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Town Held Not Liable For Suicide of Detainee After Release From Police Custody

Town Held Not Liable For Suicide of Detainee After Release From Police Custody: Coscia v. Town of Pembroke, 659 F.3d 37 (1st Cir. 2011)

The First Circuit Court of Appeals recently reversed a District Court decision (reported in our Fall 2010 newsletter) and dismissed plaintiff's civil rights action on the grounds that the defendants did not violate the Due Process Clause of the Fourteenth Amendment by failing to prevent the suicide of Jason Coscia fourteen hours after his release from the Pembroke Police Department. The decision was authored by retired Associate Justice of the United States Supreme Court, David H. Souter.

On December 9, 2007, Jason Coscia was involved in a single-car accident. Pembroke police subsequently arrested Coscia and transported him to the police station. During the ride, Coscia told police he wanted to kill himself and intended to do so by jumping in front of a train. Once in his cell, Coscia repeated his plans to end his life by any means possible. He then attempted to bite off his handcuffs, kick the walls, and lick an electrical outlet. Police officers placed leg restraints on Coscia and completed a suicide evaluation form, concluding the detainee presented a "very high risk" of committing suicide. The Police Chief allegedly learned of the situation and Coscia's statements, but took no action. At 6:00 p.m., police released Coscia from custody without ever requesting or obtaining medical treatment or assistance for him. Fourteen hours later, at 7:50 a.m. the following morning, Coscia stepped in front of a train and ended his life. In their complaint, Coscia's family claimed that "[t]he failure of the defendants to take appropriate action to have Jason Coscia evaluated by medical professionals caused his death by suicide."

Coscia's estate brought a civil rights action against the Pembroke officers and Police Chief claiming defendants were deliberately indifferent to the decedent's medical needs while he was in police custody in violation of the Due Process Clause of the Fourteenth Amendment. The estate also brought a Section 1983 claim against the Town for failing to train its officers in suicide prevention. The defendants moved for judgment on the pleadings on the grounds that Coscia had no constitutional right to protection from harm while outside of police custody, that the individual police officers were entitled to qualified immunity, and that no Monell claim for municipal liability was available as against the Town. The District Court denied the motion for judgment on the pleadings but, on appeal, the First Circuit reversed.

The First Circuit initially observed: "[W]e are not dealing with an allegation of harm from a risk created by the state itself or by its local officers." Instead, the "causation alleged" was based on defendants' "failure to prevent the consequences of [Jason's] preexisting suicidal disposition, a failure to intervene in a way that would change him, or his circumstances, for the better in the period after his release." 659 F.3d at 40 (emphasis added). The First Circuit explained, however, that substantive due process rationale "does not extend official protective responsibility as far as plaintiff would take it." While "state tort law may bind the police to a more demanding standard of



conduct and a more extended period of liability than the Due Process Clause," no such state law claims were before the Court.

The Coscia decision reaffirms the legal principle (originally announced by the Supreme Court in DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189 (1989)) that, in the absence of a "special duty" owed to the plaintiff, for example, a detainee still in police custody, the Due Process Clause does not extend to persons who commit suicide or otherwise harm themselves after their release. Lest too much be read into the First Circuit's decision in Coscia, Justice Souter twice cautioned that the Court was not dealing with a situation where the state "created or intensified" the harm suffered by the detainee, suggesting that, under other circumstances, the Court might have reached a different result.

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