

This is an important Fourth Circuit case on the use of deadly force and qualified immunity. This case weighs the balance between a homeowner's right to protect himself in his home with a firearm versus the imminent danger to law enforcement of an armed individual. Feel free to disseminate to staff and agencies as you deem appropriate.

Knibbs v. Momphard - Fourth Circuit Court of Appeals – decided March 30, 2022

Facts:

While responding to a dispute between neighbors, a law enforcement officer shot the plaintiff and killed him, while the plaintiff was standing inside his home holding a loaded shotgun that he had just “racked” in front of the officer. The officer had responded during the night to the plaintiff's home regarding a claim that the plaintiff had set up nails in a shared driveway to disable vehicles. The officer knocked on the plaintiff's door and announced his presence but heard no audible response. He then heard the plaintiff loading a shotgun by “racking” it, preparing it to fire. He ordered the plaintiff to drop the firearm twice, but the plaintiff refused. The officer tried to escape from the porch, but when he saw the plaintiff pointing the shotgun at him from a window, he shot and killed the plaintiff. The plaintiff sued the officer, arguing that the physical evidence did not corroborate the officer's claim that the plaintiff was pointing the shotgun at him. The plaintiff also argued that the officer's decision to seek cover on the porch after hearing the plaintiff rack his shotgun was “reckless and contradicted his training.” At the summary judgment stage, the district court held that the officer was entitled to qualified immunity from the plaintiff's 42 U.S.C. § 1983 claim, on the grounds that he had probable cause to believe that the plaintiff posed an immediate threat of serious physical harm, and therefore acted reasonably in shooting him.

Holding:

Reversed. The Court found that there were underlying factual issues, specifically whether the officer was readily recognizable as a law enforcement officer and whether the plaintiff aimed his gun at the officer, which were in dispute at the summary judgment stage. The Court concluded that, if a jury accepts the plaintiff's version of the events, the officer could be found to have violated the plaintiff's clearly established Fourth Amendment right to possess a firearm in his own home in a nonthreatening manner while investigating a nocturnal disturbance on his premises. The Court argued that is so even after the homeowner hears the officer announce himself—but cannot visually verify that to be true—and ignores commands to drop the weapon. The Court contended that an officer's announcement of his presence is not dispositive in assessing whether an officer reasonably feared for his or her life before using deadly force. Rather, it must be considered under the totality of the circumstances, which the Court considered along with the lack of light at the house and the officer's failure to activate the blue emergency light equipment on his patrol vehicle.

Bottom Line:

The officer did not get qualified immunity at the summary judgment phase. Since there were factual disputes on the imminency of the threat (whether the plaintiff aimed his firearm at the officer), the case will go to trial. The Court concluded that it was clearly established that an officer may not use deadly force against a homeowner who possesses a firearm inside his own home while investigating a nocturnal (nighttime) disturbance but does not aim the weapon at the officer or otherwise threaten him with imminent deadly harm. Plaintiff has a clearly established Fourth Amendment right to possess a firearm in his own home in a nonthreatening manner while investigating a disturbance on his premises in the nighttime.

Full Case At: <https://www.ca4.uscourts.gov/opinions/202243.P.pdf>