

QUESTION 2 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I

Officer Stokes worked proudly for a municipal police department in the state of Michigan. On the evening of July 4, 2010, Officer Stokes initiated a traffic stop after he witnessed a vehicle fail to stop at a stop sign. Although the lights and siren on Officer Stokes's police vehicle were activated, the driver failed to stop. Officer Stokes was able to force him off the road and the driver eventually came to a complete stop. Officer Stokes immediately ordered the driver out of the vehicle. Once out of the vehicle, Officer Stokes pushed the driver up against the vehicle, slammed his face onto the hood, and proceeded to frisk him. The driver struggled and was momentarily able to break free from the officer's grasp.

In an attempt to subdue him, Officer Stokes sprayed the driver in the face with pepper spray and again slammed him down on the hood of the vehicle. Every time the driver attempted to resist Officer Stokes's grasp, he was again slammed into the hood of the vehicle. Officer Stokes then handcuffed the driver and for good measure, pushed him face-first into the patrol car. On the way to the station, the driver kept complaining that the handcuffs were too tight. At this comment, Officer Stokes just laughed at him. By the time they got to the station, the driver's face was swollen and discolored but he did not require medical treatment. Additionally, there were purple bruises beginning to form around his wrists where the handcuffs were cutting into the skin.

The driver has threatened suit against Officer Stokes and the police department. Discuss any potential claims that could be made by the driver as well as the likelihood of their success, including any potential defenses.

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