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Supreme Court rules on Escondido police misconduct case

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The U.S. Supreme Court issued a ruling on Jan. 7 in a case involving the City of Escondido, its police department and issues of misconduct and accountability.

In a per curiam decision, the panel of nine justices concluded in the case City of Escondido, California, Et Al. v. Marty Emmons that the lower court's ruling did not provide sufficient legal analysis and sent it back to Court of Appeals for the Ninth Circuit, based in San Francisco, to be reheard.

Marty Emmons, of Escondido, filed the original complaint on Oct. 29, 2014 in U.S. District Court for the Southern District of California in San Diego. Marty's daughter, Maggie, was a co-plaintiff in the case.

The plaintiffs alleged that on May 27, 2013, the Escondido Police Department unlawfully entered Maggie's apartment located near downtown Escondido without a warrant. The complaint further alleges that police used excessive force when placing Marty under arrest.

911 call

When the police arrived at the premises in response to a 911 complaint of "loud shouting," Maggie's roommate Ametria Douglas was by the swimming pool with her children. Douglas told officers "(Maggie) was fine and there was no need to go inside," according to the complaint.

Escondido police officers proceeded to the apartment and spoke with Maggie through a window, demanding to enter the home as part of a welfare check.

Just a month earlier, Maggie had dialed 911 due to a case of domestic abuse by her husband. The police arrested her husband at the time, though he did not face charges. Startled by that previous arrest incident, Maggie said she had lost faith in law enforcement.

"Upon seeing Officer Craig through the peephole in her front door, Ms. Emmons became scared and did not want to answer the door '(b)ecause of the aggression of how the way that they were knocking on the door' and because of a previous incident when her husband was arrested against her wishes by officers from the same department," wrote the Emmons' legal team in a response to the city of Escondido's July 2018 petition to the Supreme Court.

Maggie eventually opened the door for the officers after they threatened to break it down if she failed to let them in, according to the complaint. Police did not find any immediate evidence of domestic abuse. Maggie's husband was out of town at the time of the incident.

Michael McGuinness, city attorney for Escondido, told The Coast News that case law says that during welfare checks in response to 911 calls, an emergency does not have to be confirmed in order for police to search the premises.

“The perception of an emergency does not have to prove true; it is whether a reasonable officer would have believed that entry was necessary to protect an occupant or respond to the emergency,” said McGuinness, who filed the petition to the Supreme Court on behalf of the city.

Attorneys for the city claimed that law enforcement forced Marty Emmons to the ground outside of the apartment because he had slammed the door, refusing to allow them inside. The city further alleged that Marty attempted to walk away from the scene, resisting requests from police.

Escondido Police Department arrested Marty for a violation of California Penal Code §148(a)(1), resisting or delaying a peace officer, for refusing to open the door and then closing the door behind him against the command of the officer.

The San Diego County District Attorney’s Office later dropped the charges.

Qualified immunity

U.S. District Court Judge Jeffrey T. Miller dismissed the case in March 2016.

Judge Miller ruled that the “qualified immunity” doctrine exempts the Escondido Police Department from the Fourth Amendment claims brought by the plaintiffs. The legal principle of qualified immunity was developed in Ashcroft v. al-Kidd, establishing the test of what a “reasonable official would have understood that what he is doing violates that right.”

The Emmons appealed to the Ninth Circuit, arguing that the facts show that the Escondido Police Department acted in a way which defies the “reasonable official” test cited by Judge Miller.

“The district court erred in concluding no genuine issue of material fact exists as to whether a reasonable officer because,” wrote the Emmons’ attorneys, “(a) several facts indicated no emergency was at hand when the officers arrived at Ms. Emmons’ apartment complex (especially no emergency of the kind reported), (b) the officers made no attempt to corroborate the details of the 911 report, and (c) the officers own words and conduct indicate they did not believe an emergency was at hand.”

The Ninth Circuit ended up splitting the difference, ruling that the Escondido Police Department should receive qualified immunity with regards to Maggie, but not Marty’s case.

“Once inside the apartment, the officers reasonably limited the scope of the search to a welfare check,” wrote Ninth Circuit. “Furthermore, given the red flags the officers encountered at the scene, a reasonable officer could conclude that the potential emergency did not dissipate even though a woman outside the apartment identified herself as the subject of the 911 call.”

For Marty, however, the Court of Appeals concluded that the Escondido Police Department acted outside the bounds of qualified immunity.

“There is evidence from which a reasonable trier of fact could find that Mr. Emmons was unarmed and non-hostile,” the Ninth Circuit wrote. “The right to be free of excessive force was clearly established at the time of the events in question.”

Reversal

That statement, "right to be free of excessive force was clearly established at the time," came under fire by the Supreme Court in its Jan. 7 ruling.

"The Court of Appeals should have asked whether clearly established law prohibited the officers from stopping and taking down a man in these circumstances. Instead, the Court of Appeals defined the clearly established right at a high level of generality," wrote the Supreme Court in its per curiam ruling. "The Court of Appeals failed to properly analyze whether clearly established law barred Officer Craig from stopping and taking down Marty Emmons in this manner as Emmons exited the apartment."

Daniel E. Walters, a fellow at the University of Pennsylvania whose research focuses on issues of constitutional and administrative law, said that the Supreme Court often issues per curiam decisions as a way to send signals to lower courts.

"The (Supreme Court will) sometimes do it when they see an obvious mistake in the Court of Appeals' reasoning, or more likely when they see a pattern in a court's decision making that is out of step with the Court's recent decision making," Walters said. "It's a way for the court to police decision-making in the judiciary at a low cost. It can sometimes amount to a shot across the bow, or an attempt to deter a departure from compliance with court precedent."

McGuinness said he was pleased with the outcome of the Supreme Court's ruling.

"The Supreme Court reiterated that the trial and appellate courts must undertake a genuine and robust Qualified Immunity analysis as the court has instructed them to do in the past," said McGuinness. "This is important to all police agencies because the text of the Fourth Amendment itself provides little specific guidance to police officers facing unique and fast-moving incidents in the field … With Qualified Immunity, objectively reasonable officers acting in good faith and consistent with their training, will not be burdened with constantly facing lawsuits where their actions are being improperly second-guessed."

Since McGuinness has litigated the entire case on behalf of the city, legal costs were kept relatively low.

"Near-zero accountability"

But "qualified immunity" has come under opposition in legal circles.

The Cato Institute, a libertarian advocacy group headquartered in Washington, D.C., has called for the end of the qualified immunity doctrine.

"(The) standard is incredibly difficult for civil rights plaintiffs to overcome because the courts have required not just a clear legal rule, but a prior case on the books with functionally identical facts," according to a March 2018 article. "(T)his doctrine lacks any legal basis, vitiates the power of individuals to vindicate their constitutional rights, and contributes to a culture of near-zero accountability for law enforcement and other public officials."

McBride said that he is pleased that Marty can "live on to fight another day" in the Ninth Circuit.