



N.M. Lawmakers Eye Qualified Immunity Amid Calls For Police Reform

Kaveh Mowahed

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In the wake of continued police violence, people across the country are calling for greater accountability for police officers. Some reformers are targeting a legal doctrine called qualified immunity that makes it nearly impossible for people to successfully sue officers for civil rights violations. New Mexico lawmakers are expected to take up the issue in January's legislative session. State lawmakers on the Criminal Justice Reform Subcommittee discussed qualified immunity with experts during an interim meeting Monday.

When a public employee harms someone, qualified immunity protects that employee from individual liability – unless there's a previous court case where the same action was found to violate civil rights.

Policy analyst Jay Schweikert with the libertarian Cato Institute told lawmakers Monday about a case in which a police officer accidentally shot a 10-year-old boy while trying to shoot the family's dog.

"There had never been a case involving this sort of outlandish and bizarre series of events where an officer was unreasonably trying to shoot at a dog but missed and shot an innocent person instead," Schweikert said. "So they granted immunity to that officer."

Schweikert urged lawmakers to ban defenses based on qualified immunity in state law, like California did in 2007 and Colorado did this year.

Albuquerque Police Officers' Association President Shaun Willoughby argued that would force the state to pay for expensive insurance for public employees and would make it hard to recruit and keep officers.

"What Colorado knew is that if they take away qualified immunity and they allow officers to be financially liable, then they have to provide them personal liability insurance or Albuquerque is gonna hire all their cops," Willoughby said.

Schweikert acknowledged there would be a fiscal impact but said requiring officers to be insurable would keep those who repeatedly violate civil rights off the streets.

During June's special legislative session, New Mexico lawmakers created a State Civil Rights Commission to advise about a proposal to abolish qualified immunity. The panel's report is due in November.