



## NATIONAL FRATERNAL ORDER OF POLICE®

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The Honorable Brian K. Fitzpatrick  
U.S. House of Representatives  
Washington, D.C. 20515

2 July 2020

Dear Representative Fitzpatrick,

I am writing on behalf of the members of the National Fraternal Order of Police because it has come to my attention that you took to the House floor yesterday and made a statement that inaccurately characterized the FOP's position on H.R. 7120, the "Justice in Policing Act."

We have had positive and thoughtful conversations with Democrats and Republicans, in both the House and the Senate, in the search for a path to build a bipartisan consensus on legislation which would improve policing in our country. We believe that there are broad areas of agreement and that it is possible to build such a consensus. The National FOP has not, however, taken a position on either H.R. 7120 or S. 3985, the "Just and Unifying Solutions To Invigorate Communities Everywhere (JUSITCE) Act," introduced by Senator Timothy E. Scott (R-SC). Your remarks are not accurate with respect to the FOP's position, and we would appreciate a prompt clarification.

With respect to legislative efforts to end qualified immunity, I would refer you to my testimony before the Senate Committee on the Judiciary last month—the FOP is strongly opposed to any measure which ends or curtails the existing doctrine. Police officers need protection in order to perform discretionary functions that are fundamental to law enforcement. Every single factual scenario an officer encounters is different and unknown. It is extremely difficult for an officer to determine how a legal doctrine will apply to a split-second, factual scenario that the officer confronts. Thus, unless there is existing precedent that squarely governs the facts of the situation, the reasonable officer needs to be afforded a certain degree of discretion in order to make split-second decisions in situations that could put lives, including their own, at risk.

On behalf of the more than 351,000 members of the Fraternal Order of Police, we respectfully ask that you clarify your remarks on this point and set the record straight. If I can be of any further assistance, please do not hesitate to contact me or my Executive Director, Jim Pasco, in my Washington office.

Sincerely,

Patrick Yoes  
National President

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