

May 3, 2021

The Honorable Douglas Ducey
Governor of the State of Arizona
1700 West Washington Street
Phoenix, Arizona 85007

Dear Governor Ducey:



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May Lu
President

Terri Leon
*Interim Executive
Director*

The ACLU of Arizona writes today to encourage you to veto House Bill 2567: peace officers; investigator membership requirements. We ask that at this time of national reflection on race, calls for racial justice, and demands for increased police accountability after the police killings of George Floyd, Breonna Taylor, Daunte Wright and too many others, you reject state legislative attempts to prevent local communities from establishing systems of accountability and transparency in policing. HB 2567 is wrong for this moment and wrong for Arizona.

Arizonans deserve policing that is safe, accountable, and transparent. Unfortunately, the sole purpose of HB 2567 is to deny victims of police misconduct an opportunity for justice. HB 2567 would require two-thirds of any body that reviews police misconduct to be law enforcement officers from the same department where the misconduct took place. As academics that study criminal justice have noted, people won't report misconduct if review boards are staffed by officers from the same department that victimized them.¹ To be effective, civilian review boards must represent the communities and neighborhoods that are most heavily policed.² HB 2567 will result in bad officers remaining on our streets and will further erode trust between police and the communities they serve.

Leaving officers with histories of misconduct on the streets is dangerous for communities of color. As we saw in the murder trial of Derek Chauvin – an officer who had a long history of complaints with almost no discipline before he committed murder – when officers are not held accountable, they continue to engage in misconduct, that at times, can turn deadly. Allowing HB 2567 to become law sends the public a clear message that protecting bad cops from accountability is more important than the trust and safety of our communities.

Arizona has a long history of police abuse in communities of color that demonstrates a clear need for transparency and oversight. In 2006, the

¹ Valena Beety and Frank Rudy Cooper, "Police Review Boards Must Represent the Most-Affected Communities" the Arizona Capitol Times, July 1, 2020, <https://azcapitoltimes.com/news/2020/07/01/police-review-board-must-represent-the-most-affected-communities/>.

² *Id.*



Arizona Department of Public Safety agreed to collect and review statewide data relating to traffic stops and vehicle searches after an ACLU class action lawsuit on behalf of eleven motorists alleged officers engaged in a continuing pattern and practice of race-based traffic stops, detentions, and searches of non-white motorists throughout Arizona.³ In 2013, a federal court found that the Maricopa County Sheriff's Office (MCSO) engaged in a pattern of racial profiling and unlawful detentions during immigration sweeps and traffic stops that improperly targeted Latinos. In addition to the appointment of a monitor to oversee MCSO's compliance, the court insisted upon audio and video recording of all traffic stops, increased training for and monitoring of sheriff's deputies and the implementation of comprehensive record keeping.⁴ And just this past year, Phoenix police officers were caught lying under oath to secure grand jury indictments against protesters who took to the streets in support of police accountability and racial justice.⁵

According to the Arizona Republic, "Arizona ranks in the nation's top 5 states in fatal police shootings [a]nd in 2018, Phoenix officers fired at more people than did officers in any other major city."⁶ The Republic found "that in Phoenix, people of color were shot at higher rates than white people and officers most often used deadly force while in majority Black and Hispanic communities in 2020."⁷ Despite the extremely high number of police shootings in Arizona, only one officer has been held criminally liable for a police shooting since 2010.⁸

Arizona's high rate of police shootings and lack of accountability demand real oversight. Civilian review boards increase public access to the complaint system, promote transparency, reduce conflict of interests in internal investigation and discipline, hold bad police officers accountable, and promote public trust. According to research by the nonpartisan Pew Research Center, "[t]hree-quarters [of the public] support giving civilian

³ "Court Approves Settlement of ACLU Lawsuit To End Racial Profiling on Arizona Highways," ACLU, August 3, 2006, last viewed May 2, 2021, <https://www.aclu.org/press-releases/court-approves-settlement-aclu-lawsuit-end-racial-profiling-arizona-highways>.

⁴ "Ortega Melendres, ET AL. V. Arpaio, ET AL.," ACLU, updated September 13, 2017, last viewed May 2, 2021, <https://www.aclu.org/cases/ortega-melendres-et-al-v-arpaio-et-al>

⁵ Dave Biscobing, "Prominent Activist Bruce Franks Jr. Targeted By Phoenix Police," ABC 15, Feb. 10, 2021, <https://www.abc15.com/news/local-news/investigations/protest-arrests/prominent-activist-bruce-franks-jr-targeted-by-phoenix-police>.

⁶ "Shots Fired: Police Shootings in Arizona," The Arizona Republic, last viewed May 2, 2021, <https://www.azcentral.com/storytelling/arizona-police-shootings/>.

⁷ Uriel Garcia and Emily Wilder, "In 2020, Despite Outrage Over Police Violence, Arizona officers Opened Fire More than 2019," The Arizona Republic, February 3, 2021, <https://www.azcentral.com/story/news/local/arizona/2021/02/01/arizona-police-shootings-up-2020-but-less-fatal-phoenix/4204679001/>.

⁸ *Id.*

oversight boards the power to investigate and discipline officers accused of misconduct.”⁹ Only 31% of Americans believe police departments effectively hold police accountable, and only 34% of the public believes police officers treat racial and ethnic groups equally.¹⁰

We cannot continue to ignore police misconduct in our communities. Civilian review boards are an important part of creating accountability, transparency, and public trust in policing. HB 2567 undermines the relationship between police and the communities they serve, increasing the likelihood that bad officers will remain on the streets. As such, HB 2567 makes our communities less safe. The ACLU urges you to veto.

Respectfully,



Darrell Hill
Policy Director
ACLU of Arizona



⁹ “Majority of Public Favors Giving Civilians the Power to Sue Police Officers for Misconduct,” Pew Research Center, 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/>.

¹⁰ *Id.*