
IMMUNITY - ILLINOIS

Robinson v. Village of Sauk Village

Supreme Court of Illinois - April 21, 2022 - N.E.3d - 2022 IL 127236 - 2022 WL 1180112

Pedestrian brought personal injury action against police officers and villages arising from his being struck by vehicle driven by car theft suspect who engaged in police chase involving his taking off from parking lot after initial chase, switching vehicles, and then hitting pedestrian during more police chase.

The Circuit Court granted summary judgment for officers and villages under Local Government and Governmental Employees Tort Immunity Act. Pedestrian appealed. The Appellate Court reversed. Officers and villages petitioned for leave to appeal, which was allowed.

The Supreme Court held that:

- Direct restriction or control of freedom of movement is needed to show custody for purposes immunity under Act for injury inflicted by an escaped or escaping prisoner, overruling *Townsend v. Anderson*, 2019 IL App (1st) 180771, 443 Ill.Dec. 87, 161 N.E.3d 211, and
- Suspect was not an "escaped or escaping prisoner" at time he hit pedestrian.

A mere show of authority by police officers is not sufficient to establish that a person is "held in custody" under section of Local Governmental and Governmental Employees Tort Immunity Act giving local public entities and public employees absolute immunity from liability for any injury inflicted by an escaped or escaping prisoner, as defined in Act to be a person "held in custody"; rather, "custody" requires direct restriction or control of a person's freedom of movement to a particular place for at least a limited period of time; overruling *Townsend v. Anderson*, 2019 IL App (1st) 180771, 443 Ill.Dec. 87, 161 N.E.3d 211.

Car theft suspect was not in "custody" when police officers pointed their weapons at him and ordered him to show his hands in church parking lot after first part of police chase, and thus suspect was not an "escaped or escaping prisoner" under section of Local Governmental and Governmental Employees Tort Immunity Act giving local public entities and public employees absolute immunity from liability for any injury inflicted by an escaped or escaping prisoner, as defined by Act to be a person "held in custody," where suspect remained in vehicle with engine running and door closed, officers did not block suspect's path with squad cars or otherwise limit his movement, and suspect drove out of parking lot with no physical impediment a little over one minute after arriving.

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