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# The Laws that Regulate Police:

## The Wilson Center's Policing Legislation Database

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# Introduction

In the past three years, there has been a surge of lawmaking concerning policing at the federal, state and local levels, including in response to the killing of George Floyd in May 2020 and subsequent racial justice movements across the country. Unwarranted uses of force, including deadly force, are all too common in America, particularly for Black men. Unfortunately, legal barriers often prevent meaningful accountability in response to a crisis of poor police practices and actions. Some recent legislation has at times taken a more comprehensive approach towards the challenge of addressing injustices and rethinking public safety, while other legislation takes a targeted approach, and still additional legislation has addressed a range of newer issues concerning policing, including deployment of technology, data collection, officer wellbeing, behavioral health diversion, and funding.

To better understand lawmaking in response to calls for reform, at the Wilson Center for Science and Justice,

we began tracking the introduction of policing-related legislation in Spring 2020.<sup>1</sup> Our database, which has been updated continually, includes over 3,800 bills — federal, state, and local — across a wide range of topics related to law enforcement from 2018 through 2022. This is the largest such database assembled.<sup>2</sup> It is available here: [policinglegislation.law.duke.edu](https://policinglegislation.law.duke.edu).

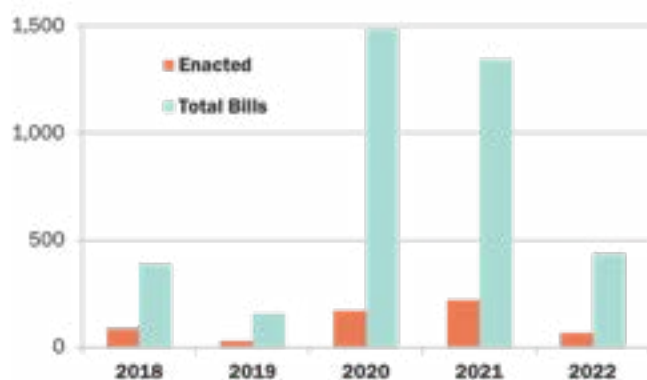
The sheer breadth of the topics and the activity is remarkable, although only about 10 percent of these laws have been enacted. Further, we develop how counting legislation does not fully capture trends where some single pieces of legislation include wide-ranging provisions. In addition, legislation regulating police can accomplish a range of objectives and goals, including laws designed to both limit and empower local police, sometimes in the same legislation. We plan to update the database over time to track this legislation and also examine additional prior years.



# Overview of the Database

The policing legislation database is searchable by state, date, topic, and includes citations, summaries, and the text of each statute. We used a series of searches in the LexisNexis legislative tracking service to assemble the collection, searching for all legislation mentioning “police” and “law enforcement.” We did not include changes to local patrol guides, although they are important, since law enforcement manuals are often not easily accessible. All legislation introduced relating to police and law enforcement was included, and therefore, a wide range of topics were covered, from funding, to police use of force, to body cameras, to training, to the right to record police officers. We did not include laws that made revisions to criminal procedure or substantive criminal offenses. Nor did we include executive orders, such as the 2022 executive order issued by President Joe Biden.<sup>3</sup>

**Figure 1. Enacted and Introduced Police Legislation, 2018-2022**



**Table 1. Enacted and Introduced Police Legislation, 2018-2022**

Year	2018	2019	2020	2021	2022
Total Bills	387	154	1489	1346	437
Enacted	86	29	169	220	65

Of the statutes, 602 have to date been enacted, or 16 percent of the introduced laws (602 of 3821 laws). An additional 3,091 failed, with 118 pending as of the last check and two vetoed. One can readily see that there was a remarkable surge in legislation in 2020, and to a lesser extent in 2021, post-*Floyd*.

Of those that were enacted, 72 statutes relate to police use of force, 81 statutes related to training, 101 related to data collection, 75 related to budgets, 54 statutes regarding certification of police officers; and 25 related to mental health. Enacted legislation also includes: 11 statutes regarding qualified immunity; 8 statutes creating police study commissions; 16 statutes concerning biometric data; 11 statutes concerning police in schools; 20 statutes regarding the right to record police; 23 statutes regarding body cameras; 10 statutes regarding crisis intervention; and 9 statutes specifically addressing defunding police.

We describe below several key areas in which legislation has been introduced and enacted in recent years.

# A Chokehold and an Arrest

Who is held accountable when police use force? Before detailing our database, two examples highlight what has motivated the current spate of legislation. A police officer killed Elijah McLain using a chokehold, in Aurora, Colorado in early 2020. He was stopped by three officers while walking down the street for “being suspicious.” No charges were filed against the officers, although the state attorney general has reopened the case and the U.S Department of Justice is investigating the case.<sup>4</sup>

A civil rights lawsuit in the case, filed in federal court, focused on suing the three individual officers. Two had been fired and one resigned. However, these officers likely cannot pay meaningful damages to Elijah McLain’s family. As individuals, they cannot change practices in the Aurora police department to make sure no others are wantonly killed by officers. A lawsuit against individual officers cannot change policies regarding chokeholds or impose other accountability measures on a single agency, much less require state-level reforms. Further, it is almost impossible to sue a police department in federal court. Indeed, it is not easy to sue individual police officers.

Take, for example, an incident in Denver, in which a Black man, sitting in his car in a reserved spot in a residential parking garage, waiting to pick up a friend, was told by two officers to identify himself. When he did not, they ordered him to get out. They asked him to kneel, and handcuffed and arrested him for failure to comply with



an order. While the federal district judge concluded that it was clear that officers cannot simply arrest a person for failing to identify themselves, on appeal, the civil rights case was thrown out. The judges concluded that the officers benefited from “qualified immunity,” a federal doctrine that limits lawsuits against individual government officials, and dismissed the lawsuit.<sup>5</sup>

Today, however, Colorado has responded to such cases, with McLain’s death as a rallying cry, and lawmakers have recently abolished qualified immunity as a matter of state law. State court lawsuits now focus on the employer: the city or county. The officer’s employer must now cover any liability that results from a lawsuit against a police officer, although the agency can determine the officer acted in bad faith and charge a fraction of the judgment to the officer. Further, the law sets new standards for the use of force, including an overall principle that officers should only use force consistent with minimizing injury to others. Below we detail such legislation, as well as more specific legislation.



# I Federal Policing Legislation

Federal civil rights litigation is only one tool to provide accountability and recompense. Yet, civil rights lawyers provide an important form of accountability, and for too long, the doctrine of qualified immunity has hampered relief in federal courts and provided confusing guidance to police officers and agencies. Justice Sonia Sotomayor put it simply: qualified immunity “tells officers that they can shoot first and think later, and it tells the public that palpably unreasonable conduct will go unpunished.”<sup>6</sup> Qualified immunity also allows judges to dismiss lawsuits without even saying whether someone’s constitutional rights were violated. In *Pearson v. Callahan*, the Supreme Court ruled judges may conclude that the relevant constitutional law was not sufficiently “clearly established,” without ever making clear what the constitution requires.<sup>7</sup>

At the federal level, most policing-related legislation introduced during the 2020-2022 time period was not enacted, although far-reaching bills, including the *George Floyd Justice in Policing Act of 2020*, were ratified by the U.S. House of Representatives. The *George Floyd Act*, approved by House lawmakers in March 2021, would limit the doctrine of qualified immunity, but also would make a number of other important changes addressing standards for use of force and more. The Act would: (1) establish national standards for the operation of police departments, including by prohibiting racial profiling and banning chokeholds and no-knock warrants, and developing accreditation standards; (2) mandate data collection on police encounters; (3) reprogram existing

funds to invest in public safety innovation grants for community-based policing programs; and 4) amend the federal civil rights crime statute, eliminating qualified immunity and providing resources for investigations of police misconduct. Thus, the Act would provide for a host of federal-level reforms.

While that legislation has not been enacted to date, in 2022, Congress enacted the Law Enforcement De-escalation Training Act of 2022, which authorized \$124 million to train officers and mental health professionals on crisis intervention teams, to better respond to persons with behavioral health needs. Second, the American Rescue Plan provided \$1.2 billion to fund the implementation of community-based crisis intervention services.

It is crucial that lawmakers revisit standards for police use of force. Constitutional law provides very little guidance regarding when police can and should use force, including deadly force. The Supreme Court in *Graham v. Connor* ruled that in deference to “an officer’s need to make split-second judgments,” a court should only look at the reasonableness of an officer’s decision at that moment of a shooting.<sup>8</sup> This does not take into account whether the officer could have taken obvious steps to avoid using deadly force in the first place. A well-trained officer might have used voice commands or de-escalation, or waited to assess the situation. A rash, poorly trained officer that killed for no reason, might still be found to have been reasonable for a split-second.

Over and over again, in more recent cases, like in *Scott v. Harris*, the Court has continued to emphasize this approach: there is no “magical on/off switch that triggers rigid preconditions” on the use of deadly force by policy. Police can go with their guts in the moment, contrary to training and policy,<sup>9</sup> even, and not be held accountable in civil rights cases.

While police agencies increasingly adopt more specific and informative practices governing use of force, and leading groups, including the American Law Institute,<sup>10</sup> have made detailed recommendations, only recently have states started to adopt their own state laws on the subject. Absent clear guidance from constitutional standards, new law at the federal and state level is needed.





## II State Policing Legislation

While no federal police accountability-related reforms have been enacted,<sup>11</sup> a growing number of states have enacted quite comprehensive reforms aimed broadly at police accountability, sometimes ranging across a series of subjects. Examples of particularly comprehensive legislation was adopted, either as a single omnibus bill or a series of statutes, in: Colorado, Connecticut, Illinois, New York, Maryland, Massachusetts, Washington state, and Washington, D.C. Each jurisdiction adopted a mixture of reforms regarding police use of force, and other accountability measures regarding civil lawsuits, training, standards, and supervision.

The Connecticut law, *An Act Concerning Police Accountability*, enacted in July 2020, regulated use of force with new statewide standards, made changes involving police training and certification of officers, as well as created a study commission, regulated body cameras, established a law enforcement duty to intervene, created new state attorney general authority to investigate police misconduct, and regulated traffic stops and policing of demonstrations. In addition, the Connecticut law limited the state doctrine of qualified immunity, as the second state to do so, requiring government agencies and not individual government officers to pay damages in civil lawsuits.<sup>12</sup>

In Massachusetts, new legislation, *An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth*, created a mandatory certification process for police officers, including a civilian Peace Officer Standards and Training Commission (POST).

The law sets standards for the use of physical force, including banning use of chokeholds and limiting uses of force against crowds. The bill strictly limits “no-knock” warrants. Further, the law addresses accountability and discipline, including within the State Police.

The Illinois statute, House Bill 3653, in addition to bail reform provisions, requires reporting on death in police custody, expands police training on use of force and crisis intervention, prohibits the use of chokeholds, requires a duty to intervene by officers, bans police military equipment, expands a police officer misconduct database, and requires the use of body cameras statewide. Illinois separately enacted the first legislation of its kind prohibiting deception during police interrogations; similar legislation was introduced in Oregon and New York.

The Colorado statute, the *Enhance Law Enforcement Integrity Act*, regulates the police use of force and qualified immunity.<sup>13</sup> The law sets standards for police use of force, including by requiring that officers should “apply nonviolent means, when possible,” before using force. The law also bans chokeholds, prohibits shooting at fleeing suspects, and expands use of body cameras, requiring all officers to wear them by 2023, with the footage to be made public. The Colorado legislation replaces qualified immunity with personal liability for a judgment for 5 percent or \$25,000, whichever is less. Perhaps more importantly, however, it sets out new use of force standards and makes clear that a public entity is largely responsible for liability in a civil lawsuit. The





law creates a duty to intervene for law enforcement, and it also requires data tracking regarding police stops. Violations can be subject to civil and also criminal liability.

New Mexico's law, the *New Mexico Civil Rights Act*, was the third, after Colorado and Connecticut, to eliminate the defense of qualified immunity in state-level litigation. New Mexico lawmakers and the Governor convened a civil rights commission after George Floyd's death, and the law was one of the recommendations that the commission had made. Other states considered, but did not enact bills to end qualified immunity. Washington lawmakers did not enact legislation on that topic.

The Washington, D.C. provisions adopted in July 2020, prohibited use of neck restraints, revamped standards for use of force generally, improved access to bodywork camera recordings, expanded membership of the use of force review board, reformed police disciplinary provisions, and more.<sup>14</sup>

Other states passed comprehensive reforms across separate but related bills. In Washington State, 12 separate bills were signed in May 2021, including laws that reform use of force standards with a new

"reasonable care" standard requiring de-escalation and minimization of force, banning chokeholds, setting out circumstances for officer decertification, creating a state use of force database, requiring recording of interrogations, creating an Office of Independent Investigations in the Governor's office to investigate police deadly force incidents, and requiring the state auditor to review deadly force investigations.<sup>15</sup>

Similarly, Maryland enacted a series of laws, including body camera requirements, limiting police use of force and setting out statewide standards for use of force requiring that it be "necessary and proportional," and restricting no-knock warrants.

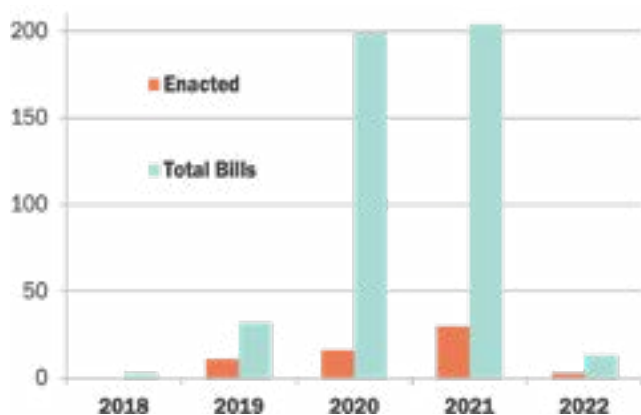
In New York, four laws were signed that require data collection, including racial and demographic data concerning all low-level offenses, arrests, and in-custody deaths, weapons discharge reporting, and a law requiring medical and mental health care for individuals in custody. In California, similarly detailed data collection concerning officer misconduct was required in companion 2021 statutes, and follow-up legislation enacted in 2022 requires enhanced background investigations for officer hiring.<sup>16</sup>

## A. Use of Force Reform

A range of laws adopted new standards for use of force, limited types of force used by police, and additionally addressed police use of force through training, oversight, and investigative authority in the states.

During the five-year time period that we examined, 465 total bills regarding use of force were introduced, and of them 72 were enacted. In 2020, 199 bills were introduced and 16 were enacted. The following year, a

**Figure 2. Enacted and Introduced Use of Force Legislation, 2018-2022**



slightly reduced number of 199 bills were introduced, but the number of enacted use of force bills nearly doubled to 30. In 2022, just three bills were enacted regarding use of force out of 13 introduced. A subset of the 72 enacted bills significantly reformed use of force standards, training, or accountability practices. Indeed, some were bills aimed at further shielding police from liability. There was significant inter-state variation in the number of bills introduced and enacted, as well as the size of reforms. Some states enacted multiple reform bills while others were either less successful or did not introduce legislation.

Broadly speaking, there are four categories of states: (1) states that introduced a small number of bills (defined here as less than 10) and enacted a handful or zero; (2) states that introduced many (more than 10) and enacted few bills; (3) states that introduced a small number of bills but enacted over half of them; and (4) states that introduced many bills and enacted five or more. Most states did not enact any such bills, regardless of their politics. The second group, states that introduced many use of force bills but enacted few of them, includes states with very different partisan politics. Texas introduced 14 bills and enacted none of them, Maryland introduced 24 bills and enacted one, and Minnesota introduced 49 bills, the largest of any state, but only enacted one. The third group of states that introduced fewer than 10 bills between 2018 and 2022 but enacted at least half of them, was more predominantly Democratic in leadership. Washington (5 of 8), Vermont (4 of 6), Nevada (4 of 8), and New Hampshire (3 of 6) were predominantly governed by Democrats. Louisiana (3 of 4) and Utah (6 of 7) enacted the majority of their use of bills under Republican leadership. Finally, the fourth group captures three strongly Democratic states that both introduced and enacted many bills. Oregon, New York and California all enacted seven pieces of legislation between 2018 and 2022 out of 17, 34, and 22 bills, respectively.

The content of these bills is of course important, more so than the number of separate provisions introduced and enacted. Noteworthy legislation includes the Washington State law that: “requires officers to employ de-escalation tactics, use the least amount of physical force necessary and limits the use of deadly force to situations where there’s an imminent threat of serious injury or death.”<sup>17</sup> The Colorado law, as noted, requires

that officers should “apply nonviolent means, when possible,” before using force.

Still additional laws require documentation of use of force, mandatory trainings regarding new standards for use of force, and regulate investigations into police use of force. Some laws also restricted the purchase and use of military equipment, including drones, chemical irritants, and other deployment of “riot gear.” Laws restricted particular uses of force, like chokeholds. Other states, like Virginia, banned the use of no-knock warrants. The broader legislation, like that adopted in Colorado, not only banned particular methods (the Colorado law barred chokeholds), but also set out new use of force standards for the state, regarding both deadly and non-deadly use of force.

## B. Qualified Immunity Reform

As described, legislation has been introduced in a number of states and in the U.S. Congress that would end qualified immunity. Eleven states have enacted laws regarding qualified immunity.

The four states that have limited qualified immunity are: Colorado, Connecticut, New Mexico, and most recently, Vermont. In addition, a Massachusetts law modified, but did not eliminate qualified immunity. New York also created a new cause of action for failure to provide adequate medical care to persons in custody. New Jersey and Texas enacted resolutions calling on the U.S. Congress to pass legislation. In Iowa, however, lawmakers enacted legislation to enhance qualified immunity protections for police officers. Arkansas and Utah also enacted laws that strengthen or adjust qualified immunity.

Some legislation that limited qualified immunity included limitations and exceptions. The Colorado law applies to

peace officers, but not all government officials. It requires the government entity to indemnify employees, unless the officer was convicted of a crime, or if the officer did not act upon a good faith and reasonable belief that the conduct was lawful, in which case the officer is personally liable for five percent of the judgment or \$25,000, whichever is less. The Connecticut law includes good faith and other exceptions.

Other states pursued different approaches to police accountability. As noted, several states enhanced investigative authority of state prosecutors regarding police, or established independent investigative bodies. Or, for example, in 2022, Virginia enacted a law prohibiting localities from entering into collective bargaining contracts that prevent the Attorney General from obtaining injunctive relief against an agency engaging in unconstitutional misconduct.

Federal civil rights law provides the most powerful remedies for constitutional violations, so reforming qualified immunity and civil rights liability at the federal level is particularly important. However, over time, states might also rethink discovery, damages, and other remedies available in state-level civil rights cases. With legislation introduced in 41 states, it is likely that as that legislation is reintroduced, additional states will continue to rethink civil rights provisions and adopt new remedies.

## C. Behavioral Health

Behavioral health training and responses by police, as well as behavioral health of police officers, has been a growing subject for legislation. During this time period, 140 bills were introduced, and 27 enacted, most in 2021 (13 bills) and 2020 (9 bills), on a range of subjects relating to behavioral health, including of persons in the community and of officers. For example, in 2022, Connecticut enacted legislation calling for periodic behavioral health

assessments of law enforcement, and in 2021, North Carolina enacted legislation requiring psychological screening of law enforcement and ongoing education and resources for officers regarding behavioral health.

As discussed, the Law Enforcement De-Escalation Training Act of 2022 provided for funding to train officers and mental health professionals on crisis intervention teams, and the American Rescue Plan provided funding through Medicaid for implement community-based crisis intervention services. In addition, while not focused on law enforcement, the Safer Communities Act, enacted in 2022, focused on gun regulations, but also included substantial funding to support community mental health services.

A broad group of states adopted legislation regarding behavioral health and policing. For example, in 2021, Oklahoma enacted legislation regarding diversion by law enforcement, including new training and support for such programs, and authority for officers to divert persons with substance abuse issues to non-arrest alternatives.<sup>18</sup> Michigan asked the Mental Health Diversion Council to make recommendations to law enforcement and required mental health response training by law enforcement. Maine, in 2021, enacted several provisions, including regarding civil commitment and protective custody of persons with mental illness. In Maryland, in 2021, funds were allocated under a Behavioral Health Crisis Response Grant Program to create a 988 Trust Fund to help fund the 988 hotlines, as an alternative to police responses using 911 hotlines. This bill allocates \$5 million per year to maintain the fund, as well as allocates at least one-third of funds for mobile crisis teams.<sup>19</sup>

Particularly far reaching, in 2020, Virginia enacted Senate Bill 5038, which established a mental health awareness response and community understanding services throughout the state. This legislation aims to provide a

behavioral health response for individuals in crisis, with a limited reliance on law enforcement. The Marcus Alert system fosters collaboration between 911 and regional crisis call centers, and the bill was named after Marcus-David Peters, who lost his life in 2018 when a police officer shot him during a behavioral health crisis.<sup>20</sup>

## D. Policing Data

A range of new state laws call for new data collection regarding policing, including uses of force and officer decertification. For example, a New York law mandates the collection of data about the race, ethnicity, age, and sex of individuals charged, as well as the status of their cases, including in low-level misdemeanor cases — all of which must now be made publicly available online, and requires the reporting and publication of deaths in police custody and those caused by any use of police force. Hawaii similarly enacted a law requiring each county police department to collect data concerning police stops, uses of force, and arrests, to be submitted to lawmakers in annual reports.<sup>21</sup> Other data collection provisions were more focused on particular aspects of policing. An Alabama law, introduced, but which died in committee, would require collection of data concerning traffic stops, requiring reports to be filed with the state Attorney General and defining and prohibiting racial profiling.<sup>22</sup>

Several states increased transparency surrounding police disciplinary records, including Colorado, Maryland, Massachusetts, and New York.<sup>23</sup> For example, the Colorado law requires that beginning in 2022, a statewide database contain information regarding an officer's untruthfulness, repeated failure to follow training requirements, decertification, and termination for cause. The federal *George Floyd Act*, described earlier, would have created a National Police Misconduct Registry.

## E. Police and Technology

State laws have also addressed a range of pressing police technology issues, including biometric data and surveillance. In 2021, Maryland passed landmark legislation regulating familial DNA searches, which had often been conducted without statutory authorization or regulation.<sup>24</sup> Maryland also enacted legislation permitting police to use cellphone site simulators only with a court order. New York prohibited biometric surveillance without explicit statutory authorization. Montana required a warrant for a DNA database search. New York City required identification and an audit of all surveillance technology used by the New York City Police Department.

Laws limiting or regulating the use of facial recognition by law enforcement, with study commissions, moratoria, regulations or partial bans, were also enacted in Alabama, Colorado, Massachusetts, Michigan, New York, Virginia (which repeated its regulation in 2022),

and Washington. A series of laws, as noted, provided funding and requirements that law enforcement use body cameras. A series of laws also made clear that members of the public have the right to record police activity and maintain custody and control over such recordings.

## F. Budget Legislation

Seventy-five statutes were enacted concerning police budgets, and these laws covered a wide range of topics. Some were routine renewals of state grant programs for local law enforcement. Some measures provided emergency COVID-19-related funds to first responders, including law enforcement. No state-wide measures explicitly reallocated funding to policing alternatives, although several did fund new programs to create mental health and other diversion programs. States introduced hundreds of laws related to police benefits, enacting some statutes, for example, related to retirement benefits.



# III Police-Insulating Legislation

A number of enacted statutes served to insulate from review certain types of police actions and protect police budgets from reduction. Thus, while Maryland lawmakers, overriding the Governor's veto, removed the officer's Bill of Rights, Georgia lawmakers enacted a new police officer Bill of Rights.<sup>25</sup> Florida legislation exempted body camera footage from public records requests.

Legislation adopted in nine states, including in Florida, Georgia, Missouri, and Texas restricted local efforts to reduce police budgets, with other states enacting resolutions on the topic of defunding police.<sup>26</sup> In Missouri, any taxpayer can sue for injunctive relief if a locality reduces a police agency budget. Other states have enacted laws to authorize more aggressive police action against demonstrators and protesters. In Florida, new legislation created new infractions and enhanced penalties for public disorder-related offenses. That legislation also permitted an appeal to the state if a locality reduces a police department budget. A Maine law authorized provision of biometric information, along with drivers' license information, to police agencies. A Michigan resolution discourages local police departments from defunding or abolishing police departments.



## IV Routine Policing **Legislation**

Many states enacted laws related to more mundane subjects, highlighting how routine state lawmaking regarding policing can be. A variety of budgetary laws renewed retirement plans and benefits. State laws commemorated National Law Enforcement Appreciation Day and congratulated particular police officers on their retirement. Such measures can be enacted in states

as resolutions by a single legislative chamber. Other resolutions have honored those killed by police. In South Carolina, House resolutions created memorials in honor of Ahmaud Arbery,<sup>27</sup> George Floyd and Breonna Taylor; the Tennessee House also adopted a resolution in honor of George Floyd.<sup>28</sup>



# Conclusion

The past three years have seen banner years for police-related legislation. For the first time, states limited qualified immunity doctrines. Many states revisited use of force standards, training, investigation, and oversight regarding police use of force. A host of other topics received legislative attention, including use of body cameras, right to

record, duty to intervene, data collection, and more. Study commissions were created, which may generate recommendations in years to come. That said, the legislative momentum seen in 2020 and 2021 began to flag in 2022. We will continue to track legislative developments and offer resources to support law and policymaking in this urgent area for reform.





# References

<sup>1</sup> We are particularly grateful to Alex Bayer, Diya Chadha, Brendan Clemente, Patrick Duan, Kathy Fernandez, Alex Hoffman, Ruthie Kesri, Emily Ledbetter, Emma Li, Leigh Marshall, and Genna Wolinsky for their extraordinary research assistance on this project, and to Sean Chen of the Duke Law Library, for creating the online resource accompanying this report and displaying these data, at <https://policing.law.duke.edu/>.

<sup>2</sup> We note that the National Center for State Courts maintains an important database of state policing legislation from May 2020 to present, which examines legislation on similar topics, National Center for State Courts, *Legislative Responses for Policing-State Bill Tracking Database*, May 5, 2021, at <https://www.ncsl.org/research/civil-and-criminal-justice/legislative-responses-for-policing.aspx>. We include two prior years to better evaluate trends before and after Floyd's killing and the legislative efforts that preceded and followed.

<sup>3</sup> See Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety (2022).

<sup>4</sup> Associated Press, *A Timeline of Events Related to the Elijah McClain Case*, Aug. 23, 2020.

<sup>5</sup> Michael Karlik, *10th Circuit Grants Denver Officers Immunity in Fourth Amendment Case*, Colorado Politics, April 23, 2020.

<sup>6</sup> *Kisela v. Hughes*, 138 S.Ct. 1148 (2018) (Sotomayor, J. dissenting).

<sup>7</sup> 555 U.S. 223 (2009).

<sup>8</sup> 490 U.S. 386 (1989).

<sup>9</sup> For an overview of this problem, see Brandon L. Garrett and Seth Stoughton, *A Tactical Fourth Amendment*, 103 Va. L. Rev. 211 (2017).

<sup>10</sup> American Law Institute, Principles of Policing, Use of Force, at <https://www.policingproject.org/ali-use-of-force>.

<sup>11</sup> Additionally, the Texas House enacted a law urging the federal Congress to enact the George Floyd Act. See 2021 TX H.C.R. 34.

<sup>12</sup> H.B. No. 6004 (2020).

<sup>13</sup> SB20-217 (2020), at <https://leg.colorado.gov/bills/sb20-217>.

<sup>14</sup> D.C. Act 23-0336 (2020), at [https://lims.dccouncil.us/downloads/LIMS/45307/Signed\\_Act/B23-0825-Signed\\_Act.pdf](https://lims.dccouncil.us/downloads/LIMS/45307/Signed_Act/B23-0825-Signed_Act.pdf).

<sup>15</sup> Austin Jenkins, *With 12 New Laws, Washington State Joins Movement to Overhaul Policing*, NPR, May 18, 2021.

<sup>16</sup> 2021 CA S 2; 2021 CA S. 16; 2021 CA A. 655.

<sup>17</sup> 2021 WA HB 1310.

<sup>18</sup> 2021 OK S.B. 87.

<sup>19</sup> 2021 MD H.B. 108.

<sup>20</sup> 2020 VA S.B. 5038a.

<sup>21</sup> 2021 HI S.B. 742.

<sup>22</sup> 2020 AL H.B. 305.

<sup>23</sup> For an overview of state law on this issue, see <https://abcnews.go.com/Politics/wireStory/analysis-police-misconduct-record-laws-50-states-77644237>.

<sup>24</sup> 2021 MD H.B. 240.

<sup>25</sup> 2019 GA H.B. 838.

<sup>26</sup> While Georgia legislation restricted the authority of local government to reduce police budgets, a separate law that was enacted provided for the abolition of the Glynn County, Georgia police department. 2019 GA H.B. 838.

<sup>27</sup> 2019 SC H.B. 5517.

<sup>28</sup> 2019 TN HJR 1212.



# For Further Reading

## **Change the Law to Change Policing: First Steps (2020)**

[https://law.yale.edu/sites/default/files/area/center/justice/document/change\\_to\\_change\\_final.pdf](https://law.yale.edu/sites/default/files/area/center/justice/document/change_to_change_final.pdf)

## **American Law Institute, Principles of Policing, Use of Force (2017)**

<https://www.ali.org/news/articles/alis-use-force-principles-available-free-download/>

## **Qualified Immunity: Explained, The Appeal (2019)**

<https://theappeal.org/qualified-immunity-explained/>

## **Frequently Asked Questions About ending Qualified Immunity, Institute for Justice**

<https://ij.org/frequently-asked-questions-about-ending-qualified-immunity/>

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