

Bond Case Briefs

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Schreiner v. Hodge

Court of Appeals of Kansas - November 9, 2017 - P.3d - 2017 WL 5184450

Petitioner filed a complaint against police officer and police sergeant alleging causes of action for assault, battery, false arrest, and false imprisonment after he was detained by police during an investigation concerning a suspicious vehicle.

The District Court granted officer and sergeant summary judgment based on official immunity. Petitioner appealed.

The Court of Appeals held that:

- Police officer was entitled to discretionary function immunity;
- Police sergeant was not liable to petitioner for battery; and
- Police sergeant was entitled to discretionary function immunity.

Police officer was entitled to discretionary function immunity in lawsuit filed by petitioner, who was detained on the street during a police investigation; officer had a reasonable belief that criminal activity was occurring, as two different reports of a suspicious vehicle parked in the neighborhood had been made to police and both reports indicated the driver went into nearby woods, petitioner approached the vehicle and entered it while refusing to answer officer's questions, and officer temporarily detained petitioner to conduct an investigation.

Police sergeant was not liable to petitioner, who was detained by police in the street during an investigation, for battery, where sergeant never touched petitioner.

Police sergeant was entitled to discretionary function immunity in false imprisonment lawsuit filed by petitioner, who was detained on the street during a police investigation; sergeant's failure to immediately release petitioner, after sergeant arrived on the scene, and his decision to continue petitioner's investigatory detention until outstanding warrant information could be obtained from police dispatcher was a discretionary act.