

Bond Case Briefs

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Brooks v. Powers

Supreme Court of Connecticut - February 2, 2018 - A.3d - 2018 WL 702808

Administratrix of estate of drowning victim brought negligence action against two police officers, alleging that officers' negligence in responding to report that a woman, subsequently identified as victim, was standing in field during severe thunderstorm was proximate cause of victim's accidental drowning the next morning.

The Superior Court found that officers were shielded from liability as matter of law by immunity afforded municipal employees for their discretionary acts and granted officers' motion for summary judgment. Administratrix appealed. The Appellate Court reversed. Officers appealed.

The Supreme Court of Connecticut held that:

- Drowning was not reasonably foreseeable result of police officers' failure to respond to report that victim was standing in field during severe thunderstorm, and thus did not give rise to duty on part of officers to take immediate steps to protect victim, and
- Victim's death by drowning was too attenuated from risk of harm created by police officers' failure to respond to report for jury reasonably to conclude that drowning was imminent, and thus officers' conduct did not fall within identifiable person, imminent harm exception to statutory governmental immunity.