



Police Reform Discussion

June 22, 2020

If we had a thread on this, I must have missed it and I could not find it. However, I wanted to create a separate discussion from the Atlanta police shooting and obviously the George Floyd incident. There is a LOT to this topic, and I feel like a dummy when people discuss it since I know so little about our legal system, and the legal doctrines we are all subject to.

However, I started listening to a series of podcasts to try to learn a little bit on these subjects. The most recent guest was a Constitutional Lawyer from the Cato Institute discussing the legal "doctrine" of Qualified Immunity (ignorantly had never even heard this term until about 3 weeks ago). Previous pod casts were discussing the roles of Police Unions in the reform effort, and how they are potentially hindering the process. Further, they discussed things like a National Licensing process and database to track officers as they move from one force to another, elimination of specialized plain clothes units (something like 80% of police shootings in NY in 2019 were from these plain clothes specialized units vs the uniformed patrolmen).

I have to say that the overall tone of these was disappointing. Every single speaker spoke in broad terms and basically implied that every police officer was complicit in corruption or misbehavior to one extent or another. I have lost an uncle on the job in New York and his son, my cousin, has had 11 surgeries and will never walk correctly again because some POS shot him through the neck while he was responding to a breaking and entering call. So, I refuse to accept that all police are corrupt and/or complicit in corruption as a couple of them are family.

That said, the explanation of Qualified Immunity as a doctrine basically "made up" by the Supreme Court that makes it virtually impossible to hold police (and all other public servants) accountable to Civil suits is absolutely horrifying. The cited cases ranging from a Texas police organization holding a prisoner in a cell that was covered in feces and the sewer line backed up into the cell for 6 days that he was in there without even a bed to stay off of the sewage covered floor made me sick. Police forced a 13 year old girl to submit to a strip search looking for a single Ibuprofen pill and police made a school age boy masturbate in front of him so the police could take a picture of his erect penis and compare it to a picture hung in a girls locker. In every instance a judge ruled that the individual rights of the people had been violated, but because there was no previous case in that specific jurisdiction, the court could not hold that the officer (department) responsible because the doctrine requires "clearly established statutory or constitutional rights of which a reasonable person would have known". That "reasonable person would have known" phrase is the justifications that almost all lower courts use.

Further, I had no idea that if Qualified Immunity were eliminated, that the officers in 99.9% of the cases are indemnified through the city/department, so that they are not personally going to be

sued and have their houses taken. Though, there is nothing to say that cities/departments will not change that going forward. The bigger discussion here was what about all other public servants, including teachers? Ambulance chasing low life attorneys have been sucking the life out of the medical system for years, wait until the cities/departments/school systems are available for every frivolous law suit! However, that does not mean that we should not have a serious discussion on how to reform this doctrine to hold police accountable for things like damn near sexually assaulting minors in the discharge of their supposed duty.

I probably have a lot of the language wrong, as I said I am not lawyer or legal expert. However, the process of trying to educate myself as to what all of the discussions are about was/is pretty eye opening. Also, there is a ton more than what I typed, but I have probably already gone on too long.

I was wondering what other people thought about these topics, ideas, etc.....and how best to get involved in both protecting our neighborhoods from over policing, and yet protecting us from ourselves in our zeal to over vilify the police.