



Civics Essay Contest 2025:

When Is a Police Officer's Use of Deadly Force Reasonable?

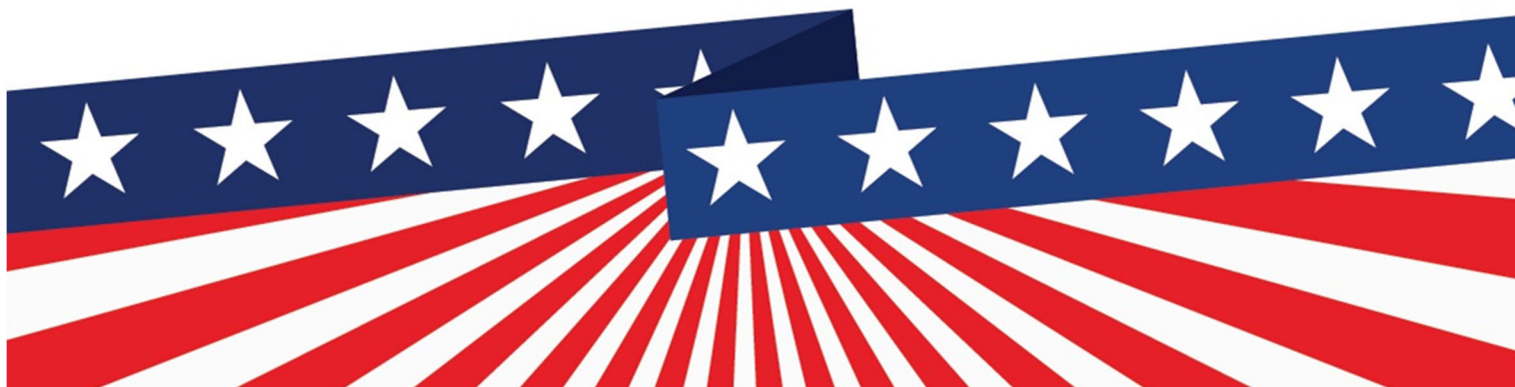
The Fourth Amendment to the Constitution prohibits a police officer from using “unreasonable” force. But how do courts decide whether the use of force is reasonable or unreasonable? Most courts look at the “totality of the circumstances,” including the events leading up to the use of force, to decide whether it is reasonable. Others use the “moment of threat” doctrine, focusing on the officer’s actions in the moment when their safety is threatened.

The Supreme Court is expected address this difference of opinion in the case of *Barnes v. Felix*. The question is whether courts should look at the “totality of the circumstances” or the “moment of threat” in deciding if a police officer’s use of force was reasonable under the Fourth Amendment. In other words, the Supreme Court will address when a police officer’s use of deadly force is reasonable.

The U.S. District Court for the Eastern District of Tennessee, Chattanooga Division, and the Chattanooga Chapter of the Federal Bar Association invite local high school students to share their thoughts on this issue in the 7th Annual Civics Essay Contest.

Three winning essays will be selected with \$500 awarded for First Place, \$250 for Second Place, and \$100 for Third Place.

Submission deadline: March 14, 2025



Framing the Question

The Fourth Amendment to the Constitution guarantees the right to be free from unreasonable force. Eight Circuit Courts of Appeal use a totality of the circumstances test to determine whether a police officer's use of deadly force is reasonable. This test can include events leading up to the use of force.

Four Circuit Courts look more narrowly at the circumstances immediately surrounding the use of force, specifically, the "moment of threat." This analysis does not consider events leading up to the use of force.

The Supreme Court heard oral argument in *Barnes v. Felix*, 23-1239, on January 22, 2025. The *Barnes* case asks the Court to resolve the "circuit split" by deciding whether courts should look at the "totality of the circumstances" or the "moment of threat" in deciding whether a police officer's use of deadly force is reasonable.

In *Barnes*, a police officer stopped a vehicle because it had outstanding toll violations. The officer asked for the driver's license and insurance. The driver replied that they might be in the trunk. The officer stated he smelled marijuana and told the driver to stop "digging around" in his car. At some point, the driver turned off the car and took the keys out of the ignition. The officer walked behind the car and opened the trunk. He told the driver to get out of the car and the driver's door opened. Then, the blinker of the vehicle turned back on, indicating the driver had restarted the car. The officer drew his gun and yelled for the driver not to move as the vehicle began moving forward. With his gun drawn and the car moving, the officer jumped onto the car door frame. He then fired into the vehicle twice, and the vehicle then came to a stop.

The Court of Appeals used the "moment of threat" test to decide whether the officer's use of force was reasonable. At the moment the officer fired his gun, he was hanging onto a moving vehicle that could have run him over. Under these circumstances, the court found he could have reasonably believed his life was in danger. It therefore held that the officer's use of force was reasonable.

In a concurring opinion,¹ one judge suggested that the "moment of threat" test might be too narrow. He said it might leave out relevant facts, like the officer's actions. In *Barnes*, for example, the officer jumped onto a moving vehicle with his weapon drawn. And the vehicle was stopped for toll violations, not a serious or violent crime. Under the moment of threat test, the reasonableness inquiry was narrow: when he used deadly force, the officer was on a moving car that posed a threat to his safety.

Under the totality of the circumstances test, the reasonableness question might be broader, the concurring judge suggested. The court might consider other facts, such as the fact that the officer chose to jump onto the car as it was moving, or that the car was only stopped for toll violations.

¹ A concurring opinion is generally one that agrees with the outcome in the majority opinion, but disagrees with the reasoning. A judge may write separately (as here) to explain why they believe the test or other reasoning in the main/majority opinion is incorrect or should be changed.

Essay Requirements:

Your essay should discuss the question: “**What factors should courts consider in determining whether a police officer’s use of deadly force was reasonable under the Fourth Amendment?**”

Your essay should:

1. State your proposed rule(s);
2. Present your best arguments in support of your proposed rule(s);
3. Cite relevant sources, statutes, cases, and/or historical events that support your position; and
4. Be no more than 1,500 words.

Please submit your essay to chattcivicsessay@gmail.com. Be sure to include the submission form attached to this flyer.

You may also mail your essay and cover sheet to Civics Essay Contest, Attn: Kelly L. Walsh, U.S. Courthouse, 900 Georgia Avenue, Chattanooga, TN 37402.

Essays must be emailed or postmarked by **March 14, 2025**.

The contest is open to public, private, and home school students in grades 9 to 12 from Bedford, Bledsoe, Bradley, Coffee, Franklin, Grundy, Hamilton, Lincoln, McMinn, Marion, Meigs, Moore, Polk, Rhea, Sequatchie, Warren, and Van Buren Counties.

What do you think?

For your essay, you’ll discuss what factors courts should consider in determining whether an officer’s use of force was reasonable. Here are some questions to get you thinking about your proposed rule:

- What factors are important in deciding if a police officer’s use of deadly force was reasonable under the Fourth Amendment?
 - Consider the *Barnes* case. Which facts are most important in deciding whether the use of force was reasonable?
- What role should a police officer’s own action or inaction play in the deciding reasonableness?
 - In *Barnes*, does it matter that the officer jumped onto the car? Does it matter why he jumped onto the car?
- What role should the action or inaction of a person harmed or killed by the use of force play in deciding reasonableness?
 - Is it important that the driver was stopped for a toll violation? Would your opinion change if he was a suspect in a murder investigation?
 - Does it matter how fast the car was going? What if it were rolling downhill? What if it lurched forward at high speed?

Writing Tip → This is a complex and difficult issue. In some highly-publicized cases, allegations of excessive force have led to public outcry and even criminal charges against the police officer. Such cases raise important legal and societal questions, but that is not the focus of this essay. Try to focus on the issue presented by the prompt, rather than cases where the force used by the officer was either clearly excessive or clearly reasonable.

If you feel strongly one way or the other, try to think of facts that might change your mind. This will help you develop your thinking and come up with a stronger proposed rule.

Additional Resources → Legal Background

Federal excessive force claims against local and state police are based on the Fourth Amendment to the United States Constitution.

The Fourth Amendment states: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.” U.S. Const. amend. IV. The protection against unreasonable “seizures” includes seizure of one’s person, and thus includes freedom from the use of excessive force. Use of excessive force is prohibited during an arrest, investigatory stop, or other seizure. The “objective reasonableness” test is used to evaluate whether the force used was excessive.

In *Tennessee v. Garner*, 471 U.S. 1 (1985), the Supreme Court held that to determine the constitutionality of the use of force or other seizure, a court “must balance the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.” *Garner*, 471 U.S. at 8 (punctuation and citation omitted). The question is “whether the totality of the circumstances justified” the officer’s use of force. *Garner*, 471 U.S. at 8–9.

Four years later, in *Graham v. Connor*, 490 U.S. 386 (1989), the Court adopted an “objective reasonableness” test for excessive force claims. The Court held: “[A]ll claims that law enforcement officers have used excessive force—deadly or not—in the course of an arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’ standard.” *Graham*, 490 U.S. at 395. The Court highlighted the “totality of circumstances” analysis, setting out a three-factor test for examining the facts of a particular case: “the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” *Graham*, 490 U.S. at 396.

Since *Graham*, various federal appellate courts have treated the “objective reasonableness” standard differently—some broadly (totality of circumstances) and some more narrowly (moment of threat).

Disclaimer: Some of the foregoing materials are derived from the FBA’s national contest resources, available at <https://www.fedbar.org/about-us/outreach/civics-essay-contest/> (accessed January 27, 2025).

The material contained in this essay prompt is provided solely for the purpose of the student essay contest. **They do not reflect the views or opinions of the Chattanooga Chapter of the FBA or the U.S. District Court for the Eastern District of Tennessee.**

**Federal Court Civics Essay Contest
2025 Submission Form**

Name: _____

Mailing Address: _____

Email Address: _____

Telephone Number: _____

School: _____

Grade Level: _____

By signing this form, I certify that the essay I am submitting is my own original work; that I am currently in grade 8 to 12; that I have followed all applicable copyright laws and fair use practices; that I am a public, private, or home school student from Bedford, Bledsoe, Bradley, Coffee, Franklin, Grundy, Hamilton, Lincoln, McMinn, Marion, Meigs, Moore, Polk, Rhea, Sequatchie, Warren, or Van Buren County; and that the contest sponsors (the District Court for the Eastern District of Tennessee – Chattanooga Division and the Chattanooga Chapter of the Federal Bar Association) may publish all or excerpts of my essay on their websites and in other print publications, with appropriate credit to me as the author.

Signature: _____

Date: _____