

## Background Reading Questions

**Deliberation Topic: Should qualified immunity for law enforcement officials be eliminated?**

**Directions:** To provide a background for the deliberation, answer the questions associated with each of the readings.

<u>Qualified Immunity</u> (National Conference of State Legislatures)	
What does the “doctrine of qualified immunity” do?	
Based on the article, what did 42 U.S.C. § 1983 do? What changed in 1967?	
When was the current test for qualified immunity adopted? Describe this test.	
Compare the effect of qualified immunity if it applies to a case with when it does not apply to a case.	
What justifications has the Supreme Court provided regarding qualified immunity?	
Describe the recent actions of Colorado and Connecticut.	

<u>Qualified Immunity, Explained</u> (Vox)	
Describe the Supreme Court’s holding in <i>Harlow v. Fitzgerald</i> (1982).	
What two groups of people did the Supreme Court say were not protected with qualified immunity in <i>Malley v. Briggs</i> (1986)?	
Summarize the anecdote and outcome regarding Shaniz West.	
To whom does qualified immunity “apply	

broadly?” What is the “primary purpose?”	
Summarize the “two-step inquiry” that the Supreme Court mandated from <i>Saucier v. Katz</i> (2001). How did this requirement change in <i>Pearson v. Callahan</i> (2009)?	
What “discourages” many lawyers from taking qualified immunity cases?	