

## Fatal Force and Front Doors: Fifth Circuit Considers Fourth Amendment Framework in *Bakutis v. Dean*

### Description

The United States Court of Appeals for the Fifth Circuit recently issued its opinion in *Bakutis v. Dean*, a case that provides guidance on the use of deadly force under the Fourth Amendment and examines the boundaries of the community caretaking exception to the warrant requirement. The Court was tasked with considering whether a Fort Worth police officer was entitled to qualified immunity after fatally shooting Atatiana Jefferson during a late-night welfare check.

### Factual Background

On October 12, 2019, Fort Worth police officers responded to an “open structure” call from one of Atatiana Jefferson’s neighbors, who reported his concern after seeing that Jefferson’s front door was open at 2:25 a.m. The neighbor also mentioned that Jefferson’s door was typically closed. Following department policy, the officers parked nearby with their lights off and peered through the front door’s screen window. The officers initiated a perimeter sweep of the property, inspecting vehicles in the driveway and shining flashlights through windows and doors. The officers finished the perimeter sweep by opening a gate on the side of the home and shining Dean’s flashlight through a window to look for a disturbance. Around 2:30 a.m., Jefferson became aware that someone was outside her home. Unknown to the officers at the time, Jefferson was supervising her nephew, who had stayed up late playing video games and had left the front door open earlier to let in the evening air. Hearing movement outside and unaware of the officers’ presence, Jefferson approached the window. At that moment, Dean pulled his weapon and pointed it at the window, as his vision was obstructed by the flashlight’s reflection.

Without announcing himself as law enforcement, the officer issued a command: “Put your hands up! Show me your hands!” and fired his weapon before completing the command. Both officers entered the home and attempted to give CPR to Jefferson, but despite these efforts, the shot fatally wounded Jefferson. Jefferson’s estate brought suit against Dean, alleging excessive use of force and unreasonable search and seizure based on the property sweep. Hearing the case at the outset, the district court denied Dean’s motion to dismiss based on qualified immunity for both claims. The officer appealed, seeking review by the Fifth Circuit.

### United States Court of Appeals for the Fifth Circuit

When the case reached the Fifth Circuit, the court affirmed the district court’s judgment regarding the excessive force claim, holding that Dean’s use of deadly force without warning was objectively unreasonable under clearly established law. However, the court reversed the district court’s judgment on the unreasonable search claim, finding that Dean was performing a community caretaking function and that there was no clearly established law indicating his actions were unreasonable.

The Court began by tackling the unreasonable search claim. The Court explained that when Officer Dean responded to the call, he was acting in a community caretaking capacity. Citing *Caniglia v. Strom*,

593 U.S. 194, 196 (2021), the Court explained that there is no standalone community caretaking doctrine that exempts all searches and seizures in the home from the Fourth Amendment; therefore, each community caretaking function must be evaluated independently. Here, even if the officers suspected criminal activity, the police were not searching Jefferson's property or home to find evidence of a crime committed by its residents. Instead, the police were exercising a community caretaking function—checking to make sure Jefferson and the other residents of the home were safe.

The Court criticized the district court's application of the qualified immunity analysis, stating that the standard was applied backwards. The Fifth Circuit clarified that it is the plaintiff, Bakutis's, burden to produce binding caselaw establishing that Dean's perimeter sweep of the home in response to an "open structure call" was objectively unreasonable under the Fourth Amendment. Because neither the Supreme Court nor the Fifth Circuit has existing precedent regarding "open structure calls," the Court found that there was no clearly established law that would have given a reasonable officer in Dean's position notice that his actions in response to the "open structure call" were unreasonable.

As such, the Circuit reversed, holding that Dean was entitled to qualified immunity, and his motion to dismiss the unreasonable search claim should be granted.

In considering the excessive use of force claim, the Fifth Circuit found that the officer was not entitled to qualified immunity because a reasonable officer in Dean's position would be on notice that, without giving a warning, he could not use deadly force against Jefferson.

The Supreme Court's jurisprudence, as well as Fifth Circuit precedent, has repeatedly declared the use of deadly force to be objectively reasonable—for Fourth Amendment purposes—only when the officer has probable cause to believe that the suspect poses an immediate and significant threat of death or serious physical injury to the officer or others and, if feasible, has given the suspect prior warning. Here, Jefferson was watching her nephew and heard someone outside her home in the middle of the night. Unsurprisingly, she walked to the window to see who was there. Nothing suggests that Jefferson knew the police were at her home, there is no allegation that she was violent or aggressive, and Dean did not assert that he believed Jefferson posed an immediate and significant threat to him or others.

Under these circumstances, the Court held that it is clearly established that Dean was required to announce himself as an officer and issue a warning prior to employing deadly force. *Tennessee v. Garner*, 471 U.S. at 11. The Court affirmed that every reasonable officer would have known that it is objectively unreasonable to shoot someone under these circumstances and accordingly affirmed the district court's denial of Dean's motion to dismiss.

*Bakutis v. Dean*, No. 24-10271 (5th Cir. 2025)

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