

Six-Second Shooting Strips Seattle Officers of Immunity — Ninth Circuit in *Johnson v. Myers*

Description

The United States Court of Appeals for the Ninth Circuit issued a decision in *Johnson v. Myers*, 129 F.4th 1189 (9th Cir. 2025), where the Court considered whether a suspect posed an immediate threat to officers for purposes of determining whether the officers' use of deadly force was justified. The case reached the Court after Ryan Smith was shot and killed by two Seattle police officers during a response to a 911 call from Smith's girlfriend, who reported that Smith was threatening to kill both himself and her with a knife.

Factual Summary

In April 2019, several Seattle police officers responded to a 911 call made by Katy Nolan, alleging that her boyfriend, Ryan Smith, was being "abusive." When the officers arrived at the apartment building, Nolan was outside and Smith was in an upstairs apartment. After the officers called Smith from outside, he came downstairs and spoke to them outside the building. He was unarmed. Smith told the officers that he suffered from depression, took medication, and was not suicidal. Nolan and Smith both stated that there had been "just an argument." Nolan left to spend a few nights at a friend's house, and the officers did not arrest Smith at that point.

Four weeks later, Nolan again called 911, telling the operator that Smith was threatening to kill both himself and her with a knife. During the call, she stated, "Please get him out. I've been trying to get him to leave and he won't leave." She also reported that Smith said there was blood everywhere, that she did not know if Smith was actually hurt, and that she was bolting herself in the bathroom. Nolan said she did not need medical attention, but that Smith "needs help," reporting that Smith was using his fingernails to scrape on the bathroom door.

The 911 communications dispatcher documented the call in the Computer Dispatch system that appears in officer terminals, writing, "SUSP IS SAYING THERE IS BLOOD EVERYWHERE, RP IS INSIDE BATHROOM, HAS NO VISUAL." As officers were dispatched, an inaccurate message was transmitted via radio stating, "Caller is now saying there's blood everywhere inside the bathroom."

Officers Christopher Myers and Brian Muoio arrived at Smith's apartment building at 7:22 p.m. Officers Ryan Beecroft and Joshua Knight arrived about one minute later. All four officers wore activated body cameras. When Nolan heard police sirens and officers outside, she told the dispatcher, "I can hear the cops. No, please don't shoot. No." The officers entered the building and approached Smith's apartment. All four wore protective vests, and Officers Myers, Muoio, and Knight were equipped with tasers. After demanding entry to the apartment, Myers began kicking the door. Muoio announced, "Seattle Police," followed by Myers directing Officer Beecroft to kick in the door.

After Beecroft kicked in the door, they saw Smith standing in the hallway of the apartment with his hands down at his side, holding an open pocketknife. The officers shouted overlapping commands: "Put your hands up," "Let me see your hands," "Get on the ground," "Drop the knife." Smith, standing at 5'7"

and weighing 143 pounds, took several steps forward as Officers Myers and Beecroft retreated down the outer hallway, resulting in a distance of 4.5 feet between them and Smith. Smith never stepped through the doorframe into the outer hallway, and all officers remained in the outer hallway at a right angle to Smith. Smith then raised his right arm across his chest as he took a step forward. The parties disagreed as to whether Smith was still moving toward the officers when he was shot. None of the officers warned Smith that they were about to shoot or use force. Officer Myers shot Smith eight times, and Officer Beecroft fired two shots, fatally wounding him. Between the moment Beecroft kicked in the door and the moment Myers began firing, 5.87 seconds had elapsed.

Legal Framework

In the aftermath, Smith's mother, Rose Johnson, filed a complaint against Officers Myers and Beecroft, dispatcher Daniel Johnson, and the City of Seattle. In response to the claims under 42 U.S.C. § 1983, Officers Myers and Beecroft moved for partial summary judgment grounded in qualified immunity. The district court denied their motion, holding that the law was clearly established that officers may not use deadly force against suspects who do not pose an immediate threat. The denial was based on findings that factual disputes remained regarding whether a reasonable officer would have believed Smith posed an immediate threat and whether less drastic measures were feasible. The officers appealed to the Ninth Circuit for review.

When assessing use of force cases, the Court applies the Fourth Amendment's objective reasonableness standard as established in *Graham v. Connor*.^[1] Relevant to this case, under Ninth Circuit precedent in *Scott v. Henrich* and later affirmed in *Gonzalez v. City of Anaheim*, deadly force is reasonable only if the officer has probable cause to believe the suspect poses a significant threat of death or serious physical injury to the officer or others.^[2]

Ninth Circuit Decision

On appeal, the Ninth Circuit affirmed the district court's denial of qualified immunity. The Court held that a reasonable juror could conclude Smith did not pose an immediate threat to the officers or others, and that the use of deadly force was not justified. Because it was undisputed that Nolan had barricaded herself in the bathroom and was not in immediate danger, the Court focused solely on whether the officers were in such immediate danger that they were justified in shooting Smith without warning, within seconds of breaching the door.

The Court considered the availability of alternative methods of subduing a suspect as part of its reasonableness inquiry. It noted that four weeks prior, Officer Muoio recalled that Smith came out and Beecroft calmly built rapport with him. This time, Beecroft made no effort to de-escalate. Instead, after forcing the door, officers shouted overlapping commands. Smith stopped after taking a few steps and began to comply by raising his hands. No officers deployed their tasers or issued warnings before Myers began shooting—less than six seconds after the door was breached.

Next, addressing the defendants' argument that the law was not clearly established, the Court disagreed. Under *Tennessee v. Garner*, if the suspect poses no immediate threat, the harm in not apprehending him does not justify deadly force.^[3] In *Nelson v. City of Davis*, even nonlethal force was deemed unreasonable when the suspect's resistance was not "particularly bellicose."^[4] The Court also reiterated that warnings should be given, when feasible, before using force likely to cause serious

injury.

Citing *Glenn v. Washington County*, 673 F.3d 864 (9th Cir. 2011), the Court found sufficiently similar facts that would have put officers on notice: (1) it is disputed whether Smith threatened officers, so it must be assumed he did not; (2) he may not have been actively resisting; (3) he may not have understood inconsistent commands; (4) no warning was given; and (5) a taser might have been a feasible alternative.

While not identical, the parallels to *Glenn* were close enough to render the officers' actions clearly unconstitutional. The Court concluded that the fatal shooting—within seconds, without de-escalation or warning—violated the Fourth Amendment. The Ninth Circuit therefore affirmed the district court's denial of qualified immunity.

1. *Graham v. Connor*, 490 U.S. 386 (1989).
2. *Gonzalez v. City of Anaheim*, 747 F.3d 789, 793 (9th Cir. 2014) (quoting *Scott v. Henrich*, 39 F.3d 912, 914 (9th Cir. 1994)).
3. *Tennessee v. Garner*, 471 U.S. 1 (1985).
4. *Nelson v. City of Davis*, 685 F.3d 867, 882 (9th Cir. 2012); *Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001).

Date Created

06/03/2025