



## NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

*Representing America's Finest*

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### EXECUTIVE OFFICERS

June 18, 2020

MICHAEL McHALE

President

Florida Police Benevolent  
Association

The Honorable Lindsey Graham

Chair

Committee on the Judiciary

United States Senate

Washington, D.C. 20510

JOHN A. FLYNN

Vice President

Police Benevolent  
Association of New York City

Dear Chairman Graham:

TODD HARRISON

Recording Secretary

Combined Law Enforcement  
Associations of Texas

I am writing to you today on behalf of the National Association of Police Organizations

(NAPO), representing over 241,000 sworn law enforcement officers from across the

country, to address your comments on the Senate floor yesterday afternoon regarding

qualified immunity. We strongly oppose the elimination of qualified immunity for

officers or any efforts to lessen that protection for the men and women who put their lives

on the line every day to protect our communities.

SCOTT HOVSEPIAN

Treasurer

Massachusetts Coalition  
of Police

We, as rank-and-file officers, support improving policing practices to ensure what happened to George Floyd is never repeated. It is vital to note, however, that *qualified immunity has little or no application to cases like that of Mr. Floyd*. The officers involved in the death of Mr. Floyd were very quickly arrested and charged with murder. Qualified immunity, by way of contrast, applies only to civil suits, and even then, to a small subset of cases. The doctrine only applies, if at all, to cases where no reasonable governmental official would have known that they were violating a clearly established constitutional or statutory right. Courts have noted repeatedly that the doctrine does not shield the inept or willfully blind, but does protect governmental officials, not just law enforcement officers, from attempts to impose “after-the-fact” liability for actions that *no reasonable official could have known were unlawful* at the time. *Violations of known rights are punished*; the doctrine does not affect those cases at all.

CRAIG D. LALLY

Executive Secretary

Los Angeles Police  
Protective League

It is also important to note that officers do not award themselves qualified immunity, courts do. The same independent judiciary that the Constitution requires supervise officers in matters such as warrant issuance and evidence collection and the affording of due process to suspects, has also recognized that a functioning society requires that officers are provided this qualified immunity in applicable cases. Without it, the orderly administration of justice would come to a halt amidst paralyzing fear of liability for unknowingly violating an unknown and unknowable right.

MARK YOUNG

Vice President,

Associate Members

Detroit Police Lieutenants &  
Sergeants Association

JAMES PALMER

Parliamentarian

Wisconsin Professional Police  
Association

WILLIAM J. JOHNSON, CAE

Executive Director and

General Counsel

Finally, as a matter of fundamental fairness, we note that law enforcement officers may have *qualified immunity* only, which is narrow and carefully structured in its application; as opposed to the *absolute immunity* that judges, prosecutors, and Members of Congress enjoy, all of whom make their own decisions over the course of hours, weeks or months, not in a split second on the street. And all of whom exert far more authority and control over society and the criminal justice system than any patrolman.

Thank you for your attention to our concerns and we hope to work collaboratively with you to improve policing practices in America. Please feel free to contact me at (703) 549-0775 if you would like to discuss our concerns further.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Johnson", with a long horizontal flourish extending to the right.

William J. Johnson, Esq.  
Executive Director