But I was Only Speeding … Looking at the case of Scott v. Harris, 550 U.S. ___ (2007)

**OBJECTIVES:**
As a result, student will be able to:
1. Identify the circumstances under which police action to apprehend a suspect fleeing in a vehicle might constitute an unreasonable seizure;
2. Examine the rights and responsibilities of citizens and police under the Fourth Amendment of the U.S. Constitution’s prohibition against unreasonable seizures; and
3. Look how decisions of young people (in this instance, Harris’ speeding away from the police) impact, and are impacted by, the law and the courts.

This is a great lesson to invite a police officer to discuss with the class local procedures governing high-speed chases. Most police departments have specific policies about situations such as those addressed by this case.

**PROCEDURE:**
1. Provide the class with a copy of the Case Summary and the Argument Points handouts.
2. Inform the class that the Fourth Amendment of the United States Constitution protects citizens from unreasonable seizures of private property and persons. Explain that they are going to examine a situation that looks at whether police action during a high-speed car chase rises to the level of an unreasonable seizure.
3. Ask the students to provide examples of circumstances under which they believe it may be reasonable and unreasonable for police to take action to intentionally run into a car that is speeding away from them in order to make it stop.
4. Explain the case summary to the class in your own words or ask them to read it to themselves and then go over it as a group. Ask how many of the students have ever been in a car exceeding the speed limit? Remind the students that Harris’ actions in fleeing the police caused great harm to him and could have caused great harm to others. How bad would it have been to get a traffic ticket?
5. Break the students into groups and ask them to complete the Argument Points handout. Discuss the answers with the class. Hand out the Argument Points answers sheet to the class.
6. If time allows, have the students prepare for and present an appellate argument mock trial of the Scott v. Harris case by dividing the students into three groups: one group representing Scott, one group representing Harris, and a third group that serves as the Supreme Court. Have the Scott team present its arguments, have the Harris group follow and then conclude with the Supreme Court asking questions of both sides before rendering its decision.
7. Distribute the Case Result handout, and ask the students whether they agree or disagree with the decision of the United States Supreme Court.

**LESSON PLANS (continued)**

• **Grade Levels:** High School-College
• **Academic Standards for Civics and Government:** 5.2 Rights and Responsibilities of Citizenship; 5.3 How Government Works
• **Time Required:** 45 minutes (It will take twice that time if the mock appellate argument is held.)
• **Materials:** Scott v. Harris Case Summary; Scott v. Harris Argument Points; Scott v. Harris Argument Answers; Scott v. Harris Case Result.

This case summary is reprinted from the Scott v. Harris case summary that is published on the Educational Outreach section of the U.S. Courts Web site: http://www.uscourts.gov/outreach/topics/scottharris/facts.html. These materials were developed by the Administrative Office of the Courts (contact Rebecca_Fanning@ao.uscourts.gov for further information and additional materials). The Pennsylvania Bar Association’s AREC Case Study handout is available from the Administrative Office of the Courts (contact Rebecca_Fanning@ao.uscourts.gov) for adoption. These materials are for use in the law day booklet. Special thanks go to Carolynn Rosenberg of Freedoms Foundation and AREC Trainer Leon Stimpson for field testing these materials with students involved in Freedom Foundation programs.
Lesson Plans (continued)

ASSESSMENT: Revisit the class’s earlier discussion regarding when it may be reasonable or unreasonable for the police to stop a car that is speeding away from them by intentionally running into it. Have any of their opinions changed in light of what they have learned from the Scott v. Harris case? This lesson also lends itself to a reflective-response paper based on each student’s reaction to the case result.

Case Summary

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.

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 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 Harris and overturned the District Court decision. Scott then 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?

ARGUMENT POINTS Read each of the following arguments and decide if the argument is helpful to Scott (S), Harris (H), or both sides (B).

_____ The Fourth Amendment of the United States Constitution protects against unreasonable seizures.

_____ Harris evaded the police and led them on a chase through a parking lot and down a two-lane highway with speeds of up to 85 m.p.h., thereby creating a danger to himself and others.

_____ Harris’ underlying offense was speeding, not a violent crime.

_____ Ramming into the back of a car to force it off the road had a high probability of causing serious injury or death to the driver.

_____ The police could have employed other methods to catch him, such as taking down his license plate number or setting a trap to puncture his tires.

_____ Harris disobeyed the commands to stop the car. The police had a duty to enforce the law.

_____ Harris had the option of pulling over at any time to end the danger he posed. He chose not to do so.

_____ There is no guarantee that Harris would have slowed down if the police had not chased his car. The police initially attempted to pull him over because he was speeding.

_____ There were no pedestrians or traffic in Harris’ path.

_____ Criminals would have an incentive to speed away from police and drive recklessly if police were required to allow speeding suspects flee.

In Tennessee v. Garner, an earlier Supreme Court decision, the Supreme Court looked at a case of deadly force in which a police officer shot an unimposing, unarmed burglary suspect in the back of the head as the suspect fled. The Garner 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.
Lesson Plans (continued)

ANSWERS

Read each of the following arguments and decide if the argument is helpful to Scott (S), Harris (H), or both sides (B).

_____ The Fourth Amendment of the United States Constitution protects against unreasonable seizures. This argument can help either side since what is reasonable is a matter of debate.

_____ Harris evaded the police and led them on a chase through a parking lot and down a two-lane highway with speeds of up to 85 m.p.h., thereby creating a danger to himself and others. This argument helps Deputy Scott’s side. It is the reason he chased Harris down.

_____ Harris’ underlying offense was speeding, not a violent crime. This argument helps Harris. Should you be crippled for life for speeding?

_____ Ramming into the back of a car to force it off the road had a high probability of causing serious injury or death to the driver. This argument helps Harris but the Scott side can balance the injury or death of the offending driver with the prevention of possible harm to others.

_____ There were no pedestrians or traffic in Harris’ path. This argument helps Harris, but the Scott side can note that the very absence of others made that moment the perfect one to perform the ramming maneuver since there was a chance that pedestrians and other traffic might become involved in the chase continued.

_____ Criminals would have an incentive to speed away from police and drive recklessly if police were required to allow speeding suspects flee. This argument helps Deputy Scott though Harris might argue that tracking down speeding offenders later through license plates and other means would deter such behavior.

Case Summary

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.

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 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 Harris and overturned the District Court decision. Scott then appealed to the U.S. Supreme Court, which agreed to hear the case.
Case Summary (continued)

Issue Did Deputy Scott's actions constitute an unreasonable seizure, thus violating Harris' Fourth Amendment right?

Ruling No.

Reasoning 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.

Harris argued that his driving was controlled and non-threatening 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.

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 Tennessee v. Garner, 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 Garner 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.

The Scott majority rejected Harris' Garner arguments. They held (1) that Garner 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 Garner and the case before it, the court applied the standard Fourth Amendment "reasonableness" test to the 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.

Dissent 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.