



**Submission to the International Independent Expert Mechanism to Advance Racial Justice and
Equality in Law Enforcement (EMLER)**

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Robert F. Kennedy Human Rights, the American Civil Liberties Union (ACLU), the ACLU of Louisiana, and the Juror Project welcome the opportunity to contribute to the Expert Mechanism's fourth annual report to the Human Rights Council on addressing racism in the criminal justice system. This submission outlines various ways in which the United States' criminal and civil legal systems prevent justice for police brutality victims. It examines three key obstacles to civil litigation, which is often the primary tool to hold local police departments accountable for misconduct. Those barriers include short statute of limitation periods; inequitable trials and lack of jury diversity; and the judicially-created *Heck* doctrine, which prevents people with criminal convictions from filing civil suits for abuses committed by police—ultimately incentivizing police officers to charge people with crimes, such as resisting or obstruction, in order to evade accountability for misconduct. We also include a case study, detailing the case of a man victimized by these systems in the state of Louisiana.

Respectfully submitted,

Delia Addo-Yobo
Staff Attorney, U.S. Advocacy and Litigation
legal@rfkhumanrights.org
Robert F. Kennedy Human Rights

William C. Snowden
Director
thejurorproject@gmail.com
The Juror Project

Nora Ahmed
Legal Director
Malcolm Lloyd
Equal Justice Works Legal Fellow
Elijah Appelson
Data Analyst
Andrew Perry
Staff Attorney
JusticeLab@laaclu.org
The ACLU of Louisiana

Jamil Dakwar
Director, Human Rights Program
Jennifer Turner
Principal Human Rights Researcher, Human Rights Program
humanrights@aclu.org
American Civil Liberties Union (ACLU)

Introduction

In 1951, the Civil Rights Congress (CRC) submitted the historic petition titled “We Charge Genocide: The Crime of Government Against the Negro People” to the United Nations.¹ The groundbreaking document detailed widespread violence against Black people in the United States, including mob lynchings, acts of terror and intimidation by the Ku Klux Klan, and killings by police.² Arguing that federal and state governments sanctioned police brutality, the petition noted, “Once the classic method of lynching was the rope. Now it is the policeman's bullet.”³ Almost 75 years later, police violence against Black people remains unchecked.

In 2024, U.S. law enforcement killed 1,366 people, making it the deadliest year on record for killings by police.⁴ Black people are also subjected to excessive force, unlawful arrests, and other forms of unconstitutional policing at the hands of law enforcement. In its second term, the Trump Administration has already begun to roll back the few measures to hold police accountable by deleting a database tracking federal police misconduct, and freezing active consent decrees and negotiations aimed at police reform.⁵

One former attorney at the U.S. Department of Justice underscored that less federal oversight of police departments emboldens bad actors “like sheriffs in small towns that think they can evade media attention, or officers that know their sergeants will be less worried and more lax about strict compliance.”⁶ In states such as Louisiana, almost 80% of recorded misconduct allegations result in no recorded discipline against an officer.⁷

The Criminal Legal System Creates Procedural Barriers for Police Brutality Victims

In the wake of the national shift away from police reform, civil rights litigation now serves as the primary tool to hold local police departments accountable for misconduct.⁸ Victims may elect to pursue civil litigation under Section 1983 of Title 42 of the United States Code.

¹ Zinn Education Project, *Dec. 17, 1951: “We Charge Genocide” Petition Submitted to United Nations*, https://www.zinnedproject.org/news/tdih/we_charge_genocide_petition.

² Civil Rights Congress, *We charge Genocide: The Crime of Government Against the Negro People*, 4, (Dec. 17, 1951), https://www.crmvet.org/info/genocide3_opening.pdf.

³ *Id.* at 8.

⁴ N’dea Yancey-Bragg, *US Sets Another Grim Record for Killings by Police in 2024*, USA Today (Feb. 26, 2025), <https://www.usatoday.com/story/news/nation/2025/02/26/police-killings-2024-data/80281722007/>.

⁵ Tom Jackman and Elizabeth Dwoskin, *Justice Department deletes database tracking federal police misconduct*, Wash. Post (Feb. 21, 2025), https://www.washingtonpost.com/dc-md-va/2025/02/20/trump-justice-nlead-database-deleted/?nid=top_pb_signin&arcId=JU7G73WW4BGWHPYRNHS3NECXVM&account_location=ONSITE_HEADER_ARTICLE; Marco Poggio, *Trump DOJ’s Shift Threatens To Upend Police Reform*, LAW360 (Mar. 7, 2025), https://www.law360.com/access-to-justice/articles/2306891?nl_pk=865f7588-2df6-440a-9d9c-ed68c1e8cde4&utm_source=newsletter&utm_medium=email&utm_campaign=access-to-justice&utm_content=2025-03-08&read_main=1&nlsidx=0&nlaidx=0 [hereinafter Poggio].

⁶ See Poggio, *supra* note 5.

⁷ ACLU of Louisiana, *Visualizing Police Violence in Louisiana: Dashboard*, (Jan. 25., 2025), <https://aclujusticelab.org/dashboard/>.

⁸ See Poggio, *supra* note 5.

Section 1983 originates from the 1871 Ku Klux Klan Act, which gave people the right to sue state actors in federal court for civil rights violations.⁹

The International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement (“the Mechanism”) reported that “under the doctrine of qualified immunity, police departments are rarely found liable for damages to citizens.”¹⁰ Following the 2020 protests sparked by the deaths of George Floyd and Breonna Taylor, the judicially-created doctrine of qualified immunity came under widespread scrutiny.¹¹ While there are now nationwide efforts to repeal the doctrine, the criminal legal system also creates bars to civil litigation through the following: 1) inequitable trials; 2) statute of limitations; 3) and the *Heck* doctrine.¹² These issues are lesser-known to the public and legal practitioners alike but present insurmountable barriers to police violence victims vindicating their rights in civil court.

Inequitable Trials

The U.S. criminal legal system provides a right to a fair and impartial jury.¹³ However, some trials—namely those involving misdemeanors—can be decided by a lone judge, not a jury.¹⁴ With a trial by jury, a person’s peers review the alleged behavior of the accused *and* the behavior of law enforcement. Juries are better positioned than judges to serve as a check on the government during trial, as they are not state actors. Bench trials effectively remove the community’s role in evaluating and contextualizing the accused as a police brutality victim. Thus, a trial by jury is crucial in criminal cases evolving out of police brutality incidents.

⁹ See Nicholas Mosvick, *Looking back at the Ku Klux Klan Act*, National Const. Center (April 20, 2021), <https://constitutioncenter.org/blog/looking-back-at-the-ku-klux-klan-act>; see also 42 U.S.C. § 1983. The statute reads in part that “Every person who, under color of any statute... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law...”.

¹⁰ Human Rights Council, U.N. Doc. A/HRC/54/69 (Aug. 21, 2023), <https://docs.un.org/en/A/HRC/54/69>

¹¹ Alicia Maule and Keli Young, *What You Need to Know About Qualified Immunity and How It Shields Those Responsible for Wrongful Convictions*, Innocence Project (Apr. 22, 2024), <https://innocenceproject.org/news/what-you-need-to-know-about-qualified-immunity-and-how-it-shields-those-responsible-for-wrongful-convictions/>.

¹² John Guzman, *Five time police used qualified immunity to get away with misconduct and violence*, NAACP LDF (Nov. 21, 2021), <https://www.naacpldf.org/qi-police-misconduct/>; James Craven, Jay Scwukert & Clark Neily, *How Qualified Immunity Hurts Law Enforcement*, Cato Inst. (Feb. 15, 2022), <https://www.cato.org/study/how-qualified-immunity-hurts-law-enforcement>.

¹³ See U.S. Const. amend. VI. “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.”; see also *Duncan v. State of La.*, 391 U.S. 145, 149 (1968) (“Because we believe that trial by jury in criminal cases is fundamental to the American scheme of justice, we hold that the Fourteenth Amendment guarantees a right of jury trial in all criminal cases which—were they to be tried in a federal court—would come within the Sixth Amendment’s guarantee.”).

¹⁴ See *Duncan*, 391 U.S. at 157–58 (1968); *Baldwin v. New York*, 399 U.S. 66, 68 (1970); *Blanton v. City of N. Las Vegas, Nev.*, 489 U.S. 538, 543 (1989).

Even though a trial by jury is a more appropriate way to review misdemeanor cases involving victims of police brutality, the jury selection process is often rife with racial discrimination. An essential component of this Sixth Amendment right is for the accused person's jury to be selected from a fair cross-section of the community.¹⁵ Despite this constitutional right, juries continue to be curated absent diversity.

A. *Felony Disenfranchisement*

At least 44 states have some form of felony disenfranchisement preventing people with felony convictions from participating in jury service.¹⁶ And Black people have an incarceration rate six times higher than white people.¹⁷ When jurisdictions prevent people with felony convictions from serving on juries, they reduce the racial diversity of the jury pool.

B. *The Summoning Process*

When jurisdictions use voter registration and Department of Motor Vehicles records to populate a list of names to summon citizens for jury service, they can effectively exclude people who are not registered to vote or don't have an active driver's license but otherwise eligible to serve on a jury.¹⁸ Additionally, some populations move more frequently than others. If the jurisdiction does not regularly update their summons lists, certain people won't show up for jury service because they did not receive the summons.¹⁹

C. *Voir Dire*

Racial discrimination most commonly occurs during *voir dire*, or jury selection. The Supreme Court deemed juror discrimination unconstitutional on due process and equal protection grounds. In *Batson v. Kentucky*, the Court created a test to prevent the discriminatory use of

¹⁵ *Taylor v. Louisiana*, 419 U.S. 522 (1975).

¹⁶ Ginger Jackson-Gleich, *Rigging the jury: How each state reduces jury diversity by excluding people with criminal records*, Prison Policy Initiative (Feb. 18, 2021), <https://www.prisonpolicy.org/reports/juryexclusion.html>.

¹⁷ Leah Wang, Updated data and charts: Incarceration stats by race, ethnicity, and gender for all 50 states and D.C., Prison Policy Initiative (Sept. 27, 2023), https://www.prisonpolicy.org/blog/2023/09/27/updated_race_data/.

¹⁸ See Jasleen Singh & Sara Carter, *States Have Added Nearly 100 Restrictive Laws Since SCOTUS Guttled the Voting Rights Act 10 Years Ago*, Brennan Center for Justice (June 23, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-guttled-voting-rights>; see also Brennan Center for Justice, *Voting Rights Litigation Tracker* (May 24, 2021, updated Oct. 3, 2022), "At least 29 laws were passed in 11 states that had been subject to preclearance, either in whole or in part, at the time *Shelby County* was decided. In other words, if not for the Supreme Court's decision, approximately one-third of the restrictive laws passed in the last 10 years would have been subject to pre-approval by the Justice Department or a panel of federal judges, and many of them may have been barred from implementation. Indeed, several of those laws were later struck down or enjoined as racially discriminatory. But others continue to pose barriers to the ballot box."

¹⁹ Paula Hannaford-Agor, *Why Won't They Come?: A Study of Juror Nonresponse and Failure-to-Appear in Harris County, Texas*, National Center for State Courts (Dec. 2023), <https://cdm16501.contentdm.oclc.org/digital/collection/juries/id/388>.

peremptory strikes to remove people from the jury based on their race.²⁰ Jurisdictions have passed their own rules to further protect against juror discrimination where the *Batson* test falls short. For example, the Washington Supreme Court enhanced their *Batson* protections by adopting General Rule 37 (“GR 37”) which created a list of presumptively invalid reasons to strike a person from a jury.²¹ GR 37 not only recognizes the historical discrimination that takes place during jury selection but also attempts to reduce its practice.

D. *Juror Pay*

Lastly, some people simply cannot afford to serve on juries because the compensation is dismal. Low juror pay has been found to prevent people from lower socioeconomic backgrounds from being able to serve on juries.²² A San Francisco-based pilot program called, “Be the Jury,” directly addressed this issue by paying low to moderate income jurors \$100/day of jury service. The program's preliminary report reveals that “81% of participants indicated that this program made it possible for them to serve as a juror.”²³ And 63% of the participants self-identified as people of color.²⁴

Juries are better equipped to decide an accused person’s innocence or guilt. The benefits of racially diverse juries include: longer deliberations; more questions during deliberation; and more objective decision-making.²⁵ The lack of racial diversity on our juries comes at the cost of fairness and places the integrity of the verdict into question.

Statute of Limitations

In 1871, Congress enacted 42 U.S.C. § 1983 to allow individuals to sue state actors in federal court for violating their constitutional rights. However, Congress did not originally specify a statute of limitations for these claims, which has resulted in inconsistent application of the law across the U.S. “For example, a plaintiff abused by police in Missouri has five years to file a Section 1983 suit, but a plaintiff who suffers the same abuse just over the state line in

²⁰ *Batson v. Kentucky*, 476 U.S. 79 (1986).

²¹ Wash. Ct. Gen. R. 37.

²² Brendan W. Clark, *Juror Compensation in the United States*, National Center for State Courts, (Apr. 2022), https://www.ncsc-jurystudies.org/_data/assets/pdf_file/0024/76173/Juror-Compensation.pdf.

²³ Michelle Lau and Anne Stuhldreher, *Be the Jury: Preliminary Findings from First Six Months of Pilot Program*, Financial Justice Project San Francisco (Nov. 2022), [Be the Jury Report_Final.pdf](#).

²⁴ *Id.*

²⁵ Samuel R. Sommers, *On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations*, 90 *Journal of Personality and Social Psychology* 597 (2006), [sommers_2006 - on racial diversity group decision making.pdf](#).

Arkansas has three years to do so.”²⁶ In at least three jurisdictions—Kentucky, Tennessee, and Puerto Rico—plaintiffs abused by police only have *one year* to file a complaint.

Short statute of limitation periods create tremendous procedural barriers for victims seeking to vindicate their rights in federal court. First, an individual must be able to recognize that their rights have been violated, then secure private counsel. Unlike criminal court, plaintiffs suing under Section 1983 are not entitled to an attorney and must either pay for counsel, find *pro bono* counsel, or navigate the process on their own *pro se*. Moreover, even before filing the complaint, civil rights attorneys need to investigate the claims, such as submitting record requests to police departments for videos and reports of the incident, and to determine damages attorneys must work with plaintiffs to get medical records, photos of injuries, etc. If criminally charged for their encounter with police, the plaintiff must simultaneously deal with parallel criminal proceedings. The collateral consequences of arrest and prosecution are severe and often include loss of employment, education, housing, public benefits, and parental rights, making it all the more arduous to file a civil suit contemporaneously.²⁷ In some instances, a criminal case may not even resolve within a year.²⁸ Post-disposition, the individual may have to focus on completing court-ordered courses and paying fines, or face the possibility of re-arrest and imprisonment for failing to do so. In addition to a potential criminal case, the plaintiff must recover from the physical, mental, financial, and emotional injuries stemming from their encounter with police, including expensive hospital or medical fees.

Pursuing a Section 1983 lawsuit is no easy task. Forcing victims to file suit within a short amount of time defies the purpose of Section 1983, and, for many, is outright impossible.²⁹

The Heck Doctrine

For individuals contending with parallel criminal and civil proceedings, a criminal conviction can sound the death knell for a Section 1983 claim. In 1994, the U.S. Supreme Court

²⁶ Dani Kritter, *The Overlooked Barrier to Section 1983 Claims: State Catch-All Statutes of Limitations*, Cal. L. Rev. Blog (Mar. 2021),

<https://www.californialawreview.org/online/the-overlooked-barrier-to-section-1983-claims-state-catch-all-statutes-of-limitations>.

²⁷ Sam McCann, *How “Collateral Consequences” Keep People Trapped in the Legal System*, Vera Inst. (Nov. 29, 2023), <https://www.vera.org/news/how-collateral-consequences-keep-people-trapped-in-the-legal-system>.

²⁸ Brian J. Ostrom et al., *Timely Justice in Criminal Cases: What the Data Tells Us* (2020), https://www.ncsc.org/_data/assets/pdf_file/0019/53218/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf.

²⁹ “Of more than 400 cases of alleged police brutality brought to the ACLU of Louisiana for review between July 2020 and December 2021, 30% fell outside of the one-year statute of limitations. Another 15% were within six months of the deadline, Ahmed said, making it impossible to conduct a proper investigation in the time needed to file litigation.” Richard A. Webster, *You Have One Year to Sue a Cop for Abuse. Civil Rights Firms Want to Change That*, Verite News (Oct. 11, 2023), <https://veritenews.org/2023/10/11/civil-rights-firms-challenge-one-year-deadline-to-sue-police/>; The ACLU of Louisiana found that “On average, Plaintiffs in states with 2-year statutes of limitations have over 110% more police action case wins and case settlements than states with 1-year statutes of limitation.” ACLU of Louisiana, *One vs. Two-Year Statute of Limitation Impact Factsheet*, <https://infogram.com/report-1h1749veklxq6z?live> (last updated Apr. 19, 2024).

ruled that a person with a conviction cannot recover damages under Section 1983 for an officer's unlawful conduct if those claims would render the conviction or sentence invalid.³⁰ Thus, an individual cannot file suit unless the criminal convictions stemming from the police brutality incident are overturned. However, a claim is not *Heck*-barred if an officer's use of force is "temporally and conceptually distinct" from the conviction—for example, where an officer beats a subdued, handcuffed person.³¹ Yet, courts routinely struggle to determine when claims are *Heck*-barred, resulting in wildly inconsistent, unjust results.³² Alarming, some courts have misapplied *Heck* even when a person has not been convicted of a crime.³³ The judicially-created *Heck* doctrine hampers a person's ability to rightfully sue police for misconduct and incentivizes bad actors to charge people with crimes in order to evade accountability for misconduct.³⁴

Case Study

In the United States, an estimated 75,000 people per year suffer non-fatal injuries requiring hospital treatment at the hands of police.³⁵ Black people are five times more likely to suffer an injury requiring medical care at a hospital compared to their white counterparts.³⁶ A recent 2025 report by the U.S. Department of Justice found that Louisiana State Police ("LSP") engages in a statewide pattern of excessive use of force in violation of the U.S. Constitution.³⁷ Mr. Anthony Monroe, a Black elder, is one the many victims subject to LSP's violence. Mr. Monroe was brutalized and permanently disabled by LSP, hospitalized for his life-threatening

³⁰ *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994).

³¹ *Peterson v. City of Fort Worth, Tex.*, 588 F.3d 838, 847 (5th Cir. 2009); *Bush v. Strain*, 513 F.3d 492, 499-500 (5th Cir. 2008).

³² Gregory Getrajdman, *What the Heck Were They Thinking? It's Time for the Court to Abandon the Heck Doctrine*, 74 Rutgers L. Rev. 181, 182 (2022).

³³ "In *Mitchell v. Morton County* and *Duarte v. City of Stockton*, the plaintiffs were victims of police violence who were charged with resisting arrest; they entered pre-trial agreements that produced no convictions, and yet federal district courts held that Heck barred them from suing the police officers for violating their civil rights." *The Heck Bar*, Inst. Just., <https://ij.org/issues/project-on-immunity-and-accountability/the-heck-bar/> (last visited Apr. 23, 2025).

³⁴ Law enforcement officers frequently use "cover charges", such as obstruction or resisting, to justify their use of unreasonable and excessive force. See, e.g., Lisa Cacho and Jodi Melamed, *How Police Abuse the Charge of Resisting Arrest*, Boston Review (June 29, 2020), <http://bostonreview.net/race-law-justice/lisa-cacho-jodi-melamed-how-police-abuse-charge-resisting-arrest>; Scott Holmes, *Resisting Arrest and Racism – The Crime of "Disrespect"*, 85 UMKC L. Rev. 625 (2017); Jonah Newman, *Chicago Police Use 'Cover' Charges to Justify Excessive Force*, CHICAGO REPORTER (Oct. 23, 2018), <https://www.chicagoreporter.com/chicago-police-use-cover-charges-to-justify-excessive-force/>.

³⁵ *Facts and Figures on Injuries Caused by Law Enforcement*, Univ. Ill. Chi., <https://policeepi.uic.edu/data-civilian-injuries-law-enforcement/facts-figures-injuries-caused-law-enforcement/>.

³⁶ *Id.*

³⁷ U.S. Dep't of Just., *Investigation of the Louisiana State Police* (Jan. 16, 2025), <https://www.justice.gov/crt/media/1384626/dl>.

injuries, criminalized for the incident, then subsequently barred from pursuing civil litigation in federal court.³⁸

Facts:

On November 29, 2019, at around 4 A.M., Mr. Monroe was returning home from his job as a card dealer at a casino when he was detained, beaten, and unlawfully arrested by an LSP trooper. En route to jail, Mr. Monroe suffered a heart attack in the police vehicle. After being booked at the jail, Mr. Monroe was thrown into solitary confinement and left unattended for hours. Upon his release, he was immediately hospitalized for his severe injuries. Before the night in question, Mr. Monroe never had trouble with law enforcement and had no criminal record.³⁹

Trial and Criminal Appeal

While the alleged reason for the stop—speeding—was never pursued, Mr. Monroe was charged with two crimes stemming from the encounter, Battery of a Police Officer and Resisting an Officer.⁴⁰ On July 31, 2023, the court held a bench trial, and Mr. Monroe was found guilty on both counts. Mr. Monroe sought review of his criminal convictions.

Mr. Monroe argued that he was unconstitutionally denied his right to a jury trial. Jury trials are deemed necessary under U.S. Supreme Court precedent when the charge at issue is deemed “serious,” as opposed to “petty.”⁴¹ Because the Louisiana legislature has enumerated battery of a police officer as a “crime of violence”—placing it alongside charges such as rape and murder, and also deemed police officers a protected class under its hate crime laws—there is no question that the crime is a “serious” one. Moreover, conviction of the offense carried with it the denial of Mr. Monroe’s Second Amendment right to carry firearms and included the revocation of Mr. Monroe’s gaming license, which for the preceding 25 years provided him with the means to obtain a livelihood.

However, the appellate courts only allowed for *discretionary* review of Mr. Monroe’s convictions. Here, the Louisiana Second Circuit Court of Appeal incorrectly concluded that the court did not have jurisdiction to hear Mr. Monroe’s constitutional claims, and the Louisiana Supreme Court declined to review the case together. As a result, Mr. Monroe was barred from having his criminal case retried before a jury of his peers. Instead, the case was tried before a single trier of fact—one judge—with no meaningful review afterwards. Consequently, the convictions remain.

³⁸ Johanna Silver, *Challenging Police Brutality in Louisiana*, ACLU (July 25, 2023), <https://www.aclu.org/news/racial-justice/challenging-police-brutality-in-louisiana>.

³⁹ American Civil Liberties Union (ACLU), *The Fight to End Police Brutality - ACLU of Louisiana's Justice Lab – We Show Up*, YouTube (July 31, 2023), <https://www.youtube.com/watch?v=Z3sikGOH6dw&t=3s>;

⁴⁰ *Case #59- Louisiana v. Monroe (L.A. 2d. Cir.)*, Justice Lab, <https://aclujusticelab.org/case/case-59-louisiana-v-monroe-la-2d-cir/> (last visited Apr. 24, 2025).

⁴¹ *Supra* note 14.

Statute of Limitations

On November 24, 2021, less than two years after the beating, Mr. Monroe filed suit in the United States District Court for the Western District of Louisiana, seeking relief under Section 1983. On March 9, 2023, the district court dismissed Mr. Monroe’s federal law claims with prejudice. The court acknowledged that Louisiana’s one-year limitations period was “atypical and relatively brief” but ruled that the claims were time-barred under Louisiana’s one-year residual statute of limitations. On March 5, 2024, the United States Court of Appeals for the Fifth Circuit affirmed the district court’s decision, noting that it was bound by existing Supreme Court precedent to apply a state’s residual statute of limitations to Section 1983 claims and that “only the Supreme Court” could clarify how lower courts should evaluate the practical frustration of a victim’s Section 1983 claim in states with statutes of limitations periods that are excessively short.⁴² Since the Fifth Circuit’s decision, Louisiana has lengthened its residual limitations period for claims filed after June 2024.⁴³ But Mr. Monroe’s claims remain time-barred under Louisiana law, and other jurisdictions in the country continue to apply one-year limitations periods to Section 1983 claims.

On July 3, 2024, Mr. Monroe filed a petition for a writ of certiorari with the U.S. Supreme Court—the court of last resort—arguing that the one-year statute of limitations period that governs Mr. Monroe’s case is inconsistent with the federal interests underlying Section 1983. His petition was denied on November 4, 2024. With short statute of limitation periods, Mr. Monroe and millions of other similarly situated victims lose all access to a vital civil remedy.⁴⁴

Key Recommendations:

- Overrule *Heck v. Humphrey* or eliminate the *Heck* bar by amending 42 U.S.C. § 1983.
- Increase access to counsel for Section 1983 cases by reducing barriers for private counsel, including enforcing public records requests to streamline investigation of claims and reducing barriers to payouts.
- Legislative changes to the Louisiana criminal code to ensure that misdemeanor battery of an officer, resisting, and obstruction of justice charges are tried before a jury in accordance with the U.S. Constitution’s Sixth Amendment and Fourteenth Amendment.
- Congressional committee report explaining that the four-year statute of limitations period under 28 U.S.C. § 1658 applies to Section 1983 litigation.

⁴² ACLU of Louisiana, *Case #56 - Monroe v. Conner Et Al. (CA.5)*, Justice Lab, <https://aclujusticelab.org/case/case-56-monroe-v-conner-et-al-ca5/> (last visited Apr. 23, 2025).

⁴³ See 2024 La. Sess. Law Serv. Act 423.

⁴⁴ See U.S. Census Bureau, *State Population Totals and Components of Change: 2020-2023*, <https://www.census.gov/data/tables/time-series/demo/popest/2020s-state-total.html> (last revised Dec. 18, 2023). This average is based on a Lex Machina search of complaints that included Section 1983 across federal courts in Kentucky, Tennessee, and Puerto Rico between January 1, 2019 to June 14, 2024.

- State and federal databases tracking of killings by police, use of force, and the number of actions that result in discipline, disaggregated by race, gender, age, etc. Requirements for both state and federal to report data.