

## Memo of Support for S.1991/A.4331

**Center for Community Alternatives urges the Legislature to pass and the Governor to sign S.1991/A.4331 to end the defense of qualified immunity for law enforcement and provide a legal remedy to victims of government misconduct.**

Center for Community Alternatives (CCA) was founded in 1981 with the belief that solutions to poverty, addiction, and violence rest in communities, not imprisonment. Recognizing the devastating impact of incarceration on low-income communities and communities of color, CCA became one of the first community-based alternative-to-incarceration programs in New York State. Today, CCA continues to be a leader in decarceration efforts through organizing, advocacy, and direct services.

For years, New Yorkers have demanded meaningful accountability when law enforcement violates their rights. This call has only grown stronger since the murder of George Floyd. However, the federal doctrine of qualified immunity allows law enforcement to violate people's constitutional rights with virtual impunity. This has led to a national demand to abolish this doctrine and provide an important avenue for victims of police violence to hold law enforcement accountable.

This is a matter of racial justice. Abusive policing and carceral practices disproportionately impact Black and Latinx communities and low-income people, who deserve a meaningful avenue for redress. It is also a matter of good public policy. Under the doctrine of qualified immunity, officers who violate people's rights - and the departments that employ them - have little incentive to change their practices. This undermines safety and justice for all New Yorkers, particularly for Black, Latinx, LGBTQ and other marginalized people most likely to be targeted by police abuses.

If enacted, this legislation would ensure that victims of police brutality have access to monetary compensation, as well as help to deter misconduct by police and other law enforcement. Importantly, the bill allows claims to be brought against employees of the Department of Corrections and Community Supervision (DOCCS). As many of the most egregious abuses by law enforcement occur behind bars in state prisons, this is a critical provision.

With the passage of the Civil Rights Act of 1871 (also known as the Klu Klux Klan Act), Congress recognized the importance of providing Americans the right to sue public officials who violate their constitutional rights. A century and a half later, the doctrine of qualified immunity has gutted this promise. It is high time that New York creates a pathway to justice for victims of police abuse and misconduct. **For these reasons, Center for Community Alternatives supports the passage of S.1991/A.4331.**