
LIABILITY - TEXAS

Hicks-Fields v. Harris County, Texas

United States Court of Appeals, Fifth Circuit - June 26, 2017 - F.3d - 2017 WL 2729081

Family members of detainee who died after jail official punched him in face brought action against county, asserting claims under the Texas Tort Claims Act, Texas Wrongful Death Act, and § 1983, alleging that county failed to properly train jail personnel in use-of-force and rendition of medical aid.

The United States District Court for the Southern District of Texas adopted report and recommendation of United States Magistrate Judge and entered summary judgment in county's favor. Family members appealed.

The Court of Appeals held that:

- Family members failed to establish pattern of unconstitutional behavior, and
- Family members failed to establish failure to train jail officials in use-of-force or rendition of medical aid.

Alleged constitutional deficiencies discussed in Department of Justice's (DOJ) report on county jail were not sufficiently similar to alleged violations of detainee's due process rights in family members' § 1983 action against county, arising from incident in which detainee, who had history of schizophrenia, died after jail official punched him in face, and thus report was insufficient to establish pattern of unconstitutional behavior as required to support family members' claim for municipal liability based on county's alleged negligent implementation of policy on securing mentally ill criminal offenders.

United States Department of Justice's (DOJ) report on county jail conditions was insufficient to establish that jail officers were not properly trained in use of force or rendition of medical aid, and thus was insufficient to support § 1983 Monell claim against county, asserted by family members of detainee with history of schizophrenia, who died after jail official punched him in face. DOJ's criticisms of county jail regarding excessive force largely centered on improper training regarding restraining prisoners and cell extraction techniques, neither of which were directly at issue in family members' action, and criticisms regarding medical aid training merely addressed training in the use of fire safety equipment.

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