

Supreme Court Strengthens Municipal Immunity For Prosecutorial Violations

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In Connick v. Thompson, the United States Supreme Court held that local government liability for failure to train cannot be based on a single incident, even in the face of an otherwise persuasive claim of deliberate indifference, because the need for such training is “obvious.” Instead, plaintiff must show a pattern of similar constitutional violations.

The Section 1983 plaintiff, John Thompson, was convicted of murder and spent fourteen years on death row for a crime he did not commit because prosecutors failed to turn over to his defense counsel a lab report from a prior case in which Thompson was convicted of attempted aggravated armed robbery. According to the lab report, the perpetrator of the attempted armed robbery had type B blood, while the plaintiff had type O blood. Because of that conviction, plaintiff declined to take the stand in his own defense at the murder trial. The jury found him guilty of murder. Years later, when the lab report was discovered, plaintiff’s attempted armed robbery conviction was vacated. Another three years after that, plaintiff’s murder conviction was overturned. At his retrial for murder, plaintiff testified in his own defense. This time, he was found not guilty.

Thompson sued the District Attorney’s office for damages under Section 1983, asserting that the failure to properly train criminal prosecutors of their duty to disclose evidence under Brady v. Maryland, 373 U.S. 83 (1963), and that his rights to due process were violated by the prosecutor’s failure to provide the exculpatory lab report to his defense counsel. A civil jury awarded him \$14 million, a verdict upheld by the district court on post-trial motions. The verdict and judgment were based on two grounds. First, Connick, the District Attorney, was a policymaker who was deliberately indifferent to an obvious need to train prosecutors regarding their obligations under Brady. Second, the lack of Brady training was the “moving force” behind plaintiff’s constitutional injury.

The Supreme Court reversed the judgment below, holding that a single Brady violation is not sufficient to ground a Section 1983 action based on failure to train. The Court noted that a Section 1983 claim based on a failure to train ordinarily requires a plaintiff to show a pattern of civil rights violations. In reaching its decision, the Court distinguished a hypothetical posed by Justice O’Connor in Canton v. Harris, 489 U. S. 378 (1989), where she wrote that a city’s failure to train officers regarding the use of deadly force, after equipping its police force with guns, would permit an inference of the city’s deliberate indifference to the constitutional rights of its citizens. Here, the Court noted, (1) prosecutors were already trained in the law in law school, in CLE courses, and on the job; (2) the Brady line of cases has a number of gray areas; and (3) prosecutors are ethically bound to know their obligations under Brady. As a result, the Supreme Court held that, unlike the Canton hypothetical, recurring constitutional violations are not the “obvious consequence” of a failure to provide prosecutors with formal training about how to follow Brady.

The Court concluded: “To prove deliberate indifference, Thompson needed to show that Connick was on notice that, absent additional specified training, it was ‘highly predictable’ that the prosecutors in his office would be confounded by those [Brady] gray areas and make incorrect Brady decisions as a result. In fact, Thompson had to show that it was so predictable that failing to train the prosecutors amounted to conscious disregard for defendants’ Brady rights.” And Thompson did not do so.



While Connick involved the training of prosecutors, the Supreme Court's reasoning makes it abundantly clear that plaintiffs, in all failure to train cases, will have to show a pattern of prior constitutional violations in order to demonstrate deliberate indifference. Without such a showing, they cannot recover against the government under Section 1983.

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