Krupski v. Costa Crociere S. p. A.*, 560 U.S. 538 (2010), that "relation back under Rule 15(c)(1)(C) depends on what the party to be added knew or should have known, not on the amending party's knowledge or its timeliness in seeking to amend the pleading." *Id.* at 541. The "'lack of knowledge is not a mistake' rationale" may be "hard to justify" after *Krupski*. *See* Edward F. Sherman, *Amending Complaints to Sue Previously Misnamed or Unidentified Defendants After the Statute of Limitations Has Run: Questions Remaining From the* Krupski *Decision*, 15 Nev. L.J. 1329, 1345–46, 1348 (2015) ("The dilemma of a plaintiff whose civil rights have been violated by a government officer whose name or identity is not known is just great as Mrs. Krupski's inability to discover within the statute of limitations period the correct corporation that owned the vessel on which she was injured.").

than allowed by Louisiana's already-short one-year statute of limitations. Yet, individuals without lawyers are unlikely to understand the intricacies of Doe pleading and their interaction with filing deadlines.

The combination of all these factors (the inherent complexity of Section 1983 litigation, the difficulty of finding attorneys, the need to attend to medical, employment or other needs before turning to litigation, the "favorable termination" requirement for many cases, and the need to file early in a case involving Doe defendants) means that many civil rights plaintiffs with meritorious claims will simply never be able to assert them within the short time a one-year statute of limitations affords. This state of affairs is grossly inconsistent with this Court's recognition that application of a state statute of limitations must be consistent with the goals of Section 1983. *See, e.g.*, *Burnett*, 468 U.S. at 47 ("courts are to apply state law only if it is not 'inconsistent with [the goals of Section 1983]'") (quoting 42 U.S.C. § 1988).

II. COMMUNITY TRUST, AND THEREFORE EFFECTIVE POLICING, IS UNDERMINED WHEN VICTIMS LACK REDRESS FOR CIVIL RIGHTS VIOLATIONS.

Modern policing theory recognizes that effective policing depends on cooperation between police and the communities they serve.[7] Cooperation comes in

[7] *See* President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, 1, 41 (2015) ("Community policing combines a focus on intervention and prevention through problem solving with building *(cont'd)*

different forms, such as reactive use of police services (including making 911 calls or cooperating with investigations) and deferring to the police's use of discretionary authority. Sunshine & Tyler, *supra* note 7, 516–18, 541–42. When members of the public view the police as legitimate and accountable to them, they are more likely to cooperate by reporting crimes or volunteering their time to work with police in their communities. *Id.* at 526.

Distrust of police has been linked to diminished use of police services. *See, e.g.*, Matthew Desmond, Andrew V. Papachristos, & David S. Kirk, *Police Violence and Citizen Crime Reporting in the Black Community*, 81 Am. Soc. Rev. 857 (2016). In poor, minority communities, residents are more likely to have negative views of the criminal justice system, which "is widely believed to result in citizens withdrawing from the police, particularly by refusing to report crime to the authorities." *Id.* at 858.[8]

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collaborative partnerships between law enforcement agencies and schools, social services, and other stakeholders. In this way, community policing not only improves public safety but also enhances social connectivity and economic strength, which increases community resilience to crime. And, as noted by one speaker, it improves job satisfaction for line officers, too."); Jason Sunshine & Tom R. Tyler, *The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing*, 37 L. & Soc'y Rev. 513 (2003); Int'l Ass'n of Chiefs of Police, *IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust* 1 (2015).

[8] *See also Majority of Public Favors Giving Civilians the Power to Sue Police Officers for Misconduct*, Pew Rsch. Ctr. (July 9, 2020), https://www.pewresearch.org/politics/2020/07/09/majority-of-public-favors-giving-civilians-the-power-to-sue-police-officers-for-misconduct/ (survey results showing 34% of white *(cont'd)*

A recent experimental study by the Yale Justice Collaboratory involving over 600 Black Americans confirmed this insight. Researchers tested the effects of various scenarios involving trust on community members' willingness to cooperate with police. Thomas C. O'Brien, Tracey L. Meares, & Tom R. Tyler, *Reconciling Police and Communities with Apologies, Acknowledgements, or Both: A Controlled Experiment*, 687 Annals Am. Acad. Pol. & Soc. Sci. 202, 207–08 (2020). Respondents who reported that police were not procedurally just (in other words, did not treat community members fairly) were less likely to cooperate with police than those who believed police were procedurally just. *Id.* at 209–10. Also, among those who did not view police favorably or as procedurally just, cooperation increased only when respondents were presented with the scenario where the police officer both acknowledged responsibility and apologized for community distrust. *Id.* Researchers found that for Black individuals, who experience and perceive lower levels of procedural justice in their interactions with police,[9] public acknowledgement and apology from police leadership both rebuild the community's trust and encourage

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Americans believe police are doing "an excellent or good job of holding officers accountable for misconduct," whereas only 12% of Black Americans believe the same).

[9] *See, e.g.*, Rob Voigt et al., *Language From Police Body Camera Footage Shows Racial Disparities in Officer Respect*, 114 Proceedings Nat'l Acad. Scis. 6521 (2017); Pew Rsch. Ctr., *supra* note 8 (survey results showing 42% of white Americans believe police are doing "an excellent or good job of treating racial and ethnic groups equally," whereas only 9% of Black Americans believe the same).

community members to cooperate with the police. *Id.* at 210–13.

Both research and experience show that, when community members see civil rights violations go unremedied, their faith and trust in the police plummets. "When you have police officers who abuse citizens, you erode public confidence in law enforcement. That makes the job of good police officers unsafe." Anthony Stanford, *Copping Out: The Consequences of Police Corruption and Misconduct* 153 (2015) (quoting legal scholar and former U.S. Civil Rights Commission chair Mary Frances Berry).

Thus, failures of accountability erode the trust between police and citizens, making policing less effective and causing citizens to rely less on police. It is therefore essential for victims of civil rights violations by the police to access a viable path to redress. Louisiana's unreasonably short statute of limitations forecloses this path for many deserving victims.

III. WHEN INDIVIDUAL BAD ACTORS ARE NOT HELD TO ACCOUNT FOR MISCONDUCT, COMMUNITY TRUST AND EFFECTIVE POLICING ERODE.

Accountability for specific incidents of police wrongdoing is also essential to building and maintaining that trust. As a Minnesota prosecutor recently explained, "there's nothing worse for good police than a bad [officer] who doesn't follow the rules, who doesn't follow procedure, who doesn't follow training, who ignores the policies of the department . . ." Trial Tr. 5721:7-11, *Minnesota v. Chauvin*, 27-CR-20-12646 (Hennepin Cnty. Minn. Apr. 19, 2021).

Holding officers accountable for civil rights violations helps build trust and promote safe and

effective policing. As the prosecutors stressed in the 2021 trial of Officer Derek Chauvin for the murder of George Floyd, their case was "not an anti-police prosecution" but "a pro-police prosecution." *Id.* at 5274:15–16.

A "natural experiment" in Chicago after the 2014 fatal police shooting of Laquan McDonald, an unarmed Black youth, confirms the insight that for many individuals, accountability for instances of police wrongdoing is essential to community trust. After the video of McDonald's death emerged in November 2015, Chicago leaders established an independent Police Accountability Task Force, fired the police chief, and released hundreds of videos of police-citizen encounters. Tammy Rinehart Kochel & Wesley G. Skogan, *Accountability and Transparency as Levers to Promote Public Trust and Police Legitimacy: Findings from a Natural Experiment*, 44 Policing 1046, 1047–48 (2021). The city leaders also supported a federal investigation into the Chicago Police Department ("CPD"), which determined that police misconduct, including the McDonald shooting, broke the trust between Chicago neighborhoods and police because "CPD officers who violate the law" had been allowed "to escape accountability."[10] This breach

[10] U.S. Dep't of Just., Civ. Rights Div. & U.S. Att'y's Off., N.D. Ill., *Investigation of the Chicago Police Department* 1, 25–26 (2017) (describing the shooting of McDonald as among "numerous incidents where CPD officers chased and shot fleeing persons who posed no immediate threat to officers or the public"); *see also Illinois v. Chicago*, No. 17-cv-6260, 2019 WL 398703 (N.D. Ill. Jan. 31, 2019) (memorandum opinion and order approving proposed consent decree); *5 Takeaways From Scathing Department of Justice Report on Chicago Policing*, ABC News, Jan. 13, 2017, *(cont'd)*

in trust "eroded CPD's ability to effectively prevent crime; in other words, trust and effectiveness in combating violent crime are inextricably intertwined." U.S. Dep't of Just., *Investigation of the Chicago Police Department*, *supra* note 10, at 1–2. "Actions that make plain to the public that police acted inappropriately may seem counterintuitive as a strategy to restore trust," but by proactively making changes, government leaders embraced cornerstones of police accountability: answerability (showing the government could hold itself accountable) and responsiveness (showing it acted out of concern for the public). Kochel & Skogan, *supra*, at 1048.

To study the real-world effects of these accountability measures, researchers surveyed 841 Chicago residents before and after the release of the McDonald shooting video and subsequent reform efforts. *Id.* at 1051. The participants were asked questions to measure their trust in Chicago police generally and in police working in their own neighborhoods, as well as their views on police legitimacy. *Id.* at 1051–54. The researchers found that Black residents showed "increasing levels of trust" and "responded favorably to local debates over police misconduct and reform, affirming the significance of the [President's Task Force on 21st Century Policing's] recommendations." *Id.* at 1055–56. Overall, Black respondents' trust in the Chicago police and their own neighborhood police increased after the reforms were instituted, demonstrating that trust can

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https://abcnews.go.com/US/takeaways-scathing-department-justice-report-chicago-policing/story?id=44757551.

be rebuilt through transparency and accountability measures. *Id.* at 1055.

These findings are consistent with those in other cities looking to rebuild trust after accountability failures. For example, from 2006 to 2011, researchers surveyed nearly 4,000 citizens in a large city, covering the time after the city "made significant changes to its police accountability and oversight framework."[11] The city's original citizen review board was underfunded, understaffed, had weak investigatory powers, and even the local police union believed it was ineffective. De Angelis & Wolf, *supra* note 11, at 238. After a series of officer-involved shootings of unarmed and mentally ill citizens, the city created a new oversight agency in 2005 and gave the new agency a larger budget and more staff members, including lawyers, community specialists, and an advisory board. *Id.* at 239. The agency's fundamental goal "was to increase the public's trust in local law enforcement by improving the transparency, thoroughness, [and] efficiency of investigations into community complaints and critical incidents." *Id.* Each year, researchers surveyed citizens about their satisfaction with police services, officer accountability, and community safety. *Id.* at 237–46.

Over the five years of the study, respondents' "attitudes toward police accountability [were] not just

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[11] Joseph De Angelis & Brian Wolf, *Perceived Accountability and Public Attitudes Toward Local Police*, 29 Crim. Just. Stud. 232, 238–39 (2016). The researchers do not identify the city, but do include some demographic information, such as that the city has a population of over 250,000 people, one large municipal police department of about 1,000 sworn employees, and a sheriff's office of about 800 sworn employees. *Id.*

the strongest but also the most consistent predictor of police satisfaction" each year. *Id.* at 247. When respondents indicated that they were satisfied with accountability efforts to control police conduct, they were more likely to rate police services positively. *Id.* at 246. In 2011, respondents showed a decline in perceived accountability and satisfaction with the police directly after the oversight agency published reports criticizing the city for "failing to adequately discipline officers who were alleged to have used excessive force." *Id.* at 246–47.

Louisiana's extremely brief statute of limitations undermines the critical role of police accountability: when citizens see that officers are not held accountable because victims cannot file meritorious cases quickly enough, community trust suffers.

IV. AFFORDING A REASONABLE TIME TO FILE SECTION 1983 CASES WILL FACILITATE MORE THOROUGH INTERNAL INVESTIGATIONS AND MAY THEREBY OBVIATE THE NEED FOR SOME CASES TO BE FILED AT ALL.

Counterintuitively, allowing a more reasonable time for civil rights plaintiffs to file Section 1983 cases might result in fewer such cases being filed. This is because many victims of civil rights violations, especially those without significant personal injury or property damage, primarily seek acknowledgment of the wrong they suffered and a promise of consequences for wrongdoers or a change in policy. *See, e.g.*, Brent T. White, *Say You're Sorry: Court-Ordered Apologies as a Civil Rights Remedy*, 91 Cornell L. Rev. 1261, 1269–72 (2006) (noting that scholarly literature as well as the author's experience with civil rights

claimants documents the desire of litigants for acknowledgment and apology). In the civil rights context, this desire is often expressed by the filing of a complaint with the police department. In LEAP's experience, it is often the failure of police departments to take such complaints seriously that necessitates the filing of litigation: if the community trusts the police to investigate, report back on mistakes, and take corrective action, the need for litigation declines.

An unreasonably short statute of limitations undermines the opportunity for an internal process to reach a transparent and reliable result that might satisfy the victim. Research shows that police misconduct investigations can be lengthy and take more time than investigations into other issues, such as work performance. Thomas Mrozla, *Complaints of Police Misconduct: Examining the Timeliness and Outcomes of Internal Affairs Investigations*, 58 Soc. Sci. J. 286, 297 (2021). But with a one-year statute of limitations, victims cannot wait for the result of an internal investigation before deciding whether litigation is necessary. Thus, the short statute of limitations precipitates the filing of lawsuits that might otherwise be obviated by a robust internal investigation and resulting accountability measures.

CONCLUSION

For all of the foregoing reasons, *amicus* Law Enforcement Action Partnership urges the Court to grant the petition.

Respectfully submitted.

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