

DAILY NEWS

Stop putting police officers above the law: End qualified immunity in New York State

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I support law enforcement — good law enforcement. And there are lots of great officers serving New York with integrity. But the truth is, the system of public safety as it stands is completely broken. If Buffalo police can apprehend 18-year-old white supremacist Payton Gendron with barely a scratch after committing a mass shooting, while White Plains cops are able to kill 68-year-old Black vet Kenneth Chamberlain Sr. for accidentally turning on his medic alert and get away scot-free, something is terribly wrong.

The first step to building trust in public safety is to ensure that rogue officials face accountability when they shatter the public's trust.

We can accomplish this in New York by passing the comprehensive bill to end qualified immunity sponsored by Sen. Robert Jackson and Assemblywoman Pamela Hunter. There are only a few weeks left until the legislative session comes to a close. It's imperative that Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heasties bring this bill to a floor vote.

Qualified immunity was born in the Jim Crow South in 1961 after 15 priests were arrested and jailed for four months in Jackson, Miss., for sitting in a “whites only” area of a bus station — seven years after segregation had been outlawed. When the priests sued the police for violating their civil rights, the Supreme Court invented the doctrine to protect the public officials — like law enforcement and correctional officers. It shields the very people who are charged with upholding the law from civil liability when they break the law. Over the last 50 years, that legal doctrine has created a dangerous and deadly environment where rogue officials act with impunity.

Inspired by a letter signed by 1,400 professional athletes to Congress, my business partner Jerry Greenfield and I launched the Campaign to End Qualified Immunity after the murder of George Floyd. The campaign includes more than two dozen national organizations, including the Law Enforcement Action Partnership and the Cato Institute, as well as a coalition of local grassroots groups, such as End QI NY and VOCAL-NY.

But Congress blew its chance to strike down qualified immunity last year when the George Floyd Justice in Policing Act stalled in the Senate. As we've seen time and again, we can't rely on the federal government to protect our rights. States can and must lead the way.

A number already have.

Colorado, New Mexico and California, for instance, took action to safeguard their citizens by passing legislation banishing qualified immunity. Now it's New York's turn to step up to the plate and stop state violence in its tracks.

Naysayers insist that ending qualified immunity is anti-police. I can tell you it's not — it's pro-justice, pro-accountability and pro-civil rights. In fact, this bill doesn't single out law enforcement. What makes this bill particularly outstanding is that corrections officers and other government employees will also face the consequences if they engage in egregious misconduct.

It's time to pass this legislation now in order to keep all New Yorkers safe. It's not only the right thing to do, but it's what the people of New York want. Recent polling revealed that 58% of state residents favor getting rid of qualified immunity.

Hear that, legislators? The people of New York have spoken loud and clear. I'm proud to be from New York, born and raised. And I want New York to make its residents proud by ending qualified immunity.