

## Ames v. King County

(9th Cir. 2017) 846 F.3d 340

### Issue

Did a sheriff's deputy act reasonably when she forcibly detained a woman who was interfering in a medical emergency?

### Facts

At about 6:30 P.M., Tonja Ames called 911 in King County, Washington and reported that, upon arriving at home from work, she discovered her 22-year old son "incoherent" and "slumped over on the couch drooling." She also reported that she discovered what appeared to be a suicide note. When a fire department ambulance crew and a sheriff's deputy arrived, they encountered Ames outside the house. But when Ames saw that the sheriff's deputy was about to enter she told the deputy to stay outside, that only the firefighters could enter. Because the scene was insecure due to the reported suicide attempt, the deputy told the firefighters to exit the house and told Ames, "If I can't enter the home, then you get no service." Ames then "panicked" and, with the help of neighbors, carried Ames' unconscious son to her truck so that she could drive him to a hospital. The deputy radioed her sergeant and explained the situation and was told to stop them from leaving so that the firefighters could treat the victim immediately. By this time, Ames was inside her truck and, ignoring the deputy's instructions, was about to drive off. So the deputy grasped Ames's hair, which caused Ames to loosen her grip on the steering wheel. The deputy was then able to take Ames down to the ground where she "pushed her knee into Ames's back" while handcuffing her left hand. Because Ames's right hand was pinned under her body, the deputy could not reach it and, apparently thinking the Ames was continuing to resist, "slammed Ames's head into the ground three times," at which point the deputy was able to grab Ames's right hand and handcuff her. Ames's son was then transported to a hospital and survived an apparent drug overdose.

Ames was not charged, but she sued the deputy, claiming, among other things, that she had used excessive force and had unlawfully arrested her. A trial judge ruled that the deputy was entitled to qualified immunity on some charges but not others. The judge then stayed the case so that the deputy could appeal his ruling to the Ninth Circuit.

### Discussion

An officer is entitled to qualified immunity in a civil suit if she can prove that her conduct did not violate the plaintiff's "clearly established" constitutional rights. Thus, if this were an ordinary case, the deputy would have been entitled to qualified immunity only if (1) she reasonably believed that Ames posed a threat to her and, (2) she used only the amount of force that was reasonably necessary. But this was not an ordinary case because Ames presented no threat to the deputy, at least at first. Instead, the person at risk was her son. Did this matter? Not really because, as the court pointed out, the ultimate test was whether the deputy's conduct was reasonable under the circumstances, and that the "[p]roper application" of this test requires that courts consider (1) the "severity of the crime at issue," and (2) "whether the suspect poses an immediate threat to the safety of the officers or others."

Although Ames's initial crime (obstructing) was not severe, the court ruled that in cases where the person at risk was someone other than the suspect, "the better analytical

approach” is to “focus our inquiry not on Ames’s misdemeanor crime of obstruction but instead on the serious—indeed, life-threatening—situation that was unfolding at the time.” Applying this test, the court concluded that “Ames was prolonging a dire medical emergency through her disregard of [the deputy’s] lawful commands, and her actions risked severe consequences.” Consequently, the court concluded that Ames’s son’s “urgent need for life-saving emergency medical care and the need to protect the first responders and other motorists from potential harm—outweighed any intrusion on Ames’s Fourth Amendment rights.”

As noted, the second issue was whether the deputy utilized a reasonable amount of force. Although the amount of force she used was significant (“three head slams and use [of] her knee to pin Ames to the ground”), the court ruled that this did not outweigh the severity of the imminent harm to Ames’s son. As the court pointed out, the deputy was “the lone law enforcement officer at the scene” and that she “needed to act quickly to disable the clearly panicked mother from leaving with her gravely ill son and enable the aid crew immediately to treat [her son].” Accordingly, the court ruled that the level of force that the deputy employed” did not rise to the level of a constitutional violation under these circumstances.” POV

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