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Finds that Police Did Not Owe a Special Duty to a Bystander Knocked Down During a Criminal Pursuit.

Hephzibah v. The City of New York, 2015 Slip Op. 00300.

A woman who was knocked to the ground while the police were pursuing a "low level offender" near the world Trade Center sued the City alleging that the City was negligent in choosing to chase the offender during lunch hour on a crowded sidewalk; in failing to follow procedure; in using poor judgment; and in being generally reckless.

The City made a motion to dismiss for failure to state a cause of action, which the Supreme Court granted and the First Department affirmed. The dismissal was

Furthermore, even if the act was ministerial (for which only limited immunity would apply), the City did not owe the plaintiff (a random bystander) any sort of special or individualized duty other than that owed to the general public.

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