

Bond Case Briefs

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Perkins v. Hastings

United States Court of Appeals, Eighth Circuit - February 7, 2019 - 915 F.3d 512

After her son was shot and killed by police officer, mother, acting as personal representative of her son's estate, brought § 1983 action against the officer, police chief, and city, alleging that city maintained widespread custom of excessive force and that police chief and city failed to train or supervise police officers.

The United States District Court granted summary judgment in favor of police chief and city and denied mother's motion for reconsideration. Mother appealed.

The Court of Appeals held that:

- City did not engage in pattern of constitutional violations, as would show that city was deliberately indifferent to pattern of excessive force by its police officers, and thus, city did not maintain municipal custom of failing to adequately investigate excessive force incidents;
- Police officer's unjustified use of deadly force was not plainly obvious consequence of police chief's decision to hire the officer, and thus, police chief could not be held individually liable for son's death based on his decision to hire the officer; and
- Police chief did not have notice that his training and supervision were inadequate and likely to result in police officer's unjustified use of deadly force, and thus, police chief could not be held individually liable based on his alleged failure to adequately train or supervise the officer.