**5.10**

**Civil Rights – 42 U.S.C. § 1983 Claims – Government Entity Liability (Incorporate into Instructions for Claims against Individual Defendants)**

[Name of plaintiff] claims that [name of government entity], which employed [name of officer], is liable for violating [name of plaintiff]’s constitutional rights. You should consider whether [name of government entity] is liable only if you find that [name of officer] violated [name of plaintiff]’s constitutional rights.

[Name of government entity] is not liable for violating [name of plaintiff]’s constitutional rights simply because it employed [name of officer]. Rather, [name of government entity] is liable if [name of plaintiff] proves that an official policy or custom of [name of government entity] directly caused [his/her] injuries. Put another way, [name of government entity] is liable if its official policy or custom was the moving force behind [name of plaintiff]’s injuries.

An “official policy or custom” means:

* + 1. A rule or regulation created, adopted, or ratified by [name of government entity]; or

(b) A policy statement or decision made by [name of government entity]’s policy-maker; or

(c) A practice or course of conduct that is so widespread that it has acquired the force of law—even if the practice has not been formally approved.

You may find that an “official policy or custom” existed if there was a practice that was so persistent, widespread, or repetitious that the [name of government entity]’s policy-maker either knew of it or should have known of it.

[Name of policy-maker] is the [name of government entity]’s “policy-maker.”

**NOTE:** Model Jury Interrogatory Forms may be found in the appendices after the last civil rights jury instruction (Pattern Instruction 5.13) for use in actions brought under 42 U.S.C. §1983. Three types of Model Jury Interrogatory Forms are provided: (A) a simplified Interrogatory Form for use in most civil right actions; (B) an Interrogatory Form for use in actions that do not require application of the Prison Litigation Reform Act, and (C) an Interrogatory Form for use in actions that do require application of the Prison Litigation Reform Act.