

## Court Awards Qualified Immunity To Officer Who Shot Woman Claiming Excessive Force

2 Apr 2018

In [Kisela v. Hughes](#), officers reporting to a call of a woman acting erratically with a large knife discovered Ms. Hughes emerging from her house with a knife in her hand, heading toward another woman, Ms. Chadwick, who it turned out was Hughes' roommate. Hughes stopped six feet from Chadwick, and the officers drew their firearms and told Hughes to drop the knife. Hughes appeared calm, and Chadwick told the officers to "take it easy." But one officer, Kisela, opened fire, shooting Hughes four times. Hughes sued, alleging Kisela used excessive force. The district court dismissed the claim, but the Ninth Circuit reversed, holding that the actions were sufficient to demonstrate excessive force, and that the officer was not entitled to qualified immunity because the amount of force he used was in excess of clearly established law. Seven members of the Court, in a per curiam opinion, reversed, holding that Kisela was entitled to qualified immunity regardless of his use of force. Emphasizing how officers are often forced to make split-second decisions in situations that are factually unique, the Court held that the Ninth Circuit failed to properly implement the qualified immunity standard since it was "far from obvious" that Hughes was of no danger to Chadwick, given the totality of the circumstances. Justice Sotomayor, joined by Justice Ginsburg, dissented, arguing that Kisela's actions were clearly unreasonable in the circumstances.

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**TAGGED:** scotus, qualified immunity, Excessive Force, Kisela v. Hughes