

State Rep. Brostoff, State Sen. Johnson: Introduce legislation to end qualified immunity in Wisconsin

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MILWAUKEE – Yesterday afternoon, State Representative Jonathan Brostoff (D-Milwaukee), State Senator LaTonya Johnson (D-Milwaukee), and legislative partners introduced LRB-1942, new legislation that would end the doctrine of “qualified immunity” for law enforcement officers in Wisconsin. To mark this bill being circulated through the Legislature, Rep. Brostoff released the following statement:

“For far too long, the doctrine of qualified immunity has been used as a shield by government officials, and by law enforcement officers in particular, to avoid civil responsibility for inexcusable and unconstitutional actions committed while on the job. Time and again we’ve read stories of law enforcement destroying property, unnecessarily harming citizens, or even killing people; and time and time again, we read that those officials end up protected from liability because of qualified immunity. With LRB-1942, we’re taking a stand and letting people know that, here in Wisconsin, we won’t tolerate impunity for these egregious wrongs any longer.”

First created by the US Supreme Court in 1967, and then expanded and codified by the Supreme Court in 1982, the doctrine of “qualified immunity” relies on an expansive reading of Section 1983 of the US Code to establish protections from civil suit for government officials in all but the most incompetent or extreme cases. Although the original spirit of the doctrine was to protect government officials from spurious lawsuits, countless examples have demonstrated that qualified immunity has instead more often been used to dismiss almost all civil cases against government officials (and law enforcement officials especially), including against

bad actors. Introduced for cosponsorship yesterday afternoon, LRB-1942 would end the doctrine of qualified immunity for law enforcement officials in Wisconsin, and would create a pathway for individuals harmed by police to hold individual officers liable in a court of law for the damages they caused.

“While some may try to claim that repealing qualified immunity is a partisan issue, the facts are not on their side – over the past few years, we’ve seen an exceptionally ideologically broad coalition of nonprofit organizations, politicians, legal scholars, and even sitting jurists come out against qualified immunity and argue that it is time to make this legally shaky, harmful doctrine a thing of the past. It is time for Wisconsin to join this growing coalition, and take substantive action to end this practice in our state. I encourage *all* of my colleagues, Democratic and Republican, to join this movement, and to show the nation that we will not shy away from fighting for the rights of our constituents.”