



Qualified Immunity

An Unqualified Injustice

After the Civil War, Congress made it possible for people whose constitutional rights were violated by public officials to use courts to seek relief. Qualified immunity is a more recent legal doctrine that shields government officials from being held liable for discretionary actions performed within their official capacity unless their actions violated “clearly established” federal law or constitutional rights. Applied to police officers, qualified immunity gives a nearly impenetrable shield to cops who engage in extreme misconduct and violate the basic constitutional rights of civilians.

Qualified immunity creates a culture of permissive use of force by police, creates near-zero accountability for police misconduct, lowers community trust in police, and invites civil unrest.

Qualified immunity **does NOT** apply to situations in which police

- use reasonable discretion,
- conduct legal actions in good faith,
- use reasonable force, or
- perform their work in line with the Constitution.



Qualified immunity **does** protect police officers who

- wantonly trample on citizen’s constitutional rights,
- conduct illegal searches,
- use brutally excessive force, or
- engage in other forms of extreme misconduct.



Addressing the burden of qualified immunity can restore public faith in law enforcement, develop clear accountability for those that don’t deserve a badge, and make it clear to civilians and police that people’s constitutional rights cannot be flagrantly ignored.