U.S. SUPREME COURT: QUALIFIED IMMUNITY - POLICE OFFICERS AND OTHER PUBLIC OFFICIALS PROTECTED UNLESS VIOLATION OF CLEARLY ESTABLISHED RIGHTS

On Feb. 23, 2012, in Messerschmidt v. Millender, the U.S. Supreme Court (7 to 2), 565 U.S. ____ (2012), reversed the U.S. Court of Appeals for the 9th Circuit (California) and held that a federal district court judge should have dismissed a lawsuit filed against Police Detective Curt Messerchmidt, who had filed an affidavit and conducted a search for weapons in the home of a gang member who fired numerous shots at his girlfriend with a sawed-off shotgun.

The Detective with LA County confirmed the name of the shooter, a known gang member, who was staying at the home of his foster mother, Ms. Millender. He completed affidavits for a search warrant for Ms. Millender’s home, which he reviewed with his supervisor and also with a deputy district attorney. A magistrate then issued a search warrant that authorized a night search, and seizure of firearms and gang-related materials.

“The search warrant was served two days later by a team of officers that included Messerschmidt and Lawrence. Sheriff’s deputies forced open the front door of 2234 East 120th Street and encountered Augusta Millender—a woman in her seventies—and Millender’s daughter and grandson. As instructed by the police, the Millenders went outside while the residence was secured but remained in the living room while the search was conducted. Bowen [the shooter] was not found in the residence. The search did, however, result in the seizure of Augusta Millender’s shotgun, a California Social Services letter addressed to Bowen, and a box of .45-caliber ammunition.”

The shooter was arrested two weeks later by the Detective, who found him hiding under a bed in a motel room.

The Millender’s sued the Detective and others in federal court, under 42 USC 1983, alleging that their federal Constitutional rights were violated because the search warrant was too broad, and should only have been for the sawed-off shotgun. A federal judge denied the police officers’ motion to dismiss on basis of qualified immunity, and granted summary judgment for the plaintiffs. On appeal, a 3-member panel of the Court of Appeals refused to reverse, as did an en banc ruling by a majority of all the judges on the 9th Circuit.

U.S. Supreme Court (opinion by Chief Justice Roberts) reverses, and orders lawsuit dismissed.

“The doctrine of qualified immunity protects government officials ‘from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.’ Pearson v. Callahan, 555 U.S. 223, 231 (2009)....
Qualified immunity ‘gives government officials breathing room to make reasonable but mistaken judgments,’ and ‘protects ‘all but the plainly incompetent or those who knowingly violate the law.’ Ashcroft v. al Kidd, 563 U.S., ___ (2011) (slip op., at 12) (quoting Malley v. Briggs, 475 U. S. 335, 341 (1986)).

[Whether] an official protected by qualified immunity may be held personally liable for an allegedly unlawful official action generally turns on the ‘objective legal reasonableness’ of the action, assessed in light of the legal rules that were ‘clearly established’ at the time it was taken.’ Anderson v. Creighton, 483 U. S. 635, 639 (1987) (citation omitted)."

Lawsuit dismissed; police officers enjoy qualified immunity.

“Even if the warrant in this case were invalid, it was not so obviously lacking in probable cause that the officers can be considered ‘plainly incompetent’ for concluding otherwise. Malley, supra, at 341. The judgment of the Court of Appeals denying the officers qualified immunity must therefore be reversed. “

Legal Lessons Learned: Very helpful decision, and should prompt federal district court judges throughout the nation to promptly grant motions to dismiss on the basis of qualified immunity of police, fire and other public officials acting in good faith.