Empower Victims to Seek Justice.

END QUALIFIED IMMUNITY

*For too long, qualified immunity has **prevented victims of police brutality and misconduct from pursuing justice in civil court.** Under this legal doctrine, officers are shielded from being held liable unless the officer's action has already been "clearly established" as a constitutional violation by a prior case with identical facts in that court's jurisdiction, even in cases of intentional, malicious misconduct, injury, or death.*

CONSIDER THIS CASE

In **Jessop v. City of Fresno,** a Fresno police officer stole more than $225,000 in cash and rare coins while executing a search warrant. The Ninth Circuit ruled that while the theft may be "morally wrong," the officer could not be sued because the Ninth Circuit had never specifically decided "whether the theft of property covered by the terms of a search warrant, and seized pursuant to that warrant" constitutes a violation of the Fourth Amendment.

63% OF AMERICANS SUPPORT ENDING QUALIFIED IMMUNITY

Cato Institute 2020

WE NEED A BILL THAT WILL...

Empower victims of police abuse
to sue for violations of their state and federal constitutional rights

End qualified immunity
as blanket protection for all government officials

Provide coverage for attorney's fees
so all victims can afford to obtain counsel.

National Police Accountability Project

The Truth About

QUALIFIED IMMUNITY

MYTH *Ending QI will expose police to personal liability and financial destruction.*

FACT **Police officers are almost always indemnified** for alleged misconduct. In the largest study of its kind, Professor Joanna Schwartz showed that 99.98% of all dollars paid to plaintiffs alleging civil rights violations by law enforcement came out of the government's pocket, not from individual officers.

MYTH *Ending QI will expose police agencies to financial destruction.*

FACT While qualified immunity reform will make it possible for additional victims of police misconduct to recover compensation, that does not mean there will be a significant net rise in costs. **Qualified immunity does not save costs.** It shifts them to the victims of police misconduct. An increased risk of liability will help save government entities money in the long run through deterrence.

MYTH *QI protects police from being penalized for making rapid life-or-death decisions.*

FACT Qualified immunity only authorizes lawsuits when an officer violates someone's constitutional rights. **Our legal standards** for evaluating if a constitutional rights violation has occurred **are already highly deferential to police discretion** to make split-second decisions. Under the Fourth Amendment reasonableness standard an officer can mistakenly determine that force is necessary without facing constitutional liability so long as their mistake is reasonable.

MYTH *Ending QI will negatively impact officer retention and recruitment.*

FACT **There is no evidence** that qualified immunity alone will negatively impact retention and recruitment of police officers. Moreover, the police officers we want to recruit and retain are not individuals who are drawn to a job by the promise of no accountability to the people they nominally serve and protect.

MYTH *Ending QI will paralyze police officers, making them too afraid to do their jobs.*

FACT Qualified immunity is currently not protecting police officers who are making reasonable, good faith decisions in carrying out their duties. **Officers who** follow their training and department policies, and who **are doing their job "by the book," do not need qualified immunity**—Fourth Amendment law provides that safeguard.