

The Truth About Qualified Immunity and Public Servants

- Qualified immunity does NOT protect illegal actions by police officers.
- Abolishing or modifying qualified immunity will have severely negative unintended consequences for ALL Massachusetts citizens, courts, and public officials – NOT just police officers.
- Qualified immunity is NOT an absolute immunity from civil suit.
- The Massachusetts Civil Rights Act of 1979 (MCRA) allows civil actions against public officials who use force, intimidation or coercion to interfere with Constitutional or statutory rights.
- Current law – unchanged – still allows individuals to file suit against a police officer or other public official granted Qualified Immunity if they use force, intimidation or coercion to interfere with an individual's rights.
- The Senate bill approved at 4 a.m. on July 14 (S. 2800) would *dramatically lower the standards* under which a civil action could be brought against a public official with qualified immunity. Lawsuits against public officials would increase exponentially.
- This would send a chill through all areas of local government where public servants must deal directly with citizens:
 - Town managers
 - Selectmen
 - Fire chiefs
 - Commission appointees
 - Educators and school administrators
 - Police officers
 - Others