



Colorado passes sweeping police reform bill

BY LI COHEN

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Colorado passed a sweeping police reform bill on Friday that, among other reforms, bans chokeholds and makes officers personally liable if they are found guilty of **violating a person's civil rights**. Colorado is one of the first states that will allow **police officers to be financially liable for civil misconduct suits**, according to the state's ACLU.

The bill, signed by Governor Jared Polis on Friday morning, mandates the following, according to [CBS Denver](#):

- All local and state police officers must wear **body cameras** by 2023
- Body camera footage must be made **public**
- **Chokeholds are prohibited**
- **Shooting at fleeing suspects is prohibited**
- **Deadly force can only be used if a person's life is imminent danger**
- Police must report every instance in which they stop someone who they suspect of a crime; they must also include that person's race, gender, and ethnicity
- Police must report other officers for wrongdoing
- Officers can be held personally liable for damages up to **\$25,000** if they are found guilty of **violating an individual's civil rights**

Officers can turn off body cameras "to avoid recording personal information that is not case related," or if they are working undercover or are on an unrelated

assignment, according to the bill. They may also turn off their camera "when there is a long break in the incident; and in administrative, tactical, and management discussions."

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If officers do not follow these rules, they may be subject to criminal liability and penalty under the law, and will face discipline "up to and including termination," the bill says. Officers who intentionally don't turn on or tamper with their camera will lose their certification for at least one year.

The bill also states that police should "apply nonviolent means, when possible, before resorting to the use of physical force." The rules on the use of physical force are less stringent for officers who work in jails, prisons, or correctional institutions.

The bill also states that "qualified immunity is not a defense to liability," blocking a practice that is common nationwide. The American Civil Liberties Union (ACLU) of Colorado tweeted that Colorado is one of the first states in the country to end qualified immunity.



ACLU of Colorado

@ACLUofColorado

!! BREAKING !!: @GovofCO has signed #SB217 into law. Colorado becomes one of the first states in the country to END qualified immunity as part of this historic comprehensive police accountability bill.



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Many have argued that qualified immunity, which protects police officers from financial liability in civil suits, enables excessive force.

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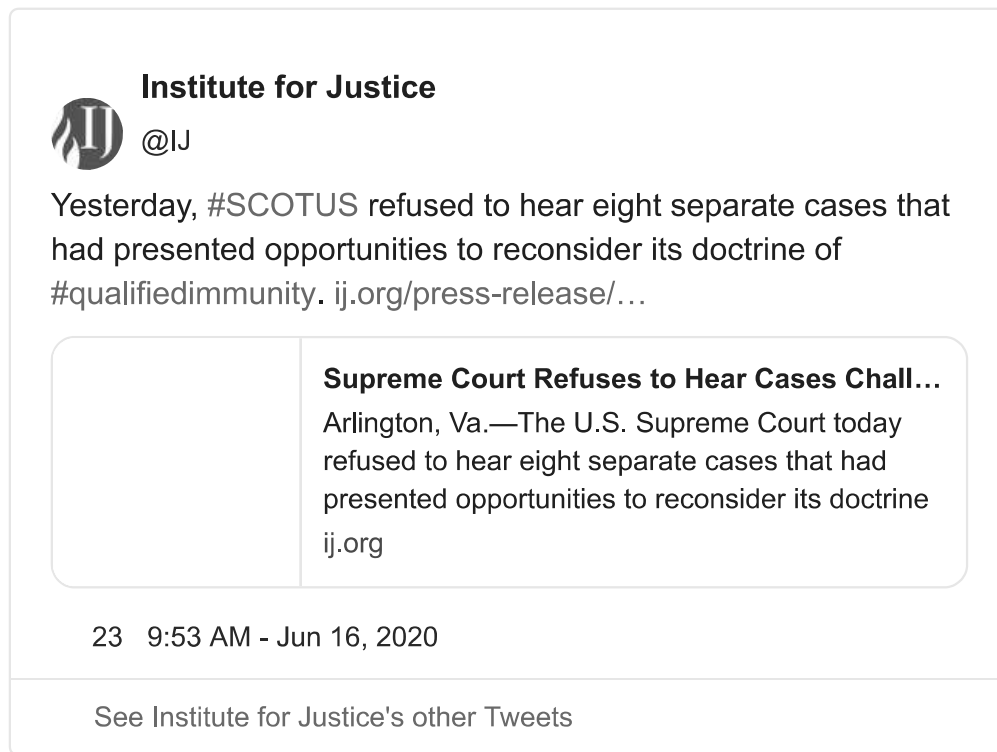
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Officers can use qualified immunity as a shield unless evidence shows that they violated the fourth amendment by using excessive force, and knew they were breaking "clearly established" law, Reuters said in a comprehensive investigation into the practice. Clearly established law, according to the Supreme Court, refers to prior cases in which similar police actions were designated as illegal.

Reuters analyzed qualified immunity cases in appellate courts from 2015 to 2019.

In more than half of the 252 cases where police were accused of using excessive force, the courts granted police qualified immunity. They also found dozens of cases in which this immunity protected police who had allegedly engaged in unlawful misconduct.



On Monday, the Supreme Court refused eight cases that presented opportunities to reconsider qualified immunity, according to the Institute for Justice.

In a [press release](#), the Institute said that in practice, qualified immunity "means that government officials can only be held liable if a federal court of appeals or the U.S. Supreme Court has already held that someone violated the Constitution by engaging in precisely the same conduct under precisely the same circumstances."

"Qualified immunity means that government officials can get away with violating your rights as long as they violated them in a way nobody thought of before," said Institute for Justice attorney Anya Bidwell. "And that means that the most egregious abuses are frequently the ones for which no one can be held to account."

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