



STATEMENT RE: LC 825

(Relating to Qualified Immunity)

To: Joint Committee On Transparent Policing and Use of Force Reform

From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs

Date: September 1, 2020 / 1:50pm

Co-Chairs and Members of the Joint Committee:

For the record, my name is Michael Selvaggio, representing the Oregon Coalition of Police and Sheriffs (ORCOPS).

Although we have not yet seen a draft of a measure relating to Qualified Immunity, it is a significant issue that bears some points be made on the record.

First, Qualified Immunity is a legal principle that applies not only to law enforcement officers, but all public employees and officials. In sum, it states that a public official cannot be sued personally when certain actions impede a person's rights so long as those actions occur legally within the scope of the public employee's official duties. Qualified Immunity is never a shield for illegal activity. It is not applicable if a public employee is acting outside the scope of their responsibilities.

The purpose of Qualified Immunity is to ensure that litigation does not completely place a public employee at the mercy of litigious counterparties.

Please note that as Legislators, the members of this Committee and your colleagues enjoy the protection of Qualified Immunity for every vote and every legislative action you take. Without it, legislators would be personally liable for votes and actions that were later found to impede a person's rights.

Given that any legislative body is uniquely and powerfully positioned to broadly deprive individuals of their rights, ORCOPS asks that this Committee lead by example and afford itself no more than the same legal protections that it proposes for our public employees.