Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

VAN DE KAMP ET AL. *v.* GOLDSTEIN

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 07–854. Argued November 5, 2008—Decided January 26, 2009

Respondent Goldstein was released from a California prison after he filed a successful federal habeas petition alleging that his murder conviction depended, in critical part, on the false testimony of a jailhouse informant (Fink), who had received reduced sentences for providing prosecutors with favorable testimony in other cases; that prosecutors knew, but failed to give his attorney, this potential impeachment information; and that, among other things, that failure had led to his erroneous conviction. Once released, Goldstein filed this suit under 42 U. S. C. §1983, asserting the prosecution violated its constitutional duty to communicate impeachment information, see *Giglio* v. *United States*, 405 U. S. 150, 154, due to the failure of petitioners, supervisory prosecutors, to properly train or supervise prosecutors or to establish an information system containing potential impeachment material about informants. Claiming absolute immunity, petitioners asked the District Court to dismiss the complaint, but the court declined, finding that the conduct was "administrative," not "prosecutorial," and hence fell outside the scope of an absolute immunity claim. The Ninth Circuit, on interlocutory appeal, affirmed.

Held: Petitioners are entitled to absolute immunity in respect to Goldstein's supervision, training, and information-system management claims. Pp. 3–12.

(a) Prosecutors are absolutely immune from liability in §1983 suits brought against prosecutorial actions that are "intimately associated with the judicial phase of the criminal process," *Imbler* v. *Pachtman*, 424 U. S. 409, 428, 430, because of "concern that harassment by unfounded litigation" could both "cause a deflection of the prosecutor's energies from his public duties" and lead him to "shade his decisions instead of exercising the independence of judgment required by his

public trust," *id.*, at 423. However, absolute immunity may not apply when a prosecutor is not acting as "an officer of the court," but is instead engaged in, say, investigative or administrative tasks. *Id.*, at 431, n. 33. To decide whether absolute immunity attaches to a particular prosecutorial activity, one must take account of *Imbler*'s "functional" considerations. The fact that one constitutional duty in *Imbler* was positive (the duty to supply "information relevant to the defense") rather than negative (the duty not to "use . . . perjured testimony") was not critical to the finding of absolute immunity. Pp. 3–6.

(b) Although Goldstein challenges administrative procedures, they are procedures that are directly connected with a trial's conduct. A prosecutor's error in a specific criminal trial constitutes an essential element of the plaintiff's claim. The obligations here are thus unlike administrative duties concerning, *e.g.,* workplace hiring. Moreover, they necessarily require legal knowledge and the exercise of related discretion, *e.g.*, in determining what information should be included in training, supervision, or information-system management. Given these features, absolute immunity must follow. Pp. 6–12.

(1) Had Goldstein brought a suit directly attacking supervisory prosecutors' actions related to an individual trial, instead of one involving administration, all the prosecutors would have enjoyed absolute immunity under *Imbler*. Their behavior, individually or separately, would have involved "[p]reparation . . . for . . . trial," 424 U. S., at 431, n. 33, and would have been "intimately associated with the judicial phase of the criminal process," *id.,* at 430. The only difference between *Imbler* and the hypothetical, *i.e.,* that a supervisor or colleague might be liable *instead of* the trial prosecutor, is not critical. Pp. 7–8.

(2) Just as supervisory prosecutors are immune in a suit directly attacking their actions in an individual trial, they are immune here. The fact that the office's *general* supervision and training methods are at issue is not a critical difference for present purposes. The relevant management tasks concern how and when to make impeachment information available at trial, and, thus, are directly connected with a prosecutor's basic trial advocacy duties. In terms of *Imbler*'s functional concerns, a suit claiming that a supervisor made a mistake directly related to a particular trial and one claiming that a supervisor trained and supervised inadequately seem very much alike. The type of "faulty training" claim here rests in part on a consequent error by an individual prosecutor in the midst of trial. If, as *Imbler* says, the threat of damages liability for such an error could lead a trial prosecutor to take account of that risk when making trial-related decisions, so, too, could the threat of more widespread liabil-

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ity throughout the office lead both that prosecutor and other office prosecutors to take account of such a risk. Because better training or supervision might prevent most prosecutorial errors at trial, permission to bring suit here would grant criminal defendants permission to bring claims for other trial-related training or supervisory failings. Further, such suits could "pose substantial danger of liability even to the honest prosecutor." *Imbler*, 425 U. S., at 425. And defending prosecutorial decisions, often years later, could impose "unique and intolerable burdens upon a prosecutor responsible annually for hundreds of indictments and trials." *Id.*, at 425–426. Permitting this suit to go forward would also create practical anomalies. A trial prosecutor would remain immune for intentional misconduct, while her supervisor might be liable for negligent training or supervision. And the ease with which a plaintiff could restyle a complaint charging trial failure to one charging a training or supervision failure would eviscerate *Imbler*. Pp. 8–11.

(3) The differences between an information management system and training or supervision do not require a different outcome, for the critical element of any information system is the information it contains. Deciding what to include and what not to include is little different from making similar decisions regarding training, for it requires knowledge of the law. Moreover, were this claim allowed, a court would have to review the office's legal judgments, not simply about *whether* to have an information system but also about *what kind* of system is appropriate, and whether an appropriate system would have included *Giglio*-related information *about one particular kind of informant*. Such decisions—whether made before or during trial—are "intimately associated with the judicial phase of the criminal process," *Imbler*, *supra,* at 430, and all *Imbler*'s functional considerations apply. Pp. 11–12.

481 F. 3d 1170, reversed and remanded.

BREYER, J., delivered the opinion for a unanimous Court.