

# **Bond Case Briefs**

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## **LIABILITY - IOWA**

### **Martin v. Tovar**

**Supreme Court of Iowa - June 9, 2023 - N.W.2d - 2023 WL 3906432**

After city police officer sexually assaulted intoxicated victim to whom he had provided courtesy ride, victim brought action against city and police officer, alleging causes of action for sexual assault, battery, intentional infliction of emotional distress (IIED), false imprisonment, and invasion of privacy.

The District Court granted city's motion for summary judgment. Victim appealed.

The Supreme Court held that:

- Sexual assault fell outside the scope of officer's employment;
- There was no evidence that sexual assault by officer was expected, foreseeable, or sanctioned by the city;
- Officer's poor performance evaluations were insufficient to create genuine issue of material fact regarding foreseeability of sexual assault;
- Accusation that officer had assaulted another victim did not create genuine issue of material fact regarding foreseeability of sexual assault; and
- The Supreme Court would decline to extend aided-by-agency theory to hold city vicariously liable for sexual assault.