

Bond Case Briefs

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Saldivar v. Pridgen

United States District Court, D. Massachusetts - March 17, 2015 - F.Supp.3d - 2015 WL 1227818

Alleged victim brought action in state court against former police officer who allegedly assaulted and raped her, chief of police, and city, under various causes of action, including violation of § 1983 and Massachusetts Civil Rights Act. Chief and city removed the case to federal court and moved to dismiss the complaint.

The District Court held that:

- Chief did not have actual or constructive knowledge of the likelihood or possibility that officer would assault and rape a woman while on duty as required for § 1983 claim for supervisory liability;
- City did not have notice that police officer might assault and rape a woman while on duty as required to demonstrate that city had a policy amounting to deliberate indifference to the rights of victim under § 1983; and
- City did not have notice that police officer might assault and rape a women while on duty as required to demonstrate city's negligence in disciplining or properly supervising officer.