



Supreme Court rules to protect federal agents in misconduct lawsuit

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The Supreme Court on Thursday unanimously decided to protect federal agents from personal lawsuits alleging misconduct in their line of duties.

The case, *Brownback v. King*, arose out of a 2014 incident where an FBI agent and police detective choked and beat a Michigan man, James King, whom they mistook for a fugitive. King, thinking he was being mugged, attempted to flee them.

King sued, arguing that under the Federal Tort Claims Act he was allowed to sue the federal government. He also cited a 1971 Supreme Court case, *Bivens v. Six Unknown Fed. Narcotics Agents*, which allows people to sue federal agents for violating their Fourth Amendment rights.

A district court dismissed the claims, finding that the agents were protected by the so-called qualified immunity doctrine, which generally protects police from claims against their conduct. An appeals court reversed that decision. The Supreme Court considered whether King's lawsuits could proceed.

Justice Clarence Thomas, in the court's majority opinion, wrote that the district court was correct in its assessment of King's situation. Thomas added that because King failed to meet the requirements to sue under the FTCA that both state and federal qualified immunity protected the agents from prosecution.

Justice Sonia Sotomayor, in a concurring opinion, agreed with the rest of the court but added that she believes the issue "merits far closer consideration than it has thus far received."

Qualified immunity has received renewed attention in the months after the death of George Floyd in the hands of Minneapolis police, with many people calling for its abolition.

In an amicus brief filed before the decision was released, the libertarian Cato Institute and the National Police Accountability Project argued that siding with the federal government would make it "harder to hold law enforcement accountable at a time when more federal officers are engaged in local policing efforts and more state and local officers are being treated as federal officers for purposes of litigation."