

Victims of Police Violence Deserve Justice

Access to Fairness Act

House Bill 1025

What the bill does

We expect our law enforcement officers to follow the law and uphold the constitution. If an officer violates our constitutional rights or breaks the law, we expect consequences. Yet, few families of police violence victims bring lawsuits in state court. That's because today there are too many obstacles to bringing a lawsuit, including qualified immunity in federal court, and no damages (the costs of injuries) or attorney's fees for violations of the Washington constitution, even though our state constitution is more protective of civil rights than the federal constitution. This results in a lack of accountability, and leaves families with significant financial burdens. This bill solves these problems by creating a path for victims to enforce the Washington State Constitution if their rights have been violated.

“Qualified immunity protections as they stand send the message to the country that police officers face no consequences or penalty for violating citizens’ rights. Ending qualified immunity will finally provide victims with access to answers, compensation, and justice.” Campaign Zero.

In federal court, qualified immunity is a significant obstacle and has denied justice for even the most egregious acts of misconduct. Because there is currently no means to sue for state constitutional violations, victims and their families must use a federal law to sue a peace officer or department. But federal courts have developed the legal doctrine of qualified immunity, which far too often shields officers who have been found to violate a person's constitutional rights from accountability. This bill would prevent Washington courts from applying the qualified immunity shield for state-law civil rights violations.

This bill would follow states like California, Colorado, Connecticut, and New Mexico to provide a legal remedy to people whose rights have been violated by law enforcement. Because individual officers are indemnified, or protected from liability, it is ultimately the local government who will foot the bill. And as the employer, they are in the best position to properly hire, train, supervise and discipline their officers to hold them accountable to the law. Law enforcement should be treated like other public servants, and be accountable if they violate someone's constitutional rights.

Why do we need this bill?

Right now, victims and their families bear the emotional and financial burden when their rights have been violated by an officer. This bill places responsibility where it belongs: on the entity causing the harm. Legal remedies are part of how we hold each other and institutions accountable and put responsibility where it belongs. Departments that don't change their conduct so it is lawful expose themselves to liability and higher insurance premiums. The bill encourages police departments to have sound and reasonable hiring, training, supervising and disciplining policies while protecting officers who follow the law, the direction of their employer, and who uphold the Washington Constitution.

“The point of this bill is to take care of the kids left behind. My cousin was killed during a traffic stop. We don't come from a wealthy family and when a breadwinner is killed, it leaves a financial hole in the community. Now his kids have to rely on public housing, food stamps, and food banks instead of relying on him.” - Po Leapai, cousin of Iosia Faletogo.