

Biden Judges and Police and Law Enforcement Abuse and Misconduct

Perhaps no power imbalance in society is as fraught with danger as that between an individual and law enforcement officials. Too often, police and prison officials abuse their power and even commit acts of brutality with impunity, with Black and brown people disproportionately targeted for mistreatment. The decisions of fair-minded Biden judges are not only bringing justice to individuals, they are also creating disincentives for future abusive conduct.

Medical Care for People in Custody

Biden judges are playing a vital role in protecting people in custody who risk being denied access to necessary health care. People in custody are uniquely vulnerable to the whims of those in charge and often lack the ability to get help. For instance, in [Mercer v. Athens County](#), Sixth Circuit Biden Judge Andre Mathis wrote an important decision clarifying the duty of care that medical officials in jails owe to pretrial detainees. Jennifer Ohlinger's family will have the chance to sue a jail nurse for providing inadequate care after she had seizures, leading to her death. His ruling will help sick individuals and their families hold jail employees accountable when that care is not provided.



In the Seventh Circuit, Biden Judge Candace Jackson-Akiwumi wrote a 2-1 decision protecting the rights of incarcerated people to adequate medical care. Her opinion gave Richard White a chance to persuade a jury that prison officials had shown deliberate indifference to his health by not properly responding to his complaints of a swollen knee for two years. The dissenting Trump judge would have denied him a trial and set a damaging precedent.

Police / Government Abuse of Power

Too many people face abusive misconduct from law enforcement during searches, arrests, and prosecutions. Fourth Circuit Judge Toby Heytens wrote an opinion that protects millions of people from government abuse at airports. Erin Osmon accused a TSA screener in Asheville, N.C., of forcing her to spread her legs and then fondling her genitals during an airport search. Reversing a lower court, Fourth Circuit Biden judge Toby Heytens wrote a panel opinion holding that wrongdoing by TSA employees is covered by the Federal Tort Claims Act (FTCA). That law has long been an important remedy for people harmed by federal employees.



Law enforcement officials also have to be held accountable when they fabricate evidence. Biden Second Circuit Judge Eunice Lee wrote a decision allowing Tommy Barnes to sue police officers for lying to prosecutors about him. They had falsely reported seeing him selling drugs, which led to a prosecution for that charge. The dissenting Trump judge would have dismissed the suit, since the police could have legitimately held him on the lesser charge of possessing the drugs. Judge Lee's opinion will help people hold police accountable for fabricating evidence. Just as importantly, it will hopefully discourage officials from this type of abusive conduct in the future.



The School-to-Prison Pipeline

The earlier the school-to-prison pipeline can be disrupted, the better. Young people in South Carolina are benefiting from Fourth Circuit Judge Toby Heytens's majority opinion striking down a state law that criminalized "disorderly" or "disturbing" conduct in schools. The law's vagueness made it ripe for abuse. Judge Heytens understood that retaining records of such cases could unfairly derail promising careers for young people.

Conclusion

Cases like these are just the beginning. To make sure that law enforcement officials who abuse their power are held accountable, it is essential to fill vacancies around the country with fair-minded judge like those being nominated by President Biden.

