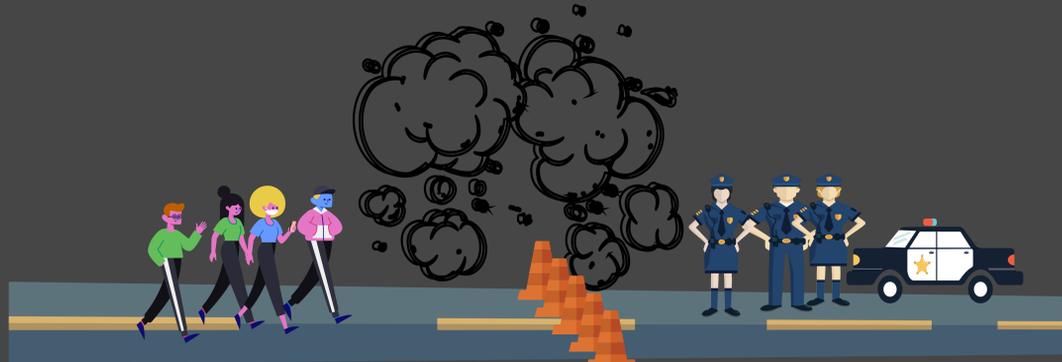


TRIAL IN THE STREETS



An overview of police brutality, qualified immunity, and how to succeed in a civil rights lawsuit.



Over the past 30 years, legal barriers, such as qualified immunity, have all but completely prohibited lawsuits against the police.¹

HOW CAN WE SUCCESSFULLY TAKE TRIALS IN THE STREET TO THE COURTROOM?



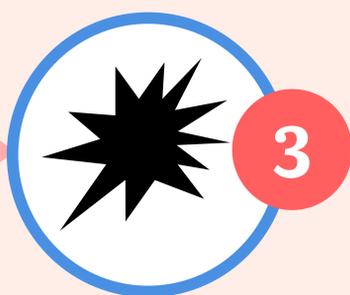
The Right to Protest²

- ▶ Protected by the First Amendment
- ▶ May be limited by the government to some extent
- ▶ How people can express issues against the government



Qualified Immunity³

- ▶ Judge-created
- ▶ In theory, it is intended to limit police liability
- ▶ In practice, it completely immunizes police



Go Big or Go Home⁴

- ▶ You have to *think bigger* than just your civil rights violation
- ▶ You must plead a "pattern or practice"
- ▶ You need to pull at least 100 similar violations by the same police department



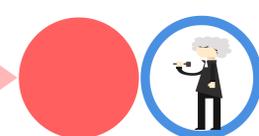
Prior Notice⁵

- To overcome qualified immunity, you have to show that the officer was on notice that his conduct violated a "clearly established" constitutional right.
- This means that you have to show multiple other instances where a person's civil rights were violated in the *same way*.
- Failure to show this means the officer will be granted qualified immunity.



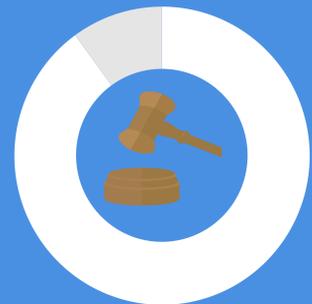
Google

- *Before you file*, google the police department that violated your constitutional rights.
- You do NOT need a legal search engine.
- Google can give you top news stories by area and is the best tool for finding similar instances.
- Do *not* wait until the end of your trial. Failure to plead other instances will get your case kicked out before you make it to trial.



Judges

- Despite your best efforts in pleading your case, a judge may nonetheless find the officer's conduct reasonable.
- It is important to file the case anyway because your filing can create a record of a similar instance for a future plaintiff.
- The only real answer is for Congress to overturn qualified immunity altogether.
-  Until then, keep fighting!



Kisela v. Hughes

"Such a one-sided approach to qualified immunity transforms the doctrine into an absolute shield for law enforcement officers, gutting the deterrent effect of the Fourth Amendment."⁶

Sources

1. *Mullenix v. Luna*, 577 U.S. 7, 11, 136 S. Ct. 305, 308, 193 L. Ed. 2d 255 (2015).
 2. U.S. Const. amend. I.
 3. *Mullenix*, 577 U.S. at 11.
 4. *D.C. v. Wesby*, 138 S. Ct. 577, 590, 199 L. Ed. 2d 453 (2018); *Ashcroft v. al-Kidd*, 563 U.S. 731, 741, 131 S.Ct. 2074 (2011).

5. *Brosseau v. Haugen*, 543 U.S. 194, 198, 125 S. Ct. 596, 599, 160 L. Ed. 2d 583 (2004); *Kisela v. Hughes*, 138 S.Ct. 1148, 1154-155, 200 L. Ed. 2d 449 (2018).
 6. *Kisela*, 138 S.Ct. at 1162.

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