

POLICE MISCONDUCT

“Holding city liable because of policy delaying investigation of complaints of police misconduct until underlying charges against complainant were resolved”

BARTHOLOMEW v. FISCHL, 782 F.2d 1148 (3d Cir. 1986)

“Holding that a plainclothes officer’s conduct of pointing his weapon at the head of a motorist, without any legitimate law enforcement purpose for doing so, satisfied the shocks-the-conscience standard”

Willson v. Yerke, 3:10-CV-1376 (M.D. Pa. Dec. 23, 2013)

“Holding that a police chief’s failure to institute adequate investigation procedures for determining when to discipline police officers constituted an official policy encouraging the use of excessive force”

SPEARS v. CITY COUNTY OF SAN FRANCISCO, No C 06-4968 VRW. (N.D. Cal. Jul. 21, 2008)

“Holding “[t]he protection of fundamental liberties by the due process clause and the eighth amendment extends to protection from an official’s abusive exercise of his powers to inflict grossly undue harm.””

ALLAH v. WHITMAN, Civil Action No. 02-4247. (D.N.J. Jan. 24, 2006)

“Holding that Allentown chief of police possessed sufficient authority for purposes of municipal liability”

PHILLIPS v. HEYDT, ([E.D. Pa.](#) 2002), 197 F. Supp.2d 207 (E.D. Pa. 2002)

“Finding that police chief was policymaker for City of Allentown”

KELLY v. BOROUGH OF CARLISLE, 622 F.3d 248 (3d Cir. 2010)

“Finding that on-duty officer, dressed in police academy windbreaker, who pulled over vehicle to investigate whether driver was intoxicated was acting under color of law”

BARRETO-RIVERA v. MEDINA-VARGAS, 168 F.3d 42 (1st Cir. 1999)

“Finding jury verdict of excessive force supported by evidence where police officer threatened plaintiffs with a gun”

Shea v. Porter, Civil Action No. 08-12148-FDS (D. Mass. Oct. 31, 2014)

“Finding police chief to be policymaker with respect to police department disciplinary hearings”

MILLER v. CITY OF EAST ORANGE, 509 F. Supp.2d 452 (D.N.J. 2007)

“Finding that officer who was on-duty and was wearing a jacket inscribed with a police insignia was acting under color of state law”
OUSLEY v. TOWN OF LINCOLN THROUGH ITS FINANCE DIRECTOR, (D. R. I. 2004),
313 F. Supp.2d 78 (D. R. I. 2004)

“Upholding jury verdict against police officer who, without justification, brandished his revolver eighteen inches from a motorist’s head, with the motorist’s wife in the precise line of fire, and then threatened to shoot”
BELLA v. CHAMBERLAIN, 24 F.3d 1251 (10th Cir. 1994)

“Upholding jury verdict finding excessive force when a plainclothes police officer threatened a driver with a gun, pointing the weapon directly at the driver about 18 inches from his head and with the driver’s wife also in the direct line of fire, after the parties had argued about an alleged traffic infraction”
Arditi v. Subers, CIVIL ACTION No. 15-5511 (E.D. Pa. Oct. 25, 2016)

“Sustaining jury verdict for plaintiffs where plain-clothes police officer pointed revolver at plaintiffs during an investigatory stop”
ROBINSON v. SOLANO COUNTY, 218 F.3d 1030 (9th Cir. 2000)

“Requiring a “causal nexus between” municipal regulation and the wrongful act”
KRANSON v. VALLEY CREST NURSING HOME, 755 F.2d 46 (3d Cir. 1985)

“Noting that “mere acquiescence by police chief when he is on notice of constitutional violations [by his subordinates] is sufficient to trigger liability under section 1983””
CLENTSCALE v. BEARD, Civil Action No. 07-307J, Re Dkt. Nos. [6] [13]. (W. D. Pa. Jul. 10, 2008)

“Stating that liability against Allentown can attach due to the actions of the police chief because he has final authority within the police force and he is in the Mayor’s cabinet”
GROVE v. CITY OF YORK, PENN. ([M.D. Pa.](#) 2004), 342 F. Supp.2d 291 (M. D. Pa. 2004)