

1 **2021 NYSAC Fall Seminar**
2 **Standing Committee on Public Safety**
3 **Resolution #2**

4 **Resolution Opposing Qualified Immunity Reform**

5 **WHEREAS**, the doctrine of qualified immunity is a federal judicial construct that
6 holds that public servants engaged in the good faith execution of their duties should not
7 be held civilly liable for acts or omissions that, in hindsight, deprived an individual of
8 his or her constitutional rights; and

9 **WHEREAS**, qualified immunity does not shield police officers or any other public
10 servant from illegal conduct; and

11 **WHEREAS**, qualified immunity not only protects police officers from liability for
12 unknowingly violating constitutional rights, it protects all government actors from
13 liability, thereby allowing them to function in uncertain situations where immediate
14 action is needed for the public good; and

15 **WHEREAS**, qualified immunity is a necessary limiting principle that filters out
16 frivolous or spurious cases from the judicial process and in-so-doing, protects local
17 governments and their taxpayers from negative financial implications.

18 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of
19 Counties (NYSAC) opposes any legislative or regulatory attempt to circumvent the
20 federal qualified immunity doctrine by creating private right of action under New York
21 State law for deprivation of constitutional or civil rights, for which qualified immunity
22 or commonly understood legal underpinnings are not a defense; and

23 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
24 of New York State encouraging member counties to enact similar resolutions; and

25 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
26 the Governor Kathy Hochul, the New York State Legislature, and all others deemed
27 necessary and proper.