

March 25, 2021

Re: HB 1727 - The Bad Apples in Law Enforcement Accountability Act

Position: SUPPORT

To: House Restorative Justice Committee

Dear Chairperson Cassidy and Members of the Restorative Justice Committee:

Thank you for the opportunity to testify today. My name is Dave Franco. I was a Chicago Police Officer for 30 years. I am here on behalf of an organization of law enforcement professionals, the Law Enforcement Action Partnership – LEAP, of which I am a speaker and member.

LEAP has asked me to address this body in support of **HB 1727**, which would remove unnecessary barriers so courts can hold police officers accountable when they violate a person's constitutional rights in Illinois.

Law Enforcement Action Partnership (LEAP) is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience.

Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and addressing the root causes of crime.

In order to improve public safety, we need to build trust in law enforcement, and in order to build trust, there must be transparency and accountability. As such, we believe it is crucial to end a legal doctrine that has contributed to the erosion of public trust in the justice system and made all of us less safe: that is **qualified immunity**.

One major reason that people do not trust law enforcement is that they believe police are not held accountable to the law. A key reason for this belief is the qualified immunity doctrine.

Qualified immunity can prevent legitimate cases from being heard when someone files a civil lawsuit because a police officer violated their constitutional rights.

The doctrine holds officers and their agencies harmless unless the officer's action has already been "clearly established" as a constitutional violation in that court's jurisdiction.

We understand firsthand why police are concerned about losing the qualified immunity defense, and we want to be clear that this concern is not warranted.

First, qualified immunity is not the officer's lone shield protecting us from a flood of frivolous lawsuits. A **Yale Law Study** shows that judges dismiss cases on qualified immunity grounds in less than [four percent](#) of civil rights cases involving law enforcement.

Second, when a case makes it into court, qualified immunity is not the officer's only defense for actions that were reasonable or in good faith. Our real protection is the Fourth Amendment itself, which is only violated by "*unreasonable* searches or seizures."

Finally, a major law enforcement concern is that officers will be bankrupted by settlements, judgments, or personal liability insurance. When officers' actions lead to settlements or judgments against them, **NYU Law Study** shows that 99% of the bills get paid by cities. Governments foot the bill even when indemnifying the officer is against local law or policy, and even when the officer is terminated or convicted in criminal court for their conduct.

Qualified immunity is also deeply unpopular. A **Pew Research Center Study** points out that two thirds of Americans say that civilians need to have the power to sue police officers in order to hold them accountable for misconduct and excessive use of force, even if that makes police work more difficult.

In fact, we believe it will make police work easier by helping us rebuild community trust.

HB 1727 is an important step in the right direction to build community trust in law enforcement. This legislation sends a message to the people of Illinois who believe that police are not held accountable for their unconstitutional actions against citizens. We urge you to restore accountability to those of us charged with upholding the law and protecting our communities. The safety of our communities requires no less.

Thank you for the opportunity to share LEAP's perspective in support of this bill. I will be happy to forward the links to the studies that I referenced and again, I thank you.