

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Charles J. Slakan v. T.C. Porter, M.M. Walters, Amos Reed, Ralph Edwards, Sam Garrison, and J.B. Barefoot, J.G. Watson, D.R. Woodard, Jack Lemons

737 F.2d 368 (4th Cir. 1984) · No. No. 83-6542 · Decided June 5, 1984

SUMMARY

The Fourth Circuit affirmed a jury verdict holding prison guards and supervisory officials liable under 42 U.S.C. § 1983 for the excessive use of force against a prisoner confined in a one-man cell. The court held that evidence of supervisors’ knowledge of repeated water-hosing incidents and failure to provide adequate guidance supported supervisory liability and causation, and that qualified immunity did not apply. The court also upheld the admission of a videotape and expert testimony, while finding harmless the erroneous exclusion of psychologist communications under federal privilege law.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Sprouse, Circuit Judge; Chapman, Circuit Judge; Peck, Senior Circuit Judge, sitting by designation
JURISDICTION	Federal
DECIDED	June 5, 1984
DOCKET	No. 83-6542
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal by prison guards and supervisory officials from a jury verdict imposing compensatory and punitive damages in a 42 U.S.C. § 1983 action alleging excessive force and supervisory deliberate indifference.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence in the light most favorable to the prevailing party, set aside jury fact-finding only if reasonable persons could not reach the verdict, reviewed evidentiary rulings for abuse of discretion, and reviewed the qualified-immunity issue under the governing legal standard.
PRECEDENTIAL VALUE	Published Fourth Circuit opinion; precedential

PARTIES

T.C. Porter, M.M. Walters, Amos Reed, Ralph Edwards, Sam Garrison
v. Charles J. Slakan

TOPICS

section 1983 qualified immunity prisoners rights cruel and unusual punishment privilege

PRACTICE AREAS

civil rights litigation prisoners' rights constitutional torts evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to establish supervisory liability under 42 U.S.C. § 1983 against the warden, director of prisons, and secretary of corrections.
2. Whether the supervisory officials were entitled to qualified immunity.
3. Whether the trial court improperly excluded Slakan's communications with his psychologist under a state-law privilege.
4. Whether the trial court properly admitted a videotape depicting the force of a high-pressure water hose.
5. Whether the trial court properly admitted expert testimony concerning the punitive nature of North Carolina's water-hosing practices.

HOLDINGS

1. Supervisory officials may be liable for constitutional injuries inflicted by subordinates when their deliberate indifference or tacit authorization of widespread abusive practices is causally linked to the injury. The evidence was sufficient for the jury to find the warden, director of prisons, and secretary of corrections liable.
2. The unjustified or excessive beating of a prisoner by correctional officials constitutes cruel and unusual punishment actionable under 42 U.S.C. § 1983; the use of water hoses, tear gas, and billy clubs against a defenseless prisoner confined in a one-man cell crossed the line from necessary force to unconstitutional brutality.
3. The supervisory officials were not entitled to qualified immunity because their conduct violated clearly established constitutional and statutory duties concerning the prevention of excessive force against prisoners.
4. The district court erred by applying North Carolina law to determine privilege for communications in this federal constitutional action, because Federal Rule of Evidence 501 required application of federal common law; however, the error was harmless because the excluded evidence was cumulative.
5. The trial court acted within its discretion in admitting a videotape depicting water discharged under pressure comparable to that used against Slakan because the tape was relevant and accurately represented the force at issue.

6. The trial court properly admitted the correctional expert's opinions concerning the punitive nature of North Carolina's water-hosing practices.

KEY QUOTATIONS

“A supervisor's continued inaction in the face of documented widespread abuses, however, provides an independent basis for finding he either was deliberately indifferent or acquiesced in the constitutionally offensive conduct of his subordinates.” (¶ 11)

“This administrative policy, or more accurately lack of policy, invited abuses of the kind experienced by Slakan.” (¶ 22)

“[G]overnment officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” (¶ 23)

FACTUAL BACKGROUND

While confined in a one-man cell at Central Prison in Raleigh, North Carolina, Slakan complained about missing coffee and slapped a prison lieutenant on the shoulder. Guards responded with two high-pressure water hoses and repeated tear-gas blasts, then entered the cell and struck Slakan repeatedly with billy clubs, causing head wounds requiring sixty-nine stitches. Evidence showed that supervisory officials knew of repeated water-hosing incidents involving securely confined inmates, opposed tighter regulation of the practice, and failed to provide adequate guidance concerning the use of force.

PROCEDURAL HISTORY

Slakan sued prison guards and supervisory officials under 42 U.S.C. § 1983 after being subjected to water hoses, tear gas, and billy-club blows while confined in a one-man cell. The parties consented to a jury trial before a United States magistrate. The jury found for Slakan against five defendants and awarded a total of \$32,500; the Fourth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Wellington v. Daniels, 717 F.2d 932, 935-36 (4th Cir. 1983)
- King v. Blankenship, 636 F.2d 70, 72 (4th Cir. 1980)
- Orpiano v. Johnson, 632 F.2d 1096, 1101 (4th Cir. 1980)
- Monell v. Department of Social Services, 436 U.S. 658, 691 (1978)
- Rizzo v. Goode, 423 U.S. 362 (1976)
- Harlow v. Fitzgerald, 457 U.S. 800, 815, 818 (1982)
- Scheuer v. Rhodes, 416 U.S. 232 (1974)

- Spain v. Procunier, 600 F.2d 189, 195 (9th Cir. 1979)
- United States v. Meagher, 531 F.2d 752, 753 (5th Cir. 1976)
- Renfro Hosiery Mills Co. v. National Cash Register Co., 552 F.2d 1061 (4th Cir. 1977)
- Jackson v. Fletcher, 647 F.2d 1020 (10th Cir. 1981)
- United States v. Logan, 641 F.2d 860, 863 (10th Cir. 1981)
- McElveen v. Hutto, 725 F.2d 954, 958 (4th Cir. 1984)

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