CJA LESSON PLAN COVER SHEET

LESSON PLAN TITLE:	LESSON PLAN #:	STATUS (New/Revised):
Legal Update 2015-2016 (January)	I0322	Revised January 2016

TRAINING UNIT:	TIME ALLOCATION:
Legal	1 Hour

PRIMARY INSTRUCTOR:	ALT. INSTRUCTOR:	SUBMITTED BY:
Legal		Shari Driggers

ORIGINAL DATE OF LESSON PLAN:	JOB TASK ANALYSIS YEAR:
November 2015	

LESSON PLAN PURPOSE:

The purpose of this lesson is to update the student about changes in laws and procedures that relate to law enforcement.

EVALUATION PROCEDURES:

None

TRAINING AIDS, SUPPLIES, EQUIPMENT, SPECIAL CLASSROOM/INSTRUCTIONAL REQUIREMENTS:

Legal Update Handout

PERFORMANCE OBJECTIVES

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PERFORMANCE OBJECTIVES:

1. Discuss Armstrong v. Village of Pinehurst and the implications for Taser deployment.
2. Discuss cases relating to the "Knock and Talk" strategy of investigation.
3. Discuss the legal implications of State v. Gordon.
4. Discuss abandonment of a cell phone and State v. Brown.
5. Discuss the consequences an officer faces when he/she is dishonest to their employer.
6. "Back to Basics"- Discuss the "Fleeing Felon Rule" and Tennessee v. Garner.

LESSON PLAN EXPANDED OUTLINE

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I. INTRODUCTION

This unit of instruction is designed to update the student about changes in law and procedure that relate to law enforcement.

II. BODY

A. ARMSTRONG V. VILLAGE OF PINEHURST AND IMPLICATIONS FOR TASER DEPLOYMENT

Armstrong v. Village of Pinehurst

1. Facts

On April 23, 2011, Ronald Armstrong, a patient suffering from bipolar disorder and paranoid schizophrenia, was seeking treatment at a hospital in Pinehurst North Carolina when he became frightened and left the emergency room. The examining doctor judged him to be a danger to *himself* and issued involuntary commitment papers to compel his return. (Emphasis added).

Pinehurst police were called and three members of the department responded. Armstrong was located near an intersection near the Hospital's main entrance. The commitment order had not yet been "finalized" when the officers arrived. The officers engaged Armstrong in conversation, Armstrong was calm and cooperative, though acting strangely (wandering in a roadway, eating grass and dandelions, chewing on gauze, extinguishing cigarettes on his tongue).

Once the officers learned commitment papers were complete, the officers surrounded and advanced toward Armstrong, who wrapped himself around a four-by-four post that was supporting a stop sign. The officers tried to pry Armstrong's arms and legs off the post, but he was wrapped too tightly and would not budge. The officers were joined by two hospital security guards and Armstrong's sister.

After approximately thirty seconds of this stalemate, an officer informed Armstrong that if he did not let go of the post he would be tased. Armstrong did not respond, the officer applied five drive stuns over the course of approximately two minutes. Armstrong became nonresponsive and subsequently died.

2. Issue

Whether the officers used excessive force in seizing Armstrong

3. Conclusion

In determining the application of the taser amounted to excessive force in this situation the court outlined several rules governing taser use:

- Tasers are proportional force only when deployed in response to a situation in which a reasonable officer would perceive some immediate danger that could be mitigated by using the taser. (Emphasis in original)
- Taser use is unreasonable force in response to resistance that does not raise a risk of immediate danger.

- A police officer may only use serious injurious force, like a taser, when an objectively reasonable officer would conclude that the circumstances present a risk of immediate danger that could be mitigated by the use of force. At bottom, "physical resistance" is not synonymous with "risk of immediate danger". (Emphasis in original)

- When a seizure is intended solely to prevent a mentally ill individual from harming himself, the officer effecting the seizure has a lessened interest in deploying potentially harmful force.

- Where, during the course of seizing an out-numbered mentally ill individual who is a danger only to himself, police officers choose to deploy a taser in the face of stationary and non-violent resistance to being handcuffed, those officers use unreasonably excessive force. While qualified immunity shields the officers in this case from liability, law enforcement officers should now be on notice that such taser use violates the Fourth Amendment.

B. DISCUSS CASES RELATED TO THE "KNOCK AND TALK" STRATEGY OF INVESTIGATION

1. State v. Bash, Appellate Case No. 2013-001430, Opinion No. 5314 (Ct. App. 2015)

a. Facts

After receiving an anonymous tip of drug activity, Berkeley County deputies decided to perform a "knock and talk" at the Defendant's residence. Upon arriving and turning on a road beside the house, the officers noted that the home was surrounded by a chain link fence, but several individuals were seen standing by a truck on a grassy area immediately outside the fence. When the officers pulled their vehicle behind the truck (belonging to the Defendant), they observed an individual drop a baggie containing a white powdery substance. One man exited the passenger's side of the truck and fled, while the Defendant exited the driver's side and was asked to step to the rear of his vehicle. Deputies chased the individual who fled, and the man seen dropping the baggie was arrested. Sergeant Holbrook, who had remained at the truck, testified that he looked in the window of the truck to ensure that no other occupants were hiding. When he looked through the window, he observed scales of the type typically used in weighing drugs and a large plastic baggie containing a white powdery substance.

b. Issue

The Defendant moved to suppress the evidence found in his vehicle, arguing that officers violated the 4th Amendment when they entered and searched the curtilage of his property without a warrant and without meeting any exceptions to the warrant requirement. The circuit court granted the Defendant's motion, concluding that "the tip was not enough to roll up in the backyard solely to search for drugs."

c. Analysis and Holding

Citing State v. Wright, 391 S.C. 436, 706 S.E.2d 324 (2011), the Court of Appeals stated that, "A policeman may lawfully go to a person's home to interview him… In doing so, he obviously can go up to the door… A police officer without a warrant is privileged to enter private property to investigate a complaint or a report of an ongoing crime." In this case, the Court finds that the officers' observations of several individuals in the backyard of the subject property corroborated the anonymous tip.

In this case, the officers did not approach the front door, but drove to the grassy area behind the residence where they had observed the individuals. The Court stated that no South Carolina cases have addressed this point directly, but that the 4th Circuit has adopted the position that law enforcement may bypass the front door of a residence and proceed to the backyard or other entrance for a "knock and talk" provided they have reason to believe that the person they are attempting to contact will be found there. They said that the 4th Circuit has permitted law enforcement to enter a person's backyard without a warrant when they have a legitimate law enforcement purpose for doing so, and that the scope of a legitimate purpose is not exceeded by walking around to a back door when there is no answer at the front door. In this case, the Court finds that the officers' observations of several individuals in the backyard provided a reasonable basis for believing that the homeowner would be found there. Therefore, they concluded that entering the grassy area to investigate the anonymous tip did not violate the 4th Amendment.

The Court discusses the circuit court's consideration of the officer's subjective intent and finds that including intent in the analysis is an error of law. They state that the Supreme Court has recognized that the 4th Amendment's concern with reasonableness allows certain actions to be taken in certain instances, whatever the subjective intent. The Court re-iterates that subjective intentions have no role in 4th Amendment analysis, stating that these issues are to be reviewed using the application of objective standards of conduct. Citing State v. Herring, 387 S.C. 201, 692 S.E.2d 490 (2009), they remind the lower court that, "An action is reasonable under the 4th Amendment, regardless of the individual officer's state of mind, as long as the circumstances, viewed objectively, justify the action."

The Defendant had further alleged at trial that the drug evidence should be suppressed as a violation of the 4th Amendment since no exigent circumstances existed and the evidence was not in plain view. While the circuit court did not reach these remaining issues, the Court of Appeals addresses them since the suppression of the evidence could still be upheld based on these arguments. The Court finds that the observations of an individual dropping a baggie containing a white powdery substance, another man fleeing the scene and the anonymous tip, considered collectively, gave law enforcement probable cause to believe that criminal activity was ongoing. Based on these occurrences, a protective sweep is permissible. In securing the scene, Sergeant Holbrook looked into the truck window and observed scales and cocaine, both items being immediately apparent as incriminating evidence/contraband to Holbrook, an experienced narcotics officer. Having found that the officer was lawfully present in the area, the Court finds that the seizure of the evidence was lawful under the plain view doctrine, and there was no 4th Amendment violation.

d. Conclusion

The Court of Appeals reverses the circuit court's finding that the initial police entry onto the property violates the 4th Amendment. Even if the area on which the officers were present constitutes curtilage, law enforcement is permitted to enter the property to investigate and had reason to believe the owner of the property would be located in the grassy area. Even if the subjective intent of the officers was to find evidence of drugs upon entry, police conduct in this case, under an objective analysis, was reasonable.

Once at the scene, the actions of the individuals present gave officers probable cause to believe criminal activity was ongoing and that the suspects might flee or

otherwise attempt to avoid police action. The officer's looking into the Defendant's truck was a permissible protective sweep, and the evidence was in plain view and readily identifiable as contraband. The Court of Appeals reverses the granting of the Defendant's motion to suppress and remands the case for trial.

2. State v. Counts, Appellate Case No. 2013-000086, Opinion No. 27546 (2015)

a. Facts

Investigator Robinson with the Richland County Sheriff's Department received information from an anonymous tip in June 2007 that the Defendant was selling drugs. The tipster provided the Defendant's name and aliases, addresses and locations of transactions, Defendant's girlfriend's name, license plates, phone numbers and other information. After surveillance, controlled buys were attempted but were unsuccessful.

In April of 2008, an anonymous tip regarding the Defendant was given to Lt. Navarro which included the same types of information, but included that the Defendant was using false identifications and always carried a firearm. This information was relayed to Investigator Robinson who advised the lieutenant that previous tips had been received. Lt. Navarro attempted to corroborate the information by reviewing the Defendant's criminal history for prior drug offenses and determining that he had two identification cards on record.

Lt. Navarro and members of the Drug Suppression Team conducted surveillance of the Defendant's residence. After seeing the Defendant enter his residence, Lt. Navarro decided to conduct a "knock and talk." Along with a deputy, the lieutenant knocked on the door. After showing the Defendant identification through the "peephole", at his request, the Defendant opened the door.

The deputy testified that he immediately saw a "rolled blunt" on the coffee table and relayed the information to the other officer. Additionally, Lt. Navarro observed that the Defendant had a silver handgun in his hand. The officers drew their weapons, and the Defendant dropped his gun and was detained. A protective sweep of the residence was performed during which the officers observed a bag of marijuana and a scale in the kitchen. Another bag of marijuana was found when the Defendant was searched. After the house was cleared, Investigator Robinson was contacted to obtain a search warrant. That afternoon, the search revealed 800 grams of marijuana, $3,637 in cash, 2 cell phones, a digital scale, two false identification cards containing the Defendant's photo and 3 pieces of mail addressed to the Defendant.

b. Issue

The circuit court denied the Defendant's motion to suppress the drugs and weapon found at this residence. The Defendant argued 4th Amendment violations since law enforcement did not have a warrant or probable cause, as well as violations of the "unreasonable invasion of privacy" provision of the S.C. Constitution. He also alleged that law enforcement had failed to corroborate the tip that prompted their visit to his home. Finally, he argued that since the initial entry of the officers into his home was not lawful, the plain view doctrine did not apply to the contraband seen by the officers during their protective sweep. Therefore, according to the Defendant, the probable cause on which the search warrant was based was unlawfully obtained, and the evidence must be suppressed. The Court of Appeals affirmed the ruling of the trial court, and the Supreme Court granted certiorari.

c. Analysis and Holding

Fourth Amendment - The Defendant alleged that law enforcement used the "knock and talk" technique in order to avoid the warrant requirement. He claimed that when officers use this technique without reasonable suspicion or probable cause, it is for the purpose of circumventing the warrant requirement and violates the 4th Amendment.

The Court outlines that the U.S. Supreme Court, as well as nearly every federal circuit, has recognized the constitutional appropriateness of the "knock and talk" technique. In affirming the denial of the motion to suppress under the 4th Amendment, the Court notes the following:

1. The Defendant, a known felon, opened the door for law enforcement after requesting to see their identification.
2. Even after seeing this identification, the Defendant opened the door while armed with a handgun.
3. Because of the risk of danger, law enforcement was authorized to detain the Defendant and perform a protective sweep.
4. A search of the Defendant revealed a bag of marijuana.
5. During the protective sweep, officers observed drugs and a scale in plain view, which provided them with probable cause for a search warrant.

South Carolina Constitution: Right Against Unreasonable Invasion of Privacy – While our constitution expressly provides citizens with a "right to privacy," there is no guidance as to the boundaries or limitations of the right and no definition as to what constitutes an "unreasonable invasion of privacy." The Court outlined that the most comprehensive discussions of this right are contained in two prior cases: State v. Forrester, 343 S.C. 637, 541 S.E.2d 837 (2001) and State v. Weaver, 374 S.C. 313, 649 S.E.2d 479 (2007).

In Forrester, the Court found that "the South Carolina Constitution, with an express right to privacy provision included in the article prohibiting unreasonable searches and seizures, favors an interpretation offering a higher level of privacy protection than the Fourth Amendment." However, in that case, the Court ruled that our constitution does not require officers to inform suspects of their right to refuse consent to search. In Weaver, the Court also acknowledged a higher level of privacy protection afforded by our state constitution. Despite this protection, the Court declined to find that the privacy provision required a warrant before the search and seizure of a vehicle located in the backyard of a private residence, finding that the warrantless search was valid under the automobile exception to the 4th Amendment. The Court explains that these cases demonstrate that while the constitutional right to privacy will be guarded, the government's interest in conducting legitimate searches will still be considered. Because the cases only provide general guidance, the Court looks to other jurisdictions that have analyzed the "knock and talk" technique in the context of a state right to privacy.

The Court looked specifically at two issues regarding law enforcement procedure necessary to protect a citizen's right to privacy: (1) whether probable cause or reasonable suspicion need exist to approach a private residence and (2) whether citizens need to be informed of their right to refuse consent to search. Since the specific issue of informing citizens of a right to refuse consent, the Court quickly dispensed with this issue, stating that it had been decided in Forrester. Finally, the

Court finds that since the greatest privacy interest is in one's home, there must be some threshold evidentiary basis for law enforcement to approach a private residence. Since the Court noted that there is a potential for abuse and that contact with law enforcement is inherently coercive, they hold that law enforcement must have "reasonable suspicion" of illegal activity at a targeted residence prior to conducting a "knock and talk." They further find that this rule safeguards the express constitutional right against unreasonable invasions of privacy and does not hamper law enforcement in their investigative efforts.

In considering this rule under the facts of this case, the Court finds that the circuit court's findings of fact established that law enforcement had "reasonable suspicion" of illegal activity prior to conducting the "knock and talk" at the Defendant's residence. Specifically, they outlined the following facts:

1. Law enforcement received two anonymous tips regarding the Defendant selling drugs.
2. These tips identified vehicles driven by the Defendant, his phone number and his use of multiple identities.
3. Their investigation confirmed that the Defendant had two false identification cards and prior drug convictions.

As a result, the Court states that it is clear that officers were not randomly approaching the Defendant's residence in hopes of discovering contraband or evidence of illegal activity, but had "reasonable suspicion" to support their decision to approach the residence and conduct a "knock and talk."

d. Conclusion

The Court affirms the ruling of the Court of Appeals that there was no unreasonable search and seizure under either the 4th Amendment or the similar provision of the South Carolina Constitution. They find, however, that the Court erred in failing to rule regarding the heightened privacy protection afforded by the state constitution. They state that there must be a minimum evidentiary standard met under our Constitution before law enforcement conducts a warrantless search of a citizen's home. They hold that the evidentiary standard of "reasonable suspicion" of illegal activity must be met before law enforcement may approach a targeted residence and conduct a "knock and talk."

C. DISCUSS LEGAL IMPLICATIONS OF STATE V. GORDON – S.E.2D --, AUG. 05, 2015

1. Facts

On October 29, 2011, Gordon was stopped at a license and registration checkpoint by a South Carolina Highway Patrol Officer. The Officer administered several field sobriety tests. The test at issue in this case is the HGN test. The dashboard camera on the officer's patrol car recorded the entire incident, including all field sobriety tests, with continuous recording. The stop occurred at night, so the lighting was not perfect, but the officer had Gordon stand in the light of his patrol car's headlights and further illuminated Gordon by shining a flashlight directly on his face.

Gordon was convicted in magistrate's court and appealed, arguing the video violated §56-5-2953(A) because he was out of sight and in the dark during the HGN test.

2. Issue

Whether Gordon's conviction should be reversed for insufficient video of the HGN test.

3. Analysis

The court found the current version of §56-5-2953 is clear and unambiguous in requiring the video recording "must include any field sobriety test administered", which includes the HGN test. Considering the fact that the HGN test focuses on eye movement, common sense dictates that the head must be visible on the video.

4. Conclusion

The court found the officer's administration of the HGN test is visible on the video recording. The court found it was undisputed that Gordon's face is depicted in the video; it is axiomatic that the face is a part of the head. The officer's flashlight and arm are visible as he administers the test. Also, the officer's instructions were audible.

The court found the requirement that the head be visible on the video is met and the statutory requirement that the administration of the HGN field sobriety test be video recorded was satisfied. Therefore, the per se dismissal of the charge is not appropriate.

The court also held that even if the video of a field sobriety test is of such poor quality that its admission is more prejudicial then probative, the remedy would not be to dismiss the DUI charge. The remedy would be to redact the field sobriety test from the video and exclude testimony about that test.

D. DISCUSS ABANDONMENT OF A CELL PHONE AND STATE V. BROWN, APPELLATE CASE NO. 2013-000725, OPINION NO. 5355 (CT. APP. 2015)

1. Facts

The two victims shared a first-floor condominium in Charleston County. Neither was home during the evening of Thursday, December 22, 2011. Sometime after 10:30 p.m. that night, one of the victims heard a phone ring after he returned to the residence. When he went to investigate, he saw an unfamiliar cell phone on the floor and noticed a window had been broken, his television was gone, and his bedroom had been ransacked. The victim claimed he "immediately knew that [the cell phone] was none of ours." When the police arrived, the victim who discovered the burglary gave Officer Matthew Randall the unfamiliar cell phone. Officer Randall took the phone to the police station and placed it inside a secure box by the evidence desk. Fingerprints could not be obtained from the phone because the victim had handled it. Attempts to take fingerprint evidence from the crime scene were also unsuccessful. Jordan Lester, the lead detective assigned to the case, began his investigation on December 28, 2011, and learned nobody had claimed the phone found at the crime scene. Considering the phone abandoned, Detective Lester opened the phone and noticed the background picture portrayed a black male with dreadlocks. Detective Lester then searched the contacts list to look for a possible relative. He found an entry for "Grandma," took the corresponding number, entered it into a comprehensive database maintained by the Charleston Police Department, and obtained a list of relatives and their age ranges. Using this information, Detective Lester accessed records of the South Carolina Department of Motor Vehicles (DMV), found a driver's license photograph that matched the image on the phone, and obtained a name and address for the individual in question. The individual was identified as Lamar S. Brown. The trial court initially found Brown had a Fourth Amendment expectation of privacy in the phone because it was passcode-protected. However, the court denied Brown's motion to suppress, concluding that regardless of whether the phone was inadvertently dropped or deliberately discarded at the victims' residence, this expectation of privacy had been abandoned.

2. Issue

Did the trial court's admission of evidence obtained from the warrantless search of Brown's code-locked cell phone violate Brown's Fourth Amendment rights?

3. Analysis and holding

Our supreme court has recognized the doctrine of abandonment as one such exception to the Fourth Amendment warrant requirement. State v. Dupree, 319 S.C. 454, 457, 462 S.E.2d 279, 281 (1995). Under this doctrine, "[a]bandoned property has no protection from either the search or seizure provisions of the Fourth Amendment." Id.; see also United States v. Tugwell, 125 F.3d 600, 602 (8th Cir.1997) ("A warrantless search of abandoned property does not implicate the Fourth Amendment, for any expectation of privacy in the item searched is forfeited upon its abandonment.")."[T]he Fourth Amendment is not triggered unless a person has an actual and reasonable expectation of privacy or unless the government commits a common-law trespass for the purpose of obtaining information." State v. Robinson, 410 S.C. 519, 527, 765 S.E.2d 564, 568 (2014) (citation omitted). Whether such an expectation of privacy has been abandoned "is determined on the basis of the objective facts available to the investigating officers, not on the basis of the owner's subjective intent." Tugwell, 125 F.3d at 602; see also State v. Taylor, 401 S.C. 104, 119, 736 S.E.2d 663, 670–71 (2013) ("Whether a Fourth Amendment violation has occurred turns on an objective assessment of [an officer's] actions in light of the facts and circumstances confronting him at the time. "(alteration by court) (internal quotation marks omitted)). Moreover, in determining whether property has been abandoned in the Fourth Amendment context, the inquiry is not whether the owner of the property has relinquished his or her interest in it such that another, having acquired possession, may successfully assert a superior interest. Dupree, 319 S.C. at 457, 462 S.E.2d at 281. Rather, " 'the question is whether the defendant has, in discarding the property, relinquished his reasonable expectation of privacy so that its seizure and search is reasonable within the limits of the Fourth Amendment. In essence, what is abandoned is not necessarily the defendant's property, but his reasonable expectation of privacy therein.' " Id. (quoting City of St. Paul v. Vaughn, 237 N.W.2d 365, 371 (Minn.1975)).

4. Conclusion

We hold, based on our standard of review, the State presented evidence at the suppression hearing that supported the trial court's finding of abandonment. Thus, we affirm the trial court's decision to admit evidence obtained from the warrantless search of Brown's cell phone.

E. DISCUSS CONSEQUENCES AN OFFICER FACES WHEN HE/SHE IS DISHONEST TO HIS/HER EMPLOYER

1. Regulation 37-026

This regulation addresses the withdrawal of certification of Law Enforcement Officers. Although an officer is certified, he/she may be subject to withdrawal of that certification if one or more of the events listed in the regulation occur. The pertinent portion of the regulation we will discuss today is as follows:

37-026. Withdrawal of Certification of Law Enforcement Officers.

A. A law enforcement officer, certified pursuant to the provisions of R.38-007 and R.38-008, shall have his or her certification as a law enforcement officer withdrawn by the Council upon the occurrence of any one or more of the following events:

…4. Evidence satisfactory to the Council that the officer has engaged in misconduct. For purposes of this section, misconduct means:

…g. Dishonesty with respect to his/her employer;

h. Untruthfulness with respect to his/her employer.

2. Scenario

A scenario will be presented for discussion. The scenario will involve dishonesty by an officer relating to an event (vehicular collision) that would not have been grounds for loss of certification.

It is important to remember that not every grounds for termination rises to the level of behavior defined as "misconduct". Agency policies differ, but there is a difference between "terminated" and "terminated for misconduct". You may be terminated because your particular agency does not tolerate certain behaviors or policy violations. In this case you can move on to another agency and become employed as a law enforcement officer again. This is a very different scenario from one where you are terminated for misconduct- in which case you will not be eligible to be certified as a law enforcement officer.

F. "BACK TO BASICS"- DISCUSS THE "FLEEING FELON RULE" AND TENNESSEE V. GARNER, 471 U.S. 1, (1985)

1. Facts

The police were summoned to stop a suspected burglary. As the police arrived, Victim was seen fleeing the scene of the alleged burglary. An officer saw Victim, and could see that Victim possessed no weapon, and yelled at him to stop. Victim continued to climb the wall to escape at which point he was shot and killed. Victim's father brought this action seeking damages for a violation of the Victim's constitutional rights. The judge found the officer's actions were constitutional. The Appellate Court reversed and the State appealed.

2. Issue

Whether law enforcement officials can use deadly force to prevent the escape of an unarmed suspected felon under the Fourth Amendment of the Constitution of the United States.

3. Analysis and Holding

The Court ruled that the State has not advanced an interest more important than the suspect's life to allow for the use of deadly force. The Court noted that several jurisdictions had explicitly prohibited the use of deadly force to arrest nonviolent suspects. Further, the Court reviewed current police department procedures and found that the use of deadly force to apprehend suspected criminals had been limited the use to violent felonies or felons. The final point the Court made was that the traditional common law rule allowing such force to be used was outdated and unnecessary due to advances and new society views on the use of force. **Dissent.** Justices Rehnquist, O'Connor and the Chief Justice dissented arguing that a deadly seizure analysis should conduct a careful balance between the public interest and the nature of the intrusion on the individual in question. The dissent argued that burglary was a serious felony and that force used could be found to be justified. The dissent criticized the majority for crafting a decision that would allow second guessing of police without providing the officers with adequate guidance on how to proceed in the future.

4. Conclusion

The judgment of the Court of Appeals is affirmed. The reasonableness of a search and seizure had to be determined looking at the manner of the search and how it is carried out. **If an officer has probable cause to believe that the suspect poses the threat of serious bodily harm, either to a fellow officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force.**

III. SUMMARY

This handout addresses issues across a wide spectrum of legal issues. The cases are summarized to offer the officer a shorter, if not easier version for study.

INSTRUCTIONAL CONTENT
BIBLIOGRAPHY

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1. Select case law from the South Carolina Supreme Court.
2. Select case law from the United States Supreme Court.
3. Select case law from the South Carolina Court of Appeals.
4. Select South Carolina Statutes and Regulations.