

Bond Case Briefs

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Ex parte Brown

Supreme Court of Alabama - May 22, 2015 - So.3d - 2015 WL 3367665

Police officer petitioned for writ of mandamus directing the Circuit Court to enter summary judgment in his favor based on State-agent immunity and statutory immunity on claims filed against him by administrator of estate of motorist who was killed as a result of crash with suspect whom officer had just stopped pursuing at high speeds.

The Supreme Court of Alabama held that:

- Officer satisfied his initial burden of showing that he qualified for State-agent immunity;
- Officer's admission that he was unaware of his department's pursuit policy was not a material consideration; and
- Any violation by officer of the policy did not result in loss of his State-agent immunity.

Any violation by city police officer of city's pursuit policy did not result in loss of his state-agent immunity from action by administrator of estate of motorist who was killed as a result of crash with suspect whom officer had just stopped pursuing, where policy, which set forth criteria by which decisions were made and was qualified by the need to maintain the safety of the officer and the public, left a significant degree of discretion to the officer in the exercise of officer's pursuit duties, and, thus, policy and procedure constituted guidelines, not detailed rules and regulations, such as those stated on a checklist that had to be followed.