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LEGAL RIGHTS & PROTECTIONS FOR **Injured Police Officers in New York**

Historically, police officers and firefighters were barred from filing lawsuits when injured on duty due to the “firefighter’s rule.” However, New York State has significantly reformed these restrictions, creating multiple legal pathways for officers to seek compensation for line-of-duty injuries beyond Workers’ Compensation benefits.

General Municipal Law Section 205-E

General Municipal Law Section 205-e enacted by the New York Legislature provides police officers with a specific cause of action when injured or killed in the line of duty. This statute allows officers (or their surviving family members) to sue individuals whose violation of any federal, state, county, or municipal statute, ordinance, rule, or requirement directly or indirectly caused the officer’s injury or death.

Importantly, it does not affect Workers’ Compensation rights and applies regardless of whether the violated provision codifies common-law duties or prohibits activities that increase inherent workplace dangers.

Three Key Requirements

To file a lawsuit under Section 205-e, police officers must demonstrate three elements:

1. Identify the specific statute or ordinance the defendant violated;
2. Describe how the injury occurred; and
3. Establish facts showing the defendant’s negligence directly or indirectly caused the harm.

Significantly, this statute requires a lower causation standard than traditional negligence lawsuits. Officers need only show a “practical or reasonable connection” between the

violated regulation and their injury rather than proving proximate causation. Once these elements are established, the defendant is liable, and comparative negligence is not available as a defense.

Dual Pathways for Recovery

New York law now provides two separate avenues for injured police officers and firefighters. Beyond Section 205-e’s statutory violation pathway, the 1996 enactment of General Obligations Law Section 11-106 largely abolished the firefighter’s rule, allowing officers to pursue general negligence claims when injuries occur during duty even without an underlying statutory violation. This means officers can succeed in litigation if defendants were simply negligent and that negligence proximately caused injury.

However, these laws still prohibit officers from suing their municipal employers or co-workers.

Common Actionable Injuries

Some typical cases involve motor vehicle accidents with use of violation of the VTL as a statute, private property building code violations, and failure of property owner to clear snow and ice in a timely manner required by local code, ordinance, or statute.



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