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Supreme Court Reaffirms Constitutional Protections for Citizens Shot by Police Officers

Today, the United States Supreme Court reaffirmed an important Fourth Amendment protection for victims of police violence in the case of *Torres v Madrid*. As the Court held, police may not violate someone’s constitutional rights by using excessive force—in this case, shooting a person—if that person is able to escape.

In February 2020, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an amicus brief urging the Court to reach the result it did today, because any other rule would leave many innocent victims of police violence without a legal remedy and would be particularly devastating for Black communities.

“The Supreme Court’s ruling comes at a moment when America is grappling with police violence against Black communities, and critically reaffirms that a Fourth Amendment seizure occurs when police use physical force on an individual, regardless of whether the individual is able to escape,” said LDF Assistant Counsel Kevin E. Jason. “In correcting the Tenth Circuit’s rule to the contrary, the Supreme Court ensures that those who are subject to police violence will have access to the legal protections and remedies afforded to them by the Constitution.”

On July 15, 2014, two New Mexico State Police officers approached plaintiff Roxanne Torres while looking for another individual. Ms. Torres, believing the officers were carjackers, entered her vehicle and started to drive away. The officers fired 13 bullets at her, striking her twice in the back. Before the situation escalated further, Ms. Torres was able to drive away from the scene. Ms. Torres filed a complaint alleging that the officers had used excessive force by shooting her. The District Court granted summary judgment to the officers and the Tenth Circuit affirmed, finding that the shooting did not constitute a “seizure” because Ms. Torres was able to drive away.

“This ruling is particularly important given how law enforcement uses weapons to oppress and intimidate Black communities,” said LDF Assistant Counsel Ashok Chandran. “By affirming its prior decisions defining the concept of seizure broadly, the Court has ensured that police officers who use excessive force cannot evade accountability because the victim of police violence manages to escape.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to

shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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