



Supreme Court declines to review limits of police immunity from lawsuits

By Pete Williams

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The case involved a Texas man who died by suicide in a county jail while a jailer watched and declined to intervene or call 911.

WASHINGTON — The Supreme Court declined Thursday to take a new look at how far the law should go in shielding law enforcement officials from lawsuits, especially when their actions lead to the injury or death of people in their custody.

The case involved an appeal brought by a Texas woman whose son died by suicide in a county jail while a jailer watched and declined to intervene or call 911. She sued the jailer and his bosses, but the U.S. Court of Appeals for the 5th Circuit threw the case out, concluding that the officials had legal immunity.

Her son, Derrek Monroe, was arrested for drug offense. When he was brought into the jail, he said he had tried to kill himself two weeks earlier and still wished he had a way to do it. The jail put him on suicide watch in a shared cell, where he tried to choke himself with a bedsheet.

After being moved to a single occupancy cell, he used a 30-inch cord from a wall-mounted telephone to strangle himself. Court documents said the jailer was outside the cell, mopping the floor after Monroe caused his toilet to overflow, and saw him strangling himself. But instead of calling for medical help, the jailer tried to reach his bosses.

Ten minutes later, the jail administrator arrived and, after entering the cell and unwrapping the cord from Monroe's neck, called 911. Responders tried to resuscitate him, but it was too late.

A federal trial judge said the lawsuit filed by Monroe's mother could proceed, but the appeals court said that because there was no previous court ruling on the books that involved exactly the same facts, the jail personnel were not on notice that watching an inmate commit suicide would be a constitutional violation.

Therefore, the court said, the officers were shielded from the lawsuit by a judicial doctrine known as qualified immunity, which bars suits against law enforcement personnel unless it can be shown that their conduct violated a clearly established right under the Constitution or the law.

Monroe's mother urged the court to take the case. Lawsuits should be allowed against "prison officials who are subjectively aware of an obvious risk that a detainee will commit suicide and who respond in a manifestly unreasonable manner," her lawyers said in their court filings.

Lawyers for the jailers defended the appeals court ruling. The jailer didn't enter Monroe's cell because he feared becoming vulnerable to a violent attack, they said. Although he didn't call 911, he did call for backup, which arrived in 10 minutes. "No case clearly established that their actions in these volatile circumstances violated Monroe's due process rights," they said.

Justice Sonia Sotomayor dissented from the Supreme Court's order, saying the authorities were not entitled to qualified immunity.

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," she wrote.

"On the uniquely troubling facts of this case, a jury should decide" whether the authorities "acted with deliberate indifference for housing Monroe in a cell with an instrument that predictably facilitated his suicide" and "for watching Monroe strangle himself but failing to contact emergency services promptly," she wrote.

The libertarian Cato Institute also said the court should take the case to rein in the qualified immunity doctrine, which the group said lower courts have expanded to make it much harder to sue for police misconduct.

"Correcting this error is especially urgent today, at a time when public trust in our government institutions has fallen to record lows," the organization said.