

Bond Case Briefs

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EMPLOYMENT - GEORGIA

Graham v. City of Duluth

Court of Appeals of Georgia - July 3, 2014 - S.E.2d - 2014 WL 2976104

An intoxicated, off-duty City police officer, attacked citizen and others, including another off-duty police officer who came to her aid. Citizen sued city for its police officer's attack upon her claiming liability based on respondeat superior, and negligent hiring and retention. The trial court granted city's motion for summary judgment. Citizen appealed.

The Court of Appeals held that:

- City was not liable under respondeat superior; but
- Genuine issue of material fact existed as to sufficiency of pre-employment background check;
- Genuine issue of material fact existed as to city's foreseeability of personal injury resulting from hiring the officer;
- Genuine issue of material fact existed as to whether the attack was wholly unrelated to officer's employment; and
- City's decision to allow officer to return to work did not constitute negligent retention.