

# California Law Enforcement Defense Litigation

---

Law Enforcement Defense Litigation is the representation of law enforcement officers and local and state governments in civil litigation. It also includes quasi-governmental private detention corporations who house federal prisoners, detainees, and operate halfway houses.

## What Is Law Enforcement Defense Litigation?

Law Enforcement Defense Litigation can arise from allegations that a member of the public was falsely arrested, subjected to excessive force, or suffered some other violation of their civil rights. Law Enforcement Defense Litigation can also arise from allegations by an inmate, prisoner or detainee that his or her civil rights were violated while in a custodial setting.

## When Is Law Enforcement Defense Necessary?

Our Law Enforcement Defense attorneys are frequently retained after a police department or other law enforcement agency is involved in a high-profile incident, even before a potential litigant has submitted a Government Claim or filed suit.

## What Makes Law Enforcement Defense Litigation Unique

Law Enforcement Defense Litigation differs from other civil litigation in a variety of ways. First, the complex facts of the case require attorneys who have the expertise and experience to understand the fact patterns and scenarios that occur in Law Enforcement litigation. The most common types of Law Enforcement Defense Litigation involve:

- Officer-involved shootings
- Uses of force by police or detention officers
- False arrest allegations

- Malicious prosecution or wrongful conviction claims
- Failure to provide medical care claims
- Equal Protection or due process claims
- First Amendment retaliation claims
- Conditions of confinement claims
- ADA claims involving law enforcement officers or custodial facilities
- Class action claims involving one or more topics above
- State torts such as negligence, assault/battery, IIED
- Civil Code or Government Code statutory claims (e.g. Unruh Act, Bane Act)

Second, the legal issues require attorneys who are adept at practicing in both the federal and state courts and at defending both Section 1983 federal claims and California state law claims. Our Law Enforcement Defense litigators are skilled at defending claims involving alleged violations of the First Amendment, Fourth Amendment, Fifth Amendment, Eighth Amendment, and Fourteenth Amendment. Our litigators frequently litigate *Monell* allegations and the legal defense of qualified immunity. Our litigators also defend allegations brought under the California Civil Code statutes of the Unruh Act, the Bane Act, and the Ralph Act. We are adept at seeking defenses via governmental immunities, statute of limitations, the Government Claims Act, and exhaustion requirements, to name a few procedural issues.

Third, the controversial nature of policing in America requires attorneys who identify with and support law enforcement, yet are able to craft narrative messages that resonate with jurors in California who are frequently skeptical of law enforcement.

### **When It's Time to Approach a Law Enforcement Defense Litigation Attorney**

Our Law Enforcement Defense attorneys are frequently retained after a high-profile incident, even before a potential litigant has submitted a Government Claim or filed suit. If your agency has been involved in a high-profile incident, such as an officer-involved shooting, our [law enforcement defense attorneys](#) are available to guide you through the pre-litigation process of investigation, evaluation, document retention and advise you on what to expect if litigation follows. We are also frequently retained to represent law enforcement officers and public agencies once a claim or lawsuit has been served, and we are skilled at handling litigation in both the federal and state courts.

## Burke's History of Excellence in California Law Enforcement Defense Litigation

At Burke, our Law Enforcement Defense litigators are typically retained either via a public agency risk management pool, as outside counsel by a public agency's in-house counsel, or when Burke also serves as the public agency's city attorney or general counsel. Our Law Enforcement Defense attorneys are among the few attorneys in the state who focus on this narrow area of the law.

Law Enforcement Defense is part of Burke's extensive 97-year history of success in representing public agencies. Two recent successes include a 2023 defense verdict on behalf of a law enforcement agency that was recognized as one of the top 20 defense verdicts in California by the Daily Journal, and a 2023 defense verdict on behalf of a city law enforcement agency that is believed to be the only defense verdict in southern California for litigation arising from the 2020 George Floyd protests. Our team has also obtained a defense verdict in a wrongful conviction suit, although these matters are often settled due to their high exposure.

If you have the need for a Law Enforcement Defense Litigation attorney, we encourage you to contact [Susan Coleman](#), [Gregory Thomas](#), or [Nathan Oyster](#).