

11-10-88

The Chief Justice —

no DIG  
7. regard to his called to our attention  
at cert stage  
state v. mind has to be deliberate  
making train for a city jail unless  
consciously adopted  
no E + must intend this  
this is am case, in total law  
disagree with Cb

Brennan, J. — RK

if foreseeable, of  
night is a suff  
yet intent need n b proved.  
remand + his det apply proper stan  
and DIG with other

White, J. —

only jail here was to keep of - etc  
but CA s the people had full discre  
but were n trained  
ty failed to train  
if to is deliberate, 1983 = look  
remanded has after basis was in error  
CA attorney was his + 's

Remand

can outrel — if we state  
"deliberate" —  
O-A-K agree

5 - outrel

Marshall, J. +

Whatear + city decides is it  
I do n know + fax here  
city can do so, in this  
this based on race

Blackmun, J. DIG

Stevens, J. —

is easy  
think we should r DIG  
we have to try to describe this case  
if you give officers discretion, - try to  
either, the best guess  
try can control + police  
could go into B or W  
+ + just for a NT, but = a —

O'Connor, J. —

no DIG  
can reach, a trickle.  
city had written just  
no found fault with the  
to means discrete in time on + spot  
hard to find a gap on their way  
no E v a custom, just a  
single instance  
ed - outlier  
content to RR  
deliberately state paper OK

Scalia, J. —

the SOC  
"deliberately" state is OK  
copies r - trickle, city is  
a deep pocket approach  
say we do not need more training  
for this - no go to jury  
∴ - outlier

Kennedy, J. —

the AS  
dissemination in r many rules clearly  
on DIG, issue r presumed by city  
cannot fault report  
but only to go to deliberate  
deliberately a good state