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# DPS TRAINING BULLETIN

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LEGAL BULLETIN NO. 227  
July 13, 1998

## HIGH-SPEED POLICE CHASES

Reference: County of Sacramento, et al v. Teri Lewis  
United States Supreme Court  
No. 96-1337  
May 26, 1998

### FACTS:

This is a Federal civil suit brought against the County of Sacramento, Sheriff's Deputy James Smith and others. The parents of Philip Lewis, who was killed in a police pursuit, brought this action 42 U.S.C. 1983. The Ninth Circuit Court of Appeals ruled in favor of the Lewis family. The County of Sacramento appealed the decision to the U.S. Supreme Court. Below is a brief synopsis of the facts in this case.

Deputies James Smith and Murray Stapp had just returned to their respective patrol cars after handling a disturbance call when they observed a motorcycle approaching at a high rate of speed. The overhead lights on the patrol car were activated and Stapp motioned the motorcyclist to stop. The motorcycle slowed down, maneuvered between the two patrol cars and took off at a high rate of speed again. Deputy Smith began his pursuit. The motorcycle was being operated by 18-year-old Brian Willard and carried 16-year-old Philip Lewis as a passenger.

The pursuit lasted about 75 seconds over a course of 1.3 miles in a residential neighborhood. The patrol car reached speeds of up to 100 miles an hour, with Deputy Smith following at a distance as short as 100 feet. At that speed, the patrol car would have required 650 feet to stop.

The chase ended when the motorcycle tipped over. Lewis had fallen onto the street. Smith was unable to stop the patrol car and ran over Lewis, who died at the scene. Smith was operating his patrol vehicle in violation of the Sheriff Department's general order on police pursuits.

ISSUE:

Does a police officer violate substantive due process by causing death through deliberate or reckless indifference to life in high-speed automobile chases aimed at apprehending suspected offenders?

HELD: No.

REASONING:

1. High-speed chases with no intent to harm suspects physically or to worsen their legal plight do not give rise to liability under the Fourteenth Amendment, redressible by an action under 42 U.S.C. 1983.

2. While prudence would have repressed the reaction, the officer's instinct was to do his job as a law-enforcement officer, not to induce lawlessness or to terrorize, cause harm or kill.

3. Regardless whether Deputy Smith's behavior offended the reasonableness held up by tort law or the balance struck in law enforcement's own codes of sound practice, it does not shock the conscience. (emphasis added)

NOTES:

A word of caution--A police officer who violates their department's pursuit policy can still be held accountable by the department. Nothing in this opinion precludes the U.S. Congress or State Legislature from enacting laws which would restrict police pursuits. Also, civil cases may very well be filed in State Court for wrongful death. However, in a case involving a similar issue, the Alaska Supreme Court also ruled that 42 U.S.C. 1983 did not apply (see Hilderbrandt v. City of Fairbanks, Opinion No. 4980, decided May 1, 1998--no Legal Bulletin).

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