

# ROLL CALL

## For Law Enforcement/Corrections

February 2026 – Part 2

*(A second Roll Call is being distributed this month because last month's Roll Call was inadvertently not transmitted during a transition of distribution methods).*

### High Risk Critical Task / Use of Force

Name \_\_\_\_\_ Date \_\_\_\_\_

*Any review of law enforcement's use of force must begin by outlining the Constitutional authority on the use of force by law enforcement officers. The basic rule governing use of force is that all uses of force by a law enforcement officer against a free citizen must meet an objectively reasonable standard. In the case of *Graham v. Connor*, the U.S. Supreme Ct. devised a formula for reviewing all uses of force to determine the objective reasonableness of a particular use of force. The most important aspect of *Graham* is the three-factor test in which all uses of force are to be judged. The three Graham factors are:*

1. **Severity of the crime** suspected,
2. Did suspect pose an immediate **threat to the deputy or others**, and
3. Is subject **actively resisting or attempting to escape**.

First, how serious was the offense that the officer suspected was or had been committed? Second, did the suspect pose a physical threat to the officer or some other person present at the scene? Third, was the suspect actively resisting or attempting to evade arrest by flight?

**Scenario:** Late one evening, a deputy on solo patrol observes a car parked awkwardly in front of a closed convenience store. The engine is running, and a male driver is seated behind the wheel. The deputy notes the man appears to be sweating heavily and looking around nervously.

When the deputy approaches and asks if everything is okay, the driver suddenly exits the vehicle and starts walking quickly toward the store entrance, ignoring the deputy's verbal commands to stop. The deputy follows and grabs the man's arm, at which point the man twists away and shouts, "I didn't do anything!"

Believing the man may be attempting to flee or enter the store to harm someone, the deputy performs a takedown, bringing the man to the ground. During the brief struggle, the deputy strikes the man twice in the shoulder area with a closed fist before successfully handcuffing him.

Moments later, backup arrives and learns that the man is diabetic and was suffering from a medical emergency, not committing a crime. The man sustains minor abrasions to his face and arm.

**Question:** Under the standard established in the Supreme Court case *Graham v. Connor* (1989), which of the following best describes how the deputy's use of force should be evaluated?

- A. The use of force was unreasonable because the subject was later found to be suffering from a medical emergency, not a crime.
- B. The use of force should be evaluated based on whether the deputy acted in good faith and intended to protect the subject from harm.
- C. The use of force must be judged objectively based on the facts known to the deputy at the time, considering (1) the severity of the suspected offense, (2) whether the suspect posed an immediate threat to deputies or others, and (3) whether the suspect was actively resisting or attempting to flee.
- D. The use of force was per se excessive because any use of strikes on an unarmed subject is unconstitutional.

**Answer:** "C." Under the *Graham*, the reasonableness of force is judged under the Fourth Amendment's "objective reasonableness" standard. The Court established three core factors to guide the analysis:

1. The **severity of the crime** at issue,
2. Whether the suspect poses an immediate **threat to the safety of officers or others**, and
3. Whether the suspect is **actively resisting arrest or attempting to evade arrest** by flight.

The deputy's decision must be evaluated from the perspective of a reasonable deputy on the scene—not with the benefit of hindsight.

*The others are incorrect because:*

- The fact that the subject was later found to have a medical condition is not determinative.
- Reasonableness depends on what the deputy knew at the time, not what was learned later.
- *Graham* explicitly rejected the "good faith" or subjective intent test. The deputy's motivations are irrelevant; only objective reasonableness matters.
- There is no automatic ("per se") rule that any strikes are excessive. The level of force must be proportional and reasonable based on the totality of circumstances. However, deputies are responsible for knowing the clearly established case law that describes factual scenarios where certain uses of force have previously been determined by the courts to be unreasonable, and deputies must not use force in a way that is "obviously" unreasonable.

*Note:* The content of this Roll Call is derived from the *Law Enforcement High-Risk Critical Task Lesson Plans* of Legal and Liability Risk Management Institute (LLRMI). It has been customized by NIRMA for Nebraska agencies.