
IMMUNITY - CONNECTICUT

Ventura v. Town of East Haven

Supreme Court of Connecticut - January 22, 2019 - A.3d - 330 Conn. 613 - 2019 WL 254698

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 reversed and remanded. Pedestrian petitioned for certification to appeal.

The Supreme Court of Connecticut held that:

- Question whether town police department's rules regarding towing of vehicles imposed ministerial duty on police officer to tow motorist's truck gave rise to a question of law for resolution by trial court, abrogating *Strycharz v. Cady*, 148 A.3d 1011, *Bonington v. Westport*, 297 Conn. 297, 999 A.2d 700, *Martel v. Metropolitan District Commission*, 275 Conn. 38, 881 A.2d 194, *Lombard v. Edward J. Peters, Jr., P.C.*, 252 Conn. 623, 749 A.2d 630, and *Coley v. Hartford*, 312 Conn. 150, 95 A.3d 480;
- Police department's rules regarding towing of vehicles did not impose clear ministerial duty on police officer to tow motorist's truck, as required to show that town did not enjoy governmental immunity from pedestrian's claim; and
- Testimony of municipal employee designated by town as the person most knowledgeable about police department rules and procedures was insufficient to establish a ministerial duty on the part of police officer to tow motorist's truck.

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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