

Bond Case Briefs

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TORT CLAIMS ACT - IOWA

Thomas v. Gavin

Supreme Court of Iowa - October 11, 2013 - N.W.2d - 2013 WL 5583524

Arrestee sued city and county law enforcement officers, as well as city and county sheriff's office, alleging he was wrongfully assaulted and arrested by the officers, asserting claims for assault, battery, false imprisonment, and malicious prosecution. The District Court granted summary judgment to defendants on the basis of immunity under the Iowa Tort Claims Act (ITCA). Arrestee appealed.

The Supreme Court of Iowa held that officials' enforcement of state law was not enough to bring them within the scope of the ITCA and its immunities.

Any immunity conferred by the ITCA with respect to claims against state employees for assault, battery, false arrest, and malicious prosecution did not protect county sheriff's office and municipal law enforcement officials from being sued by arrestee under the Iowa Municipal Tort Claims Act (IMTCA) for these same claims, even to extent the officers were enforcing state law, as the mere act of enforcing state law was not enough to bring these local officials within the scope of the ITCA and its immunities.