

## QUALIFIED IMMUNITY DOCTRINE

In a recent decision, the United States Supreme Court has enlarged the scope of the legal doctrine known as “qualified immunity.” *Saucier v. Katz* 121 U.S. 1251 (2001).

This doctrine may be used to shield a law enforcement officer from civil liability if the officer can establish that he or she believes they were acting “reasonably.” The purpose of the doctrine is to protect law enforcement officers from the financial and emotional hardships that lawsuits can evoke, thus preventing them from doing their jobs effectively.

The facts of *Saucier v. Katz* are as follows:

In 1994, then-Vice President Al Gore was visiting the Presidio Army Base in San Francisco. He was on hand to give a speech commemorating the conversion of the Presidio from an army base to a National Park. While the Vice President was speaking, Elliott Katz approached a barricade with his hand in his shirt, pulling something out of his jacket. Katz was about to place a banner on the barricade, even though protesting is prohibited on military installations. Military police officers, watching the event happen, rushed Katz, and shoved him into the van. *Saucier v. Katz* 121 U.S. 1251 (2001).

Katz sued the police officers, alleging violations of his Constitutional rights (under the 4th Amendment – unreasonable search and seizure). He also alleged that the doctrine of qualified immunity should not apply, because the officers’ actions were egregious in light of the circumstances.

The U.S. Supreme Court rejected Katz’s arguments with some of the justices noting that a videotape of the events in question did not show the law enforcement officer even touching Katz, much less touching him “violently” or in an unconstitutional manner. The videotape notwithstanding, the Court clearly held that, “[I]f an officer reasonably, but mistakenly, believed that a suspect was likely to fight back, for instance, the officer would be justified in using more force than in fact was needed.” *Saucier v. Katz* 121 U.S. 1251, at 1258 (2001).

What does this decision mean for Vermont municipalities? It means that a law enforcement officer will be immune from a civil lawsuit based on actions taken while on duty if the officer had a *reasonable belief that what he or she did was necessary* to stop the crime from occurring, *even if the officer was mistaken*.

While this ruling is favorable for local law enforcement officers, it certainly does not mean that a police officer will be unconditionally shielded from lawsuits if he or she were to restrain, injure, or search someone. At the end of the day, immunity from suit will still turn on the facts of the case and whether the officer can establish “a reasonable belief” that a certain action was necessary to prevent a crime. However, as a result of this decision the fact that an officer was mistaken in taking action to stop a potential crime will not preclude the officer from establishing qualified immunity as long as the officer can establish a reasonable belief that the action was necessary.

- Brian Monaghan, VLCT Law Center Intern

VLCT News, July 2001