

REHNQUIST, C. J., concurring

SUPREME COURT OF THE UNITED STATES

No. 96–1337

COUNTY OF SACRAMENTO, ET AL., PETITIONERS v.
TERI LEWIS AND THOMAS LEWIS, PERSONAL
REPRESENTATIVE OF THE ESTATE
OF PHILIP LEWIS, DECEASED

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[May 26, 1998]

CHIEF JUSTICE REHNQUIST, concurring.

I join the opinion of the Court in this case. The first question presented in the County’s petition for certiorari is:

“Whether, in a police pursuit case, the legal standard of conduct necessary to establish a violation of substantive due process under the Fourteenth Amendment is ‘shocks the conscience’...or ‘deliberate indifference’or ‘reckless disregard.’” Pet. for Cert. i.

The County’s petition assumed that the constitutional question was one of substantive due process, and the parties briefed the question on that assumption. The assumption was surely not without foundation in our case law, as the Court makes clear. *Ante*, at 12–13. The Court is correct in concluding that “shocks the conscience” is the right choice among the alternatives posed in the question presented, and correct in concluding that this demanding standard has not been met here.