



December 1, 2023

Honorable Wyman Duggan
303 House Office Building
402 S. Monroe St.
Tallahassee, FL 32399-1300

Re: House Bill 601

Dear Representative Duggan,

On behalf of the National Association for Civilian Oversight of Law Enforcement (NACOLE) and its member agencies in Florida and across the country, we urge you to withdraw HB 601. This legislation would abolish existing community oversight mechanisms throughout the state. It will subvert local authority and the will of the people within these communities who overwhelmingly support strong, independent, and effective civilian oversight of law enforcement that has the authority to investigate alleged police misconduct and to proactively improve police policies, procedures, and training. If enacted, HB 601 has the potential to undermine a community's ability to influence policing culture and training in an effective, fair, and transparent manner and, thereby, harming police-community relations and negatively impacting public safety broadly.

Civilian oversight mechanisms have existed in Florida for decades, with both the Miami Civilian Investigative Panel and the St. Petersburg's Civilian Complaint Review Committee in continuous operation for over 20 years. As in many jurisdictions across the United States, these cities have used civilian oversight of law enforcement to build trust where issues exist between police and the communities they serve. The impartiality of these civilian oversight agencies allows them to bring stakeholders together to work collaboratively and proactively, making policing more effective and responsive to the communities they serve. Because of this, elected officials throughout the country are increasingly establishing robust, independent civilian oversight in recognition of its ability to promote public trust in law enforcement and reduce exposure to the risks of misconduct.

HB 601 shows a lack of understanding of the basic tenets of civilian oversight. At its core, civilian oversight is the external and ongoing review of a law enforcement agency and its operations by individuals independent of law enforcement. Civilian oversight may involve the independent investigation of complaints alleging officer misconduct, auditing or monitoring various aspects of the law enforcement agency, analyzing patterns or trends in activity, issuing public reports, and issuing recommendations on discipline, training, policies, and procedures. Taken together, these functions promote greater law enforcement accountability, increased transparency, positive organizational change, and improved responsiveness to community needs and concerns.

By acting as an independent and neutral body reviewing the work of the law enforcement agency and its sworn staff, civilian oversight of law enforcement offers a unique element of legitimacy that internal accountability and review mechanisms simply cannot. Because civilian oversight agencies operate independently from the law enforcement agency, an oversight agency's findings and reports are free from real or perceived biases that are often the source of mistrust of a law enforcement agency's internal system. Similarly, a civilian oversight agency's impartiality, neutrality, and adherence to findings of fact can alleviate officer skepticism in internal systems and bolster procedural fairness within the law enforcement agency as a whole.

HB 601 is inconsistent with the principles of and effective practices in civilian oversight of law enforcement. Not only will it strip local jurisdictions of their current civilian oversight functions, it places all power into the subject of the complaint's agency to receive, investigate, and make the final determination in all administrative investigations of misconduct. The State of Florida currently has effective oversight agencies to perform these functions – agencies who have prior knowledge of civilian oversight and its principles, a strong commitment to community relations, the ability to work effectively with the various stakeholders, and knowledge of the current and historical context surrounding the social justice issues of the municipality or county in which the civilian oversight agency resides. In addition, they have knowledge of law enforcement administration and organization and its rules, laws, and regulations; principles, practices, and procedures related to conducting investigations; general legal principles; and organization and management practices and methods. The State's existing mechanisms and those formed in the future under the same principles create an independent method, free of real or perceived bias, to handle complaints of police misconduct that is seen as transparent, fair, and responsive to community concerns and needs.

By abolishing existing civilian oversight mechanisms and stripping them of what are considered effective practices, HB 601 threatens existing and future efforts to build trust between law enforcement, correctional officers, and the communities they serve. Lack of trust threatens public safety more broadly exacerbating issues such as cooperation with law enforcement agencies, clearance rates, and the overall safety of officers.

Representative Duggan, based on the deficiencies found in this piece of legislation, its potential adverse consequences, and its inability to align with the principles, practices for effective civilian oversight of law enforcement, we strongly urge you to withdraw HB 601 from subcommittee.

With all due honor and respect,



Anthony Finnell
Board President



Cameron L. McEllhiney
Executive Director