



# NATIONAL FRATERNAL ORDER OF POLICE

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

11 January 2023

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. 233, which would 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 who perform discretionary functions are immune from lawsuits unless a plaintiff can show that the official violated criminal or constitutional law that a reasonable person would know. Qualified immunity does not protect an official who breaks the law, but it does protect government officials from being sued while carrying out their professional responsibilities.

This doctrine is especially important to law enforcement officers, who need this protection in order to perform discretionary functions fundamental to law enforcement and public safety. Every single scenario an officer encounters on a daily basis is different and unknown. It is almost impossible for an officer to determine how a legal doctrine will apply to a real-time situation. Thus, unless there is an existing precedent that squarely governs the facts before the officer, he or she 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 codify the existing qualified immunity doctrine, which has been in place for decades into Federal law and protect law enforcement officers and other government officials carrying out the duties of their office in good faith.

On behalf of the more than 364,000 members of the Fraternal Order of Police, I am so proud to offer our support for your legislation. If I can be of any further assistance, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

Patrick Yoes  
National President