

OPINION

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Police Using Lethal Force with Impunity

Victims and families in double bind

BY LAURA FINLEY

The family of Stephon Clark, a 22-year-old unarmed black man who was shot by Sacramento police, has filed a lawsuit in federal court, denouncing his death as yet one more police-perpetrated murder.

The officers were responding to complaints about a car prowler when they fired 20 shots in fewer than five seconds at Clark. Eight bullets struck him, primarily in the back, raising tremendous doubt about the officers' claims that he was a threat. The autopsy indicates that Clark lived for 3 to 10 minutes after being shot, which brings up additional concerns about the six minutes it took for



him to receive medical treatment.

While the case is a horrific but not surprising example of police shooting first and asking questions later—or more accurately, creating narratives later, it is far from guaranteed that the family will receive any kind of recompense from the officers who killed him.

Police have what is known as qualified immunity, which means it is very difficult to win lawsuits against them.

The idea of qualified immunity makes a certain sense, as it intended to ensure that police do not have to worry about frivolous lawsuits, but in the last several decades the Supreme Court has expanded its protections so dramatically it is, as Justice Sonia Sotomayor has said, a license to kill and an “absolute shield for law enforcement officers.”

Just recently the Supreme Court ruled on another qualified immunity case, reversing a lower court's denial of immunity in a case in which an officer shot a woman four

times who was not posing a threat to anyone in her yard.

Despite her unthreatening behavior toward the officers and her roommate, Sharon Chadwick, who was there, and the account from another officer on site who said he was still trying to use verbal commands to get Hughes to drop the knife, the Court relied on its usual logic to say that no lawsuit could continue. At least in this case Hughes survived, but that Officer Kisela acted rashly in shooting her seems quite clear.

The Civil Rights Act of 1871, 42 U.S.C. §1983 is a judicial remedy to individuals who suffer deprivations of their constitutional rights. An exception is qualified immunity, which shields state and local law officers from personal financial liability if they acted in an objectively reasonable manner and did not violate clearly established federal law.

In an odd piece of what seems little more than literary wrangling, the Court has determined that officers can act unconstitution-

ally but not violate established constitutional rights, as it is on plaintiff's to show those “clearly established” rights through, guess what? Previous court decisions.

If the Court is unwilling to ever rule that constitutional rights are violated in these excessive force cases, then no one can ever document those decisions to build a case. The Court has not ruled in favor of the plaintiff in more than a decade, despite hearing more than 18 cases related to qualified immunity. More than one-third of the cases resulted in summary reversals, meaning the Court did not even hold a briefing or conduct oral arguments.

The Supreme Court has used qualified immunity to deny damages to an eighth-grade girl who was strip-searched by school officials who thought she had a rogue ibuprofen pill. It denied damages to a man who was held in a maximum-security prison for 16 days and on supervised release for 14 months, without cause for arrest nor intent to use him as a material

witness. In another case qualified immunity protected officers who engaged in a clearly unconstitutional no-knock home raid. In all these cases, the court stressed that, while the Constitution had indeed been violated, the government of-ficer could not be held liable.

Ending police abuse is going to take continued vigilance and a multi-faceted approach. But one important way to hold police accountable is for citizens to be able to bring and win civil suits. Today, the playing field for doing so is so deeply tilted toward protecting police that there is no semblance of accountability in the legal realm.

Congress can and should remove the “clearly established” interpretation of qualified immunity, at a minimum. Police officers cannot continue to be given free rein to harass, assault, wound and kill simply because others before them have gotten away with it.

Laura Finley, Ph.D., teaches in the Barry University Department of Sociology and Criminology and is syndicated by PeaceVoice.

Wrong Time to Cut Back on Public Housing

Rent hikes will make matters worse

BY EBONY SLAUGHTER-JOHNSON

Housing and Urban Development (HUD) Secretary Ben Carson has answered President Trump's call to shrink the social safety net. Carson recently offered a proposal that would triple the rent some of America's poorest families have to pay before they get housing assistance.

Housing advocates are appalled. If they're pushed out of public housing, many low-income families could face housing instability at every turn. That could mean a lifetime of poverty, tenuous employment, and an unstable environment for kids.

As of March 2018, the median cost of a new home is \$337,200, placing home ownership out of the reach of many Americans.

Even for those who try to reach it, redlining and discriminatory lending on the part of banks can render the possible impossible. An analysis from Reveal by the Center for Investigative Reporting found that black Americans in particular — even 50 years after the Fair Housing Act — were denied



home loans at rates higher than whites in 48 cities.

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That's no doubt due to the fact that HUD has witnessed budget cuts that go back well before the Trump administration, but have gotten no better since. Carson's plan fits within a long trajectory of decreased access to assistance from HUD — which, as of 2014, had reduced its offering of public

per minute.

Carson's proposed rent hikes could mean homelessness for those unable to pay. Housing instability is associated with depression, reduced access to basic necessities, and absenteeism and low test scores in children.

On the other hand, the stability provided by public housing positively correlates to increased income. According to a 2016 analysis from the National Bureau of Economic Research, each year a teenager spent receiving public housing assistance resulted in their earning hundreds more in income as an adult.

Lack of affordable housing, rising rents, discriminatory lending, gentrification, and homelessness: These are the instabilities, chronicled in a new report by the Poor People's Campaign and the Institute for Policy Studies, that Carson would foist upon already vulnerable families.

Such cruelty isn't surprising — this is, after all, a man who claimed that poverty was a “state of mind” — but it is disappointing.

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According to the National Low Income Housing Coalition, the average minimum wage required to afford a one-bedroom rental — at a time when the federal minimum wage refuses to budge beyond \$7.25 — was \$17.14. There's not a single city in the country where a full-time minimum wage job can get you a market-rate apartment.

In many American cities, de facto segregation has replaced de jure segregation in the form of gentrification. With rents rising, many low-income Americans are either displaced altogether or forced to compete for more expensive housing options geared toward the gentrifiers better able to afford it.

Even those not directly im-

acted by gentrification are seeing rising rents and housing insecurity.

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Even before Carson's proposed changes, many low-income Americans were having a hard time getting access to housing help. Just 35 out of 100 extremely low-income renters find public housing with affordable rent.

housing units by 200,000 since the mid-1990s. America is in the midst of a housing crisis, which resulted in more than 553,000 Americans facing homeless on any given night in 2017. That's the size of a large city. In 2016, evictions, which sociologist Matthew Desmond called a “direct cause of homelessness,” were filed at a rate of four