

Supreme Court Rejects Qualified Immunity in Prison Case

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The U.S. Supreme Court rejected correctional officers' claim of qualified immunity in what the justices called an egregious case from Texas involving a man confined naked for six days in cells filled with feces and sewage.

The unsigned opinion Monday, decided without oral argument, took the rare step of ruling against public officials in a qualified immunity case.

The opinion is a victory for advocates, who have been pressing the high court to abolish the judge-made immunity doctrine that keeps police officers and other officials from answering for alleged rights violations.

"It's a big deal because it will potentially change the way in which qualified immunity is litigated, at least in some cases in some courts," said Joanna Schwartz, a UCLA law professor and leading expert on police misconduct litigation.

Courts around the U.S. have applied the doctrine as barring plaintiffs from proceeding to trial unless a prior court decision has ruled in a seemingly identical case that the conduct at issue is illegal and thus "clearly established."

Schwartz said the Supreme Court's decision Monday "revitalized" a 2002 ruling in *Hope v. Pelzer* that held that a prior court decision with virtually identical facts isn't required when there is an obvious violation.

"Confronted with the particularly egregious facts of this case, any reasonable officer should have realized" that Trent Taylor's conditions of confinement violated the Constitution, the justices said in Monday's per curiam opinion.

Taylor said he was naked for six days in two cells in 2013. He said the first cell was covered from floor to ceiling in feces from previous occupants and the second had a pool of sewage overflowing from a clogged drain. He feared his food and water were contaminated.

"Time will tell exactly what impact this decision will have," Schwartz said. "But it will almost certainly be invoked by advocates litigating qualified immunity in the lower courts. And it's almost certainly going to be invoked by lower courts that have sometimes despaired of the fact that they have to deny relief to someone whose rights have clearly been violated simply because there's not a prior case on point."

Lawyers who fight qualified immunity defenses in court applauded the ruling, even if it won't upend the doctrine.

“It’s pretty clear that the Supreme Court is not going to take up this fundamental question of whether qualified immunity itself should be reconsidered,” said Jay Schweikert of the Cato Institute, which filed a brief supporting Taylor. The court could have done so in this case, he pointed out.

Justice Clarence Thomas dissented from the opinion, without saying why. Justice Samuel Alito issued a concurrence. Justice Amy Coney Barrett didn’t participate. It was her first day hearing oral arguments.

The justices have rejected a series of appeals raising the issue this year.

But Schweikert said the case “indicates that the court is well-aware of the significant problems with the qualified immunity doctrine and it is at least showing some interest in reining in the worst excesses of that doctrine.”

The U.S. Court of Appeals for the Fifth Circuit held such conditions violated the Eighth Amendment’s ban on cruel and unusual punishment. But the appeals court said prison officials should be immune from suit, reasoning that they didn’t have fair warning that such acts were unconstitutional.

Reversing the Fifth Circuit, the justices sent the case back to that court for further review.

The Texas Attorney General’s office, which represented the officers, didn’t immediately respond to a request for comment.

Opposing high court review, Texas officials observed that prior precedents “included a case acknowledging a violation for unsanitary cell conditions lasting ten months and another case finding no violation based on such conditions lasting three days.” They said “neither case indicates when a temporary housing assignment gains sufficient duration that it crosses the line from permissible to unconstitutional. That tipping point is ambiguous.”