

Bond Case Briefs

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City of Clinton v. Tornes

Supreme Court of Mississippi - August 30, 2018 - So.3d - 2018 WL 4144000

Motorist filed a complaint against police officer and city that alleged officer's negligent actions caused automobile accident. Officer and city moved for summary judgment.

The County Court denied the motion. Officer and city filed an interlocutory appeal.

The Supreme Court of Mississippi held that:

- Police officer was immune from individual liability in automobile accident;
- City was immune from liability for police officer's actions in allegedly causing automobile accident under police-protection immunity; and
- City was entitled to discretionary-function immunity on motorist's claims that city acted negligently in training police officer.

Police officer was immune from individual liability for automobile accident under the Mississippi Tort Claims Act (MTCA); the MTCA provided that "no employee shall be held personally liable for acts or omissions occurring within the course and scope of the employee's duties," and officer was acting in the course and scope of his duties by responding to a call reporting an unconscious intoxicated person on a sidewalk when the accident occurred.

City was immune from liability for police officer's actions in allegedly causing automobile accident under police-protection immunity; the Mississippi Tort Claims Act (MTCA) generally granted immunity to the State and political subdivisions from claims for money damages arising out of torts of their employees while acting in the scope of their employment, exception to immunity applied when an employee acted in reckless disregard for the safety and well-being of any person, and officer may have been remiss in driving through parking lot where accident occurred, but he was not reckless.

City was entitled to discretionary-function immunity on motorist's claims that city acted negligently in training police officer; under the Mississippi Tort Claims Act (MTCA) city was not liable for any claim based on the exercise or performance of a discretionary function or duty on the part of a governmental entity or employee, and motorist's claim challenged the manner in which city supervised, disciplined, and regulated its officers.