



**Handout 1:**  
**Case File: Is It Reasonable?**  
**Facts of the Case**

**Directions:** Read the Facts of the Case below. As you come across facts that you think are important, highlight or underline them. Be prepared to discuss why you underlined certain facts.

- When a deputy sheriff in Georgia attempted to pull him over for speeding, Victor Harris, 19, fled in his black Cadillac, initiating a high-speed car chase.
- Harris was clocked going 73 mph in a 55 mph zone at 11 p.m. on March 29, 2001 when the officer began pursuit.
- The vehicle that Harris was driving had not been reported stolen and was legally registered in Harris' name and at his proper address.
- The deputy flashed his blue lights. Harris continued driving.
- A high-speed chase began that lasted approximately six minutes over 10 miles. At times, Harris and the deputies were going between 70 to 90 mph or higher on mostly two-lane roads.
- Harris passed vehicles on double yellow traffic control lanes, and ran through two red lights. Harris stayed in control of his vehicle, utilizing his blinkers while passing or making turning movements.
- When Harris refused to stop, the deputy radioed dispatch that he was in pursuit of a fleeing vehicle and broadcast his license plate number. He did not relay that the underlying charge was speeding.
- Deputy Timothy Scott heard the radio communication and joined in the chase.
- At one point, Harris slowed down and turned on his blinker to drive into a parking lot of a small shopping complex where two police vehicles were already stationed. Deputy Scott went around the opposite end of the complex to block the exit in an attempt to prevent Harris from leaving the parking lot.
- Deputy Scott drove his patrol vehicle directly into Harris' path. Harris tried to go around Deputy Scott to avoid hitting the patrol car but they collided, causing minor damage to Deputy Scott's vehicle.
- Harris entered Highway 74 and the chase continued.
- Deputy Scott (whose car had collided with Harris in the parking lot) took over as the lead pursuit vehicle in the chase. The deputy radioed a supervisor asking for permission to do a precision intervention technique (PIT) designed to stop fleeing motorists safely by hitting the car at a specific point on the vehicle thus throwing the car into a spin and stop. (Note: An expert witness for Harris testified at trial that national law enforcement standards require an officer be trained in all deadly force

applications before being permitted to use those applications.) Scott had not been trained in this maneuver until after the incident.

- Fenninger was the supervisor who responded to Scott's radio call and granted Scott permission to employ the PIT, telling him to "Go ahead and take him out, take him out."
- The supervisor did not know at the time how the pursuit originated, the speed of the vehicles, the number of motorists or vehicles at risk, if Harris was driving dangerously, etc. The supervisor did not request additional details prior to authorizing the PIT.
- At the time of the chase, the county had a policy on vehicle pursuit that stated "Deliberate physical contact between vehicles at any time may be justified to terminate the pursuit upon approval of a supervisor."
- After receiving approval for the PIT maneuver, Deputy Scott determined he could not perform the PIT maneuver because the vehicle was going too fast.
- Instead Deputy Scott hit Harris' car with his patrol cruiser causing Harris to lose control and leave the road. The vehicle traveled down an embankment and crashed.
- As a result, Harris was rendered a quadriplegic (paralyzed from the neck, down).
- Harris sued Deputy Scott in federal district court, alleging that Scott had violated his Fourth Amendment rights by using excessive force/deadly force resulting in an unreasonable seizure.
- Scott claimed qualified immunity as a government official acting in his official capacity.

#### **Fourth Amendment**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### **Question before the Supreme Court:**

Is it reasonable for a law enforcement officer to stop a high-speed chase by hitting the fleeing vehicle off the road causing serious bodily injury to the driver? Does this violate the driver's Fourth Amendment protection against unreasonable seizure?