



The True North of Policing

with [Paul Marik](#)

15 use-of-force cases every cop needs to know

"Risk comes from not knowing what you're doing" — Warren Buffet

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Understanding use of force case law will help you train your officers to act within the confines of the law. Knowing these cases will help train you on how to investigate use of force. Understanding what SCOTUS and lower courts have said will also help you educate the public on exactly what cops are able to do and how that looks.

Here are 15 use-of-force cases that every department and elected official must know, understand, use, and preach. The following are just the names and a quick one-line explanation. Do your homework with a thorough examination of each.

1. *Graham v. Connor* — This is the essential use of force rubric in the country.
2. *Tennessee v. Garner* — Addresses deadly force to prevent escape.
3. *Terry v. Ohio* — Established the legality of so-called "Stop & Frisk" searches.
4. *Plakas v. Drinski* — No constitutional duty to use lesser force when deadly force is authorized.
5. *Pena v. Leombruni* — Addresses suspect's known mental state regarding force.
6. *Thompson v. Hubbard* — Case where suspect appeared to be drawing a gun and no gun found.
7. *Smith v. Freland* — Examined policy violation but no violation of Constitutional law.
8. *Bush v. City of Tallahassee* — Addresses excessive force applied through Graham.
9. *Green v. N.J. State Police* — Addresses excessive force applied through Graham.
10. *Forrett v. Richardson* — Unarmed fleeing felon applied through Tennessee v. Garner.
11. *Elliot v. Leavitt* — Addresses 20/20 hindsight on officer shooting.
12. *Brown v. United States* — The original (1921) *Graham v. Connor* style decision.
13. *Wardlaw v. Pickett* — Punching an approaching verbally argumentative person.

14. *City of Canton v. Harris* — Addresses liability and “failure to train.”

15. *Powpow v. Margate* — Addresses shooting an innocent person (training).

Don't Just Train Your Officers — Train Everyone

Educating the public on police operations — especially use of force — is going to be the next big thing for quite some time. Furthermore, by understanding this case law we are giving officers an understanding of the legal ground on which they stand so they do not have to be afraid to use it. In today's climate we're seeing too many officers not reacting like they should and getting seriously hurt or killed. This trend has recently been coined as “[deadly hesitation](#).”

It's chalked up to a lack of understanding of the law and a lack of courage on behalf of communities to back their officers. All of this could be fixed by well-informed chiefs, mayors, council members, reporters, and officers.

Do not assume that judges and district attorneys know and understand use of force case law like you do. This is not their fault. It is something they rarely touch. They can prosecute a drunk driver or domestic violence arrest in their sleep but a police shooting rarely (if ever) comes across their desk. Are you a master of every facet of your job?

Don't let your district attorney base their charging decisions off of a lack of understanding of the law and how it works. You may find it useful to comb through the aforementioned cases with your local DA to help foster an environment of understanding all the way around. I would suggest doing it before an event rather than after.

There are several other important cases out there — the 15 listed above are just a few of the big ones. This is in no way a comprehensive list. If you know of current cases regarding use of force please leave them in the comment section below for all of us to review.

About the author

Lieutenant Paul Marik began his career working undercover straight out of the academy. He is currently a Lieutenant Commander with the Pleasant Prairie (WI) Police. Paul has been with the PPPD since 1997 and is the senior trainer for the department. He holds a B.S. and an M.B.A. He is an instructor for Firearms, Defense & Arrest Tactics, Use of Force, Honor Guard and he is a master instructor in Tactical Response and Scenarios. Paul is also a Certified Force Science Analyst. He has investigated several use-of-force situations in southeastern Wisconsin and is an active member of ILEETA.

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