

The_Legal_Principles_Announced_In_Graham_V._Connor.edited.docx

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The Legal Principles Announced In Graham V. Connor

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The Legal Principles Announced In Graham V. Connor

The case of Graham v. Connor addressed how law enforcement officers must confront investigative stops and apply force. The Apex court ruled in 1989 that one must assess complaints of excessive force under the 4th Amendment's unbiased, rational criterion. This guideline obliges judges to contemplate the particulars and variables affecting a police officer's use of excessive force instead of the officer's stated aim or inspiration during the use of force (Szkarlát, 2020). The legal principles involve whether the courts should assess the excessive use of force claims under the 4th, 8th, or 14th Amendments.

The Apex court overturned previous lower court orders that invoked the 14th Amendment. The court considered intentions, like whether police officers used force in "due diligence" or with "nefarious or inhumane" intension. The term "cruel and inhumane" contents of the text of the Eighth Amendment further called for subjective cognizance. The court determined that objective factors will be the only vital determinants when assessing assertions of excessive force, making the Fourth Amendment the primary means of assessment.

The Graham v. Connor case has essential significance to law enforcement. As per Szkarlát (2020), the case formulated a series of regulations that officers must follow when conducting investigations and using force against a person of interest. An officer should be capable of articulating the simple truths and circumstances leading to using force under Graham v. Connor. The decision disproved pre-existing beliefs that an officer's feelings, motivation, or desire should influence unreasonable stops, searches and seizures. Instead of depending on gut instincts or good conscience, police officers

are required to highlight the honest and reasonable factual information that supports their argument. In addition, since they rely on interpersonal criteria, the 14th and Eighth Amendments are inconsequential when evaluating the use of force.

References

Szkarlat, E. (2020). Systemic Inequality! Not Secure in Their Persons: Bridging Garner and Graham. *Fordham Law Review Online*, 89(1), 22.

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