



Officials: It's 'Objectively Reasonable' For Cops To Terrorize Innocent Civilians

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August 14, 2014 by [Sam Rolley](#)

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A lawsuit filed by an Indiana resident who was the victim of a botched SWAT raid is being challenged by local authorities on the grounds that it is "objectively reasonable" for law enforcement officials to carry out potentially deadly operations based on faulty intelligence.



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On June 21, 2012, police in Evansville, Ind., shattered the glass door of 68-year-old Louise Milan's home, tossed in flash grenades and stormed the residence, terrorizing the elderly woman and her 18-year-old adopted daughter.

"The officers smashed Milan's window and storm door and threw in two flash-bang grenades that created property damage in addition to the destroyed window and storm door. The officers used flash-bang grenades despite the fact that [there] were no threatening suspects visible," the lawsuit says. "Milan and her daughter were ordered on to the floor at gunpoint, handcuffed and paraded in front of their neighbors into police vehicles. Both were detained and questioned by the officers."

The heavy-handed raid was carried out after officers obtained a warrant to apprehend a person they believed made terroristic online threats targeting their department from the home. Unfortunately, the police failed to realize that the threats had been made by a criminal taking advantage of Milan's unsecured Wi-Fi router.

The person who made the threats, suspected gang leader Derrick Murray, actually lived in his mother's nearby house. Murray later admitted to using his smartphone to access Milan's router, which was not protected by a password, and making the threats.

The failures in intelligence gathering notwithstanding, in defense of Milan's lawsuit alleging Constitutional abuses related to their ill-informed raid (an emotionally charged show of force) the cops say their actions aren't subject to judgment.

The *Evansville Courier and Press* explains why:

City attorneys Keith Vonderahe and Robert Burkart argued in the motion that police are protected by the legal principle of qualified immunity. In it, the U.S. Supreme Court has ruled that "government officials performing discretionary functions generally are shielded from liability for civil damages" as long as their conduct does not "clearly" violate established "statutory or constitutional rights."

The case is an important one for anyone who wishes to see more accountability in American law enforcement. Sadly, it isn't likely to result in an outcome that will slow the threat of America's increasingly militarized police.

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