



## WSNIA LAW ENFORCEMENT LEGAL UPDATE September, 2026

### LAW ENFORCEMENT TRAINING BULLETIN

#### RECENT U.S. SUPREME COURT DECISIONS FOR LAW ENFORCEMENT

Barnes v. Felix • Zorn v. Linton • District of Columbia v. R.W.

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In three important decisions issued in 2025 and 2026, the U.S. Supreme Court corrected some of the federal appellate courts for applying Fourth Amendment principles incorrectly. The common lesson from the Court was simple: do not analyze police conduct by isolating one fact or one moment. Look at the whole picture.

But there is an equally important second lesson: for qualified immunity, the law must be sufficiently specific that existing precedent clearly established that the officer's particular conduct was unconstitutional at the time the incident occurred.

#### 1. BARNES v. FELIX, 605 U.S. 73, 145 S. Ct. 1353 (2025); Fifth Circuit — Excessive Force

Officer Roberto Felix stopped Ashtian Barnes for suspected toll violations and to ascertain who was the operator of the car. After the officer made contact with Barnes, Barnes subsequently tried to drive away while Felix was on the vehicle's doorsill. Felix fired two shots while Barnes attempted to accelerate his car along the guard rail of a busy highway as the officer clung to the side of the speeding car. Barnes stopped the car after being shot and he died on scene.

The Fifth Circuit applied its "moment-of-threat" rule, essentially limiting the constitutional analysis regarding the application of force to approximately seconds before the shots were fired by the officer. The court strictly looked from that moment and inquired if the

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application of force was objectively reasonable and necessary at that moment and the seconds preceding it. Accordingly, the court sided with the officer's decision to shoot.

#### SUPREME COURT'S HOLDING

The Supreme Court unanimously rejected that approach ("moment-of-threat" analysis). The Court held that the Fourth Amendment requires courts to consider the "totality of the circumstances," including relevant events leading up to the climactic moment of force. The Supreme Court therefore vacated the Fifth Circuit's judgment and remanded the case back to the lower court.

#### WHAT OFFICERS SHOULD LEARN FROM THIS DECISION:

Do not assume a court will examine only the final seconds before the application of any type of force by a police officer. Relevant circumstances will include:

- What initiated the encounter
- What the officer knew
- What the suspect did beforehand
- Commands and warnings
- Resistance or flight
- Officer and suspect positioning
- Available alternatives to any application of force
- Escalation of the encounter was caused by which party
- The immediate threat and how does the officer articulate that factor

#### IMPORTANT LIMITATION

Barnes did not hold that Officer Felix's shooting was unconstitutional. It also did not establish a categorical rule that an officer's earlier conduct automatically makes subsequent force

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unreasonable. The Supreme Court only rejected the artificially narrow "moment-of-threat" approach taken by the appellate court and required consideration of all relevant circumstances.

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#### 2. ZORN v. LINTON, 607 U.S. 568, 146 S. Ct. 926 (2026); Second Circuit — Excessive Force / Qualified Immunity

Police were removing protesters from the Vermont State Capitol building after they refused to leave and after the police had provided a dispersal order. Sergeant Jacob Zorn repeatedly asked Shela Linton to stand up and voluntarily leave and warned her that he would use additional force to get her to comply with his lawful order. When she continued to refuse, Zorn used a rear wristlock, applied pressure to her wrist, and lifted her to her feet. The restraint holds that he used were all agency approved techniques. Based on the facts presented by both parties, the district court granted Zorn qualified immunity in the litigation initiated by Linton (suing for excessive force). The Second Circuit reversed the lower court's decision, relying principally on the holding in *Amnesty America v. Town of West Hartford*, 361 F.3d 113 (2d Cir. 2004).

#### SUPREME COURT'S HOLDING

The Supreme Court reversed the Second Circuit. The Court held that the Second Circuit had failed to identify a case involving sufficiently similar circumstances as seen in Zorn that clearly established Zorn's conduct as unconstitutional thus putting the officer on notice of his unconstitutional conduct. The Court emphasized that qualified immunity requires precedent with a "high degree of specificity." The Court specifically noted that *Amnesty America* did not clearly establish that using a routine wristlock on a resistant protester after being given warnings, without more, violated the Fourth Amendment.

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#### WHAT OFFICERS SHOULD LEARN FROM ZORN:

The Court held that previous cases did not clearly state that using a wristlock on a passive protester after giving multiple warnings was a violation of the Fourth Amendment. The Court reasoned that, because there was not a rule “beyond debate” against Zorn’s specific actions at the time, he was entitled to qualified immunity for his action of applying the wristlock.

The important questions to ask in such an encounter include:

- Why was force used?
- What was the subject doing or not doing?
- What type of resistance (specifically describe) existed?
- Were commands given?
- Were warnings given?
- What was the officer trying to accomplish?
- How was the technique applied?
- How long was it applied for?
- When did the officer stop using force and did he assess and reassess during the encounter?

#### IMPORTANT LIMITATION

Zorn did NOT hold that wristlocks are always constitutional. It held that Zorn was entitled to qualified immunity because existing precedent did not clearly establish that his conduct (application of the wristlock in that scenario) was unconstitutional.

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### 3. DISTRICT OF COLUMBIA v. R.W., 608 U.S. \_\_\_\_ (2026); D.C. Court of Appeals — Reasonable Suspicion

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This case involved Metropolitan Police Officer Clifford Vanterpool. At approximately 2:00 a.m., Officer Vanterpool was dispatched to investigate a suspicious vehicle in a residential area. When he arrived, he saw two people immediately flee from the vehicle as he approached it. The vehicle's door remained open, and the driver, R.W., began backing out of the parking space. The officer ordered R.W. to stop moving the car. He complied. Evidence obtained after this stop led to R.W., a juvenile, being charged with unauthorized use of a motor vehicle, felony receipt of stolen property, unlawful entry of a motor vehicle, and operating a vehicle without a permit. The D.C. Court of Appeals held that the officer lacked reasonable suspicion and granted the defendant's motion to suppress.

### SUPREME COURT'S HOLDING

The Supreme Court reversed. The Court held that Officer Vanterpool had reasonable suspicion based upon the "totality of the circumstances" of the encounter. The Supreme Court specifically criticized the D.C. Court of Appeals for effectively removing two important facts from its analysis:

1. The details of the dispatch call for service regarding the suspicious vehicle; and
2. The unprovoked flight of the passengers upon the arrival of the police officer in the marked unit.

The Supreme Court called the lower court's analysis a prohibited "divide-and-conquer" approach to reasonable suspicion. The Court criticized the D.C. Court of Appeals for analyzing the facts in isolation and "excising" key factors from its analysis. Instead, the Supreme Court explained, courts must consider the "whole picture." Here, the combination of a late-night dispatch about a suspicious vehicle, the unprovoked flight of two passengers, and the driver's attempt to back away with a door open provided a particularized and objective basis for suspecting wrongdoing. The Court noted that reasonable suspicion does not require ruling out

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innocent explanations for behavior, and that officers are permitted to make commonsense judgments about human conduct.

#### WHAT OFFICERS SHOULD LEARN

Reasonable suspicion does not require every individual fact to establish criminal activity by itself. Instead, officers may consider the combined significance of multiple facts.

In R.W., those facts included:

- Late hour of the encounter
- Suspicious-vehicle dispatch
- Two occupants fleeing when police arrived
- Open vehicle door
- Driver immediately backing away and attempting to leave the scene
- The unusual combination of those circumstances

The Court concluded that the circumstances collectively provided a particularized and objective basis for suspecting criminal activity.

#### IMPORTANT LIMITATION

R.W. does not mean, "flight always creates reasonable suspicion." Nor does it mean, "being near suspicious people automatically justifies a stop." The Supreme Court expressly recognized that circumstances must be evaluated in context.

#### OFFICER CHECKLIST

Based on a review of these three cases and the holding of the U.S. Supreme Court, there are some key points to be made:

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#### BEFORE OR DURING A VEHICLE OR PEDESTRAIN STOP:

Ask:

- What information caused me to investigate this person?
- What specific facts did I personally observe?
- What did witnesses or dispatch tell me?
- What unusual behavior did I observe?
- What facts, taken together, created reasonable suspicion?
- Am I relying on a fact or merely a hunch?
- What are the environmental factors regarding the encounter (at night, raining, outnumbered, criminally active area, etc)? Remember, the body worn camera does not necessarily capture everything on scene.

Remember *District of Columbia v. R.W.*:

Document the whole picture—not just some of it.

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#### BEFORE USING FORCE IN AN ENCOUNTER...

Ask:

- What is the subject doing right now?
- What did the subject do immediately before this?
- Is the subject attacking, resisting, fleeing, reaching, advancing, or refusing?
- Is there a weapon or potential weapon?
- Who else is at risk?
- What commands or warnings have been given?
- What is the distance between the officer and the subject?
- What force is reasonably necessary under the circumstances?

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- Has the situation changed? Assess? Reassess?

Remember Barnes:

Consider the “totality of the circumstances.”

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### AFTER FORCE IS APPLIED IN AN ENCOUNTER

Ask:

- What changed after I applied force?
- Did the subject continue resisting?
- Did the threat end?
- When did I stop using force?
- Can I explain why the force was reasonable and necessary at the time it was used?
- Can I explain what I knew without using hindsight?

Remember the holdings in Barnes and Zorn:

Explain the circumstances of the entire encounter—not merely the application of force.

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### REPORT-WRITING CHECKLIST

A strong report should identify:

- The reason for the initial contact
- Information known before contact

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- Specific observations
- Subject behavior
- Commands given
- Subject response
- Warnings given
- Resistance encountered
- Threat perceived
- Force used
- Why that force was selected
- Duration of force
- Changes in the subject's behavior
- When force ended
- Injuries observed or reported
- Relevant video or other objective evidence

Avoid:

"The subject resisted, so I used force."

Better:

Describe exactly what the subject did, what you perceived, what you did, and why you believed the force was necessary at that moment.

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#### THE TAKEAWAY FOR POLICE OFFICERS...

The Supreme Court's message in *Barnes* and *R.W.* is straightforward: don't just give a court the details of the few moments before the application of force. Provide a detailed and comprehensive explanation on how the encounter came about and how it ended. Also, don't rely on labels and conclusionary words. Articulate the specific facts that made your decision reasonable and necessary. For officers: Facts → Context → Totality → Decision → Articulation

Be safe! DD

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