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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

COUNTY OF SACRAMENTO ET AL. *v.* LEWIS ET AL., PERSONAL REPRESENTATIVES OF THE ESTATE OF LEWIS, DECEASED

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 96–1337. Argued December 9, 1997– Decided May 26, 1998

After petitioner James Smith, a county sheriff's deputy, responded to a call along with another officer, Murray Stapp, the latter returned to his patrol car and saw a motorcycle approaching at high speed, driven by Brian Willard, and carrying Philip Lewis, respondents' decedent, as a passenger. Stapp turned on his rotating lights, yelled for the cycle to stop, and pulled his car closer to Smith's in an attempt to pen the cycle in, but Willard maneuvered between the two cars and sped off. Smith immediately switched on his own emergency lights and siren and began high-speed pursuit. The chase ended after the cycle tipped over. Smith slammed on his brakes, but his car skidded into Lewis, causing massive injuries and death. Respondents brought this action under 42 U. S. C. §1983, alleging a deprivation of Lewis's Fourteenth Amendment substantive due process right to life. The District Court granted summary judgment for Smith, but the Ninth Circuit reversed, holding, *inter alia*, that the appropriate degree of fault for substantive due process liability for high-speed police pursuits is deliberate indifference to, or reckless disregard for, a person's right to life and personal security.

Held: A police officer does not violate substantive due process by causing death through deliberate or reckless indifference to life in a high-speed automobile chase aimed at apprehending a suspected offender. Pp. 5–21.

(a) The "more-specific-provision" rule of *Graham* v. *Connor*, 490 U. S. 386, 395, does not bar respondents' suit. *Graham* simply requires that if a constitutional claim is covered by a specific constitu-

tional provision, the claim must be analyzed under the standard appropriate to that specific provision, not under substantive due process. *E.g.*, *United States* v. *Lanier*, 520 U. S. ___, ___, n. 7. Substantive due process analysis is therefore inappropriate here only if, as *amici* argue, respondents' claim is "covered by" the Fourth Amendment. It is not. That Amendment covers only "searches and seizures," neither of which took place here. No one suggests that there was a search, and this Court's cases foreclose finding a seizure, since Smith did not terminate Lewis's freedom of movement through means intentionally applied. *E.g.*, *Brower* v. *County of Inyo*, 489 U. S. 593, 597. Pp. 7–10.

(b) Respondents' allegations are insufficient to state a substantive due process violation. Protection against governmental arbitrariness is the core of due process, *e.g.*, *Hurtado* v. *California*, 110 U. S. 516, 527, including substantive due process, see, *e.g.*, *Daniels* v. *Williams*, 474 U. S. 327, 331, but only the most egregious executive action can be said to be "arbitrary" in the constitutional sense, *e.g.*, *Collins* v. *Harker Heights*, 503 U. S. 115, 129; the cognizable level of executive abuse of power is that which shocks the conscience, *e.g.*, *id.*, at 128; *Rochin* v. *California*, 342 U. S. 165, 172–173. The conscience-shocking concept points clearly away from liability, or clearly toward it, only at the ends of the tort law's culpability spectrum: Liability for negligently inflicted harm is categorically beneath the constitutional due process threshold, see, *e.g.*, *Daniels* v. *Williams*, 474 U. S., at 328, while conduct deliberately intended to injure in some way unjustifiable by any government interest is the sort of official action most likely to rise to the conscience-shocking level, see *id.*, at 331. Whether that level is reached when culpability falls between negligence and intentional conduct is a matter for closer calls. The Court has recognized that deliberate indifference is egregious enough to state a substantive due process claim in one context, that of deliberate indifference to the medical needs of pretrial detainees, see *City of Revere* v. *Massachusetts Gen. Hospital*, 463 U. S. 239, 244; cf. *Estelle* v. *Gamble*, 429 U. S. 97, 104, but rules of due process are not subject to mechanical application in unfamiliar territory, and the need to preserve the constitutional proportions of substantive due process demands an exact analysis of context and circumstances before deliberate indifference is condemned as conscience-shocking, cf. *Betts* v. *Brady*, 316 U. S. 455, 462. Attention to the markedly different circumstances of normal pretrial custody and high-speed law enforcement chases shows why the deliberate indifference that shocks in the one context is less egregious in the other. In the circumstances of a high-speed chase aimed at apprehending a suspected offender, where unforeseen circumstances demand an instant judgment on the part of an officer who feels the

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pulls of competing obligations, only a purpose to cause harm unrelated to the legitimate object of arrest will satisfy the shocks-the-conscience test. Such chases with no intent to harm suspects physically or to worsen their legal plight do not give rise to substantive due process liability. Cf. *Whitley* v. *Albers*, 475 U. S. 312, 320–321. The fault claimed on Smith's part fails to meet this test. Smith was faced with a course of lawless behavior for which the police were not to blame. They had done nothing to cause Willard's high-speed driving in the first place, nothing to excuse his flouting of the commonly understood police authority to control traffic, and nothing (beyond a refusal to call off the chase) to encourage him to race through traffic at breakneck speed. Willard's outrageous behavior was practically instantaneous, and so was Smith's instinctive response. While prudence would have repressed the reaction, Smith's instinct was to do his job, not to induce Willard's lawlessness, or to terrorize, cause harm, or kill. Prudence, that is, was subject to countervailing enforcement considerations, and while Smith exaggerated their demands, there is no reason to believe that they were tainted by an improper or malicious motive. Pp. 10–21.

98 F. 3d 434, reversed.

SOUTER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and O'CONNOR, KENNEDY, GINSBURG, and BREYER, JJ., joined. REHNQUIST, C. J., filed a concurring opinion. KENNEDY, J., filed a concurring opinion, in which O'CONNOR, J., joined. BREYER, J., filed a concurring opinion. STEVENS, J., filed an opinion concurring in the judgment. SCALIA, J., filed an opinion concurring in the judgment, in which THOMAS, J., joined.