



Written by [Peter Rykowski](#) on May 15, 2024

## Florida, Tennessee Limit Civilian Review Board Powers

In small victories for local law enforcement, Florida and Tennessee have enacted legislation limiting the powers of civilian review boards.

Especially over the last decade, local law enforcement has been under attack — both from anti-police activists and federal-government encroachments — and the two states' new laws represent small steps toward restoring the ability of local police departments to enforce the law.

In Tennessee, Governor Bill Lee signed into law Senate Bill No. 591 ([S.B. 591](#)) on May 17, 2023. Passed by [near-party-line votes](#) in the state House and Senate, this law [eliminated](#) local community oversight boards, several of which have [subpoena powers](#) and can be created via referendums rather than the traditional lawmaking process.

Under S.B. 591, local governments may recreate these boards as “police advisory and review committees” via two-thirds votes at two separate meetings. However, these reconstituted boards lack the power to independently investigate complaints against police officers and instead must work with local municipal and internal police oversight authorities to review allegations of misconduct.

Representative Elaine Davis (R-Knoxville), who sponsored the legislation, [stated](#) during a subcommittee hearing that S.B. 591 was intended “to ensure a timely fair and objective review of citizen complaints while protecting the individual rights of individual law enforcement officers.”

Meanwhile, Florida Governor Ron DeSantis signed into law House Bill 601 ([H.B. 601](#)) — which [unanimously](#) passed the Senate and passed the House by an [81-28 vote](#) — on April 12, 2024.

Under this bill, existing civilian oversight boards must be reestablished under the county sheriff, who now can appoint several board members. Furthermore, the boards are prohibited from investigating allegations against individual police and correctional officers, but may instead “review the policies and procedures of [a Sheriff’s office] and its subdivisions.”

As originally introduced, H.B. 601 would have [entirely eliminated](#) Florida’s civilian oversight boards, but the Florida Legislature amended the bill to merely limit their powers.

According to the *Tallahassee Democrat*, [about half](#) of Florida’s existing civilian oversight boards were created following the death of George Floyd in 2020.

Upon signing H.B. 601, Governor DeSantis [said](#) that under the bill, oversight boards are no longer “free to use law enforcement as political piñatas. They’re not free to create false narratives. They’re not free to try to make it miserable to live or to work in uniform, and these things are highly political.”



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Representative Wyman Duggan (R-Jacksonville) agreed, stating, “What they cannot do is use them as a vehicle to persecute our law enforcement officers, which to many of these organizations is the only utility that they think that organization has.”

### **Problems With Civilian Review Boards**

Civilian review boards may sound like a good idea to hold police accountable, but they are redundant and unduly impede legitimate law-enforcement activities.

As *The New American* magazine [reported](#) in 2022:

We already have legitimate mechanisms in place to deal with issues of police corruption, brutality, or other misbehavior. Our system of mayors, city councils, county commissions, district attorneys, county grand juries, governors, state legislatures, and state attorneys general provides the proper avenues for redress of grievances against police officers, officials, or departments that violate the rights of the people. Like everything else in this imperfect, fallen world, this system is imperfect, but it is far superior to the proposed review boards.

Furthermore, the context and operations of civilian review boards make them problematic. As *TNA* [reported](#) in 2019:

CRBs [civilian review boards] are given free rein to make up their own rules and define their own powers. In a jury trial, the power is divided between the prosecutor, the defense, the judge, and the jury. A CRB acts as prosecutor, judge, and jury while the “defense” is usually non-existent. Fortunately, its power stops short of that of executioner....

This is the climate in which CRBs are created: distrust, frustration, and anger based on the false narrative that all police are corrupt and city officials will not hold them accountable. Evidence of this is seen in the fact that when CRBs are impaneled, they are populated by the very people who see the police as enemies....

The origins of civilian review boards are equally disturbing. They were [first advocated](#) in the 1930s by the Communist Party USA as a way for the party to exert control over local police departments at the expense of local elected officials.

Their subsequent history shows that such boards have unduly restricted police departments from enforcing criminal laws. As *TNA* [reports](#):

“Beginning with Philadelphia in 1958 a few cities concluded to experiment with the highly controversial idea of civilian police review boards,” [W. Cleon] Skousen wrote. “However, the results were soon devastatingly evident. Not only did the police find such boards to be guilty of biased decisions but the impact on police morale was so virulent that it left certain phases of police service an empty shell. In fact, when the Communist-inspired race riots broke out in 1964, it seemed significant that they were launched in some of these very cities.”

An FBI investigation of the 1965 riots gave a sobering warning: “Where there is an outside civilian review board the restraint of the police was so great that effective action against the



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rioters appeared to be impossible.” The FBI investigators found, “In one city with such an outside review board, police action was so ineffective that the police were ordered to withdraw ... limit themselves to attempting to prevent the riot from spreading. In another such city the police frankly admitted the making of arrests was ‘unfeasible’ and mob action continued without deterrence.” Does this sound familiar to what we saw more recently in Baltimore, Seattle, Portland, Oakland, New York City, and dozens of other ravaged cities?

S.B. 591 in Tennessee and H.B. 601 in Florida are initial steps toward rolling back civilian review boards, which do more to unduly restrict local police than increase transparency. These states — and others — would be wise to enact further legislation protecting local law enforcement from anti-police activists from below and unconstitutional federal usurpations from above.

*To urge your U.S. representative and senators to support independent local police by defunding and abolishing federal law-enforcement agencies and programs, visit The John Birch Society’s legislative alert [here](#). Take action in defense of locally controlled law enforcement by visiting JBS’s action project page [here](#).*



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