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J.K.J. v. Polk County

United States Court of Appeals, Seventh Circuit - May 15, 2020 - F.3d - 2020 WL 2563256

Former inmates filed § 1983 actions against county and jail corrections officer alleging that officer had sexually assaulted them during their incarcerations.

After actions were consolidated, jury returned verdict and awarded damages in inmates' favor. The United States District Court denied defendants' motions for new trials and county's motion for judgment as matter of law.

Defendants appealed. The Court of Appeals affirmed in part, reversed in part, and remanded.

The Court of Appeals, on rehearing en banc, held that:

- Officer acted with deliberate indifference to jail inmates' safety, in violation of their Eighth Amendment rights, and
- Evidence was sufficient to support county's liability under § 1983.

Evidence was sufficient to support determination that county jail corrections officer acted with deliberate indifference to jail inmates' safety, in violation of their Eighth Amendment rights by sexually assaulting them; sexual assaults imposed serious risk to inmates' health and safety, officer admitted that he knew he was putting inmates at risk and that his conduct violated jail policy and was criminal, and inmates testified that they did not consent to the sexual contact.

Evidence was sufficient to prove that county acted with deliberate indifference in failing to prevent and was moving force behind male guard's repeated sexual assaults against two female county jail inmates, supporting county's § 1983 liability; evidence showed that county had barebones sexual abuse policy and provided little training to guards on topic, inmates testified that they were dependent on male guards for safety and other needs, expert confirmed that such power dynamic created serious risk of abuse for inmates, jail captain admitted he knew of male guards' sexually inappropriate banter, and even after learning of instances of sexual harassment and touching by one guard, county did not improve policy, institute additional training, or inquire of inmates about abuse.

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