U.S. Supreme Court Restricts Time For Filing A False Imprisonment Federal Civil Rights Lawsuit

The U.S. Supreme Court established a new rule of law in a February 2007 decision that can impact a person considering pursuit of money damages for an alleged false imprisonment or arrest, under the federal civil rights statute (42 U.S.C. §1983).

In *Wallace v. Kato*, 127 S.Ct. 1091 (U.S. 02/21/2007), the Court ruled by a 7-2 majority that the statute of limitations for filing a suit under §1983 for false imprisonment or arrest begins when a person's detention becomes a "legal process" due to an appearance before a judge or magistrate. At that point the detention can no longer be attributed to the "absence of legal process" due to a warrantless arrest. The statute of limitation for filing is dictated by the tort law of the state where the suit is filed.

The Court also clarified that the rule established by *Heck v. Humphrey*, 512 U. S. 477 (1994) — that the statute of limitations for filing a §1983 suit begins upon the termination of a criminal proceeding — only applies to a lawsuit based on claims related to "malicious prosecution," i.e., the "wrongful institution of legal process."

The immediate impact of *Wallace v. Kato* will be for people who from the date they first appeared before a judicial officer did not, or have not filed a §1983 lawsuit claiming false imprisonment or arrest within their state's filing deadline for a tort. (One exception may be that the filing deadline may be extended if the person was a minor during all or part of the alleged false imprisonment.)

Apart from its immediate effect, *Wallace v. Kato* can be foreseen to have several other consequences related to its time mandate for filing a §1983 lawsuit alleging false imprisonment or arrest. Those include:

- Unless a case has been favorably terminated in a person's favor prior to expiration of the statute of limitations, they are unlikely to interest a lawyer in handling the case on a contingency basis. That means the person and his or her family will have to front the expense of hiring a lawyer — which is an extremely expensive proposition for a federal lawsuit.
- In the absence of being able to afford a lawyer to pursue the lawsuit, the complaining person will have to do so *pro se*, which is a daunting task for a lay person to do so competently.
- Often times the evidence proving that a person was falsely imprisoned or arrested doesn't surface until years after their conviction — and long after a §1983 suit filed within a specified period from the person's first appearance before a magistrate or judge would have been dismissed.
- Police and prosecutors now know that if they can successfully conceal evidence until the filing deadline expires, that the unconstitutional conduct related to a person's false imprisonment/arrest will likely not result in a §1983 lawsuit.
- After a person has been exonerated following many years of wrongful imprisonment the judge, and in most cases the prosecutor and the prosecutor's investigators, are absolutely immune from a lawsuit. Thus the person(s) most likely to be targeted in a lawsuit are the ones most vulnerable to being held financially responsible under §1983 – the law enforcement officers involved in the person's false arrest – and the strict filing deadline mandated by *Wallace v. Kato* will make it so a person with incontrovertible proof of police wrongdoing may be barred from collecting damages.

Justice Breyer alluded in his dissent to a significant rationale underlying the *Wallace v. Kato* decision, that Justice Roberts mentioned when the case was argued orally. That is the desire to allow a police officer to have peace of mind that wrongdoing in a case won't come back to haunt him or her in the form of a §1983 lawsuit filed by a person exonerated years later.

Excerpts from *Wallace v. Kato* follows:

Wallace v. Kato, 127 S.Ct. 1091 (U.S. 02/21/2007)

[1] Supreme Court of the United States
…

[3] 127 S.Ct. 1091, 75 USLW 4107, 2007.SCT.0000025
<http://www.versuslaw.com>

[4] February 21, 2007

[5] Andre Wallace, Petitioner
v.
Kristen Kato, *et al*.
…

[17] The opinion of the court was delivered by: Justice Scalia
…

[19] Petitioner filed suit under Rev. Stat. §1979, 42 U. S. C. §1983, seeking damages for an arrest that violated the Fourth Amendment. We decide whether his suit is timely.

[20] I.

[21] On January 17, 1994, John Handy was shot to death in the city of Chicago. Sometime around 8 p.m. two days later, Chicago police officers located petitioner, then 15 years of age, and transported him to a police station for questioning. After interrogations that lasted into the early morning hours the next day, petitioner agreed to confess to Handy's murder. An assistant state's attorney prepared a statement to this effect, and petitioner signed it, at the same time waiving his *Miranda* rights.

[22] Prior to trial in the Circuit Court of Cook County, petitioner unsuccessfully attempted to suppress his station house statements as the product of an unlawful arrest. He was convicted of first-degree murder and sentenced to 26 years in prison. On direct appeal, the Appellate Court of Illinois held that officers had arrested petitioner without probable cause, in violation of the Fourth Amendment. *People v. Wallace*, 299 Ill. App. 3d 9, 17-18 (1998). According to that court (whose determination we are not reviewing here), even assuming petitioner willingly accompanied police to the station, his presence there "escalated to an involuntary seizure prior to his formal arrest." *Id*., at 18… On April 10, 2002, prosecutors dropped the charges against petitioner.

[23] On April 2, 2003, petitioner filed this §1983 suit against the city of Chicago and several Chicago police officers, seeking damages arising from, *inter alia*, his unlawful arrest. The District Court granted summary judgment to respondents and the Court of Appeals affirmed. According to the Seventh Circuit, petitioner's §1983 suit was time barred because his cause of action accrued at the time of his arrest, and not when his conviction was later set aside. *Wallace v. Chicago*, 440 F. 3d 421, 427 (2006). We granted certiorari …

[24] II.

[25] Section 1983 provides a federal cause of action, but in several respects relevant here federal law looks to the law of the State in which the cause of action arose. This is so for the length of the statute of limitations: It is that which the State provides for personal-injury torts. … The parties agree that under Illinois law, this period is two years. …
…

[27] … False arrest and false imprisonment overlap; the former is a species of the latter. … We shall thus refer to the two torts together as false imprisonment. … the allega-

Wallace cont. from p. 16