

FOURTH AMENDMENT: TEEN POLICE CAR CHASE

The media glamorizes high-speed police chases as dangerous but exciting. However, this case asks where the responsibility lies in a chase that ends with 19-year-old Victor Harris becoming a quadriplegic in a wheelchair. This activity explores unreasonable seizure during a high-speed chase by examining the Supreme Court case ***Scott v. Harris*, 550 U.S. ____ (2007)**. Participants will answer the question: Did law enforcement violate the Fourth Amendment's protection against unreasonable seizure during a high-speed chase that ended with a car crash that left the 19-year-old driver paralyzed?

About these Resources

- Analyze the [facts and case summary](#) for *Scott v. Harris*.
- Build arguments for both sides, starting with these [talking points](#).
- Use critical thinking skills and share reflections on the [discussion questions](#).

How to Use These Resources

This activity is a modified [Oxford style debate](#).

1. To get started, have participants read the *Scott v. Harris* [facts and case summary](#).
2. Assign student attorneys to the issues listed in the [talking points](#). They are suggested points— not a script—for the debate. Student attorneys are encouraged to add their own arguments.
3. All other students are jurors who deliberate (and may refer to these talking points) during the open floor debate. They debate among themselves in the large group or smaller groups and come to a verdict after the attorneys present closing arguments.

FACTS AND CASE SUMMARY: SCOTT V. HARRIS

Scott v. Harris, 550 U.S. ____ (2007)

Law enforcement did not violate the Fourth Amendment's protection against an unreasonable seizure during a high-speed chase that ended with a car crash that left the 19-year-old driver paralyzed.

FACTS	One night in March 2001, a Georgia police officer clocked 19-year-old Victor Harris driving 73 m.p.h. in a 55 m.p.h. zone. When the officer signaled for Harris to pull over, Harris sped up instead. The officer gave chase, and radioed for assistance. In the midst of the chase the officers nearly cornered Harris in a parking lot, but he got away after getting into a minor scrape with Deputy Timothy Scott's police car before speeding off again. Scott took over as the lead pursuit vehicle, following Harris down a mostly two-lane highway at more than 85 m.p.h. In order to bring the high-speed chase to an end, Scott sped up and hit the bumper of Harris' car, which caused that vehicle to leave the road and crash. Harris sustained injuries rendering him a quadriplegic. Harris sued Scott under 42 U.S.C. §1983, which grants a cause of action for deprivation of civil rights.
PROCEDURE	This case is about the government "seizure" carried out by Scott, and whether that seizure violated Harris' Fourth Amendment right to be free of excessive force during a seizure. The parties agreed that a seizure occurred when Scott rammed Harris' bumper. But Harris alleged that Scott used excessive force to end the chase, and that therefore the seizure was unreasonable and unconstitutional. Scott contended that given the circumstances his actions were reasonable. The U.S. District Court rejected Harris' arguments, the U.S. Court of Appeals for the Eleventh Circuit agreed with them, and Scott appealed to the U.S. Supreme Court, which agreed to hear the case.
ISSUE	Did Deputy Scott's actions constitute an unreasonable seizure, thus violating Harris' Fourth Amendment right?
RULING	No.
REASONING	<p>The Court held that because Harris started the high-speed car chase, creating a dangerous situation that threatened the lives of innocent bystanders, it was reasonable for Scott to try to stop it even when it put Harris in danger of serious injury. To reach that conclusion, the court first had to decide the factual issue of whether Harris' behavior endangered human life.</p> <p>Harris argued that his driving was controlled and nonthreatening and that his path was clear of other traffic and pedestrians. His arguments were successful in the Court of Appeals, but after viewing the police videotape of the chase all but one of the Supreme Court Justices disagreed with the appellate court. The Supreme Court concluded that Harris' driving did pose an immediate threat to the lives of others.</p> <p>On the question of whether the force used was "reasonable," Harris argued that to be reasonable Scott's attempt to stop the chase using force must meet standards set forth in <i>Tennessee v. Garner</i>, 471 U. S. 1. There, a police officer shot an unimposing, unarmed burglary suspect in the back of the head as the suspect fled. The <i>Garner</i> court held that the officer's use of deadly force was not reasonable because (1) the suspect did not pose an immediate danger to others, (2) the deadly force was not necessary to prevent the suspect's escape, and (3) the officer gave no warning.</p> <p>The <i>Scott</i> majority rejected Harris' <i>Garner</i> arguments. They held (1) that <i>Garner</i> did not establish any across-the-board test for determining the reasonableness of Fourth Amendment seizures, and (2) that it was distinguishable on the facts. In both <i>Garner</i> and the case before it, the Court applied the standard Fourth Amendment "reasonableness" test to the</p>

circumstances of that case. Was it objectively reasonable for Scott to do what he did?

Looking to the circumstances of the car chase, the Court held that it was reasonable for Scott to take the actions he did. Moreover, the majority noted, if the Court were to rule otherwise -- in effect, requiring police to let speeding suspects get away -- it would give criminals an incentive to drive recklessly just so the police would have to break off pursuit.

CONCURRENCES

Justice Ginsberg

Justice Ruth Bader Ginsberg concurred with the majority, but was concerned that the majority established a bright-line rule that the police could force a car off of the road in order to end a high-speed chase without fear of violating the Fourth Amendment. Justice Ginsberg felt that different circumstances may have had an impact on the outcome of the case, e.g., Deputy Scott's actions might not have been permissible if bystanders were present.

Justice Breyer

Justice Stephen Breyer agreed with Justice Ginsberg's concurrence, and urged readers of the opinion to see the video of the chase because the outcome of this case is very fact-dependent. Justice Breyer noted that the Court perhaps did not have to decide the issue on constitutional grounds, but may have been able to decide it based upon a judicial concept that affords limited immunity from suit to police officers for suits based on their official conduct.

DISSENTS

Justice Stevens

Justice John Paul Stevens dissented, arguing that there was no difference between the facts of this case and the facts of *Garner*. Specifically, he said that since the underlying crime (speeding) was nonviolent, and there was no evidence that Harris would be of harm to others, Deputy Scott committed an "unreasonable seizure" when he rammed Harris' car. Justice Stevens also noted that the police knew Harris' license plate number, so they could have tracked him down later without the need for the chase. Furthermore, Justice Stevens argued that, had the police not given chase in the first place, Harris might not have continued with his speeding.

TALKING POINTS

Question:

Did law enforcement violate the Fourth Amendment's protection against unreasonable seizure during a high-speed chase that ended with a car crash that left the 19-year-old driver paralyzed?

Scott (Deputy)

Harris (Driver)

1. Did the situation presented by the driver warrant the type of seizure that the police conducted?

Affirmative. Yes.

Given the facts of the case, Deputy Scott's actions were permitted by the Fourth Amendment. The Fourth Amendment only prohibits "unreasonable seizures." Harris started on a course of action that made him a danger to himself and others. Not only did he refuse to stop when initially ordered to, but he also blatantly evaded the police—both in the parking lot where he was almost cornered, and after being chased by Deputy Scott. At this point, he was clearly a danger to himself and others, and thus the means by which Deputy Scott removed him from the road were permissible.

Negative. No.

Deputy Scott's actions in this matter were completely unreasonable. The underlying offense was a speeding violation. There was no evidence that Harris was a danger to himself and/or others. He only sped up to avoid being stopped by the police. Moreover, there was no evidence that pedestrians and/or other people were around when the chase and crash took place. The police acted in this manner solely to catch Harris, which they could have done later by taking down his license plate number. The unreasonableness of Deputy Scott's actions is manifested in the fact that they rendered a 19-year-old a quadriplegic for life.

2. Was the driver a threat to himself and others when he drove away from police?

Affirmative. Yes.

Garner does not control in this case because the facts are different. Here, an individual trying to evade arrest led police on a high-speed chase on a two-lane road. Harris was a threat to himself, the police, and any innocent bystanders who might have been present. This was not the case, as in *Garner*, of an unarmed burglar running from the police. It was an individual driving a potentially deadly vehicle at very unsafe speeds. Moreover, given these facts, even under *Garner*, the seizure was permissible in order to protect others from potential harm that Harris might cause.

Negative. No.

Garner controls in this case. Harris did not commit an underlying violent crime and there was no evidence that he was a threat to others if he remained at large. The video shows that all other traffic on the chase route had pulled over and Harris was not driving aggressively; he even used his turn signal more than once. As in *Garner*, the police officer issued no warning before using excessive force. In *Garner*, police were not permitted to shoot an unarmed, fleeing burglary suspect in order to arrest him. In this case, Deputy Harris was not permitted to engage in an action that rendered an otherwise law-abiding teenager a quadriplegic.

3. Was the police chase a reasonable action given the circumstances of this case?

Affirmative. Yes.

By the time Deputy Scott forced Harris off of the road, he had already failed to yield to the lawful commands of the police, and had evaded the police both in a speed trap

Negative. No.

If Deputy Scott had not chased Harris and forced him off the road, it does not necessarily follow that Harris would have been rewarded for breaking the law. At

and on the road. In short, he flouted the law and continued to pose a threat to himself, the police, and others. Under these circumstances, the police could not simply sit by and let Harris leave the scene. They had to take action to see that the law was enforced. Given the circumstances of this case, the actions that they took were reasonable.

worst, he would have gone home, and the police could have arrested him there. Since they knew his license plate number, they could find out where he lived. Moreover, they could set a trap to puncture his tires or take some equivalent action. What they were not permitted to do under the Fourth Amendment was to engage in an action, i.e., ramming the back of his car to force him off the road, which had a high probability of seriously injuring, or possibly even killing, the driver.

4. Was the high-speed chase necessary to stop the driver?

Affirmative. Yes.

The police were not responsible for making Harris a danger to others. He became a danger to others by speeding in the first place. This is why the police initially pulled him over. He continued to be a danger to others by evading the police. At all times, Harris had the option of ending this danger by surrendering. He chose not to do so. While Harris' injuries are tragic, blame for them lies with Harris, not Deputy Scott. Moreover, there is no guarantee that Harris would have slowed down if the police gave up their chase. After all, Harris was originally commanded to pull over for exceeding the speed limit. The police would have been derelict in their duties had they not tried to stop Harris.

Negative. No.

Harris' actions did not threaten the lives of pedestrians or other motorists. The police had blocked intersections, other drivers had pulled off the road or were traveling in the opposite direction. Further, the police, particularly Deputy Scott, are the ones who gave chase. Had the police not followed Harris after he sped up to evade them, it is likely that Harris would have slowed down.

DISCUSSION QUESTIONS

Use the discussion questions to help form your opinion on the case.

1. Was the chase – and its outcome – a consequence of Harris breaking the law or did police use excessive force to end the chase?
2. Did the police exceed the limits of the Fourth Amendment protection against unreasonable seizure?
3. Two lower courts disagreed on the key issue. The Supreme Court determined the final outcome. How would you decide?