

AN ORDINANCE GUARANTEEING QUALIFIED IMMUNITY TO EMPLOYEES OF THE JEFFERSON COUNTY SHERIFF'S OFFICE

FOR JEFFERSON COUNTY, ILLINOIS

WHEREAS, the County Board recognizes attempts to change the criminal justice system in Illinois by certain political groups. In these attempts, qualified immunity for criminal justice employees has come into question, with the intent to modify or eliminate liability protection for law enforcement and correctional officers acting properly and honorably in the course of their duties.

WHEREAS, the County Board understands the United States Supreme Court defines qualified immunity as a type of legal immunity. It is described as, "Qualified immunity balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably."

WHEREAS, the United States Supreme Court established qualified immunity for law enforcement officers in cases like: *Malley v. Briggs*, 457 U.S. 335 (1986), *Saucier v. Katz*, 533 U.S. 194 (2001), and *Pearson v. Callahan*, 555 U.S. 223 (2009).

WHEREAS, the County Board recognizes and understands that qualified immunity is not absolute immunity and the U.S. Supreme Court established tests to determine whether a law enforcement officer's actions qualify for this type of protection.

WHEREAS, the County Board recognizes the lawful right of Jefferson County Sheriff's Office employees to qualified immunity and indemnification when they act within the scope of their employment and are subjected to any civil cause of action brought against an employee resulting from or arising out of the performance of their duties, whether the employee was on or off duty at the time of the incident.

WHEREAS, the County Board agrees to maintain their responsibility of protecting Jefferson County Sheriff's Office employees who are subjected to civil causes of action brought against them, when the employee is acting within the scope of their employment. When the employee qualifies for indemnification, the County Board agrees to handle it in the following manner:

- Holding employees harmless from and pay damages or moneys which may be adjudged, assessed, or otherwise levied against any employee.
- Granting employees legal representation throughout the course of any civil cause of action brought against them, at the cost of the County Board.
- Granting employees the ability to choose their legal counsel upon mutual agreement with the County Board.
- If necessary and feasible, the County Board will maintain liability insurance coverage for Sheriff's Office employees for the purpose of indemnification.

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WHEREAS, if the County Board cannot reasonably maintain liability insurance coverage on Sheriff's Office employees, due to highly burdensome costs or insurance companies denying coverage to law enforcement or correctional officers, the following will be done:

- The County Board shall pay the costs of each Sheriff's Office employee to belong to the Fraternal Order of Police Legal Defense Plan, civil and criminal protection plan.
- The County Board will hold employees harmless from and pay damages or moneys which may be adjudged, assessed, or otherwise levied against any employee, up to \$100,000 per incident.

WHEREAS, it is understood that employees of the Jefferson County Sheriff's Office who act outside the scope of their employment, or commit acts of willful misconduct, would not qualify for this type of legal immunity or indemnification.

WHEREAS, the County Board agrees this legal protection of Jefferson County Sheriff's Office employees shall only discontinue upon the removal of this ordinance by two-thirds majority vote.

NOW, THEREFORE, be it ordained by the corporate authorities of Jefferson County, IL the following:

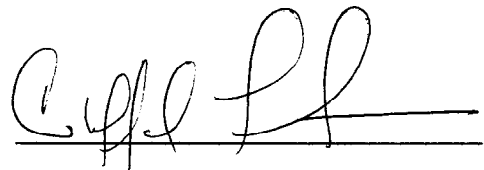
Section 1. This ordinance guaranteeing qualified immunity and indemnification to all Jefferson County Sheriff's Office employees, is hereby adopted.

Section 2. This ordinance shall be in full force and effect on February 22, 2021.

PASSED THIS 22nd day of February, 2021.

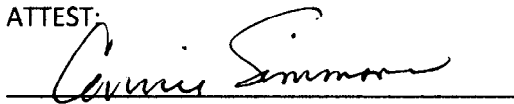
AYES: 10 NAYS: 2 ABSENT: 1

APPROVED THIS 22nd day of February, 2021.



County Board Chairman

ATTEST:



County Clerk