

Bond Case Briefs

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City of Atlanta v. Mitcham

Supreme Court of Georgia - February 16, 2015 - S.E.2d - 2015 WL 659597

Diabetic inmate in city's custody brought negligence action against city and city's police chief, alleging that defendants' negligent failure to monitor and regulate inmate's insulin levels resulted in permanent injuries. Defendants filed motion to dismiss on grounds of governmental immunity. The State Court denied motion. Defendants appealed.

The Supreme Court of Georgia held that city and police chief were entitled to governmental immunity.

Provision of medical services by city and city's police chief to inmates confined in city's custody was "governmental," rather than "ministerial," function, such that city and police chief were entitled to governmental immunity in negligence action by diabetic inmate alleging that defendants' failure to properly monitor and regulate his insulin levels resulted in permanent injuries. City's duty to furnish inmates necessary medical care and to bear the costs of such care was imposed by statute, and such provision of medical care was to be performed for the benefit of the general public, for which the city derived no special benefit.