

Liability of law enforcement officers

Law



Liability of Law Enforcement Officers Introduction Jessica Gonzalez filed the case of Castle Rock Colorado against the Police department. In the case, the complainant was suing the police over the way they conducted themselves after she reported that her estranged husband had kidnapped her three daughters. In yet another case, Kenneth Haugen sued police officer Rochelle Brosseau for shooting him in the back after he tried to escape arrest. In both cases, the Supreme Court ruled that the police had immunity in such cases. The two cases are discussed in this paper with relation to liability of law enforcement officers to cases.

Discussion

Do you think that this is a trend in this country towards stopping litigation against law enforcement officials?

Yes. This is evident in the two cases of Castle Rock v. Gonzales and Brosseau v. Haugen. In the cases, it is clear that there was unfair treatment to complainants and the Supreme Court had judged in favor towards the law enforcement officials.

Do you agree with the decisions in these cases? Why or why not?

No. This is because in the first case of Castle Rock v. Gonzales, the plaintiff had called the police station severally to report the case of the missing daughters and their whereabouts yet the police failed to act. Later on the accused showed up in the police station and started a shootout with the police and by that time, he had killed the three daughters. Therefore, the police had no immunity in the case. In the second case, officer Brosseau was in the wrong because she shot a person who had not posed any threat to her life or the life of anybody in that matter (Del Carmen, 2009, p. 450).

Do officers have enough to worry about without being concerned with

<https://assignbuster.com/liability-of-law-enforcement-officers/>

potential lawsuits?

No. this is because if such a concept is accepted, the police officers will carry out unfair arrests and killings without fear of persecution as in the case of *Brosseau v. Haugen* (Del Carmen, 2009, p. 451).

Should we eliminate the ability of citizens to sue government in the kinds of cases in these examples?

Yes. This will enable the citizens to get fair trials because they will have the power to complain over extra judicial killings or arrests. It will also act as a shield of the citizens towards the police over the way they conduct themselves in times of critical decision-making (Del Carmen, 2009, p. 450).

Conclusion

In both cases, it is evident that the police officers had acted unjustly to the complainants. The judges' decisions on both cases were also unfair.

Therefore, in conclusion there is unjust treatment in the legal system.

References

Del Carmen, R. V. (2009). *Criminal Procedure: Law and Practice*. Cincinnati: Cengage Learning.