



Qualified Immunity for Law Enforcement

While it is well understood that governmental bodies enjoy sovereign immunity, meaning they cannot be sued without their consent, there is more confusion when it comes to qualified immunity for police officers.

The most common misconception regarding “Qualified Immunity” is that it prevents a law enforcement officer from being fired, sued and/or criminally charged and convicted for an action which transpired during the course and scope of their duties. This is false.

Qualified immunity has nothing to do with the criminal investigation and prosecution of law enforcement officers, nor does it have any impact on disciplinary actions taken against officers. An officer who has engaged in misconduct can be terminated from their employment and be criminally prosecuted if they violated state law.

Qualifying for Civil Protections:

Qualified Immunity must be granted by a court, and if granted, it is ONLY APPLICABLE TO CIVIL SUITS AGAINST THE OFFICER. In each case, a court makes the determination if the officer acted as a reasonable officer under the circumstances and did not violate “clearly established law.” If the answer is no, the officer can be held civilly liable for their actions.

Why it Matters:

Police officers must make split-second decisions regarding the safety of the public, and safety to themselves. Without qualified immunity, an additional assessment the officer will have to make, is if their action is worth losing his or her home, life savings, and the ability to provide for their family.

The number of people who are willing to serve in this noble profession is already dwindling. Those who are eligible to retire, are choosing to do so earlier than they planned. Finding new officers to replace those leaving the profession is increasingly difficult.

Without qualified immunity, we are asking men and women to enter a profession where they can lose everything they have due to a frivolous lawsuit. Dismantling qualified immunity would put the public, the officer, and the profession in danger.