



We transformed police accountability in New York City. State leaders should follow suit.

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After the murder of George Floyd, the protest movement of 2020 forced many of us to take a long look in the mirror and ask, as Americans, are we doing everything we can to live up to our foundational principles and ideals?

As a New York City Council member, I decided to explore ways to make police more accountable when an officer engages in misconduct. I knew from research, history and common sense that police accountability actually enhances public safety by cultivating police-community relationships and bolstering confidence in law enforcement and the rule of law.

When I examined the most serious impediments to police accountability, one obscure concept came up again and again: qualified immunity.

Qualified immunity is a court-created legal doctrine that says public officials, such as police officers, can be shielded from civil liability for even the most egregious misconduct. It means a police officer can knowingly violate a person's constitutional rights and invoke qualified immunity, and the person whose rights were violated has no remedy in the courts. It's baffling that this is the case, but it's true.

I'm working to change qualified immunity

I sponsored a bill, which the New York City Council passed, that provides the people of New York City an empowering path to accountability. This measure profoundly limits qualified immunity as a defense for police officers who violate a person's basic Fourth Amendment rights – the rights against unreasonable search and seizure – by establishing those same rights in New York City. Residents can now cite those local rights when bringing a lawsuit if those rights are violated. And any city or state across the USA can pass their own version of this bill and affirm these rights in their own jurisdictions.

Passing this bill sent a powerful message: Police who abuse their authority will no longer be able to walk into the courtroom and say, "The plaintiff has no right to bring me here because I am

immune.” On the contrary, the victim finally has the opportunity to have their day in court and seek the justice they deserve.

Congress has failed to pass the George Floyd Justice in Policing Act at the federal level. Now is the time for states to step up to protect their residents. In 2020, Colorado ended qualified immunity. In 2021, California and New Mexico took similar steps to bolster accountability. Their communities are safer as a result. This year, states such as Maryland, New York, Vermont and Washington all have bills ready to lead the fight against police brutality.

Employing solutions: Colorado took a revolutionary step to reform policing. Here's how we did it.

Accountability is essential to fostering trust between communities and police. Removing qualified immunity creates a system of accountability and fairness that protects our most fundamental rights: the rights enshrined in our Constitution and the Bill of Rights. These are the rights that have built and sustained our democracy.

Ending qualified immunity isn't partisan

Reforming qualified immunity is not anti-police. Legislation such as mine is not intended to be vindictive. It's not about bankrupting officers. It's about upholding public safety, justice and the Constitution, and it is something people from across the ideological spectrum have gotten behind. In fact, the libertarian think tank Cato Institute has been instrumental in leading the charge around the country for qualified immunity reform, making “the conservative case against qualified immunity.”

Now that we've limited qualified immunity in New York City, it's time for our state legislature to take it across the finish line and repeal the doctrine for the whole state – making New York safer for everyone.