

# The Washington Post

## Supreme Court justice affirms activists' fears that police can 'shoot first and think later'

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A Supreme Court justice's response to a recent ruling on a case involving police violence confirms the fears of Americans who believe that law enforcement continues to go unpunished when using excessive force.

The court ruled Monday in favor of an Arizona police officer who shot a woman outside her home in Tucson in May 2010. Officer Andrew Kisela shot Amy Hughes four times after she emerged from her house holding a kitchen knife at her side and did not respond to commands to drop it.

Hughes sued Kisela claiming the officer used excessive force, but the Supreme Court ruled this week that Kisela was entitled to qualified immunity, a legal doctrine that says police are immune from excessive-force lawsuits as long as they don't violate "clearly established" rights that a "reasonable person would have known," [The Post's Drew Hawkins reported](#).

In a dissent, Justice Sonia Sotomayor, joined by Justice Ruth Bader Ginsburg, said the ruling "sends an alarming signal to law enforcement officers and the public. It tells officers that they can shoot first and think later, and it tells the public that palpably unreasonable conduct will go unpunished."

In the conversations about police shootings — especially those involving unarmed black men — one of the biggest concerns of those calling for more accountability for law enforcement is how laws are set up that allow police to go unpunished.

Activist Shaun King, who often speaks out and writes about police violence, called the ruling "incredibly damaging."

"The Supreme Court just made the worst decision in 35 years regarding police brutality — saying cops do not have to protect our constitutional rights if they claim to not know they were violating them. They get immunity. Incredibly damaging. A major loss," he [tweeted](#).

Attorney and legal analyst S. Lee Merritt [tweeted](#) that the ruling makes police even less accountable to protecting those they are called to serve.

“The U.S. Supreme Court is creating precedent that makes it even easier for cops to get away with murder. The Qualified Immunity hurdle is becoming an Absolute Immunity steel curtain,” he tweeted. “The deadliest police force in the modern world is now less accountable!”

Clark Neily, vice president of the libertarian Cato Institute, told the Los Angeles Times that the “ruling gives yet another green light to officers who use deadly force as a tool of first resort instead of last.”

The case is the latest entry into ongoing conversations about legal consequences for police officers who use excessive force.

Last week, officials in Louisiana declined to charge two Baton Rouge police officers who fatally shot Alton Sterling, an unarmed black man, in 2016. The shooting attracted so much national attention that then-candidates Donald Trump and Hillary Clinton weighed in on the matter.

Unlike Sterling, Hughes survived. But Sotomayor's comments and the response from activists are reminders that while nearly 1,000 people were shot and killed by police in 2017, just a handful of such cases each year lead to criminal charges, according to The Washington Post's database of fatal police shootings.

And this is what concerns some activists the most. In a social media conversation about the killing of Stephon Clark, an unarmed black man who was shot nearly 20 times by police in Sacramento, The Washington Post's Wesley Lowery pointed out that the law seems to protect police more than those on the receiving end of a bullet.

“This is what conversations about special prosecutors, body cameras, etc tend to miss: under our current laws, almost every single police shooting — no matter the circumstance — is legal. The police are legally allowed to kill you,” he tweeted.