



Section 1983 and Law Enforcement Liability Update – The Shifting 7th Circuit

Peter Jennetten

309.674.1133

pjennetten@quinnjohnston.com



U.S. Supreme Court

Fourth Amendment and Due Process Claims



***Manuel v. Joliet*, 137 S.Ct. 911 (2017)**


“The Fourth Amendment... establishes ‘the standards and procedures’ governing pretrial detention. And those constitutional protections apply even after the start of ‘legal process’ in a criminal case...”



County of Los Angeles, Calif. v. Mendez, **137 S. Ct. 1539 (2017)**


Rejecting the “provocation rule”

“A different Fourth Amendment violation cannot transform a later, reasonable use of force into an unreasonable seizure.”



***Nelson v. Colorado*, 137 S.Ct. 1249 (2017)**

“To comport with due process, a State may not impose anything more than minimal procedures on the refund of exactions dependent upon a conviction subsequently invalidated.”



***White v. Pauly*, 137 S.Ct. 548 (2017)** **(per curiam)**

“Clearly established federal law does not prohibit a reasonable officer who arrives late to an ongoing police action ...from assuming that proper procedures... have already been followed.”



7th Circuit cases

Due Process, Deliberate Indifference,
and Monell Claims



***Petties v. Carter*, 836 F.3d 722 (7th Cir. 2016)**

- “an inmate is not required to show that he was literally ignored by prison staff to demonstrate deliberate indifference.”
- “an action that reflects sub-minimal competence and crosses the threshold into deliberate indifference.”



***Petties v. Carter*, 836 F.3d 722 (7th Cir. 2016)**

“qualified immunity does not apply to private medical personnel in prisons.”



The New *Monell* Standard

GOVERNMENT & LIABILITY SEMINAR



QUINN JOHNSTON
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Thomas v. Cook Cnty. Sheriff's Dep't, **604 F.3d 293 (7th Cir. 2010).**

“a municipality can be held liable under *Monell*, even when its officers are not, unless such a finding would create an *inconsistent* verdict.”



***Glisson v. Indiana Department of
Corrections, 849 F.3d 372 (2017).***

“if institutional policies are themselves deliberately indifferent to the quality of care provided, institutional liability is possible.”



Illinois Courts

Malicious Prosecution and Searching Liquor Establishments



Beaman v. Freesmeyer, **2017 IL App (4th) 160527**

“to find a police officer usurped the State’s Attorney’s decision-making role and that officer is responsible for commencing or continuing a criminal action... the plaintiff must establish that officer pressured or exerted influence on the prosecutor’s decision or made knowing misstatements upon which the prosecutor relied”



59th & State St. Corp. v. Emanuel, **2016 IL App (1st) 153098**

- “statute authorizing the warrantless search of premises licensed to sell liquor ...failed to satisfy the third criteria for reasonableness... as neither placed a limit on the timing of an administrative search.”
- “the exclusionary rule should not have been applied in the instant case.”



Conclusion

