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San Bernardino Proposes Shielding City from Damages in Police Misconduct Cases.

Buried in San Bernardino's latest plan to exit bankruptcy protection is a request to shield individual police officers from liability in brutality and excessive-force lawsuits.

Bankrupt cities typically slash payments promised to Wall Street, retired workers and other creditors. More unusual is shielding a city from damages and settlement costs arising out of negligence and civil-rights lawsuits against individual officers. And the law around discharging such liabilities in municipal bankruptcies has rarely been tested.

A judge overseeing Detroit's bankruptcy rejected a similar request to protect police officers, according to WSJ's Katy Stech. But it's not clear whether any other localities have successfully shielded their employees from liability as San Bernardino is attempting.

When damages are awarded in lawsuits against police officers, it's usually the employer that pays the tab. And that's San Bernardino's concern.

"Exposing officers and employees to liability for harms committed while at work would expose officers and employees to often ruinous liability simply for doing their jobs," city officials said in a March 30 filing. "The city will be forced to pay such claims one hundred cents on the dollar, which the city cannot afford to do."

Judge Meredith Jury, who is presiding over the San Bernardino bankruptcy case, recently remarked on the absence of case law in that area. "There is no precedent that binds me in a decision on that," she said at a December hearing.

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