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Polk v. Town of Sophia

United States District Court, S.D. West Virginia - November 27, 2013 - Slip Copy - 2013 WL 6195727

Following sexual assault on arrestee by police officer in this police car, plaintiff brought multiple claims against municipality.

The District Court found that the plaintiff had pled sufficient facts to survive the threshold 12(b)(6) inquiry. Plaintiff had alleged a custom or policy of the Town of Sophia with regard to male officers transporting female prisoners to jail without supervision, and allowing officers the ability to turn off their vehicle's camera unilaterally. Further, the Plaintiff has alleged that this policy or custom directly led to her injuries. Thus, the motion to dismiss the Plaintiff's 42 U.S.C. § 1983 claim against the Town of Sophia should not be granted.