

Failure to Train Theory: What You Should Know in Section 1983 Cases

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Failure to Train Theory: What You Should Know in Section 1983 Cases

OVERVIEW

- Introduction: *Monell* Liability
- The Failure to Train Theory: What is it?
- The Theory in Practice
  - *Favors v. City of Atlanta*: A Case Study
  - Cases Across the Circuits: Notable Decisions
  - *Favors v. City of Atlanta*: On Summary Judgment and Beyond
- Conclusion
- Questions?

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INTRODUCTION

- What is *Monell* Liability?
- How has *Monell* Liability Evolved
- Ways to Prove *Monell* Liability

Monell v. New York

- No *respondeat superior*
- "Policy "or "custom"

City of Canton v. Harris

- "Practice"
- Failure to Train

Board of County Commissioners v. Brown

- Single-Incident Liability

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- "There are *limited circumstances* in which an allegation of 'failure to train' can be the basis for municipal liability under Section 1983." *City of Canton, Ohio v. Harris*, 489 U.S. 378, 387 (1989) (emphasis added).
- "The inadequacy of police training may serve as the basis for § 1983 liability only where the failure to train in a relevant respect amounts to deliberate indifference to the constitutional rights of persons with whom the police come into contact." *Id.* at 388.
- "Only where a failure to train reflects a 'deliberate or 'conscious' choice by the municipality can the failure be properly thought of as an actionable city policy." *Id*. at 379

FAILURE TO TRAIN THEORY: WHAT IS IT?

- *City of Canton, Ohio v. Harris*, 489 U.S. 378, 387 (1989).
- Footnote 10
- *Board of the County Commissioners of Bryan County, Okla. v. Brown*, 520 U.S. 397, 404 (1997).

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Favors v. City of Atlanta: A Case Study

- Officer-involved shooting at Magic City, adult entertainment establishment.
- Injured suspect sued the City alleging *Monell* liability under a failure to train and failure to supervise theory.
- The record showed that the officer received more than 500 hours of training with APD than required by the State and specific training on shooting at moving vehicles.
- The officer testified that he needed more training.

Video Evidence



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Cases Across the Circuits: Notable Decisions

1. The Volunteer Cop Case

Brown v. Bryan County, OK, 219 F.3d 450 (5th Cir. 2000), reh'g and reh'g en banc denied, 235 F.3d 944 (5th Cir. 2000) and cert. denied, 121 S. Ct. 1734, 149 L. Ed. 2d 658 (U.S. 2001).

- County sheriff was admittedly a policymaker
- There was evidence of an obvious need to train the reserve deputy and of the obvious consequences to citizens if training was not provided.

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Cases Across the Circuits: Notable Decisions

2. The Friendly Fire Case

Young v. City of Providence ex rel. Napolitano, 404 F.3d 4, 23 (1st Cir. 2005).

- City's always armed/always on-duty policy made lead to likelihood of on-duty/off-duty interactions
- Lack of training on avoiding misidentifications of off-duty officers and other policy considerations
- Demonstration of a pattern of prior constitutional violations not necessary to show deliberate indifference

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Cases Across the Circuits: Notable Decisions

3. The Prison Fight Case

Thomas v. Cumberland County, 749 F.3d 217 (3d Cir. 2014).

- Rare "single-incident" failure to train case
- The need for training can be so obvious that failing to provide it constitutes deliberate indifference.
- Plaintiff's injury was a highly predictable consequence of the county's complete failure to train in de-escalation and intervention.

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Cases Across the Circuits: Notable Decisions

4. The Suicide By Cop Case

Allen v. Muskogee, Ok., 119 F.3d 837 (10th Cir. 1997).

- Another "single-incident" case.
- "Evidence of a single violation of federal rights, accompanied by a showing that a municipality has failed to train its employees to handle recurring situations presenting an obvious potential for such a violation, is sufficient to trigger municipal liability."

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Cases Across the Circuits: Notable Decisions

5. The Self-Trained Officer Case

Johnson v. Hawe, *388 F.3d 676* (9th Cir. 2004), cert. denied, 125 S. Ct. 2294 (U.S. 2005), amending and superseding 382 F.3d 944.

- Failure to train regarding the probable cause requirements for Privacy Act arrests could go forward
- The self-training program is an inadequate training scheme
- Can constitute deliberate indifference

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Cases Across the Circuits: Notable Decisions

6. The Mistaken Identity Case

Rivas v. Freeman, 940 F.2d 1491, 1495 (11th Cir. 1991).

- County Sherriff responsible for formulating policies concerning correct and accurate identification of suspects and ensuring that suspects are accounted for while incarcerated
- Prior knowledge of mistaken identity but allowed detention when there were discrepancies

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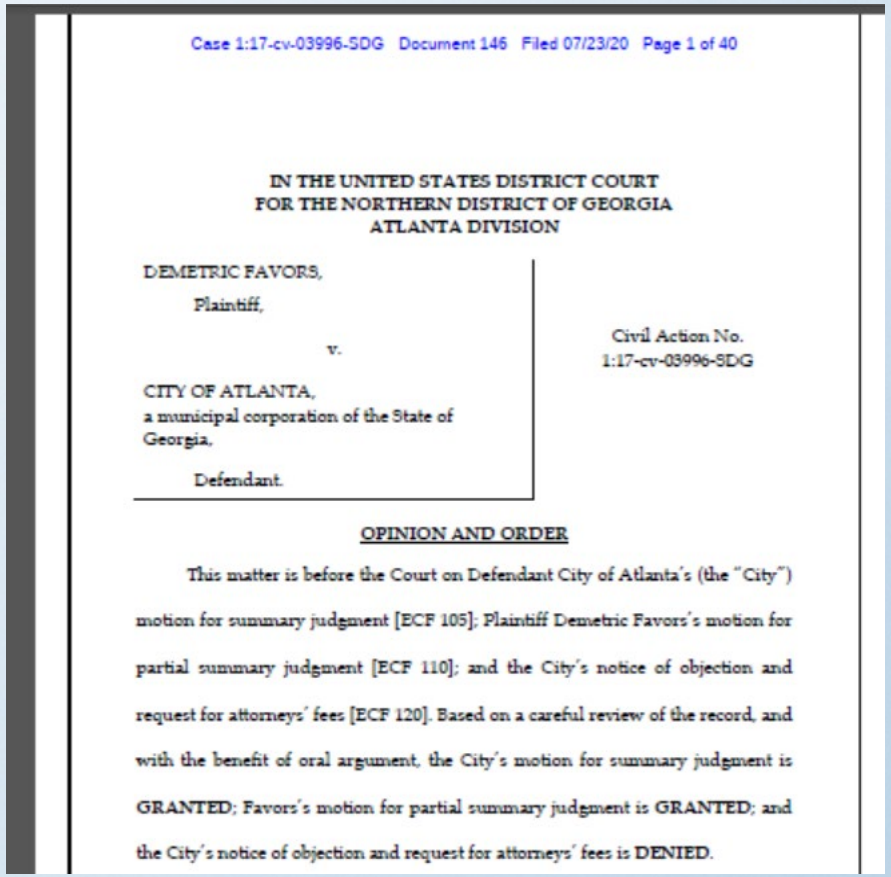
Favors v. City of Atlanta: On MSJ and Beyond

- The City argued on MSJ that:
  - Plaintiff cannot establish municipal liability pursuant to 42 U.S.C. § 1983 Requirements;
  - APD's Training of the officer on use of force demonstrates that Plaintiff's "Failure to Train" claim is without merit.
- Plaintiff filed a MPSJ.
- The District Court granted oral argument on the MSJs.
- The Court granted the City's MSJ!

Order on MSJ



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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DEMETRIC FAVORS,
Plaintiff,
v.
CITY OF ATLANTA,
a municipal corporation of the State of Georgia,
Defendant.

Civil Action No.
1:17-cv-03996-SDG

OPINION AND ORDER

This matter is before the Court on Defendant City of Atlanta's (the "City") motion for summary judgment [ECF 105]; Plaintiff Demetric Favors's motion for partial summary judgment [ECF 110]; and the City's notice of objection and request for attorneys' fees [ECF 120]. Based on a careful review of the record, and with the benefit of oral argument, the City's motion for summary judgment is GRANTED; Favors's motion for partial summary judgment is GRANTED; and the City's notice of objection and request for attorneys' fees is DENIED.

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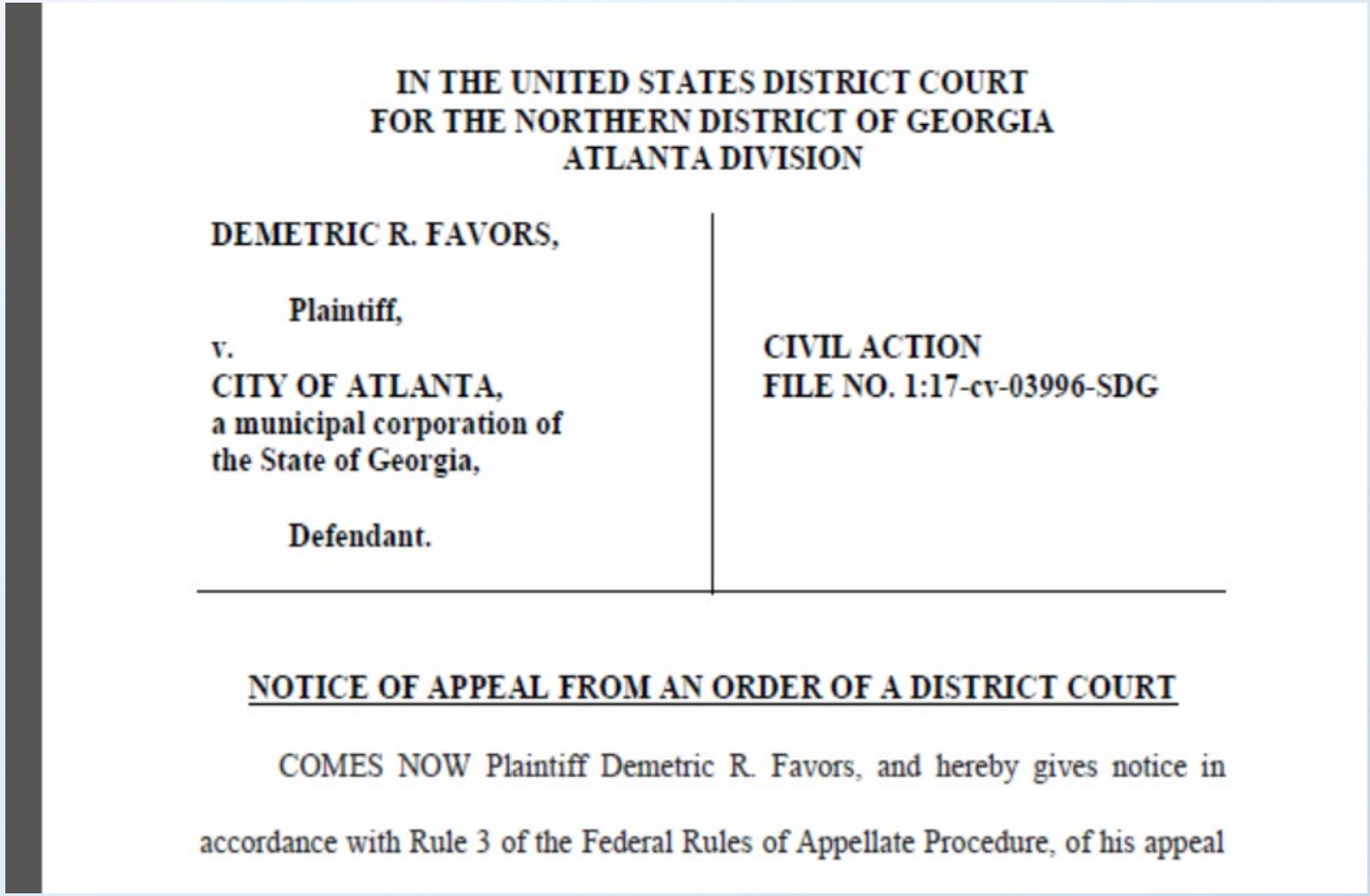

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DEMETRIC R. FAVORS, Plaintiff, v. CITY OF ATLANTA, a municipal corporation of the State of Georgia, Defendant.	CIVIL ACTION FILE NO. 1:17-cv-03996-SDG

NOTICE OF APPEAL FROM AN ORDER OF A DISTRICT COURT

COMES NOW Plaintiff Demetric R. Favors, and hereby gives notice in accordance with Rule 3 of the Federal Rules of Appellate Procedure, of his appeal

Questions?

Thank you!

