

42 U.S.C. 1983 – USE OF FORCE

Estate of Corey Hill v. Miracle, 2017 WL 1228553 (6th Cir. 2017) Decided April 4, 2017

FACTS: In June 2013, Hill suffered from low blood sugar and went into a diabetic emergency. His girlfriend, Worrall, called EMS. Two EMS units, with four paramedics, arrived. Finding him disoriented, Paramedic Streeter tried to talk to him, explaining what he needed to do, but Hill was “agitated and combative.” He pulled away from Streeter’s attempt to do a finger prick for blood. Finally, Streeter was successful, and found Hill’s blood sugar to be critically low, at 38. (Such a low blood sugar commonly results in combative behavior, confusion and potentially, life-threatening seizures.)

Deputy Miracle (Oakland County, MI, Sheriff’s Office) arrived, as was protocol in such medical calls. He was familiar with the signs of a diabetic emergency as well. When the deputy came into the room, the paramedics were trying to insert an IV to administer dextrose to raise Hill’s blood sugar, but Hill was resisting. Streeter finally got the catheter inserted, but a “completely disoriented Hill” swung on Streeter, ripping the catheter out and causing a spray of blood. Streeter continued to try to stop the bleeding while the other paramedics tried to hold Hill down.

Miracle, who at this point, had not yet used any physical restraints, told Hill to relax, to no avail. He told Hill that he was going to use his Taser. He then deployed his Taser in drive-stun mode to Hill’s thigh, which caused him to be still long enough for Streeter to get the IV restarted and dextrose into Hill’s bloodstream. As soon as it took effect, Hill immediately “became an angel” and was “very apologetic” for what had happened.

Hill appeared to be uninjured and recovering from his diabetic emergency, but was transported for evaluation. His blood sugar, by that point, was normal. A minor puncture wound was visible but appeared to need no treatment.

Hill filed suit against Miracle, under 42 U.S.C. §1983, claiming excessive force for the Taser use. He also brought Michigan claims of assault and battery and intentional infliction of emotional distress. He argued that the Taser use worsened his diabetes and that he had a burn on his leg as well. Hill died a few months after filing the lawsuit, from diabetes, and his Estate Representative took over the lawsuit. Miracle moved for summary judgement, which was denied, in major part, by the District Court. Miracle appealed.

ISSUE: May a Taser be used to momentarily subdue a patient in a medical emergency, who is actively resisting life-saving treatment?

HOLDING: Yes

DISCUSSION: Miracle argued that he was entitled to qualified immunity. “Qualified immunity shields “government officials “from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” This doctrine “balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.”¹

In such cases, two questions must be asked: “(1) whether the officer violated the plaintiff’s constitutional rights under the Fourth Amendment; and (2) whether that constitutional right was clearly established at the time of the incident.”² This analysis can be performed in any order.³

¹ Pearson v. Callahan, 555 U.S. 223 (2009) (quoting Harlow v. Fitzgerald, 457 U.S. 800 (1982)).

² Kent v. Oakland County, 810 F.3d 384, 390 (6th Cir. 2016).

³ Pearson, supra.

An excessive force claim also requires the use of the objective-reasonableness test – “whether the officers’ actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.”⁴ The District Court, using the Graham factors, found Miracle’s action to be unreasonable, because he had not committed a crime nor was he resisting arrest. However, Graham does not easily apply to a medical emergency, and in fact, the court failed to see the proverbial forest for the trees. The Court noted that it had not previously provided any guidance to the “present atypical situation.”

The closest case in the Sixth Circuit, the Court noted, is Caie v. West Bloomfield Township.⁵ In that case, the Court held that the use of the Taser against a drug-impaired subject was appropriate. In such cases, the Court agreed that a “more tailored set of factors be considered in the medical-emergency context, always aimed towards the ultimate goal of determining “whether the officers’ actions are objectively reasonable in light of the facts and circumstances confronting them.”

Where a situation does not fit within the Graham test because the person in question has not committed a crime, is not resisting arrest, and is not directly threatening the officer, the court should ask:

- (1) Was the person experiencing a medical emergency that rendered him incapable of making a rational decision under circumstances that posed an immediate threat of serious harm to himself or others?
- (2) Was some degree of force reasonably necessary to ameliorate the immediate threat?
- (3) Was the force used more than reasonably necessary under the circumstances (i.e., was it excessive)?

If the answers to the first two questions are “yes,” and the answer to the third question is “no,” then the officer is entitled to qualified immunity.

Using its new analysis tool, the Court agreed that Miracle’s actions were, in fact, appropriate, as Hill posed an immediate threat to both himself and others. It noted that given that four paramedics had been unable to control Hill, it could not fault Miracle for “not joining the fray.” It could also not fault Miracle for his decision to use the Taser in an attempt to minimize the risk of injuring Hill further in a physical altercation.

The Court agreed, “Miracle acted in an objectively reasonable manner with the minimum force necessary” to allow treatment to be administered to Hill. The Court reversed the denial of summary judgement and remanded the case with instructions to dismiss with prejudice.

⁴ Graham v. Connor, 490 U.S. 386 (1989).

⁵ 485 Fed.Appx. 92 (6th Cir. 2012).