

42 U.S.C.A Section 1983

There are **four types of claims** under which a municipality may be held liable for a constitutional violation under § 1983:

(1) the municipality's legislative enactments or official agency policies;

(2) actions taken by officials with final decision-making authority;

(3) a policy of inadequate training or supervision; or

(4) a custom of tolerance or acquiescence of the federal right violations.



Policy or Custom

so **permanent and well settled** as to constitute a custom or usage with the force of law

must reflect a course of action deliberately chosen from among various alternatives and must evince a **clear and persistent pattern**



Things to consider

Enforcement
discretion under
written policy?

Duration of
practice?

Frequent
practice?

Consistent
practice?

Factual record
developed?

Class action?