

Reclamation Manual

Directives and Standards

Use of Deadly Force Case Law

1. ***Graham v. Connor***, 490 U.S. 386 (1989)

In the U.S. Supreme Court decision, *Graham v. Connor*, the Court stated “our Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.” The Court stated that the use of force by an officer upon a “seized, free citizen” will be based on the standards of “objective reasonableness” under the Fourth Amendment of the United States Constitution. The Court also stated that “based on a totality of circumstances, the reasonableness of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than the 20/20 vision of hindsight, and the calculus of reasonableness must embody allowances for the facts that police officers are often forced to make split second decisions in circumstances which are tense, uncertain, and rapidly evolving.”

2. ***Scott v. Harris***, 550 U.S. 372 (2007)

In the U.S. Supreme Court decision, *Scott v. Harris*, the Supreme Court addressed whether a law enforcement official can, consistent with the Fourth Amendment, attempt to stop a fleeing motorist from continuing his public-endangering flight by ramming the motorist’s car from behind. Harris’ attorney argued Scott unlawfully used deadly force by ramming Harris’ car, therefore violating Harris’ Fourth Amendment rights. The Supreme Court found the question is not whether or not Scott’s actions constituted the application of deadly force, but were Scott’s actions reasonable. Therefore, *Scott v. Harris* affirmed *Graham v. Connor* in the determining the legality of any use of force incident is accomplished via the Fourth Amendment’s test of reasonableness (Graham Factors).

2. ***Tennessee v. Garner***, 471 U.S. 1 (1985)

In *Tennessee v. Garner*, 471 U.S. 1 (1985), the Supreme Court addressed the use of deadly force against a fleeing suspect. The Court held that it is a violation of the Fourth Amendment to affect a seizure by using deadly force against an “unarmed, non-dangerous” fleeing suspect. The Court, however, noted that it would not be constitutionally unreasonable to use deadly force against a fleeing suspect where “the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm” and the deadly force is “necessary to prevent escape” after “where feasible, some warning has been given.”