



# NATIONAL FRATERNAL ORDER OF POLICE

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## **U.S. Supreme Court Upholds Precedent in Two Qualified Immunity Cases** *FOP had filed amicus in support of officers*

**Washington, DC** – Patrick Yoes, National President of the Fraternal Order of Police, said he was heartened by the news this week that the Supreme Court of the United States unanimously affirmed the long-standing qualified immunity precedent by reversing lower court decisions in two cases—*City of Tahlequah v. Bond* and *Rivas-Villegas v. Cortesluna*. The National FOP filed an *amicus* brief in the former case.

“This decision is certainly a victory for law enforcement and for the qualified immunity precedent,” said Yoes. “It also highlights the FOP’s efforts to reinforce the importance of qualified immunity, which is so critical to the work of law enforcement. It also sends a clear message to those attempting to strip America’s law enforcement officers of qualified immunity that their attempts to do so are dangerous.”

The case in *Tahlequah* arose from a domestic dispute. Officers responded to a domestic violence call and sought to remove a man from his ex-wife’s home by offering to drive him to his home. The man, who was intoxicated, refused to be patted down for weapons and then suddenly retreated and armed himself with a hammer. The man refused orders to drop the weapon and seemingly moved to attack the officers, who then shot and killed the subject. The trial court found that the officers’ use of force was reasonable, and even if not, the officers were entitled to qualified immunity. The Court of Appeals for the Tenth Circuit reversed that ruling. No oral argument was held, and the Supreme Court summarily reversed the Tenth Circuit’s decision and held that the officers were entitled to qualified immunity.

“In our brief, we correctly argued that law enforcement officers need protection to perform their duties which sometimes involve using force to minimize a perceived threat to themselves or to the public. Every single factual scenario an officer encounters is different, contains unknown variables, and evolves rapidly,” Yoes explained. “Officers need to be afforded a certain degree of discretion to carry out law enforcement-related duties in situations that could put lives, including their own, at risk. The qualified immunity doctrine provides that breathing room. As evidenced by its decisions in *City of Tahlequah* and *Cortesluna*, the Supreme Court agrees.”

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*Founded in 1915, the Fraternal Order of Police is the largest law enforcement labor organization in the United States, with more than 364,000 members. With national offices in Nashville, Tennessee, and Washington, D.C., the FOP is committed to improving the working conditions of law enforcement officers and the safety of those served through education, legislation, information, community involvement, and employee representation. Please visit <https://www.fop.net> for more information.*