

United States Senate

June 26, 2020

Open Letter to Hoosier Law Enforcement Officers

No one can fully understand the job of a law enforcement officer unless they've worn the badge. I want you to know that I stand with you today, tomorrow, and as long as I have the honor of serving in the United State Senate.

This week I introduced the *Reforming Qualified Immunity Act* in the Senate, which you've likely been made aware. There has been a significant amount of misinformation and confusion surrounding what I hoped to do with this bill. I was able to speak with senior leadership from statewide law enforcement organizations about this effort throughout the week and want to thank them for coming to me with their concerns. My door is always open.

I want to make absolutely clear that I do not and would never support a full repeal of Qualified Immunity in any form.

The legislative process has often been compared to sausage making – which sometimes is an insult to the sausage making process. Unfortunately, we saw that on display in the United States Senate when Senate Democrats refused to even consider my friend Senator Tim Scott's bill full of common sense reform efforts - a bill of which I was an original co-sponsor that had the support of many law enforcement groups. Our Democratic colleagues insist on radical reforms, including a **full repeal** of Qualified Immunity.

As a conservative Republican who supports the men and women who wear the badge, I did not want to sit idly by, as Republicans often do, and refuse to engage in the conversation. What I believe to be common sense reforms to Qualified Immunity would, for the first time, codify and make permanent instances in which Qualified Immunity could be claimed by law enforcement officials moving forward.

Today, when Qualified Immunity is used, it is up to a judge to determine if conduct was in accordance with "clearly established" law. Here's what my bill would make crystal clear: Qualified Immunity applies when an officer conducts themselves in a legal way which has been previously authorized or required by federal law or regulation, state statute, or when a court has found that conduct consistent with the Constitution and federal laws.

Without this legislation, these instances could be hi-jacked by an activist judge in any one case.

What my bill also does is limit the use of Qualified Immunity when it is clear that a law enforcement official acted outside of the law and specifically violated the civil rights granted to all of us through the United States Constitution.

For too long, liberal city administrations have used police officers as a scapegoat for their own failures on civil rights. These largely Democrat administrations are always ready to throw stones at our police, even when the officers were only following the city's policies to the letter. My bill

would create a mechanism to hold these municipal governments accountable for policies that result in civil rights violations.

The overwhelming majority, nearly 100%, of the men and women wearing the uniform are doing so because they love their communities, state, and nation, and it saddens me when the integrity of law enforcement comes into question because of highly-publicized events that law enforcement agrees are abhorrent and have no place in their line of work.

It is appalling that the difficult and dangerous job of a police officer in America is made even harder and more dangerous by this negative stigma. That's what this bill is designed to address.

My hope is to reform Qualified Immunity in a way that restores the confidence of the American people in their law enforcement officers, while strengthening the protections to prevent frivolous lawsuits and unnecessary burdens on the men and women wearing the uniform.

You have my commitment to continue communicating and working with your leadership as the process unfolds. Thank you for all you do every day to protect the people of Indiana.

It is my honor to represent you in the United States Senate.

Sincerely,



Mike Braun
United States Senator