**5.7 Civil Rights – 42 U.S.C. § 1983 Claims – Government Entity**

**Liability for Failure to Train or Supervise (Incorporate into**

**Instructions for Claims against Individual Defendants)**

[Name of plaintiff] claims that [name of government entity] is liable for failing to adequately [train/supervise] its officer[s] and that this failure caused [name of officer] to violate [name of plaintiff]’s [describe constitutional right, *e.g.*, Fourth Amendment right to be free from excessive force].

To succeed on this claim, [name of plaintiff] must prove each of the following facts by a preponderance of the evidence:

First: That [name of officer] violated [name of plaintiff]’s [describe constitutional right, *e.g.*, Fourth Amendment right to be free from excessive force];

Second: That [name of officer] was not adequately [trained, supervised] in [describe relevant area, *e.g.*, the use of deadly force];

Third: That [name of official policy-maker] knew – based on at least one earlier instance of unconstitutional conduct materially similar to [name of officer]’s violation of [name of plaintiff]’s constitutional rights – that [additional] [training/supervision] was needed to avoid [describe alleged constitutional violation] likely recurring in the future; and

Fourth: That [name of official policy-maker] made a deliberate choice not to provide [additional] [training/supervision] to [name of officer].

**NOTE:** Model Jury Interrogatory Forms may be found in the appendices after the last civil rights jury instruction (Number 5.8) 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.