

**Supporting New York State Senate Bill S182 and Assembly Bill A710
To End Qualified Immunity For Certain Defendants**

WITHDRAWN BY SPONSOR

Referred to: The Law Enforcement and Public Safety Committee (Chairwoman Hansut and Legislators Hewitt, Fabiano, and Uchitelle)

Legislator Phil Erner and Legislators Criswell, Greene, Hewitt, and Uchitelle offer the following:

WHEREAS, the Ulster County Legislature supports measures that would contribute to undoing white supremacy at a systemic level; and

WHEREAS, in a New York Times article a report by the Mapping Police Violence organization was cited which stated that, "of the 1,147 people killed by the police in 2017, officers were charged with a crime in 13 of those cases, or about one percent"; and

WHEREAS, this startling statistic substantiates the protection that qualified immunity has given law enforcement even in the most suspect of cases where officers have acted with impunity; and

WHEREAS, a 2020 resolution by the American Bar Association (ABA) “urges federal, state, local, tribal, and territorial governments to enact legislation to eliminate or substantially curtail the defense of qualified immunity in civil actions brought against law enforcement officers to redress deprivations of rights, privileges, and immunities secured by the Constitution and laws of the United States or any State or Territory”; and

WHEREAS, the 2020 ABA resolution is followed by a 20-page report that makes four main points: “First, qualified immunity is in fact not well grounded in either history or precedent. Second, qualified immunity has made it virtually impossible for people who have suffered serious constitutional injuries to recover; it wastes scarce judicial resources; it has proven exceptionally difficult for courts to apply in a consistent manner; and it has left constitutional rights effectively unremedied in many circumstances. Third, the prospect of personal liability for individual officers is remote. Finally, because the Supreme Court has refused to reconsider fundamental aspects of qualified immunity, legislatures should now consider substantially curtailing the doctrine”; and

WHEREAS, Congress granted individuals the right to sue state and local officials who violate their rights, including police officers, in the Civil Rights Act of 1871, now found under title 42 of the United States Code, Section 1983; and

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WHEREAS, since 1967 the Supreme Court has issued several decisions gutting this protection by inventing the qualified immunity doctrine, shielding law enforcement officers from liability for misconduct, negligence, or abuse; and

WHEREAS, the doctrine of qualified immunity restricts accountability of government officials, prevents genuine justice from being served, and exacerbates violent racial inequities; and

WHEREAS, New York Senator Jackson and Assemblymember Hunter have introduced S182 and A710, respectively, to end the defense of qualified immunity for public officials and provides for a state cause of action for the deprivation of rights, privileges, or immunities secured by federal or state constitution or laws; now, therefore be it

RESOLVED, that the Ulster County Legislature urges the New York State Legislature to pass, and the Governor to sign S.182/A.710 which would End Qualified Immunity; and, be it further

RESOLVED, that the Ulster County Legislature thanks Assemblymember Sarahana Shrestha for her co-sponsorship of the bill; and, be it further

RESOLVED, the Clerk of the Ulster County Legislature shall forward copies of this resolution to New York Governor Hochul, Senate Majority Leader Stewart-Cousins, Assembly Speaker Heastie, and all Ulster County elected Assemblymembers and Senators,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Postponed in Committee: Law Enforcement and Public Safety on May 4, 2023

Passed Committee: Law Enforcement and Public Safety on _____.

FINANCIAL IMPACT:

NONE