

1 **A6**

2 **American Medical Student Association**

3 **House of Delegates 2022**

4 **Resolution:**

5 **Introduced by:** Zoreed Mukhtar, Nadiya Yerich, Chelsea Shu, Israa Ismail, Raj Patel

6 **School(s):** Burrell College of Osteopathic Medicine, UNC School of Medicine, Harvard College,
7 CUNY Brooklyn College, Edward Via College of Osteopathic Medicine

8 **Subject:** Principles Regarding Healthcare in the Criminal Justice System

9 **Type:** Addition to Principles

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11 WHEREAS qualified immunity is a “judicially created doctrine that shields government officials
12 from being held personally liable for constitutional violations in civil court, like the right to be free
13 from excessive police force, for monetary damages under federal law, as long as the government
14 officials do not violate clearly established law” [1].

15 WHEREAS qualified immunity protects government officials from being held personally
16 accountable for violating people’s rights [2].

17 WHEREAS there is no qualified immunity for non-government officials who violate other
18 people’s rights. It should be no different for government officials [2].

19 WHEREAS police officers are rarely charged criminally for violence and misconduct and civil
20 court is often the only avenue for victims to receive justice [1].

21 WHEREAS since 2005, courts have increasingly ruled in police’s favor in the excessive use of
22 force cases [3].

23 WHEREAS examples of excessive use of force by the police include a case of mistaken identity
24 where a cyclist was shot 17 times by five officers and killed in Dallas, a man left permanently
25 brain damaged after being pulled through a broken windshield in Utah, and a man shot dead while
26 attempting to reverse his car. In all three cases, the court found that the police used excessive force,
27 but were still entitled to immunity from liability [3].

WHEREAS ending qualified immunity means that government officials who break the law can be held personally accountable and victims of police misconduct can receive justice. Ending qualified immunity means supporting personal accountability [1,2].

THEREFORE BE IT RESOLVED that the (Principles Regarding Healthcare in the Criminal Justice System) (pg. 170) be **AMENDED BY ADDITION** to state:

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1. SUPPORTS ending qualified immunity for police officers.

Fiscal Note: None

Citations:

1. Sobel, N. (2020, June 10). What is qualified immunity, and what does it have to do with police reform? Lawfare. Retrieved February 1, 2022, from <https://www.lawfareblog.com/what-qualified-immunity-and-what-does-it-have-do-police-reform>

2. Legal Defense Fund. (2021, December 28). End qualified immunity. Legal Defense Fund. Retrieved February 1, 2022, from <https://www.naacpldf.org/endqi/>

3. Congresswoman Ayanna Pressley. (2022). Ending qualified immunity act. <https://pressley.house.gov/>. Retrieved February 1, 2022, from <https://pressley.house.gov/sites/pressley.house.gov/files/Ending%20Qualified%20Immunity%20Act%20One%20Pager.pdf>