

# ***FITNESS & THE COURTS***

## ***Parker v. District of Columbia***

Facts: Two officers went to arrest Parker on an armed robbery warrant. They went to a location they mistakenly thought was out of their jurisdiction to see if they could locate him. They were in plain clothes and in an unmarked car. Their radios did not work at the location. They found Parker and asked him to come with them to have the warrant served on him. Parker replied he would go but then ran from the house. A chase ensued. Parker was behind the wheel of a car when one officer approached to try to remove him from the car. The officer believed that Parker was threatening the driver of the car and ordered him to freeze. When Parker turned toward the officer he was shot twice causing seriously and permanent injury.

The plaintiff (Parker) sued Officer Hayes and his employer, the District of Columbia, for inadequate training under 42 U.S.C. §1983. The officer had received no physical fitness training during his employment. One of the allegations was that Officer Hayes was physically incapable of subduing Parker during a scuffle which led to the use of deadly force.

“[T]his case does not involve a single incident that gives rise to an inference of inadequate training. It involves a sad series of mishaps linked to a policy of sorely deficient training, supervision and discipline.”<sup>i</sup>

The plaintiff’s argument was that had the officer been physically fit and adequately trained in disarmament techniques, deadly force would not have been necessary. The court agreed.

“[L]iability may be found . . . when there is evidence of deliberate indifference manifest by systemic and grossly inadequate training, discipline and supervision.”

The city was liable for \$425,046.67 in damages.

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