86-1088 CITY OF CANTON, OHIO v. HARRIS

Ruling below (CA6, 9/5/86):

Evidence, presented by plaintiff in 42 USC 1983 action based on alleged denial of adequate medical care following her arrest, showing that city police gave police commanders unfettered discretion as to whether to refer prisoner to hospital, and that commanders were not given training or guidelines to make such decisions, raised jury issue of municipal liability under theory of grossly negligent failure to train; jury instructions on this theory were adequate, but jury verdict in favor of plaintiff is marred by trial court's giving of misleading instructions on alternate theory involving participation of supervisory personnel; case is remanded for new trial.

Questions presented: (1) Can inadequate training of law enforcement agents be found to be "policy or custom" of city within meaning of Monell v. New York City Department of Social Services, 436 U.S. 658 (1978), without independent evidence that city knew or should have known that training was inadequate and therefore that violations of constitutional rights might foreseeably result from any inadequate training? (2) Does city's grant of discretionary authority to municipal employee, which is exercised by employee in way that deprives person of constitutional right, shift burden to city to prove that employee's training was adequate? (3) Was city properly subject to liability under 42 USC 1983 for actions of admitting officer of city's jail who had discretionary authority to arrange for medical care for arrestee but who did not receive specialized medical training to detect potential emotional illness?

Petition for certiorari filed 1/2/87, by Carter G. Phillips, Mark D. Hopson, and Sidley & Austin, all of Washington, D.C., and W. Scott Gwinn, William J. Hamann, and John S. Coury, of Canton, Ohio, Law Dept.

CERT. GRANTED: 3/7/88

Cross References: Burden of Proof
Cities and Counties
Civil Rights
Municipal Liability
Police
Prisoners