

## **Supreme Court backs Arizona policeman accused of excessive force**

Dwayne Harmon

April 3, 2018

The US Supreme Court has ruled in favor of an Arizona police officer who shot a woman four times in her driveway while she held a knife.

Hughes later sued Kisela for violating her rights, but the lower court sided with the police officer, ruling his actions were reasonable and protected by qualified immunity.

According to court records, Kisela was called out on a welfare check after Hughes was reportedly stabbing a tree with a knife on her property near the University of Arizona campus.

Hughes didn't comply with commands from officers to drop the knife and continued to move toward her roommate.

"The court of appeals", he added in a statement, "upheld the rule of law when it overturned the unjust, initial decision in the Sokolow case that should never have been brought to trial in the first place".

A day after Californians protested the latest police shooting of an unarmed black man, the US Supreme Court signalled Monday that law enforcement officers are generally protected against accusations of excessive force.

In dissent, Justices Sonia Sotomayor and Ruth Bader Ginsburg said the victim did not threaten the police or a friend who was standing nearby. "But the federal courts can not exercise jurisdiction in a civil case beyond the limits prescribed by the due process clause of the Constitution, no matter how horrendous the underlying attacks or morally compelling the plaintiff's claims". Chadwick went outside to her auto to retrieve money from her purse when Hughes followed her outside, still holding the knife, according to court records.

She survived and sued the officer for using excessive force.

"Viewing the facts in the light most favorable to Hughes, as the Court must at summary judgment, a jury could find that Kisela violated Hughes' clearly established Fourth Amendment rights by needlessly resorting to lethal force", Sotomayor wrote.

Ms. Chadwick later said that she did not feel threatened and that Ms. Hughes had appeared composed. "He thought it necessary to use deadly force, and so, without giving a warning that he would open fire, he shot Hughes four times, leaving her seriously injured". "In holding

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

Justice Sotomayor said a jury should have been allowed to decide the case.

But the libertarian Cato Institute, which filed an amicus brief in the case, said the court's support for qualified immunity helped "create a policy of near-zero accountability for law enforcement".