

Justices Turn Down Case on Police Qualified Immunity

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The Supreme Court opted not to hear a case on qualified immunity Monday, drawing sharp criticism from Justice Clarence Thomas, who holds strong doubts about shielding police from civil lawsuits over the use of excessive force, reports Courthouse News Service.

Amid widespread protests over police misconduct, critics have cited court rulings that protect officers from most lawsuits alleging excessive use of force.

Thomas wrote in a dissent that there may be no justification for the “one-size-fits-all” protection. In 1982, the Supreme Court ruled that the legal doctrine was meant to ensure litigation does not distract “official energy from pressing public issues” or make “able citizens” think twice about stepping up to serve in public offices.

Thomas argued that the court should have taken up the case of Alexander Baxter, who said law enforcement officers set dogs on him after he had surrendered in a home burglary case.

“Regardless of what the outcome would be, we at least ought to return to the approach of asking whether immunity ‘was ‘historically accorded the relevant official’ ... Thomas wrote, concluding, “I continue to have strong doubts about our ... qualified immunity doctrine.”

Legal scholars and judges across the ideological spectrum have criticized the doctrine known as “qualified immunity,” arguing that it too often shields officials from accountability, CNN reports.

Organizations that file briefs regularly at the court — from the conservative/libertarian Cato Institute and the Institute for Justice to the liberal American Civil Liberties Union and the NAACP, have urged the court to revisit the qualified immunity doctrine, says NPR.

Under the doctrine, an officer will not be held liable even if he violated the Constitution unless it was clearly established by prior cases that his conduct was unconstitutional.