Machetes and Mindsets: The Tenth Circuit's Take on Mental Health Crises and Use of Force in Flores v. Henderson

Description

The United States Court of Appeals for the Tenth Circuit recently delivered a decision in *Flores v. Henderson*, a case stemming from a tragic encounter involving Shamikle Jackson and four Aurora police officers. The lawsuit was filed by Jackson's parents after a fatal confrontation between their son and the officers, which began with a distressing 911 call and ended in Jackson's death. This case highlights the complex challenges police officers face when responding to mental health crises and emphasizes the profound consequences of split-second decisions made under intense pressure.

The events of the case began in 2019 when Shamikle Jackson called 911, reporting that two individuals were dead inside an apartment and claiming to be holding others hostage. Upon arriving at the apartment complex, the responding officers first spoke with Jackson's sister. She provided a different account from what Jackson had reported, informing the officers that her brother was alone, unarmed, and likely experiencing a mental health crisis. Despite this, the situation escalated quickly when Jackson unexpectedly emerged from a bedroom wielding a machete. In response to what they perceived as an immediate threat, the officers made a split-second decision to use lethal force, which resulted in Jackson's death.

At the district court level, the officers moved for summary judgment on the basis of qualified immunity, which shields government officials from liability unless they violate clearly established constitutional rights. The court, however, denied the motion, finding that a reasonable jury could determine that the officers' actions recklessly created the need for deadly force and violated Jackson's constitutional rights. The officers then appealed to the Tenth Circuit.

On appeal, the Tenth Circuit reversed the lower court's decision, ruling that the officers did not unreasonably violate Jackson's Fourth Amendment rights under clearly established law and, as such, were entitled to qualified immunity.

The Court's analysis began by examining the level of threat posed to the officers, utilizing a set of non-exclusive factors: (1) whether the officers instructed the suspect to drop his weapon and whether the suspect complied, (2) whether the suspect made hostile movements with the weapon toward the officers, (3) the distance between the officers and the suspect, and (4) the apparent intentions of the suspect.

In this case, the Court emphasized several key facts: Jackson's refusal to comply with commands to raise his hands, his aggressive movement toward the officers while holding a machete, his close proximity to the officers, and his apparent intent to harm them. Collectively, these factors led the court to conclude that the officers' decision to use lethal force was justified under the circumstances.

In response to the plaintiffs' argument that Officer Henderson provoked the need to use deadly force, the Court considered whether any reasonable officer in Henderson's position would have known that his actions recklessly created an unreasonable risk of harm. The Court determined that Officer

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Henderson's decision to proceed down the hallway toward Jackson's bedroom was not reckless, given the exigent circumstances. Henderson had reason to believe there was an immediate need to search Jackson's apartment to ensure the safety of others, even though conflicting information had been provided by Jackson and his sister.

The Tenth Circuit also addressed the plaintiffs' reliance on prior cases to argue that the law was clearly established in this situation. However, the Court distinguished the present case from the ones cited by the plaintiffs, noting that in those cases, the officers knew more definitive details about the suspect's threat level, such as whether the suspect was armed or posed an actual threat to others. In contrast, the officers in *Flores v. Henderson* were operating under uncertainty due to the conflicting information provided by Jackson and his sister.

Finally, the Court briefly considered the plaintiffs' claim that the other officers involved failed to intervene to prevent Officer Henderson from violating Jackson's constitutional rights. Since the Court had already determined that Officer Henderson did not violate Jackson's clearly established rights, it found no basis for a claim of failure to intervene.

In conclusion, *Flores v. Henderson* underscores the immense challenges law enforcement officers face when responding to mental health crises. The case serves as a reminder of the importance of making swift and accurate decisions in life-threatening situations, ensuring that actions taken are both legally justified and tactically sound.

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