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Section 1983: General Principles- Understanding the Basics

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INTRODUCTION TO SECTION 1983 LITIGATION

I. Immunities – Availability/Scope

A. Section 1983 incorporates immunities that existed at the time.

B. Prosecutors are entitled to absolute immunity from Section 1983 claims based on their conduct as advocates in an ongoing criminal proceeding.

1. *Imbler v. Pachtman*, 424 U.S. 409 (1976).

2. *Van de Kamp v. Goldstein*, 555 U.S. 335 (2009) – extends absolute immunity to senior prosecutors for failure to train or supervise. Also extends immunity to "administrative" office functions directly related to prosecutions. Plaintiff had sued the Los Angeles County DA's office, claiming that the DA failed to implement an information management system to allow prosecutors to access information about informants (here, information that a jailhouse informant had previously given information to the DA and had received reduced sentences as a result). The Court held: "Those claims focus upon a certain kind of administrative obligation--a kind that itself is directly connected with the conduct of a trial. Here, unlike with other claims related to administrative decisions, an individual prosecutor's error in the plaintiff's specific criminal trial constitutes an essential element of the plaintiff's claim. The administrative obligations at issue here are thus unlike administrative duties concerning, for example, workplace hiring, payroll administration, the maintenance of physical facilities, and the like." *Id*. at 344.

3. *Warney v. Monroe County*, 587 F.3d 113 (2d Cir. 2009) – prosecutor who delayed disclosing post-conviction DNA test results for seventy-two days was entitled to absolute immunity. Second Circuit held that absolute immunity applies when "there is pending or in preparation a court proceeding in which the prosecutor acts as an advocate." *Id*. at 123. In addition, the court recognized that "it is unhelpful to ascertain the prosecutors' functional role by isolating each specific act done or not done." *Id.*

4. Detective investigators or police officers undertaking assignments from prosecutors during a pending criminal proceeding "are entitled to the same degree of immunity as [the district attorney] himself for their activities while assisting with the investigation and prosecution" of a case. *Hill v. City of New York*, 45 F.3d 653, 660 (2d Cir. 1995).

5. Exceptions to absolute immunity

a. Acts undertaken in "investigative" capacity. Courts employ the "functional" approach. *Van de Kamp*, 555 U.S. at 343 ("To decide whether absolute immunity attaches to a particular kind of

prosecutorial activity, one must take account of the 'functional' considerations discussed above," i.e., is the function at issue one that is "intimately associated with the judicial phase of the criminal process" or one that is typically performed by investigators or police officers prior to commencement of judicial proceedings).

b. Out-of-court statements to the news media are entitled to qualified immunity. *Buckley v. Fitzsimmons*, 509 U.S. 259, 277 (1993).

C. Witnesses are entitled to absolute immunity from all claims arising out of, or relating to, their testimony in court.

1. *Briscoe v. LaHue*, 460 U.S. 325 (1983).

2. *Rehberg v. Paulk*, --- U.S. ---, 132 S. Ct. 1497 (2012).

3. Law enforcement witnesses – entitled to the same absolute immunity for testimony as civilian witnesses.

4. Absolute immunity does not extend to all conduct by witnesses in connection with a criminal prosecution.

D. Individual police officers are entitled to qualified immunity.

1. Overview of relevant cases. "The doctrine of qualified immunity protects government officials "from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Pearson v. Callahan*, 555 U.S. 223, 231 (2009). "Qualified immunity balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably. The protection of qualified immunity applies regardless of whether the government official's error is 'a mistake of law, a mistake of fact, or a mistake based on mixed questions of law and fact.'" *Id.* (citations omitted).

2. U.S. Supreme Court emphasizes the need to resolve qualified immunity defense as early as possible: "Because qualified immunity is an immunity from suit rather than a mere defense to liability … it is effectively lost if a case is erroneously permitted to go to trial." *Id*. at 231 (citations omitted). The "driving force behind creation of the qualified immunity doctrine was a desire to ensure that 'insubstantial claims' against government officials [will] be resolved prior to discovery." *Id*. at 231-32. "Accordingly, we repeatedly have stressed the importance of resolving immunity questions at the earliest possible stage in litigation." *Id*. (citations omitted).

3. Specific applications – *Garcia v. Doe*, 779 F.3d 84 (2d Cir. 2015).

E. Municipalities are not entitled to assert immunity defense. *Owen v. City of Independence, Mo.*, 445 U.S. 622 (1980).

F. Others entitled to immunities – medical examiners, lab technicians. *Newton v. City of New York*, 738 F. Supp. 2d 397 (S.D.N.Y. 2010).

II. Requirements of Causation and Injury

A. Causation – Plaintiff must show that alleged misconduct by officials acting under color of state law proximately caused injury.

B. Intervening Causes – *Townes* line of cases; concept of independent decision-maker who breaks chain of causation.

C. Nominal Damages

D. Attorney's Fees to the prevailing party