

# Case File: Scott v. Harris

## *Facts of the Case*

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

- After a police officer attempted to pull him over for speeding, Victor Harris fled in his vehicle, initiating a high-speed car chase
  - Victor Harris was clocked speeding at 11:00 pm in his black Cadillac on the evening of March 29, 2001. He was going 73 mph in a 55 mph zone.
  - A deputy turned on his lights and sirens and pursued Harris. Harris, the 19 year old driver of the car, did not pull over.
  - Instead he began a high-speed chase that lasted approximately six minutes and went on for ten miles.
  - At times Harris and the deputies were going 85 – 90 mph on mostly two-lane roads.
  - Harris ran two red lights.
  - The officer was able to see and call in the license tag on the vehicle during the pursuit. The car had not been reported stolen and was legally registered.
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- Harris stayed in control of his car throughout the pursuit and used his blinkers when he passed or made turns.
  - When Harris refused to stop, the deputy radioed dispatch and reported he was in pursuit of a fleeing vehicle. Deputy Scott heard the radio transmission 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 and drug store. Deputy Scott went around the opposite end of the complex to block the exit.
  - Deputy Scott drove his patrol vehicle into Harris' path. Harris tried to go around Deputy Scott to avoid hitting the patrol car but they collided slightly causing minor damage to Deputy Scott's vehicle.
  - Harris entered Hwy 74 and the chase continued.
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- A request was made by the deputy via radio to a supervisor asking permission to do a PIT maneuver.
- A PIT maneuver is a precision intervention technique 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 a PIT maneuver.)
- Deputy Scott (in the vehicle that had collided with Harris earlier in the parking lot) took over as lead vehicle in the chase. Deputy Scott had not been trained in how to perform a PIT maneuver.
- In granting permission to allow the PIT maneuver, the supervisor told Scott, "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.
- At the time of the chase, the county had a policy on vehicle pursuit. The policy stated "Deliberate physical contact between vehicles at any time may be justified to terminate the pursuit upon approval of a supervisor."

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- 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 the black Cadillac with his patrol cruiser causing Harris to lose control and leave the road.
  - The vehicle traveled down an embankment and crashed.
  - Harris was rendered a quadriplegic (Paralyzed from the neck, down).
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- Harris sued Scott in federal District Court, alleging that Scott had violated his Fourth Amendment rights by using excessive force.
- 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 Court:

**Does a police officer who stops a high-speed chase by hitting a fleeing suspect's car violate the Fourth Amendment's protection against unreasonable seizure?**

### Cases through the Courts

When you see this diagram in the PowerPoint, fill in the diagram here!  
Be sure to draw the arrows.

