

78-1779 OWEN v. CITY OF INDEPENDENCE (CA8) Argued 1/8/80
(The Monell immunity issue)

Acktenberg (Petr.)

Nothing helpful

Carlisle (for Resp - City & Dist Atty)

Cts below found that City Mgr
- who had authority to "fire" - had
decided prior to Council action to
fire Owen.

Only employee entitled to a
hearing under Charter is one
in Civil Service.

~~The City Council~~

Chief of Police was a Dept. Head
directly resp. only to Council.

City Charter provided for
no appeal to Council from
a discharge by a Dept Head.

Why
concede

Conceder no qualified
immunity where City "policy"
is involved. (~~But~~ This
discharge occurred pre - Roth &
then there would be good faith
immunity. But if there is no
immunity, the Q is whether there
was a Const. violation - i.e. a
deprivation of liberty. Facts not disputed