

TO BE PROTECTED BY QUALIFIED IMMUNITY, OFFICERS ARE NOT REQUIRED TO EXAMINE ARRESTEE'S EVIDENCE THAT WARRANT WAS QUASHED

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Ochser v. Funk

Ct. Appeals, Div. One, September 28, 2010

Authored by the [JSH Appellate Team](#)

Maricopa County Sheriff's deputies arrested Ochser on a child support warrant that, unbeknownst to the MCSO, had been quashed. Ochser had a certified copy of the minute entry order quashing the warrant in his office and offered to show it to the officers. Instead, the officers called the Sheriff's Operation Information Center to confirm the validity of the warrant. Because the Sheriff's Office had not been informed of the order to quash, the officers proceeded with the arrest. The trial court granted summary judgment for the officers and Ochser appealed.

The court of appeals affirmed. Although the officers had violated Ochser's constitutional right to be free from unreasonable searches and seizures, it was objectively reasonable for the officers to rely upon the validity of "officially issued documents verified through official channels" without investigating Ochser's documentation. The officers were entitled to qualified immunity and summary judgment was proper.

The dissent disagreed with the majority's interpretation of the case law, concluding that under the circumstances, no reasonable police officer would have disregarded Ochser's documentation.