

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - NEBRASKA

Reiber v. County of Gage, Nebraska

Supreme Court of Nebraska - June 7, 2019 - N.W.2d - 303 Neb. 325 - 2019 WL 2399549

Arrestee's mother brought negligence action against county, sheriff, and sheriff's employees under the Political Subdivisions Tort Claims Act (PSTCA) following arrestee's suicide in jail cell.

After a bench trial on issue of liability, the District Court entered judgment for defendants. Mother appealed.

The Supreme Court held that:

- Forensic psychiatrist's expert testimony that he would not have considered arrestee a suicide risk based on information known to jailers was admissible, and
- Defendants had sovereign immunity.

Forensic psychiatrist's expert testimony that he would not have considered arrestee a suicide risk based on information known to jailers concerned an issue of specialized knowledge and would have aided the factfinder, and therefore it was admissible in negligence action against county, sheriff, and sheriff's employees under Political Subdivisions Tort Claims Act (PSTCA) arising from arrestee's suicide in jail cell, even if psychiatrist had not reviewed jail protocol or examined arrestee in a clinical setting; psychiatrist was a medical professional with experience assessing suicidal risk, and he discussed many of the same assessment factors required under the jail's procedures for screening for a suicidal inmate.

Forensic psychiatrist's expert testimony that he would not have considered arrestee a suicide risk based on information known to jailers was admissible even if testimony embraced an ultimate issue to be decided by the trier of fact, in negligence action against county, sheriff, and sheriff's employees under Political Subdivisions Tort Claims Act (PSTCA) arising from arrestee's suicide in jail cell; psychiatrist did not offer the ultimate legal conclusion as to whether defendants were liable for arrestee's death, he did not offer testimony regarding the standard of care to be applied to a jailer, and he only offered a comparative point of view based on the more specialized and higher standard of care applicable to a psychiatrist.

County, sheriff, and sheriff's employees had sovereign immunity from negligence claim against them under Political Subdivisions Tort Claims Act (PSTCA) arising from arrestee's suicide in jail cell, where the standard procedures designed to detect an inmate's suicide risk were followed, arrestee did not present a known or reasonably foreseeable suicide risk, jail staff followed its policy of placing an intoxicated inmate alone in a safety cell, and officers began exercising the precaution of making frequent cell checks on arrestee.