

For this commentary, I decided to explore a case that was cited in *Understanding*, but not really explored. This case is *Amnesty America v. Town of West Hartford* (2004). In *Amnesty*, the town of West Hartford is sued on behalf of arrestees who claim that excessive force was used when they were arrested during two anti-abortion demonstrations. In their §1983 complaint, they allege that the municipality should be held liable for two reasons. The first is that there was a failure to supervise on the part of the police chief, who was present during both demonstrations, and the second was a failure to train on the part of the City, who allegedly showed deliberate indifference to this failure because the Town had received complaints after the first demonstration, and did not proactively provide further training to its officers in between protests. Ultimately, the court upheld the lower court's granting summary judgment in favor of the Town as to the failure to train theory, holding that there was insufficient evidence in that respect, and remanded for further findings of fact regarding the failure to supervise theory, as the protestor's allegations were sufficient to create issues of fact as to the reasonableness of the officer's actions, and if the police chief was aware of the constitutional violations occurring and ignored them.

It is interesting to consider the possibility of local animosity towards what the plaintiffs, did the subject matter of the protest have any impact on the situation surrounding their arrests, or on the outcome of their case? While police and the judiciary are expected to act moderately and without bias, in a most likely liberal New England town like West Hartford, Connecticut, it would not be unreasonable that many members of police and judiciary would be not only pro-choice, but frustrated and easily provoked by the graphic and terrible images that many anti-abortion protestors resort to using to get their point across. And could this have anything to do with the burden on the plaintiffs to prove failure to supervise or train? If the police chief had been supervising a protest on a less hotly contested issue, and the police officers acted the way they did in arresting protestors, would the resulting §1983 claim have failed, like the one here did?

Cases like this remind us that as much as we, as legal scholars, want to view everything in black and white, as objectively as possible, it is important to remember that people are, in essence, human, and not every case is going to be exactly the way we predict it should go based on the law. If this protest had occurred in a more conservative area, or been about a less polarizing issue, we might have never had to read about it in this class, because the constitutional violations the plaintiffs were alleging might have never occurred.