

RELEVANT

This Week's Most Important Supreme Court Decision You Didn't Hear About

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This week caps off one of the most momentous Supreme Court sessions in recent memory, from overturning *Roe v. Wade* to gutting the EPA's ability to limit emissions, these decisions will likely reshape American life in important ways. But one decision flew so low under the radar you may have missed it, and it was a big one too. Part of the reason it didn't get must attention was because it was less about what the SCOTUS decided than what it chose not to decide. Another reason is that it involves a segment of the population we rarely think about.

The decision involved police immunity from lawsuits, owing to an appeal brought by a Texas woman whose son died by suicide in a county jail. The Supreme Court declined to take a look at the case, with Justice Sonia Sotomayor acting as the lone dissent from that decision.

In 2017, Derrek Monroe was arrested for a drug offense and, when brought to the county jail, informed the authorities that he had tried to commit suicide in the past and feared that he would do so again. He was put on suicide watch in a shared cell, where he tried to choke himself with bedsheets. After that, he was moved to a single cell that had a 30-inch cord from a mounted telephone in it, which Monroe used to strangle himself. The jailer was outside the cell at the time and did not intervene or call 911, according to court documents. Ten minutes later, an administrator arrived and unwrapped the cord from Monroe's neck. Emergency units were called, but it was too late to save Monroe's life.

Monroe's mother sued the jailer and his bosses, but the broad shield of legal immunity protected the police and her case was thrown out by the U.S. Court of Appeals. Qualified immunity protects law enforcement from lawsuits unless it can be shown that a clearly established Constitutional right was violated. In Monroe's case, no such right was found.

But Monroe's mother continued to fight for justice for her son, and her lawyer argued that "prison officials who are subjectively aware of an obvious risk that a detainee will commit suicide and who respond in a manifestly unreasonable manner." The jailer's lawyer argued that their client was afraid to enter the cell and said that "no case clearly established that their actions in these volatile circumstances violated Monroe's due process rights."

In her dissent, Sotomayor sided with Monroe's mother, saying the jailer's "failure to call emergency medical services was an inexplicable and unreasonable decision that, under any standard, clearly constituted deliberate indifference to Monroe's life-or-death medical needs."

Sotomayor argued that a jury should decide whether or not the jailer and other law enforcement officials "acted with deliberate indifference for housing Monroe in a cell with an instrument that predictably facilitated his suicide." Sotomayor also wrote that, qualified immunity or otherwise, it's only fair that a jury should have weigh in on whether or not someone was responsible "for watching Monroe strangle himself but failing to contact emergency services promptly."

Sotomayor found an unlikely ally in the libertarian think tank the Cato Institute, which argued that lower courts have granted too much power to qualified immunity, expanding it beyond protecting police from frivolous lawsuits and to essentially granting law enforcement overly broad protection from accountability. Correcting this error is especially urgent today, at a time when public trust in our government institutions has fallen to record lows," the Cato Institute wrote.