

BRENNAN, J.

0311-40

CA - 40

BRADDOCK J. BRADDOCK, Petitioner

CITY OF CINCINNATI, ET AL.

10/15/82 - Conf.

The Chief Justice Is promulgation a policy-making authority? If there was frequent practice, it would add up to policy. Steagald have to be applied retroactively here? Not preserved by City. Is the precedent of some cases & deliberate choice to apply in future? Don't see it here.

White, J. Not hard to find a County policy in this case - but would not say this was true in every case where back stops & official makes a mistake

Marshall, J. I'd affirm - this is search warrant & they can break down door even tho I found Steagald

Blackmun, J. Actively & not repetition is the focus officer acted on authority of persons entitled to act - that's policy

Powell, J. Would not apply
Stearns character
so don't have to
raise policy question.
If I had to voice it
I'd say no policy
in this episode
I'd never have
found thought of
"policy" here means
what WSJ now says

Rehnquist, J. Wrong to apply
Stearns retroactively
Anyway can't find
a policy here

Stevens, J. How thick can
exclusionary contract -
policy often made
by single official

O'Connor, J. Also law goes
presenter authority
to give these instructions
All Stearns could
say wrongful not
raised