
IMMUNITY - CONNECTICUT

Ventura v. Town of East Haven

Appellate Court of Connecticut - January 31, 2017 - A.3d - 170 Conn.App. 388 - 2017 WL 380547

Pedestrian, who was struck by truck driven by motorist, brought personal-injury action against town, alleging that town police department's rules regarding towing of vehicles imposed clear ministerial duty on police officer to, after investigating an unrelated domestic-violence incident involving motorist, tow motorist's truck, because truck had invalid registration and improper plates.

Following jury trial, the Superior Court entered judgment in favor of pedestrian. Town appealed.

The Appellate Court held that:

- Question whether rules imposed ministerial duty on officer, and thus whether town enjoyed governmental immunity, should have been decided by trial court, and
- Rules did not impose clear ministerial duty on officer to tow motorist's truck, and pedestrian thus failed to show that town did not enjoy governmental immunity from pedestrian's claim.

Question whether town police department's rules regarding towing of vehicles imposed ministerial duty on police officer to tow motorist's truck following officer's investigation into unrelated domestic-violence incident involving motorist, and thus whether town enjoyed governmental immunity from pedestrian's claim that injuries he sustained when motorist subsequently struck him with truck resulted from violation of such duty, should have been decided by trial court, not jury, since it turned on interpretation of municipal ordinance or policy.

Town police department's rules regarding towing of vehicles did not impose clear ministerial duty on police officer to tow motorist's truck following officer's investigation into unrelated domestic-violence incident involving motorist, and pedestrian thus failed to show that town did not enjoy governmental immunity from pedestrian's claim that injuries he sustained when motorist resumed driving truck, and subsequently struck pedestrian with truck, resulted from violation of such duty, even though truck had invalid registration and improper plates, since, when read together, rules made sense only with understanding that the rules regulated tow truck operators, not police officers.

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