

The Accountability Act

Federal Bill Proposal by Private Investigator Manuel Gomez

September 2020

Mission Statement

The Accountability Act will remove the financial immunity granted to Prosecutors, Police Officers, Correction Officers, and Firefighters from committing acts of corruption and violation of civil rights. Individuals can be held personally liable if it is determined that they have not acted in good faith, with reasonable belief that what they did was legal, or if found guilty of committing illegal acts.

Qualified Immunity: The Accountability Act removes the qualified immunity defense, allowing people to bring corruption claims and civil rights claims to the federal courts. A public entity does not have to indemnify prosecutors, law enforcement, and Firefighters if they are convicted of a criminal violation or a violation of civil rights for the conduct for which the claim arises. People who allege corruption and civil rights violations will be able to sue Prosecutors, Police Officers, Correction Officers, and Firefighters in their individual capacities if the aforementioned group are found guilty in committing illegal acts. Prosecutors, Police Officers, Correction Officers, and Firefighters determined not to have acted in good faith or did not act within the law will be held personally liable for 5% of a judgement or a settlement or \$50,000 dollars, whichever is less.

The Accountability Act will require that, regardless of rank or position, all Prosecutors, Law Enforcement, and Firefighter must intervene when another member of the service commits an unlawful act. They are required at a minimum to file a report immediately regarding the incident. If a member of the service who witnesses the corruption fails to act, they will be also held accountable for the corruption or the violation of civil rights they witnessed. Persons under investigation will be suspended with pay up to 30 days until an investigation is conducted to determine their liability.

Attorney General Responsibility: The Accountability Act makes it unlawful for any governmental authority listed above to engage in a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or the State and municipalities. Whenever the Attorney General has reasonable cause to believe that a violation of this provision has occurred, the Attorney General may, in a civil action, obtain any and all appropriate relief to eliminate the pattern or practice. The Attorney General may bring criminal charges for civil rights violations and corruption of the provisions related to members of the service if the violation is willful or wanton or may impose fines upon any individual or agency for failure to comply with the provisions related to the Accountability Act.

Justification: The Accountability Act will reduce the financial burden currently imposed on City and State taxpayers. It will reduce the money being paid by civil lawsuits and settlements for acts of corruption or violations of civil rights committed by the above listed persons and agencies. The cumulative budget savings from this can be deployed back into the communities. Shifting the burden of liability to the aforementioned will be a strong deterrent for future acts of corruption and violations of civil rights. This accountability of law will help ensure that the people will not be deprived of their rights, privileges, or immunities secured by the Constitution or laws of the United States, the State of Connecticut, or municipalities within the State.