

Quote:
Down Payment:
Payment Plan:
Attorney Initials:

42 U.S.C. § 1983 Claims IN-TAKE FORM

Name: _____

Address: _____

D.O.B: _____

Date of event: _____

6 Month Letter Due by: _____ (office use only)

S. O. L. : _____ (office use only)

_____ Under color of law
 Officer/employee on duty, acting within scope of duty;
 In anyway using government authority;
 Claiming or appearing to act under official authority (Indicia of official auth); OR
 Violating policy of dept or Law

_____ Violation of "Clearly Established" Federal § or U.S. Constitution (State right not enough)
 Intentional act
 Willful neglect
 Gross Negligence; OR
 Deliberate Indifference/ Reckless Conduct (simple negligence not enough)

Duty to take reasonable measures to protect plaintiff from harm by

- Themselves
- Other inmates
- Subordinates
- Co-workers/ other Gov Actors

NOTE: No requirement to place self in danger but need to respond in
 someway

“Clearly Established”

Dist. Of Columbia v. Wesby, 138 S. Ct. 577, 589 (2018);

White v. Pauly, 137 S. Ct. 548, 550 (2017);

_____ Damages suffered

_____ Compensatory (recover losses; lost income, pain & suffering, injury extent & duration, medical bills, loss of earning capacity, loss of consortium)

_____ Punitive (Punish defendant and deter future misconduct)

_____ Y / N Injunctive (Court order to require/prohibit certain future behavior)

For: _____

CLAIMS:

___ Wrongful/ Illegal Arrest (4th Amend)

___ Malicious Prosecution

___ Excessive Force (4th Amend)

___ Wrongful Death (4th Amend)

___ False Imprisonment (8th Amend)

___ Failure to Train

___ Failure to protect inmate (8th/14th Amend)

___ Deliberate Indifference to Serious Medical Need of Prisoner (8th/14th Amend)

___ Deliberate Indifference to Vulnerability to Suicide

___ Retaliation for Whistle-Blowing (1st Amend)

___ Coercing Confession (5th Amend)

___ Denial of Request for Attorney (6th Amend)

___ Due Process Violation

___ Public Employment

___ Government Benefits

___ Equal Protection based on protected class

___ Civil Forfeiture

Were you prosecuted?: _____

If yes, were your charges dismissed, nolle prossed, or result in a not guilty verdict? Y / N

Defendants:

(Government Entity may be liable if it has a custom, practice, or policy that is unconstitutional and as a result representative causes a constitutional violation)

List all officers, officials, departments, municipalities, or others

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____

DISCOVERY:

PRESERVATION LETTER FOR ALL RELEVANT INFO

Agency Files –

IA, Use of Force reports, Firearm discharge reports, Officer history, complaints, personnel records, Injury reports of officers, performance evaluations, info re: particular practices, body cams, incident reports, informant info, social media, training materials, prior statements (immunized or otherwise)

APPLICABLE STATUTES

Section 11-47-23 - Limitation periods for presentation of claims against municipalities

All claims against the municipality (except bonds and interest coupons and claims for damages) shall be presented to the clerk for payment within two years from the accrual of said claim or shall be barred. Claims for damages growing out of torts shall be presented within six months from the accrual thereof or shall be barred.

Section 11-47-192 - Filing of statement as to manner of injury, damages claimed, etc

No recovery shall be had against any city or town on a claim for personal injury received, unless a sworn statement be filed with the clerk by the party injured or his personal representative in case of his death stating substantially the manner in which the injury was received, the day and time and the place where the accident occurred and the damages claimed.

See Ala. Admin. Code r. 265-X-3-.11 (Use of force reporting)

Section 265-X-3-.11 - Use Of Force Reporting

(1) Beginning July 12, 2021, all state, county and municipal law enforcement agencies shall report incidents of use of force by sworn law enforcement officers within its respective agency to the ALEA State Bureau of Investigations (SBI) Criminal Justice Information Services Division (CJIS).

(2) SBI CJIS shall provide a uniform method of collecting use of force information that complies with federal use of force reporting standards.

(3) The following types of use of force shall be reported:

(a) Fatality occurred in connection to Use-of-force by a law enforcement officer.

(b) Serious bodily injury occurred in connection to Use-of-force by a law enforcement officer.

(c) Firearm discharged toward a person by a law enforcement officer (no fatality nor bodily injury).

(4) The information collected for Use of Force reporting shall include the following:

(a) Information related to the date and time of the incident to include:

1. Total number of officers who applied actual force during the incident.
2. Number of officers from the reporting agency who applied actual force during the incident.
3. Location of the incident (address or latitude/longitude).
4. Location type of the incident (street, business, residence, restaurant, school, etc.)
5. Did the officer(s) approach the subject(s)?
6. Was it an ambush incident?

7. Was a supervisor or a senior officer acting in a supervisory capacity present or consulted at any point during the incident?
8. What was the reason for the initial contact between the subject and the officer (response to unlawful or suspicious activity, routine patrol, traffic stop, etc.)?
9. If the initial contact was due to "unlawful or criminal activity," what were the most serious reported offenses committed by the subject prior to or at the time of the incident?
10. If applicable, the reporting agency will enter the National Incident-Based Reporting System or local incident number of the report detailing the criminal incident information on the subject and/or assault or homicide of a law enforcement officer.
11. If the incident involved multiple law enforcement agencies, the agency will include case numbers for the local use-of-force reports at the other agencies.

(b)

1. Injury/death of subject(s) (gunshot wound, apparent broken bones, unconsciousness, etc.)
2. Information on the Subject will include the following: Age, sex, race, ethnicity, height, and weight.
3. Type(s) of force use connected to serious bodily injury or death (firearm, electronic control weapon, explosive device, blunt instrument, etc.)
4. Did the subject(s) resist?
5. Was the threat by the subject(s) directed to the officer or to another party?
6. Type(s) of subject resistance/weapon involvement (threatened officer, threatened others, threatened self, active aggression, firearm, attempt to flee, etc.)
7. Was there an apparent or known impairment in the physical condition of subject? If yes, indicate which (mental health/alcohol/drugs/unknown).
8. At any time during the incident, was the subject(s) armed or believed to be armed with a weapon?

(c) Information regarding the Officer shall include the following:

1. Age, sex, race, ethnicity, height, and weight
2. Years of service as a law enforcement officer (total tenure, number of years)
3. At the time of the incident, was the officer a full-time employee?
4. Was the officer readily identifiable?
5. Was the officer on duty at the time of the incident?
6. Did the officer discharge a firearm?
7. Was the officer injured?
8. What was the officer's injury type (gunshot wound, apparent broken bones, severe laceration, unconsciousness, etc.)

(5) SBI CJIS will collect this information through eCrime once this reporting is added to eCrime. For agencies that do not use the eCrime UOF reporting capability, they shall report via a form provided by SBI CJIS.

