



NATIONAL FRATERNAL ORDER OF POLICE

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Alabama Officer Wins Appeal in Use of Force Trial FOP's *Amicus* Brief on Jury Instruction Pivotal in Decision

Washington, DC – Patrick Yoes, National President of the Fraternal Order of Police, welcomed news that an Alabama court reversed the murder conviction of former Huntsville Police Officer William “Ben” Darby. The FOP filed an *amicus* brief in support of the officer, which was cited in the decision.

“An officer who is called upon to use force—even deadly force—in the line of duty must do so only if his or her action are ‘objectively reasonable,’” Yoes explained. “The *Graham v. Connor* standard governs the appropriateness of an officer’s use of force and the jury in this case was not instructed about this standard and, as a result, convicted an officer in a justified shooting.”

The Alabama Court of Criminal Appeals found that the Judge in former Officer Darby’s trial failed to give the jury an instruction stating:

The reasonableness of an officer’s actions in using deadly force must be objectively reasonable judged from the perspective of a reasonable officer on the scene, the fact that officers are forced to make split-second decisions, and in light of the facts and circumstances confronting them at the time.

As a result of this failure, the court reversed the conviction. Five States have held that failure to instruct juries on the *Graham* and *Garner* standards is a reversible error because it improperly eliminates any consideration of the perspective of the officer on the scene.

“This case will have significant implications for officers who are criminally indicted for a use of force in the line of duty,” Yoes said. “Juries need to know, before their deliberations begin, how officers decide to use force and what standards their conduct is subject to.”

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Founded in 1915, the Fraternal Order of Police is the largest law enforcement labor organization in the United States, with more than 364,000 members. With national offices in Nashville, Tennessee, and Washington, D.C., the FOP is committed to improving the working conditions of law enforcement officers and the safety of those served through education, legislation, information, community involvement, and employee representation. Please visit <https://www.fop.net> for more information.