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## ***LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH***

**By Don Hays**

Month of October – 2026 - ALTERNATIVE

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## LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

### Month of October - 2026 - ALTERNATIVE

#### Jerrel Perez and J.P., a minor v. Shawn Guetschow, No. 25-1617, April 20, 2026.

**The Case:** An officer who was working as a security officer in a school responded to a fight that was occurring in the school cafeteria. The Officer broke up the fight. However, in so doing, the Officer took one of the juveniles to the ground and in so doing placed his knee on the neck of the juvenile. Was this Officer entitled to qualified immunity from liability for his use of force against the juvenile?

**FACTS:** Guetschow, a police officer, had a second job as a security officer for a School District. On the day in question, Guetschow was called to the cafeteria, where two sixth-grade students, L.M. and J.P., were having a confrontation. Closed circuit TV shows that, within a span of 44 seconds, Guetschow took J.P. to the ground, knelt at least briefly on her neck, and placed her in handcuffs. J.P. contended, in this Civil Rights suit, that Guetschow used excessive force, in violation of the Fourth Amendment. The district court denied Guetschow's motion for summary judgment, and he immediately appealed. [In cases such as this, the appellate court has limited jurisdiction. The Court's role is limited to applying clearly established rules of law. Any material dispute about the facts is for the district judge and, if necessary, a jury, to decide. Resolving a factual contest is outside the scope of pre-trial appellate jurisdiction. Therefore, the Court of Appeals must decide whether this appeal presented a legal or a factual question. If a factual question existed, the Court must dismiss this appeal for lack of jurisdiction.]

The plaintiff's principal argument was that Guetschow applied substantial force after J.P. had stopped struggling. Guetschow concedes that this would have been improper but maintained that J.P. continued to resist his effort to bring her under control. Guetschow asserted that he tried to apply a "three-point stabilization technique" that would have ended the confrontation painlessly, had it succeeded—but it didn't because (as Guetschow conceded) the technique was used improperly (which was why he landed with his knee and body weight on J.P.'s neck). He called this an error; plaintiffs see a deliberate use of excessive force. The record included the evidence of a Police Chief, testifying for the plaintiffs as an expert witness, that the circumstances justified the three-point technique, but that Guetschow went about it "completely wrong". The Chief thought that what happened turned into "a chokehold." That would be excessive force, but Guetschow denied that this is the proper characterization of what occurred. The district judge summed up: The parties agree that Guetschow took Doe from a standing position to a prone position on the ground. They agree that Guetschow placed his knee on the back of Doe's neck. They genuinely disagreed over just about every other fact material to the excessive force determination. They disagreed about "any effort made by the officer to temper or limit the amount of force"—in other words, whether Guetschow had the opportunity to do anything that would have prevented the fight, or whether anything he might have had time to do would have headed it off. They disagreed about the "severity of the security problem at issue"—whether Doe "softly pushed" LM or whether the fight was "very violent." They disagreed about the need for the use of force—again, whether the fight was "violent," as well as whether Doe was resisting. They disagreed about whether the "threat" was "reasonably perceived" by Guetschow. They disagreed about "the amount of force used"—whether Guetschow pushed Doe's head into the floor, impeded her breathing or had his knee to her neck with force and for how long. They even disagreed on the extent of the plaintiff's injury. The material facts surrounding the excessive force claim are rife with genuine disputes; in most instances, that ends the summary judgment discussion and requires the court to start discussing trial dates. But Guetschow insisted that this appeal remained all about the law, rather than the facts, because indisputable video evidence resolves all of these factual issues.

Following the hearing, the circuit court concluded, "One video shows that Doe was flailing when Guetschow intervened in the fight and that she continued to do so for a few moments after Guetschow took her to the ground. Only one of the videos shows both Guetschow and Doe at the moment when Guetschow placed his knee on Doe's neck, the point at which the plaintiffs claim that Doe was not resisting and that the defendants assert that she was. Doe was prone for several seconds before Guetschow placed his knee on her neck. But it appears that Doe may

have lifted her head immediately prior to Guetschow placing his knee on her neck. It isn't clear from the video whether Doe was resisting or not at the time Guetschow applied the force to her neck. And Guetschow gave deposition testimony that the placement of his knee on Doe's neck rather than her back was accidental and that he immediately moved his knee when he realized it was out of position. This is not remotely a case where the surveillance camera footage is so clear that it 'blatantly contradicts' one party or another's version of events. A factfinder will have to resolve the factual disputes raised by the footage, the testimony and the other evidence. A reasonable factfinder could conclude that Doe was not resisting, or that if she was, the force used by Guetschow was not reasonable under the totality of the circumstances."

Based upon these findings, the District Court denied the Officer's petition for summary judgment and directed the parties to prepare for a trial where the trier of fact (either the Court or a jury) would be called upon to decide which argues of the parties was correct. The Officer, rather than proceeding to trial, filed an appeal before the Court of Appeals to complain that the District Court erred in rejecting his petition for summary judgment.

**ARGUMENTS:** The Officer brought this appeal and argued that the district court erred in denying him summary judgment based upon qualified immunity. The plaintiffs argued that the District Court correctly ruled that summary judgment was not available to the Officer because questions of fact existed that must be decided in order to determine whether the Officer was entitled to qualified immunity from liability or would be held accountable for the injuries the juvenile received as a result of the Officer's failed attempt to apply a "three-point stabilization technique" that went very wrong.

**ISSUE:** Did the District Court err in denying Officer Guetschow's motion for summary judgment?

**FINDING:** The Court of Appeals agreed with the determination of the circuit court when it denied Officer Guetschow's motion for summary judgment based upon a finding that the Officer was entitled to qualified immunity.

**REASONING:** According to the appellate court, video evidence that conclusively shows what happened allows a court to set aside factual disputes and decide what clearly established rules of law govern. However, cameras may be pointed in the wrong direction, miss vital details, or produce grainy images. The Court reasoned that it wasn't the existence of a video recording, but its quality, that enables a court to conclude without a trial that one side rather than another must be right about the facts. In this case, the Court determined that the videos on which Guetschow relied did not capture all of the action and were pixelated, which obscured some details. Therefore, the Court of Appeals concurred in the district judge's conclusion that they do not conclusively show when J.P. stopped struggling or whether Guetschow kept his knee on her neck after she had surrendered. Only a trial will reveal what happened—and until then it is impossible to know whether Guetschow transgressed clearly established rules of law. For these reasons, the Court of Appeals concluded that the District Court properly declined to grant the Officer summary judgment.

**RESULT:** In cases where issues of fact are still in dispute, a Federal Court of Appeals' lacks the authority to proceed with an appeal with respect to the denial of summary judgment. Therefore, this Court of Appeals in this case dismissed this appeal for want of jurisdiction. This case was remanded back to the District Court so that the trier of fact (either the Court or a jury) can decide the factual issues in this case.

**EDITOR'S NOTE:** *If the District Court had granted the Officer's petition for summary judgment, the case would have dismissed, and a jury would not have been involved. Because the District Court refused to grant summary judgment to the Officer, the Officer must risk a jury deciding the facts of this case against the arguments of the Officer and, consequently concluding that the Officer should be held accountable for his actions. That is always the risk when a jury is involved. That explains why the Officer sought summary judgment.*

## **QUIZ QUESTIONS FOR THE MONTH OF OCTOBER – 2026 - ALTERNATIVE**

### **Jerrel Perez and J.P., a minor v. Shawn Guetschow, No. 25-1617, April 20, 2026.**

1. While attempting to seize the juvenile, Guetschow took her from a standing position to a prone position on the ground. In determining whether a seizure is reasonable, the Court balances the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests allegedly justifying the intrusion.
  - a. True.
  - b. False.
  
2. In order to take the juvenile to the ground, Guetschow attempted to apply a "three-point stabilization technique" that would have ended the confrontation painlessly, had it succeeded. However, the maneuver didn't succeed because (as Guetschow conceded) the technique was used improperly (which is why Guetschow landed with his knee and body weight on the juvenile's neck). A witness described the Officer's use of this technique as "completely wrong," and testified that he believed that the attempted seizure turned into a "chokehold." Is the use of a "chokehold" in Illinois now always illegal?
  - a. Yes.
  - b. No.
  
3. The Plaintiffs' principal argument in this case is that Guetschow applied substantial force against the juvenile after she had stopped struggling. If this is actually what occurred, would the conduct of the Officer have been improper?
  - a. Yes.
  - b. No.
  
4. Guetschow argued that the District Court should have granted his motion for summary judgment because the videos taken of the incident provided indisputable evidence that he acted reasonably when using force against the juvenile. The Court of Appeals agreed with Guetschow's argument and concluded that the District Court erred in denying his motion for summary judgment.
  - a. True.
  - b. False.

## **QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF OCTOBER – 2026 - ALTERNATIVE**

### **Jerrel Perez and J.P., a minor v. Shawn Guetschow, No. 25-1617, April 20, 2026.**

1. While attempting to seize the juvenile, Guetschow took her from a standing position to a prone position on the ground. In determining whether a seizure is reasonable, the Court balances the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests allegedly justifying the intrusion.

**a. True.** This is the ruling of the United States Supreme Court in the case of United States v. Place, 462 U. S. 696

2. In order to take the juvenile to the ground, Guetschow attempted to apply a “three-point stabilization technique” that would have ended the confrontation painlessly, had it succeeded. However, the maneuver didn't succeed because (as Guetschow conceded) the technique was used improperly (which is why Guetschow landed with his knee and body weight on the juvenile's neck). A witness described the Officer's use of this technique as “completely wrong,” and testified that he believed that the attempted seizure turned into a “chokehold.” Is the use of a “chokehold” in Illinois now always illegal?

**b. No.** While the use of a chokehold by a police officer is restricted to situations where the Officer would be authorized to use deadly force, the use of a chokehold by a police officer is not illegal per se in Illinois.

3. The Plaintiffs' principal argument in this case is that Guetschow applied substantial force against the juvenile after she had stopped struggling. If this is actually what occurred, would the conduct of the Officer have been improper?

**a. Yes.** The Officer himself conceded that if he had, in fact, continued to apply substantial force after the juvenile stopped struggling, his conduct would have been improper.

4. Guetschow argued that the District Court should have granted his motion for summary judgment because the videos taken of the incident provided indisputable evidence that he acted reasonably when using force against the juvenile. The Court of Appeals agreed with Guetschow's argument and concluded that the District Court erred in denying his motion for summary judgment.

**b. False.** The Court of Appeals concluded that the District Court was correct in ruling that the videos in this case did not conclusively prove that the Officer acted appropriately when using force against the Officer. Consequently, a jury must decide the factual issues raised in this case.