

The Rising Tide Against Qualified Immunity



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THE RISING TIDE AGAINST QI



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HOW DID WE GET HERE?

2020 - 2021 Has Brought About Dramatic Calls for Police Reform As a Result of a Number of High Profile Incidents

This Has Resulted in a Spike in Judicial Attacks, an Increase in the Number of Legislative Proposals, and Re-Newed Calls to Abandon QI

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CALLS FOR POLICE REFORM



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TODAY'S ROADMAP



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A QUICK OVERVIEW

An Overview of Qualified Immunity (QI)

Judicial Attacks on QI

Legislative Bills Targeting Police Reform

Voluntary Abandonment of Immunity

What the Future Holds

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AN OVERVIEW OF QI

IN THE BEGINNING

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AN OVERVIEW OF QI

What QI Actually Does

Policy Justifications

Who QI Protects

**Combatting Ongoing Myths About QI – It is
NOT About Protecting “Bad Cops”**



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JUDICIAL ATTACKS ON QI



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JUDICIAL ATTACKS ON QI

SCOTUS 2020 Term

Analysis of *Slater* Case

This Year's Term



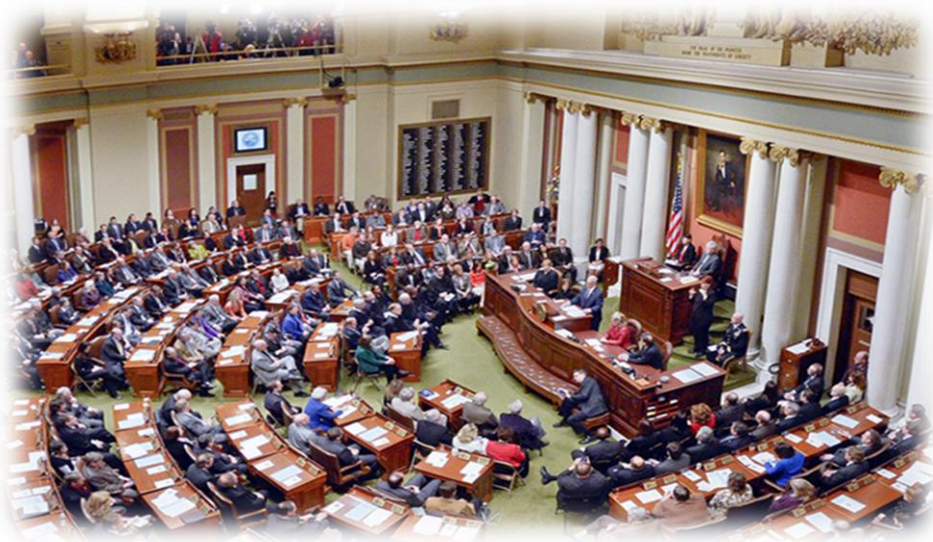
The Ninth Circuit Will Be the Battleground for QI for the Next Several Years

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LEGISLATION TARGET POLICE REFORM



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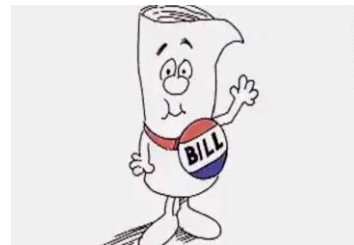


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POLICE REFORM LEGISLATION

**AB 66 – Ban on Tear Gas
and Rubber Bullets**

**SB 629 – Prohibit Police
Interference with Media**



SB 731 – De-certify Peace Officers

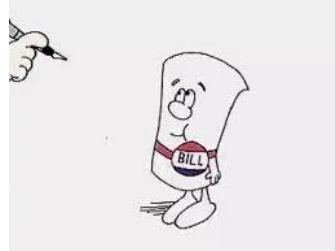
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POLICE REFORM LEGISLATION - 2

**AB 1506 – The
Appointment of State
Prosecutor to
Investigate OIS**



**SB 776 – Expanded Release of Peace Officer
Records**

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POLICE REFORM LEGISLATION - 3

**AB 1196 – Prohibits the
Use of Choke Holds and
Carotid Restraints**



**SB 480 – Prohibits Wearing Uniforms
Substantially Similar to Military**

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VOLUNTARILY ABANDONING QI



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VOLUNTARILY ABANDONING QI

**Three States Have
Voluntarily Abandoned QI
(CO, CN, and NM)**

NYC Also Abandoned



The Impacts of Abandonment

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WHAT THE FUTURE HOLDS



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WHAT THE FUTURE HOLDS

Increased Calls to Abandon C

**Increased Defensive
Litigation**

Opportunity to Triage Existing Cases



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THANK YOU!

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