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SMALL & RURAL LAW ENFORCEMENT EXECUTIVES' ASSOCIATION

March 30, 2021

The Honorable Charles E. Schumer, Majority Leader

The Honorable Mitch McConnell, Minority Leader

United States Senate

Washington, D.C. 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

We are writing you on behalf of the Small & Rural Law Enforcement Executive Association (SRLEEA), which strives to advocate for, strengthen, unite, and raise the capacity of small, rural, and tribal law enforcement executives and the agencies they serve. As an association of professional law enforcement executives throughout the United States, we would like to express our concerns about the George Floyd Justice in Policing Act of 2021 (H.R. 1280).

One of the most troubling parts of H.R. 1280 is the elimination of qualified immunity for law enforcement officers. Qualified immunity protections do not apply to any situation that a reasonable person would have known was a constitutional violation. While many of the rules set out by the courts on what represents a constitutional violation are clear they are not all encompassing. Therefore, it is only when the rules are unclear or have not been established that the individual officer will be entitled to this protection. Unlike absolute immunity that elected officials, judges, and prosecutors have, law enforcement officers can be held liable when they knowingly violate a clearly established constitutional right. Qualified immunity does not provide an officer protection from criminal negligence, criminal acts, or civil liability.

All government employees are protected by qualified immunity to include teachers, social workers, and mental health clinicians but only law enforcement officers are being stripped of it. Out of all these professions law enforcement officers are the most deserving of qualified immunity because officers do not always have the luxury of discretionary time when responding to critical incidents without delay while making crucial split-second decisions. Qualified immunity holds our public officials accountable while also shielding officials from harassment, distraction, and liability when they perform their duties reasonably and should be left intact for all public officials.

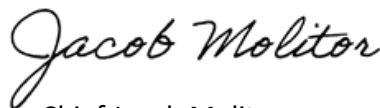
While many of the incidents of national interest occurred in large cities, we ask that small and rural law enforcement agencies do not get painted with the same broad brush as our large city counterparts. This type of legislation impacts small and rural law enforcement agencies much more than large cities since we do not have the same amount of funding and resources available to us. If it is the true intention of the United States legislature to implement effective police reform, they have two extensive reports to refer to in The President’s Task Force on 21st Century Policing under President Obama and The President’s Commission on Law Enforcement and the Administration of Justice under President Trump. Neither one of these reports recommends the elimination of qualified immunity and in fact The President’s Commission on Law Enforcement and the Administration of Justice states, “The doctrine of qualified immunity for law enforcement officers should not be weakened.”

We ask you resist making change for the sake of change. We request you review these reports and engage with professional law enforcement associations to include SRLEEA to create appropriate national standards and implement effective reform. Most importantly, we respectfully ask that you vote against this bill.

Sincerely,



Sheriff Ret. Michael Brown
President



Chief Jacob Molitor
Board Chair



Chief Torin J. Misko
Government Affairs Chair

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The Small & Rural Law Enforcement Executives’ Association (SRLEEA) is a professional organization of police executives and law enforcement officers representing small, rural & tribal agencies in the United States. The SRLEEA provides an exclusive opportunity for small, rural & tribal police chiefs, sheriffs, and other law enforcement officials to work together to advocate for, strengthen, unite, and raise the capacity of small, rural & tribal law enforcement executives and the communities they serve.

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