

Bond Case Briefs

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Cox v. Evansville Police Department

Supreme Court of Indiana - September 13, 2018 - N.E.3d - 2018 WL 4356344

Women who were sexually assaulted by two on-duty police officers brought civil actions against officers' city employers.

The Circuit Court and the Superior Court granted summary judgment for defendants in part, and denied it in part. Women appealed, and city cross-appealed.

On transfer from the Court of Appeals, the Supreme Court of Indiana held that:

- In a matter of first impression, the scope-of-employment rule allows employer liability for an on-duty police officer's sexual assault;
- On-duty police officer's sexual assault was not so disconnected from his employment activities that city could not be held liable;
- A genuine issue of material fact as to whether on-duty police officer's sexual assault of victim occurred within the scope of his employment precluded summary judgment; and
- The common carrier exception to the respondeat superior doctrine did not apply, disapproving *Robins v. Harris*, 740 N.E.2d 914.