

Bond Case Briefs

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LIABILITY - GEORGIA

City of Atlanta v. McCrary

Court of Appeals of Georgia - July 16, 2014 - S.E.2d - 2014 WL 3557465

Estate administrators of driver and passenger brought action against city arising from its police officer's high-speed chase of third party resulting in third party's collision with vehicle and the deaths of driver and passenger, alleging maintenance of a nuisance in failing to enforce police department's high-speed pursuit policy. The trial court denied city's summary judgment motion. City sought interlocutory review, which was granted.

The Court of Appeals held that city did not have the requisite notice of repeated or continuous dangerous acts as required to hold it liable for maintenance of a nuisance.

Assuming that nuisance law could apply in the context of police pursuit cases, city did not have notice of any repeated or continuous dangerous acts from its alleged failure to enforce its high-speed police pursuit policy, as required to hold city liable for maintenance of a nuisance in connection with fatal crash following police chase.

Despite statistics showing that less than half of high-speed pursuits were documented as required by standard operating procedure and less than half of those documented were justified as required by procedure, there was no showing that dangerous conditions or injuries resulted from any unauthorized pursuits or any lack of officer training or enforcement, and there was no link between any documented injuries or accidents and any unauthorized pursuits.