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UNITED STATES SUPREME COURT REJECTS “MOMENT OF THREAT” DOCTRINE:

What it Means for Use of Force and Officer Decision Making

Barnes v. Felix
605 U.S. No. 23-1239 (2025)

In a landmark decision, the U.S. Supreme Court rejected the so-called "**moment-of-threat**" doctrine used by several lower courts when assessing the constitutionality of police use of force.

The case, *Barnes v. Felix*, reaffirms and strengthens the constitutional requirement to evaluate the **totality of the circumstances** under the Fourth Amendment when determining whether an officer's use of force is "**objectively reasonable**."

A police officer's use of force violates the 4th Amendment when it is not "objectively reasonable." To determine "objectively reasonable," one must give "careful attention to the facts and circumstances" relating to the incident, as then known to the officer. In other words, the "in-the-moment" facts cannot be sealed off from the context in which they arose.

Before this case was decided, some lower courts reviewing claims of excessive force imposed a legal standard that narrowed the analysis of the force to only the instant – or "moment" – the officer perceived a threat. In other words, the moment-of-threat standard asked only whether the officer was "in danger at the moment of the threat that resulted in the use of deadly force". Under this standard, events leading up to the shooting or use of force were not considered relevant.

On May 15, 2025, the U.S. Supreme Court issued a unanimous and significant decision rejecting the Moment-of-Threat Doctrine as "improperly narrowing" the Fourth Amendment analysis. The Supreme Court ruled that the law requires courts to consider all the relevant circumstances, including facts and events leading up to the force used.

***Barnes v. Felix* Facts:**

On April 28, 2016, Officer Felix initiated a traffic stop on a vehicle flagged for toll violations.

Officer Felix approached the driver's side window and asked Barnes for his ID and proof of insurance, which Barnes said he might have in the trunk. Dash-cam footage of the incident showed Officer Felix at the driver's side window during the encounter and the trunk popping open before the car abruptly accelerated. Officer Felix jumped up onto the open doorframe with his weapon drawn as the car continued to accelerate and fired two shots into the vehicle, killing Barnes.

Barnes' parents sued Felix claiming he used excessive force in violation of Barnes' 4th



Amendment rights. The District Court and the Fifth Circuit Court of Appeals granted summary judgment to Officer Felix, applying the “Moment-of-Threat” analysis. These courts limited their review of the circumstances to the two seconds when Felix was clinging to the moving vehicle and found no constitutional violation because a reasonable officer would believe they were at serious risk of harm while hanging onto a moving vehicle.

Applying the moment-of-threat standard, the Fifth Circuit did not consider what transpired during the initial traffic stop in its analysis. Instead, the court only looked at Officer Felix’s decision to use deadly force when he was already hanging onto the moving car.

Barnes’ family petitioned the U.S. Supreme Court to overturn the Fifth Circuit’s use of the moment-of-threat doctrine, arguing Officer Felix’s choice to step onto the car escalated the situation and contributed to the use of deadly force.

What did the Supreme Court decide?

The Supreme Court, drawing from *Graham v. Connor*’s standard that force used must be objectively reasonable from the perspective of a reasonable officer at the scene, held that the inquiry into the reasonableness of police force requires analyzing the facts and circumstances relating to the incident – in other word, analyzing the incident using the well-known ‘totality of the circumstances’ standard. Under this standard, ‘totality’ has no per se time limit. So, while the situation at the precise time of the shooting will often matter most, facts and

circumstances that occurred prior to the shooting may bear on how a reasonable officer understood and responded to the threat. In other words, context surrounding the officer’s determination to use force matters in determining whether the force was objectively reasonable.

The Supreme Court ruled that all excessive force cases must be analyzed using the totality of the circumstances test, which considers “any relevant events coming before” the use of force.

What’s the Impact on Law Enforcement?

The Supreme Court left open the question of whether an officer’s conduct leading up to the use of force (i.e. “creation of a dangerous situation”) factors into the reasonableness analysis.

With that question remaining open, you must properly document the reasonableness of your actions leading up to the force within the context of a rapidly evolving situation when split-second decisions are made. Officers must be able to articulate the entire sequence of events that shaped the perception of danger, not just the final seconds.

It’s crucial to remember that giving warnings, using de-escalation techniques, and attempting other force options are tactical decisions that could make up the totality of the circumstances and matter now more than ever in litigation.

Stay Safe and Informed!

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