

Bond Case Briefs

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MUNICIPAL LIABILITY - CONNECTICUT

Faulkner v. Daddona

Appellate Court of Connecticut - April 23, 2013 - A.3d - 142 Conn.App. 113

Police officer's decision whether or not to enforce traffic statutes when tow truck was at scene of automobile accident was matter of discretion, and thus officer was entitled to governmental immunity in suit brought by injured motorcyclist.

Motorcycle passenger, who allegedly was injured when tow truck entered highway at scene of prior automobile accident, brought action against town, town police officer, and town police chief, asserting that defendants failed to enforce rules and regulations governing performance of town towing services by private contractors.

The appeals court held that:

- Police officer's decision whether or not to enforce traffic statutes when tow truck was at scene of automobile accident was matter of discretion, and thus officer was entitled to governmental immunity;
- Duties imposed on officer by police department general orders involved exercise of judgment and discretion;
- Officer's decision whether to close trunk lid of his police cruiser (obscuring emergency lights) was discretionary determination; and
- Passenger failed to allege that negligence of town or police chief or both caused her injuries, as necessary to sustain negligence claims.