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Unruh v. City of Wichita

Supreme Court of Kansas - January 5, 2024 - P.3d - 2024 WL 57470

Arrestee brought action against city, police chief, and police officers, asserting a claim for negligence arising from allegations that officers used excessive force to arrest him.

The District Court granted summary judgment to defendants. Arrestee appealed. The Court of Appeals affirmed. Arrestee's petition for review was granted.

The Supreme Court held that:

- Special duty needed for negligence claim arising from an officer's alleged use of excessive force does not simply arise anytime there is an affirmative act by the officer causing injury, disapproving *Dauffenbach v. City of Wichita*, 233 Kan. 1028, 667 P.2d 380, and
- Substance of arrestee's claim sounded not in negligence, but in civil battery, and was thus subject to the 12-month limitations period for such claims.

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