

# **Bond Case Briefs**

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## **IMMUNITY - NEW YORK**

### **Kinsey v. City of New York**

**Supreme Court, Appellate Division, First Department, New York - July 5, 2016 - N.Y.S.3d - 2016 WL 3582397 - 2016 N.Y. Slip Op. 05344**

Individual who suffered from bipolar disorder brought action alleging that city police officers and emergency medical technicians (EMT) negligently failed to restrain him and allowed him to escape from ambulance, and later caused him to fall from building.

The Supreme Court, Bronx County, entered summary judgment in defendants' favor, and plaintiff appealed.

The Supreme Court, Appellate Division, held that:

- Officers and EMTs owed no special duty to plaintiff, and
- City was protected by governmental immunity from liability for damages.

City police officers and emergency medical technicians (EMT) owed no special duty to mentally ill individual other than that owed to public generally, and thus city, officers, and EMTs were not liable in negligence based on officers' and EMTs' failure to restrain him and allowing him to escape from ambulance.

Decisions of city police officers and emergency medical technicians (EMT) in response to 911 call regarding individual who suffered from bipolar disorder were discretionary in nature, and thus city was protected by governmental immunity from liability for damages arising after individual escaped from ambulance, and later fell from building.