

PRESS RELEASE

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On Monday, June 15, 2020, the United States Supreme Court refused to hear eight separate cases involving “qualified immunity,” a doctrine it created nearly 40 years ago. Qualified immunity allows government officials, including peace officers, to avoid legal liability for violating someone’s constitutional rights in a civil action, so long as those rights weren’t “clearly established” at the time of the Incident.

By declining these cases, the Supreme Court will not reconsider lower court rulings that include; Idaho police who bombarded an innocent mother’s home with teargas grenades, Texas medical regulators who searched confidential patient records without a warrant, and a Georgia deputy who accidentally shot a 10-year-old boy while aiming at the family’s dog. Critics claim that the qualified immunity doctrine is shielding law enforcement and government officials from accountability.

The decision to not hear these cases comes as protesters across the country have been reacting to the death of George Floyd. His death has sparked nationwide protests pushing for more police accountability and reform. Qualified immunity, understandably, has witnessed a surge of interest. A newly introduced bill in Congress would eliminate qualified immunity for local and state law enforcement officers. The “Justice in Policing Act” has over 200 co-sponsors in the House of Representatives and at least 35 co-sponsors in the Senate.

On June 17th, the White House has signaled that at least key portions of the House Democratic bill go too far for the administration, such as limiting legal liability in a way that would make it easier for police officers to be sued for misconduct. Revising so-called “qualified immunity” is off the table, the White House has said.

Stone Busailah, LLP, will continue to watch legislative developments on your behalf, both in the Congress and the California State Legislature. Not only will we keep you informed about legislation that affects your rights and profession, we often, as General Counsel for numerous law enforcement associations, take an active role in the legislative process.

Stay Safe and Healthy!