

Court Upholds Qualified Immunity For Officer Responding To Domestic Dispute

8 Jan 2019

In [City of Escondido v. Emmons](#), Officer Craig and Sergeant Toth responded to a call reporting a domestic dispute at a home. After talking to the occupants from outside the home for a bit, one of the occupants exited and tried to brush past Officer Craig. The officer quickly took the man to the ground and handcuffed him. The video of the encounter did not reveal any visible or audible pain on behalf of the arrested man. That man then sued Officer Craig and Sergeant Toth for using excessive force in violation of the Fourth Amendment. The district court dismissed the claim against Sergeant Toth because there was no evidence he used any force against the man, and dismissed the claim against Officer Craig because there was no clearly established law that prohibited him from arresting the man in these circumstances. The Ninth Circuit reversed as to both officers, reinstating the excessive force claims. The U.S. Supreme Court, in another unanimous *per curiam* opinion, reversed. First, the Court noted that the Ninth Circuit had “no explanation” for why an excessive force claim should continue against Sergeant Toth, saying it was “quite puzzling” in light of there being no evidence that Sergeant Toth even touched the arrested man. As the Officer Craig, the Court held that officers are entitled to qualified immunity unless there is a clearly established right, defined with “specificity,” that was violated. The Ninth Circuit only generally found a prohibition against the use of excessive force, and did not properly consider whether Officer Craig did anything to violated a clearly established right. The case was remanded accordingly.

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TAGGED: [scotus](#), [Fourth Amendment](#), [Excessive Force](#), [City of Escondido v. Emmons](#)