



QUALIFIED IMMUNITY REFORM

Qualified immunity prevents Minnesotans from holding government agents – including police – accountable for violating our rights. In many cases, qualified immunity shields local, state and federal officials from being sued when they’ve harmed individuals. Since qualified immunity was created by the federal courts, only the U.S. Supreme Court or Congress can change it. But the Minnesota Legislature has the power to fix the issue another way.

THE PROBLEM

Qualified immunity makes it nearly impossible for individuals to sue public officials by requiring proof that they violated “clearly established law.” It makes it difficult for individuals whose rights were violated by public officials to sue them – the doctrine requires proof an agency or officer violated “clearly established law.” The resulting lack of accountability perpetuates misconduct and harm.

- Qualified immunity creates an environment where government agents, including police, may feel empowered to violate people’s rights because they face few consequences.
- Under qualified immunity, lives can be taken with impunity.
- It erodes trust, relationships with the community, and the criminal legal system’s credibility.

THE SOLUTION

Qualified immunity reform would change Minnesota law to make it easier for people to sue government agencies and officials in state court when their rights are violated here. Since qualified immunity makes it hard to sue the government in federal court for violating our rights, this reform would create a pathway to do so in our state courts instead.