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Hull v. Town of Newtown

Supreme Court of Connecticut - December 26, 2017 - A.3d - 327 Conn. 402 - 2017 WL 6520734

Assistant nurse manager who was shot by patient taken into involuntary custody and transported to hospital pursuant to civil mental health commitment statute brought personal injury action against town alleging that police had ministerial, non-discretionary duty to search patient pursuant to police department's arrest policy.

The Superior Court granted summary judgment for town. Manager appealed.

The Supreme Court of Connecticut held that:

- Officers did not have ministerial duty to search patient under arrest policy, and
- Officers did not have ministerial duty to search patient under transportation policy.

Police officers who took patient into involuntary custody and transported him to hospital pursuant to civil mental health commitment statute did not have ministerial duty to search patient under police department's arrest policy. Policy did not impose duty on officers to search those taken into custody pursuant to statute, as "custody," under policy, applied solely in criminal context, and patient was not taken into custody under policy, as he was not arrested and, thus, was not subject to search requirement.

Police officers who took patient into involuntary custody and transported him to hospital pursuant to civil mental health commitment statute did not have ministerial duty to search patient under police department's transportation policy. Policy stated that, prior to transport, all prisoners were to be thoroughly searched for weapons or contraband, but patient was not prisoner who had to be searched under policy.