



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 319

May 4, 2007

ATTEMPT TO TERMINATE HIGH-SPEED CHASE
THREATENING BYSTANDERS
DOES NOT VIOLATE FOURTH AMENDMENT

Reference: Timothy Scott
v.
Victor Harris

U. S. Supreme Court
Opinion No. 05-1631
_____ U.S. _____
April 30, 2007

FACTS:

Georgia police were attempting to stop Harris for speeding. Harris refused to stop and, at one point during the pursuit, his vehicle collided with Deputy Scott's patrol car. During the chase, Deputy Scott applied his push bumper to the rear of Harris' vehicle. As a result, Harris lost control of his car, left the roadway, ran down an embankment, overturned and crashed. Harris was badly injured and was rendered a quadriplegic.

Harris filed suit against Deputy Scott (42 U.S.C. §1983) alleging Deputy Scott violated the Fourth Amendment by using excessive force.

Deputy Scott filed a motion for summary judgment based on an assertion of qualified immunity. The District Court denied the motion and Deputy Scott appealed to the Eleventh Circuit Court of Appeals who also ruled against Deputy Scott. Scott appealed to the U.S. Supreme Court. Deputy Scott was using his police car camera which videotaped the chase and was a part of the Court proceedings involving the petition Deputy Scott filed for qualified immunity. The eleven-minute videotape can be viewed by visiting:

www.supremecourtus.gov/opinions/video/scott_v_harris.rmvb

ISSUE NO. 1:

Is Deputy Scott entitled to qualified immunity?

HELD: Yes--his actions were reasonable.

ISSUE NO. 2:

Can an officer take actions that place a fleeing motorist at risk of serious injury or death in order to stop the motorist's flight from endangering the lives of innocent bystanders?

HELD: Yes.

REASONING:

1. The car chase that Harris initiated posed a substantial and immediate risk of serious physical injury to others; no reasonable jury could conclude otherwise. Deputy Scott's attempt to terminate the chase by forcing Harris off the road was reasonable and Deputy Scott is entitled to summary judgment.

2. It is clear from the videotape that Harris posed an actual and imminent threat to the lives of pedestrians who might have been present, to other civilian motorists and to the officers involved in the chase.

3. It was Harris who intentionally placed himself and the public in danger by unlawfully engaging in the reckless, high-speed flight that ultimately produced Deputy Scott's decision to terminate the chase.

4. A police officer's attempt to terminate a dangerous high-speed chase that threatens lives of innocent bystanders does not violate the Fourth Amendment even when it places the fleeing motorist at risk of serious injury or death.

NOTES:

Review of the following is recommended:

County of Sacramento v. Teri Lewis, Legal Bulletin No. 227--death of passenger on motorcycle during police chase does not give rise to civil liability.

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Winterrowd v. Nelson, et al, Legal Bulletin No. 318--
police not entitled to qualified immunity from 1983 civil
suit if excessive force is used during an arrest.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

File Legal Bulletin No. 319 numerically under Section R of
the manual.