

# Supreme Court Hands Victory To Police Who Use Deadly Force

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The U.S. Supreme Court dealt at least a partial blow to police reform advocates Monday, in [aruling](#) that held police officers could not be sued after all for firing gunshots at a severely mentally disabled woman who threatened violence.

The decision is a loss for plaintiff Teresa Sheehan, who survived the deadly police force, and had won the right to sue in the lower courts. [Studies in several cities](#) have found that about half of police shooting victims are mentally ill, and that the mentally ill are disproportionate victims

of excessive police force. Sheehan, like many of disabled police shooting victims, was shot in what started as a call to police for help.

But Monday's Supreme Court ruling also avoided what could have been a much worse outcome for disability advocates. The justices punted on what was perhaps the most significant question before the U.S. Supreme Court — how federal disabilities protections under the Americans with Disabilities Act applies to this sort of police conduct. Had the justices ruled on that question, advocates warned, the conservative Roberts Court could have made disabilities protections substantially weaker than they are now. "While San Francisco may intend to craft arguments that it believes will limit the damage to individuals' rights under the ADA, it will have little control over what the Supreme Court does," disability groups wrote in a letter to San Francisco, urging the city to drop its appeal.

San Francisco didn't drop its appeal, but the justices heeded its call for a limited ruling, and didn't rule at all on the question of whether those with disabilities should be treated differently by the police.

Instead, the justices' ruling made clearer than ever that under current law, police officers could not have been expected to consider Sheehan's mental illness when they entered her room at a group home twice, and responded to her violent threats by shooting her six times. "The Fourth Amendment standard is reasonableness, and it is reasonable for police to move quickly if delay 'would gravely endanger their lives or the lives of others,'" Justice Samuel Alito wrote for the six-justice majority, noting that they could not weigh in on the relevance of Sheehan's disability. The decision to grant police immunity is not particularly surprising. It's one in a line of Supreme Court rulings that has protected officer immunity from lawsuits. But it takes on new significance as national attention turns to police brutality.

"When the Supreme Court says an officer is immune from suit for damages because the state of the law was unclear at the time, that doesn't get a lot of press, but that's the kind of decision that makes it really hard to do anything about the Tamir Rice situation," said University of Michigan law professor Samuel Bagenstos referencing the 12-year-old who was shot dead by police six months ago in Cleveland, Ohio. "It keeps the courts from imposing the appropriate incentives on police departments to stop use of excessive force."

The incident involving Sheehan started when social worker Heath Hodge believed Sheehan's schizophrenia had deteriorated to "gravely disabled" after Sheehan stopped taking her medication, and called police for help transporting her to a mental health facility for involuntary commitment and treatment.

When police showed up at the San Francisco group home where Sheehan lived without a warrant, Sheehan “reacted violently,” wielding a knife and telling the officers she would kill them. In response, officers safely retreated to a hallway. “The officers called for backup,” the Ninth Circuit decision explained, “but rather than waiting for backup or taking other actions to maintain the status quo or de-escalate the situation, the officers drew their weapons and forced their way back into Sheehan’s room, presumably to disarm, subdue and arrest her, and to prevent her escape (although there do not appear to have been any means of escape available). Sheehan once again threatened the officers with a knife, causing the officers to shoot Sheehan five or six times.”

Sheehan argued that officers failed to reasonably accommodate her disability by “forcing their way back into her room without taking her mental illness into account and without employing tactics that would have been likely to resolve the situation without injury to herself or others.” And expert witness Lou Reiter provided testimony that officers, in fact, did not follow that protocol at all. He said officers are trained not to agitate or excite individuals who are mentally ill, to “respect the person’s comfort zone, use nonthreatening communications and to employ the passage of time to their advantage.” He also cited materials used by the San Francisco Police Department that advise officers to request backup, to calm the situation, to communicate, to move slowly, to assume a quiet, nonthreatening manner, to take time to assess the situation and to “give the person time to calm down.”

“Reiter deemed the officers’ second entry into Sheehan’s home tactically unreasonable under those policies,” the lower court noted, finding that the officers should have awaited back-up and considered seeking a warrant.

In Monday’s opinion, the justices noted that whether the officers followed training protocol is not a factor in granting police officers what is known as “qualified immunity,” the broad federal protection that shields the police and other government entities from civil rights lawsuits.

“Considering the specific situation confronting Reynolds and Holder, they had sufficient reason to believe that their conduct was justified,” Justice Samuel Alito wrote for the court.

In a concurring opinion, Justices Antonin Scalia and Elena Kagan questioned whether the Supreme Court should have decided this case at all if they weren’t going to rule in the question of whether the disabled were entitled to special protection under the Americans with Disabilities Act.

It’s a common scenario for police interactions with the mentally ill to escalate from what starts as a call for help. Part of the problem is that the typical strategies used by officers when faced

with suspects they perceive as violent can have an adverse impact on those with mental illness. Particularly in instances when police know before they arrive on the scene that a patient is suffering from mental illness — in fact is in need of police help precisely because of their mental illness — some police departments deploy special mental health crisis teams.

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