



NATIONAL
FRATERNAL ORDER OF POLICE

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PATRICK YOES
National President

JIM PASCO
Executive Director

11 August 2020

The Honorable James E. Banks
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Banks,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R. 7951, which will codify the existing qualified immunity doctrine as established and upheld by the U.S. Supreme Court for decades.

Under the doctrine of qualified immunity, government officials, including law enforcement officers, who perform discretionary functions are immune from lawsuits unless a plaintiff can show that the official violated clearly established statutory or constitutional rights that a reasonable person would know. This doctrine protects government officials carrying out official acts from being sued.

This doctrine is important to law enforcement officers, who need this protection in order to perform discretionary functions fundamental to law enforcement and public safety. Every single factual scenario an officer encounters is different and unknown. It is almost impossible for an officer to determine how a legal doctrine will apply to a split-second factual scenario. Thus, unless there is existing precedent that squarely governs the facts before the officer, the reasonable officer needs to be afforded a certain degree of discretion to make split-second decisions in situations that could put lives, including their own, at risk.

Your bill would establish the existing doctrine into Federal law and protect law enforcement officers and other government officials carrying out the duties of their office in good faith. For this reason, on behalf of the more than 354,000 members of the Fraternal Order of Police, we are proud to support your legislation. If I can provide any additional assistance on this issue, please feel free to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

Patrick Yoes
National President