

Issue of civil liability under 42 u.s.c. section 1983

Law



Issue of Civil Liability Under 42 U. S. C. Section 1983 The study highlights section 1983 whose core aim of instituting it encompassed safeguarding citizens more so those of the African-American from varied injustices associated with deprivation of their respective privileges (Huth & Cavico, n. d). It is through this decree that prompted US become a state free from rampant state of injustices contrary to what it was there earlier before the ratification. This is because through this section, other varied and vital ratifications, for instance, those dealt with own freedom touching on varied areas more so one's expression came to emerge. Besides civil liability, this study also intends to address qualified immunity, a decree whose role encompasses shielding all state's agents like police while executing respective mandates.

Avenues that are available to aggrieved parties seeking to sue for police civil liability

The fact that it was impractical for all aggrieved parties to present individual claims touching on incurred damages directly to the constitution, it is therefore a requirement that such people result to own lawsuits only achievable through section 1983 (Huth & Cavico, n. d). Besides availing tangible legal remedies more so in terms of monetary damages, this section is essential in predicting the attorney's fee recovery (Huth & Cavico, n. d). In addition, the affected has the opportunity of lodging complaints with the local citizen complaint board. This is especially when respective state's agents (police) fail in executing required measures as agreed upon with the aggrieved.

What is a Section 1983 lawsuit? Who can be targeted by such suits?

In this section, its core intention encompasses granting the aggrieved ample
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platform meant to sue anybody who in anyway prompted the affected not enjoying certain entitled constitutional privileges (Jail House Lawyer's handbook, 2010). Therefore, it acts, as a shield whose intention encompasses addressing cases that a certain state agent has acted inappropriately to the extent; the affected did not enjoy his or her privileges. Hence, granting a person an opportunity to express oneself besides enjoying other privileges availed by enactments that allow him or her to embrace his or her creed of choice and other aspects. This is without any instances of seizure, unjustifiable castigations that eventually yield to internment.

What is meant by absolute immunity? Are law enforcement officers protected in the performance of their duties by the concept of absolute immunity?

Studies contend absolute immunity encompasses shunning any incidences of state's agents being liable for unjustifiable criminal prosecutions and lawsuits. However, this immunity is only active and recognizable when the state's staff acts accordingly and within limits of one's duties. Hence, implying if he or she goes off the agreed and set limits, one qualifies for trial similar to any other ordinary person. Based on this, it is quite evident state's agents (police and similar staff) whose role encompasses instilling law adherence enjoy absolute immunity, hence cannot face any trial despite depriving one certain rights but acting within the stated limits (Huth & Cavico, n. d).

Defenses that law enforcement officers might employ against civil liability.

How can civil liability promote accountability?

Similar to ordinary populace, police and other staff working at the same capacity constantly encounter numerous incidences worth of being legible

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for trial. Therefore, it is essential that they also have various defenses, which is via qualified immunity doctrine (Huth & Cavico, n. d). This is an effective tool whose role encompasses shielding state's agents involved in discretionary activities while executing own legal mandates. Studies cite state's staff of this kind automatically qualifies for this immunity unless in situations whereby their conduct tends to defy others constitutional rights but the latter ought to prove it (Huth & Cavico, n. d).

Due to civil liability in most cases appearing stranded when referring integrity, it is essential for agents (judges) mandated with instilling adherence of law to act independently besides being unbiased representatives. Consequently, this entails them to relay own opinions backed by devised statutes regarding certain aspects of disputes. Short of a liability, system is of great importance for it aids in safeguarding external accountabilities in a manner, which is defensive (Soeharno, 2013). Hence, presents no middle way between immunity and by doing so, result to the augmentation of answerability (Soeharno, 2013).

References

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