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LIABILITY - INDIANA

Bohanon v. City of Indianapolis

United States Court of Appeals, Seventh Circuit - August 22, 2022 - F.4th - 2022 WL 3585003

Bar patron filed § 1983 against city alleging that off-duty police officers had used excessive force, in violation of his Fourth Amendment rights.

After jury entered verdict in patron's favor, the United States District Court granted city's motion for judgment as matter of law. Patron appealed.

The Court of Appeals held that city was not subject to municipal liability under § 1983 based on off-duty police officers' use of excessive force against bar patron.

City was not subject to municipal liability under § 1983 based on off-duty police officers' use of excessive force against bar patron, even though city's general order prohibiting officers under influence of alcohol from performing any law enforcement functions contained exception for extreme emergency situations; it was not obvious that policy prohibiting police action while drinking, subject to narrow and specific exception to protect life and limb, would lead off-duty officers to use excessive force, no similar incident—let alone pattern of similar incidents—had occurred since general order was enacted, officers violated city policy regarding use of force, and their actions did not fall within general order's narrow exception.

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