## TRIGGER WARNING: Police Brutality/Violence

#### American neoliberal society is contingent on a state of exception where undesirable citizens are made disposable in the name of consumption. The crimes of colonialism have come home and the sovereign protects itself through legal exception. We need change now! Giroux 14 bracketed for clarity & ableist language:

[Henry A. Giroux (American and Canadian scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy), “Neoliberalism and the Machinery of Disposability” April 8, 2014. Truthout. http://www.truth-out.org/opinion/item/22958-neoliberalism-and-the-machinery-of-disposability] SF

Americans now **live in a society in which almost everyone is** spied on, considered a potential terrorist, and **subject to** a mode of **state** and corporate **lawlessness in which** the arrogance of **power knows no limits.** **The state of exception has become normalized**. Moreover, **as society becomes increasingly militarized** and political concessions become relics of a long-abandoned welfare state hollowed out to serve the interest of global markets, the collective sense of ethical imagination and **social responsibility toward those who are vulnerable** or in need of care **is now viewed as a scourge** or pathology. *To see more articles in the Disposable Futures series, click here.* **What has emerged** in this new historical conjuncture **is an intensification of** the practice of **disposability** in which **more and more individuals and groups are now considered excess, consigned to zones of abandonment,** surveillance and incarceration. Moreover, **this** politics of disappearance **has been strengthened by** a fundamental intensification of **increasing depoliticization, conducted** largely **through** new modes of spying and the smothering, if not all-embracing, **market-driven power of commodification and consumption**. **Citizens are** now **reduced to** data, consumers, and **commodities and** as such inhabit identities in which they increasingly **"become unknowables, with no human rights and with no one accountable for their condition.”** **Within this machinery of social death, not only does moral [ignorance]** blindness **prevail on the part of the** financial **elite, but the inner worlds of the oppressed are constantly being remade under the force of economic pressures and a culture of fear**. According to João Biehl, as the realpolitik of **disposability** "comes into sharp visibility . . . tradition, collective memory, and public spheres are organized as phantasmagoric scenes, [that] **thrive[s] on the "energies of the dead," who remain unaccounted for in numbers and law."[2]**

#### Militarism dominates American logic through the cooption of educational spaces, we must reclaim education so students can begin to imagine radically. Thus, the role of the ballot, as an academic pedestal for my political method, is to vote for the best material strategy for resisting oppression. Giroux 15:

[Henry A. Giroux (American and Canadian scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy), “Beyond Dystopian Visions in the Age of Neoliberal Authoritarianism”, Truthout, 11/4/2015. http://www.truth-out.org/opinion/item/33511-beyond-dystopian-visions-in-the-age-of-neoliberal-authoritarianism] SF

If neoliberal authoritarianism is to be challenged and overcome, it is crucial that intellectuals, unions, workers, young people and various social movements unite to reclaim democracy as a central element in fashioning a radical imagination. Such action necessitates interrogating and rupturing the material and symbolic forces that hide behind a counterfeit claim to participatory democracy. This requires rescuing the promises of a radical democracy that can provide a living wage, quality health care for all, public works and massive investments in education, child care, housing for the poor, along with a range of other crucial social provisions that can make a difference between living and dying for those who have been relegated to the ranks of the disposable. The growing global threat of neoliberal authoritarianism signals both a crisis of politics and a crisis of beliefs, values and individual and social agency. One indication of such a crisis is the fact that the economic calamity of 2008 has not been matched by a shift in ideas about the nature of finance capital and its devastating effects on US society. Banks got bailed out, and those everyday Americans who lost their houses bore the brunt of the crisis. The masters of finance capital were not held accountable for their crimes, and many of them received huge bonuses paid for by US taxpayers. Matters of education must be at the heart of any viable notion of politics, meaning that education must be at the center of any attempt to change consciousness - not just the ways in which people think, but also how they act and construct relationships to others and the larger world. Americans seem to have forgotten that the fate of democracy is inextricably linked to the profound crisis of knowledge, critical thinking and agency. As education is removed from the demands of civic culture, it undermines the political, ethical and governing conditions for individuals and social groups to participate in politics. Under such circumstances, knowledge is commodified, contingent faculty replace full-time tenured faculty, governance is removed from faculty control, the culture of higher education is replaced by the culture of business and students are viewed as customers. Consequently, higher education no longer is viewed as a public good or a place where students can imagine themselves as thoughtful and socially responsible citizens, and furthers the destructions of the formative culture that makes a democratizing politics possible. Politics is an imminently educative task, and it is only through such recognition that initial steps can be taken to challenge the powerful ideological and affective spaces through which market fundamentalism produces the desires, identities and values that bind people to its forms of predatory governance. The noxious politics of historical, social and political amnesia and the public pedagogy of the disimagination machine must be challenged and disassembled if there is any hope of creating meaningful alternatives to the dark times in which we live. Young people need to think otherwise in order to act otherwise, but in addition, they need to become cultural producers who can produce their own narratives about their relationship to the larger world, what it means to sustain public commitments, develop a sense of compassion for others, locally and globally.

#### The police state is unquestionably authoritarian – it is contingent on a state of exception for police that legally privileges them over other civilians; the state is trampling on justice in the name of the law

Peppe 15 - Matt ("The Authoritarianism Of The American Police State" https://www.counterpunch.org/2015/02/02/the-authoritarianism-of-the-american-police-state/)

Two days before Christmas, **a “thug” launched an “unprovoked attack” on a female MTA employee on a Bronx subway** platform, “choking her” and causing injuries, according to the Daily News. The “hulking brute” then fled the scene, “grinning as he made his may through the turnstile.” **The newspaper’s description conjures images of a fanatical psychopath, aggressively assaulting an innocent victim** and showing a twisted pleasure in his deranged actions while escaping. Several days later the perpetrator was located, but he was not arrested. On Friday, more than a month later, police announced he will face only misdemeanor charges. The perpetrator was allegedly discovered when he saw video of himself on the news and turned himself in, police said. **Incidentally the man**, 37-year-old Mirjan Lolja, **is** himself an **NYPD** policeman. Having a law enforcement officer stand accused of criminal actions is obviously a stain on the force itself. This could be considered incentive for the NYPD to minimize the assault. One way this might be accomplished would be to create mitigating factors. Say, for example, claiming the officer turned himself even if the discovery were made by one of the officer’s many colleagues who would have all presumably seen the alert with Lolja’s photograph. Standard operating procedure for the discovery of a suspect in a violent, “unprovoked attack”on an MTA employee is no doubt to detain and book him immediately. As the ads on subways and buses clearly state, assaulting an MTA employee is a felony punishable by up to seven years in prison. Someone who stands accused of such a serious charge may likely be sent to Rikers Island without bail. The MTA has been aggressively trying to protect its workers, going as far as offering rewards of up to $2,000 to people who report to police details of crimes against MTA employees they have witnessed. “Transit Watch puts criminals on notice that if they assault a bus or subway employee, everyone who sees it happen is going to help put them in jail,” said MTA Chairman and CEO Joseph Lhota in a statement on the MTA Web site from 2012. In the alleged attack on the MTA conductor, several passengers who witnessed the attack shouted at the perpetrator, “That’s a felony” and “You going to jail,” according to the Daily News. Yet nearly an entire month passed before it was announced that Lolja will face charges resulting from the incident. And the **charges were not for felony assault** – which every subway rider is reminded constantly by the MTA’s ads is the penalty for such a crime – but a misdemeanor charge of third degree assault. **Lolja’s preferential treatment** in avoiding felony charges **is** surely nothing more than a gift **due to his status as an active NYPD officer**. It is inconceivable that there is any other reason a person declared a “thug” in a newspaper with a circulation of half a million would spend four weeks free without charges in what was allegedly an “unprovoked attack” with at least several witnesses. When he was finally charged on Friday, **Lolja was not sent to Rikers but was released on his own recognizance**, according to the Daily News. Compare Lolja’s experience with that of Jelani Henry. In 2012, Henry was arrested and charged with attempted murder in connection with a shooting involving sparring members of two Harlem street crews. The only evidence presented against him were Facebook posts about one of the crews that Henry had “liked.” >”Jelani had never been convicted of a crime, but at the arraignment, the District Attorney’s office described him as a known member of a violent gang,” writes Ben Popper in an article titled “How the NYPD is using social media to put Harlem teens behind bars” in The Verge. “The judge denied Jelani bail, instead sending him to Rikers Island … Days went by, then weeks, months, a year. The trial never came.” Popper writes that despite legal requirements that if a felony suspect is not granted a trial within six months he must be freed on bail, this never happened for Henry. He was kept for 19 months in one of the most violent housing centers on Rikers and spent “nine months straight in the box,” solitary confinement. Finally, with the DA failing to move ahead with charges the case was dropped. Popper says Henry’s experience in Rikers “changed him” and that he is now struggling to achieve normalcy in everyday life. Raven Rakia writes in Truthout that 28-year-old Marc was kept at Rikers for 60 days after being caught by police dancing on the subway and charged with obstructing governmental administration, a class A misdemeanor.In a 2013 New York Times article “Faltering Courts, Mired in Delays,” William Glaberson writes: “With criminal cases languishing for years, a plague of delays in the Bronx criminal courts is undermining one of the central ideals of the justice system, the promise of a speedy trial.” This is a reality that thousands of people accused by the police and the District Attorney’s office live through every day. **Innumerable lives are disrupted and often ruined because of their treatment by the criminal justice system without as much as being tried for a crime**. There are obviously two sets of rules. **Common civilians, especially blacks and Latinos, are seen as inherently criminal and are treated as such**. Members of **law enforcement are seen as above the law, and are exempt** from such treatment. By virtue of their authority, police are superior to criminals. Criminals are the people who are poor, who are black, who are Latino, who don’t wear uniforms or suits to work. The population is imagined to be an existential threat. Whether it is **nonviolent drug possession, social media posts that can be construed as potentially advocating violence, or harmless behavior on a subway** that considered disorderly, **the police and criminal justice system routinely punish a population believed to be disposable**. The corporate-owned Daily News coverage can be understood as authoritarian propaganda. Their version of the narrative in the original report propagates the idea that the city is full of dangerous criminals who can only be kept under control by the police who protect us from them. **The change in language is pronounced after the “thug” is discovered to be a policeman**. “NYPD cop turns himself in for attacking female MTA employee,” the subsequent article says. He is no longer a “hulking brute.” His own accusation is even expressed: the conductor “cursed at him” and when he tried to take her picture with his phone “she grabbed it, prompting a struggle.” There is a complete shift in tone, and it becomes merely a he said, she said dispute. The latent authoritarianism of Daily News is an expression of the internalized belief that police are good guys who keep a lid on the violence constantly percolating below the surface, erupting in the form of “thugs” and “hulking brutes.” In reality, this is a right-wing myth. Images of dangerous and irrational criminals are overblown to create the perception of instability and disorder that police are needed to prevent. **Repressive, punitive policing and** the **mass incarceration** that results from it **are understood as a response to this imaginary crisis rather than** as the **racist** form of **social control** that they really are. Of course, crime is real and violence does occur. Laws prohibiting violence, and a mechanism to enforce them, are a necessity in any society. But **the militarized police force we have today with its own hierarchy almost entirely outside civilian control is a result of specific policy choices**, it is not a fact of nature. And it did not come about because of its effectiveness or justness. As historian Sam Mitrani writes in CounterPunch: “The police were not created to protect and serve the population. They were not created to stop crime, at least not as most people understand it. And they were certainly not created to promote justice. They were created to protect the new form of wage-labor capitalism that emerged in the mid to late nineteenth century from the threat posed by that system’s offspring, the working class.” **The working class is still the predominant threat to elite interests today**. **Corporate media, who control almost all the news that reaches the US public, convey an authoritarian worldview that reflects this perception to their audience through innuendo**, as evidenced by the reporting in the Mirjan Lolja incident. This case is not an isolated occurrence. **As with the killings of Michael Brown, Eric Garner, Tamir Rice and many others, laws are not applied equally to police. Crimes by police are rationalized and distorted by the criminal justice system to shield state authorities from accountability for their actions. The corporate media defends their ideological position and translates it into the narrative portrayed to the public**. In this way, **the police and the elite media work together to maintain the legitimacy of the authoritarian system upon which their privileged position in society – and that of the wealthy who benefit from it – rests.**

#### The question should be: why do local law enforcement agencies have military-grade gear in an ‘equal, free’ society? The police’s asymmetrical access to weaponry creates a coercive form of respectability politics aimed at violently suppressing minority movements.

Berlatsky 16 - Noah ("The case for disarming America’s police force" https://qz.com/602682/the-case-for-disarming-americas-police-force/)

“**Black people have been killed by the police at a tragically disproportionate rate, beyond the bounds of anything that would justify it**.” That sounds like a quote from a contemporary Black Lives Matter activist. But those words were written back in 1974 by American criminologist Paul Takagi. Takagi, an expert in police use of force and community policing, proposed an idea that still seems radical more than 40 years later. “Perhaps,” he said, “the only immediate solution at this time is to disarm the police.” There’s a broad consensus in the US today that local police forces need to be demilitarized. **In** the summer of **2014**, the country watched as **citizens protesting the police shooting of Michael Brown in Ferguson**, Missouri, **were confronted by local law enforcement SWAT teams bearing body armor, military grade rifles, and armored vehicles.** The spectacle helped prompt president Barack **Obama**’s administration to **restrict transfers of military weaponry** to local police departments. Ending police access to armored vehicles is one thing. Taking guns out of the hands of the police is another issue altogether. In fact, **Obama’s restrictions** on military equipment **aside,** **most of the official responses to police brutality and violence today have involved providing police with new kinds of equipment, from Tasers to body cameras**. The conversation always seems to be about how to give police more gear, not less. An uphill battle The idea of taking guns away from police is likely to receive a highly skeptical response, even from people concerned about the problem of excessive force. In a nation with so many millions of guns on it streets—both legally and illegally–asking police officers to give up their own weapons presents a logistical and practical quandary. “There is simply too much violence being committed by criminals with firearms to even consider an unarmed police force in the United States,” Louis Hayes, a working police officer who also trains fellow officers as part of the Chicago-based Virtus Group, tells Quartz. “I doubt there is a community, a city, a local government, or a police union in the entire nation that would seriously consider disarming its protectors.” Yet there is some evidence that disarming the police might be less dangerous that it sounds. **According to** statistics compiled by **the F**ederal **B**ureau of **I**nvestigation, **of the 27 law enforcement officers murdered in 2013 in the line of duty, only 6 were able to fire their weapons** at assailants. Another two were killed after their firearms were stolen and used against them. (Note: several dozen other officers died while on duty during this time, the majority from car accidents.) In many cases, it seems arming officers isn’t a black and white issue of officer safety. Especially since the FBI’s Uniform Crime Report reports that **461 people were shot and killed by police in 2013.** International precedents Then there is the global precedent. Other nations have had success in disarming police. **In England and Wales, where officers generally do not carry firearms, police didn’t kill anyone between March 2012 and March 2014**. In comparison, **New York City police shot and killed 16 people in 2012 alone**. It’s worth noting that London armed more police officers in the aftermath of November’s Paris attacks—but 92% of the city’s 31,000 officers still won’t carry guns. The goal, according to a statement by police commissioner Bernard Hogan-Howe, is to “make sure that our firearms response continues to come from a group of highly specialist and highly skilled officers.” The UK has much tighter gun control laws than the US, which means that police in the US are more likely to confront situations involving citizens bearing firearms. But Iceland is a different matter. According to GunPolicy.org, an international database hosted by the University of Sydney’s School of Public Health, an estimated **one-third of Iceland residents own guns**, making the country 15th worldwide in gun ownership per capita. Nonetheless, **police in Iceland routinely patrol unarmed**. There is only one recorded incident of a suspect shot and killed by police in the country’s entire history. “This practice is rooted in the belief that arming the police with guns engenders more gun violence than it prevents.” Gudmundur Oddsson, a professor of sociology at Northern Michigan University and a native of Iceland, tells Quartz that Iceland police on routine patrols are unarmed for both safety and public relations reasons. “This practice is rooted in the belief that arming the police with guns engenders more gun violence than it prevents,” Oddson says. “Currently, police officers are only armed with extendable batons and pepper spray on their person [. . .] Arming police officers with guns runs the risk of striking fear in the hearts of the public and undermining the great public support the Icelandic police has enjoyed thus far.” Oddson noted that public trust in police is about 80% in polls, although it did drop slightly recently following news that some police departments had secretly acquired firearms from Norway. (The guns have since been returned.) According to Oddson, police in Iceland operate “by consent, rather than through the explicit threat or use of force. The effectiveness of any police force to protect and serve the public depends to a great extent on having the consent of the people. And having police officers that are not armed with guns helps remove barriers between the police and the public and builds trust on both sides.” Given the low rates of gun crime and violent crime in Iceland, and virtually nonexistent police shootings, Oddson concludes, “the practice of not arming police officers with guns in Iceland has worked remarkably well.” Respecting the officer, not the holster Of course, Iceland is a small, homogeneous country that’s very different from the US. But its success in reducing violence through disarmament still seems worth considering. Gregory Smithsimon, professor of sociology at Brooklyn College, argued in a recent article at metro politics that **arming police tends to feed violent interactions in marginalized communities**. “**Police demand respect, civilians resent disrespect, and interactions become confrontations that escalate into mistreatment, abuse, and violence**,” Smithsimon writes. Pointing to the example of St. Louis police officer Darren Wilson, Smithsimon notes that **the addition of weaponry can accelerate confrontation**. “Wilson could have continued on his way,” he says. “But the gun on his hip gave him the possibility to escalate with Michael Brown.” Guns enable a policing philosophy built on violence and forced compliance. **Guns** aren’t just a danger in and of themselves. They **enable a policing philosophy built on violence and forced compliance, rather than one founded on respect, trust and consent. That philosophy affects every police interaction, even those that don’t involve actual shooting.** “Even if disarming the police only reduced police shootings and not other police homicides, it would be a historic improvement,” Smithsimon tells Quartz. “But I suspect that taking guns out of the equation in police officers’ everyday interactions would improve police-civilian relations, like the kind that Eric Garner experienced repeatedly.” Garner sold loose cigarettes on the street in New York and was frequently hassled by police. In July 2014, he was killed when officers put him in a choke hold.

#### Thus the plan: Resolved: The United States ought not provide military aid to local law enforcement departments and ought to ban their use of military equipment.

#### Teresa Sheehan’s pain will forever go unheard because of federal legal exception; until change comes disabled folks will never get recourse for police brutality. Hurley 15

[Lawrence Hurley, “The Supreme Court Just Sided With 2 San Francisco Cops Who Shot A Mentally Ill Woman Wielding A Knife” Reuters. 5/18/15. <http://www.businessinsider.com/r-us-top-court-backs-police-over-arrest-of-mentally-ill-woman-2015-5>] SF

The U.S. Supreme Court on Monday ruled that two San Francisco police officers cannot be sued over their use of force when arresting a knife-wielding woman with a history of mental illnessin a confrontation in which she was shot multiple times. The court, in a 6-2 decision with Justice Stephen Breyer recusing himself, concluded the officers did not violate clearly established law during the 2008 incident involving Teresa Sheehan at the group home for people with mental health issues where she lived. Writing on behalf of the court, Justice Samuel Alito said nothing the officers did violated the U.S. Constitution's Fourth Amendment, which bans unreasonable searches and seizures. Sheehan was shot and pepper sprayed by the officers after they struggled to restrain her when she approached them with a knife. She later filed a lawsuit against them. The high court did not decide a second question in the case on whether the officers were required under the federal Americans with Disabilities Act to accommodate Sheehan's mental disability. That issue could still go to trial.

#### In discussions of police brutality, disabled folks are shoved into the corner and unmentioned. Excessive force, mistreatment and malice are everyday occurrences in the lives of those who are disabled

Daileda ‘15: COLIN DAILEDA [Colin is Mashable's US & World Reporter. He previously interned at Foreign Policy magazine and The American Prospect. Colin is a graduate from Columbia University Graduate School of Journalism.] “Many police forces have often used excessive force against mentally ill” MAR 20, 2015. <http://mashable.com/2015/03/20/police-mentally-ill/#MQGmEliAukqX>

**Department of Justice investigations into many police departments around the United States over the past few years have revealed that those forces discriminat[ion]**e **against minority citizens, a topic that is being discussed more and more all over the country. But those investigations also revealed a pattern that has gotten far less attention: officers often use excessive force against the mentally ill.** SEE ALSO: The Ferguson DOJ report looks a lot like other excessive police force reports The most public example of this may be **a 2014 Albuquerque, New Mexico incident** when **a group of officers fired a stun grenade, a bean bag round and a shotgun at a mentally ill homeless man while confronting him for illegally camping in the hills above the city. The officers killed the man, James Boyd, sparking protests throughout the city months before protests against police brutality became a national story**. You can watch the video of the shooting, below. But **there are plenty more examples of American police officers encountering a** mentally ill [disabled] **person and killing that person within minutes, sometimes seconds. Police in Los Angeles earlier this month shot and killed a** mentally ill [disabled] homeless **man after the man allegedly grabbed for an officer's gun when he was wrestled to the ground. Officers in Dallas, Texas shot a man named Jason Harrison to death in June seconds after Harrison appeared in his doorway**. His mother had called police because her [disabled] mentally ill son was "acting violently," though she calmly walked out of her home when the police arrived. Harrison appeared in the doorway after her, holding a screwdriver. Officers told him to drop the tool, and he seems to take a few steps forward before they open fire. Though the man shot by police in Albuquerque was white, it's worth noting that **the men shot by officers in Los Angeles and Dallas were black**. The Dallas and Los Angeles shootings have not yet been deemed justifiable or otherwise, but two of the officers involved in the Albuquerque shooting have been charged with murder. And all three **cases may fit into a broader pattern of police using excessive force** against people who are mentally ill**, a pattern that is backed up by multiple Justice Department investigations**. A 2014 DOJ investigation into the Albuquerque police force determined that **officers there "used excessive force against** [disabled folks] individuals who suffered from mental illness or who were unable to comply with officers’ commands for reasons beyond their control." Albuquerque officers This March 30, 2014 photo shows Albuquerque police facing off with protesters in downtown Albuquerque, New Mexico during a protest against recent police shootings. IMAGE: RUSSELL CONTRERAS/ASSOCIATED PRESS That investigation found that in 2012, Albuquerque police tried to apprehend a man with a developmental disability who was found on the floor of a gas station shop, eating chips he hadn't paid for. They ordered him to stand and put his hands behind his back. The man stood, but he did not move his hands. The officers then fired tasers and kicked him to the ground multiple times. The man was later found to have the mental capacity of a five-year-old and was never charged with a crime. And investigations into other cities have found similar patterns. **A 2014 report on the Cleveland Police Department found that officers use "excessive force against individuals who are in mental health crisis." An investigation of the Portland Police Department in 2012 found that officers there showed a pattern of using "unnecessary or unreasonable force during interactions with** [disabled folks] people who have or are perceived to have mental illness.**" Many of these reports said that police officers would continue to abuse** [disabled] mentally ill **individuals until the officers were better trained in how to handle such encounters.**

#### These are not isolated incidents – empirically people with disabilities are much more likely to face arrest, discrimination, and police brutality.

Auner ‘16: Thomas J. Auner, For the Protection of Society's Most Vulnerable, the ADA Should Apply to Arrests, 49 Loy. L.A. L. Rev. 335 (2016). Available at: http://digitalcommons.lmu.edu/llr/vol49/iss1/10

**Violent confrontations between police and** [disabled folks] mentally ill suspects **spark**ed **a national discussion about officers’ treatment of** [disabled folks] the mentally ill.1 **In Fullerton**, California, **officers severely beat and killed** mentally ill suspect **Kelly Thomas**.2 **In Los Angeles**, California, **officers shot and killed the unarmed and** [disabled] mentally ill **suspect Ezell Ford**.3 Indeed, **studies show that** nearly half of all people police kill are mentally ill.4 Fortunately, courts began taking this disproportionate figure into account by providing mentally ill people with additional legal protections.5 In Sheehan v. City and County of San Francisco, 6 the Ninth Circuit held that the Americans with Disabilities Act (ADA) applies to arrest situations involving mentally ill persons.7 The Ninth Circuit’s holding significantly furthers the other circuit courts’ momentum and fundamentally changes how police officers approach the mentally ill. However, not all circuits apply the ADA to arrest situations, leading to unequal federal protections for the mentally ill. Part II of this Comment discusses the facts of Sheehan. Part III provides an overview of the **problematic policies affect**ing the mentally ill. The ADA’s objectives and its application to public entities are also discussed. Part IV provides an overview of the Ninth Circuit’s reasoning in Sheehan. Part V shows why **excessive force claims under the Fourth Amendment and** 42 U.S.C § **1983 are deficient for protecting** [disabled folks] the mentally ill. Part V also analyzes the approaches taken by other circuits regarding the ADA and shows how Sheehan directly impacts mentally ill persons’ safety. II. STATEMENT OF THE CASE What began as a typical day for Teresa Sheehan ended with violence and injuries. After performing a routine check at Plaintiff Teresa Sheehan’s assisted living facility, and determining her to be gravely disabled, social worker Heath Hodge notified the San Francisco Police Department. 8 The police department dispatched Officer Katherine Holder and Sergeant Kimberly Reynolds.9 The dispatch informed the officers that Sheehan was known to make violent threats and claimed to have a knife.10 Outside the group home, Hodge informed the officers of Sheehan’s mental illness and showed them his completed section 5150 application to involuntarily commit Sheehan for a seventy-two hour evaluation.11 The application stated that Sheehan’s health was deteriorating, she had worn the same clothes for days, and she threatened Hodge after he attempted to check on her. 12 Near the bottom of the application, Hodge checked the boxes indicating that Sheehan was gravely Ninth Circuit held that the Americans with Disabilities Act (ADA) applies to arrest situations involving mentally ill persons.7 The Ninth Circuit’s holding significantly furthers the other circuit courts’ momentum and fundamentally changes how police officers approach the mentally ill. 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HISTORICAL OVERVIEW A. Mental Health Policy in the United States **The United States largely criminalizes** mentally ill people, resulting from policies implemented in the 1970s favoring deinstitutionalization.34 Advocates initially proposed deinstitutionalization with noble intentions to combat the inhumane conditions found in mental institutions.35 Advocates planned to provide the mentally ill with **community-based treatment**, but this **never fully materialized**.36 **This failure has resulted in more** mentally ill persons **on the street and**, thus, **a higher probability of being arrested.**37 One study showed that **42 to 50 percent of** [disabled folks] the mentally ill **will be arrested in their lives, compared with 7 to 8 percent of the general population**.38

#### Disarming the police allows the growth of an autonomous body politic and deconstructs toxic gun culture. The aff’s reconfiguration of power relations spills over into larger gun control reforms. Kennedy 18:

[Thomas Kennedy (involved in student activism and immigration reform advocacy. He graduated with an International Relations major from Florida International University and works with the Florida Immigrant Coalition), “We Need Gun Control That Disarms the Public and the Police” February 20, 2018. Community Change. <https://communitychange.org/changewire/we-need-gun-control-that-disarms-the-public-and-the-police/>] SF

In 2017, police killed 964 people, according to the Washington Post’s fatal force database. That’s a higher rate than in 2016, and despite high-profile protests against police brutality, the numbers show no sign of decreasing. Over the past several years, we have seen a trend in police departments implementing body cameras in an attempt to curtail bad behavior. In theory, video is supposed to make cops more accountable, but this has not been the case. Time and again, we have seen documented cases of police brutality go unpunished, such as the killing of Samuel Dubose, an unarmed black man who was fatally shot by University of Cincinnati police officer Ray Tensing for a missing front license plate and a suspended driver’s license. Since the beginning of 2018, police have shot and killed 123 people. Gun violence is not only relegated to police though. We have suffered through eight school shootings since the beginning of the year and just a few days ago, a mass shooting left seventeen dead in a high school in Parkland, Florida. Since the shooting, Floridians have seen lawmakers regurgitate their usual speeches, sending thoughts and prayers for the victims. Yet they take no actual action to fix the problem. GOP Senator Marco Rubio went as far as to say that gun laws would not have prevented the shooting, which should come as no surprise to anyone who knows he has received $3,303,355 (and counting) in campaign contributions from the NRA. Florida has some of the most relaxed gun laws in the country. The day after the shooting, Florida Republicans were caught attempting to sneak language easing requirements for concealed weapons permits in an agricultural bill and backed off when faced with intense backlash from outraged Floridians. It is clear that gun violence in America is endemic. This is hardly surprising considering that there are more guns than people in America. When the requirements to purchase a gun are so lacking, coupled with a lack of mental health care in this country, we’ve created literal ticking time bombs and innocent people unfortunately pay the price for these bad policies. Healthcare reform and broad gun control in this country are both needed to tackle this issue, but if public safety is truly a concern, there needs to be a push to disarm police officers as well. This is not a radical idea. Police in Britain, the Irish Republic, Norway and New Zealand currently do not carry guns. In England and Wales, police did not kill a single person between March 2012 and March 2014 and out of 31,000 London police officers, 92% are unarmed due to a desire to make firearms response come from “a group of highly specialist and highly skilled officers.” In Iceland, which actually ranks 15th worldwide in gun ownership per capita with one third of Iceland residents owning guns and where police routinely patrol unarmed, there is only one recorded incident of a suspect shot and killed by police in the country’s entire history. It would seem like the practice of arming police with guns actually creates more gun violence than it prevents. Countries which have chosen not to arm officers believe that policing should operate by consent and trust from the public rather than intimidation. It is unfortunate, but the toxic influence of lobbyists from groups such as the NRA on our lawmakers is a significant reason that Congress refuses to take meaningful steps to remedy this issue. Disarming police officers in this country would be a first step to easing a frenzied gun culture and would go a long way in improving public safety for all Americans.

## U/V

#### if i'm consistent with one legitimate interp of the topic don't vote on t - it's impossible to know which interp they think is best and I always have to violate something

#### reasonability - good is good enough - competing interps proliferates bad theory since marginal abuse becomes relevant which kills substantive education

#### Arbitrariness inevitable – there’s no completely objective way to probability of a disad, whether 2AR explanation is new vs just spin, or how to weigh reps against consequences. Every judge relies on proximate heuristics and there’s no reason theory should be different considering it’s asinine nature in LD.

#### **Oxford dictionary defines provide**

https://en.oxforddictionaries.com/definition/provide

[with object] **Make available for use; supply**.

#### The plan makes military aid unavailable for use by police departments

#### Prefer for common usage - its the first definition on google - proves its how most people consider the word and most predictable - it's incredibly unlikely id come across your one article when doing research and i shouldn't be held to that standard