



Case Study: Is It Reasonable?

Case Law: Tennessee v. Garner

Background materials for the presenter

A Tennessee statute provided that if, after a police officer has given notice of intent to arrest a criminal suspect, the suspect flees or forcibly resists, "the officer may use all the necessary means to effect the arrest."

Acting under the authority of this statute, a Memphis police officer shot and killed a fleeing suspect after being told by an officer to halt. The suspect was in the backyard of a house he was suspected of burglarizing.

The officer used deadly force despite being "reasonably sure" the suspect may have been unarmed and thinking that he was approximately 18 years old and of slight build.

The father subsequently brought an action in Federal District Court, seeking damages under 42 U.S.C. § 1983 for asserted violations of his son's constitutional rights.

Court rulings

- The **Federal District Court** (trial court) held that the statute and the officer's actions were constitutional.
- The **Court of Appeals** reversed, saying the actions of the officer were unconstitutional.
- The **U.S. Supreme Court** decided that the Tennessee statute is unconstitutional as it authorizes the use of deadly force against, as in this case, an apparently unarmed, non-dangerous fleeing suspect; such force may not be used unless necessary to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

How is this similar or different from the case of Scott v Harris?