



# LADDER OF LIABILITY

Imagine your agency as a ladder. This ladder represents a structure in place to reduce risk and ultimately devastating lawsuits. Each rung of your ladder provides the protection needed to support the agency. As risk ascends the ladder, the higher the dollar amount associated with a lawsuit.



## PRECEDENT

### MONELL V. DEPARTMENT OF SOCIAL SERVICES (436 U.S. 658, 1978)

Monell held that Section 1983 of Title 42 of United States Code: civil action for deprivation of rights applies to municipalities and local governmental units when policies or official procedure are responsible for violation of federally protected rights.

- Failure of Policy
- Failure to Supervise
- Failure to Investigate
- Failure to Train

Thus, to prevail in a suit, the plaintiff must prove:  
1. The existence of an official policy or custom of such longstanding to have the force of law.  
2. Pursuant to which one or more municipal employees violated the plaintiff's civil rights.



## STATS

### POLICE MISCONDUCT LAWSUITS: USE OF FORCE



**8% citizen complaints**

The Bureau Of Justice Statistics reported only 8% of the 26,556 citizen complaints about officer use of force during 2002 at large state and local law enforcement agencies were

**1 out of every 266\*** police officers were accused of a violent crime.

(\*376.5 per 100k)



### COSTS OF MISCONDUCT



**1/3 of lawsuits**

Of the police misconduct lawsuits filed, 1/3 of those resulted in an award for the plaintiff.



**Of the 1/3**

Of police misconduct lawsuits that resulted in a win for the victim:

- 74%** were settled out of court.
- 26%** resulted in a favorable judgment for the victim.

The National Police Misconduct Statistics and Reporting Project reported in 2010:



**\$346 M**

A total of \$346 million was spent on judgements and settlements alone, excluding court costs, and attorney fees in 4,861 unique reports of police misconduct.

**\$225 K**

The median award for all successful police misconduct litigation was \$225,000.

### LASTEST REPORTS

The latest reports from National Police Misconduct Statistics and Reporting Project show:



- 45.9%** Of the reports show some sort of adverse outcome for officers involved.
- 14%** were disciplined internally
- 31.9%** were criminally charged

**SOURCES**

<http://www.policemisconduct.net/2010-npmsrp-police-misconduct-statistical-report/>

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<http://www.policemisconduct.net/the-truth-about-police-misconduct-litigation/>

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