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Hyun Ju Park v. City and County of Honolulu

United States Court of Appeals, Ninth Circuit - March 13, 2020 - 952 F.3d 1136 - 20 Cal. Daily Op. Serv. 2177 - 2020 Daily Journal D.A.R. 2235

Bartender brought § 1983 action alleging that city and county government and police officers violated her substantive due process right to bodily integrity under Fourteenth Amendment when one off-duty office shot her while reloading his police department firearm in reckless and dangerous manner, and other officers failed to intervene.

After plaintiff settled with first officer, the United States District Court for the District of Hawai'i dismissed remaining claims, and plaintiff appealed.

The Court of Appeals held that:

- Officers were not acting under color of state law when they failed to stop fellow officer from recklessly attempting to load his already-loaded firearm while intoxicated;
- Facial deficiencies of police department policy regarding off-duty carry of service weapons were not obvious;
- Evidence that officer had drunkenly brandished his firearm in presence of other officers while off-duty was insufficient to establish pattern of prior, similar incidents; and
- Evidence of three prior instances in which officers attempted to conceal each other's misconduct was insufficient to demonstrate police chief's deliberate indifference.

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