



Supreme Court Justice: Colleagues Tell Officers 'Shoot First'

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WASHINGTON, D.C. – Supreme Court Justice Sonia Sotomayor says that her colleagues got it wrong and their decision means that people will go unpunished. She was responding to a decision by her colleagues that an officer can't be sued by the woman he shot four times in her own yard.

"It tells officers that they can shoot first and think later," Sotomayor says of the decision. "It tells the public that palpably unreasonable conduct will go unpunished.

"There is nothing right or just under the law about this."

The decision, she says: "sends an alarming signal to law enforcement officers and the public."

The court was hearing the case of Amy Hughes who was trying to sue Andrew Kisela, an officer with the University of Arizona Police Department.

In 2010, Kisela and other officers had been dispatched to check on a report about a woman hacking at a tree with a large knife.

When the officers got there, they discovered a woman later identified as Hughes's roommate, Sharon Chadwick, standing outside. Soon after, Hughes emerged from the house with the knife.

While she ignored commands to drop the knife, other officers would say that she appeared calm and Chadwick would say that never felt threatened.

Kisela – who did not warn Hughes that he would fire – felt otherwise and fired four times through a chainlink fence.

Hughes survived and later filed the suit, arguing that Kisela had deprived her of her Fourth Amendment rights, pointing out that – despite the fact that she had a knife – there was no

indication that she posed a threat. Her lawyers pointed out that no crime had been committed, Hughes had not been accused of wrongdoing.

In overturning a ruling from the 9th Circuit Court of Appeals that Hughes could sue, the Supreme Court argued that Kisela was protected by the concept of "qualified immunity."

The concept states that public officials can be immune from being sued for violating a person's constitutional rights as long as the official "does not violate clearly established...rights of which a reasonable person would have known," the court has ruled.

While "qualified immunity" has been used to protect officers and public officials from so-called frivolous lawsuits over actions they took during the course of business, it has also made it harder for victims of excessive force to sue.

Jonathan Blanks, a research associate in the libertarian Cato Institute's Project on Criminal Justice, called the ruling "disappointing but not surprising," adding that "qualified immunity effectively guts the best civil rights protection in federal law.

"Police officers must be held accountable for their unconstitutional actions."

In her dissent, Sotomayor indicates that given the court's makeup, there are obstacles ahead.

"The Court misapprehends the facts and misapplies the law, effectively treating qualified immunity as an absolute shield," she wrote.