

COUNTIES & THE LAW

This edition of *Counties & the Law* includes decisions of interest to county attorneys published in the Daily Report Opinions Weekly between February 20, 2016, and February 26, 2016.

We welcome your suggestions and opinions regarding Counties & the Law. Please contact Jim Grubiak at jgrubiak@accg.org or Joe Scheuer at jscheuer@accg.org with your comments.

IMMUNITY

Loehle v. GA Department of Public Safety

Georgia Court of Appeals
February 22, 2016; A15A0991

Some individuals were injured in the course of a police chase by City of Atlanta officers and Georgia State Patrol troopers around the state Capitol. The chase went through several red lights and down the wrong way of one way streets before the plaintiffs vehicle was hit by the fleeing vehicle. The plaintiff alleged sovereign immunity was waived due to failure to follow DPS policies on pursuit. The trial court granted the DPS motion to dismiss. The Court of Appeals affirmed concluding that the troopers faithfully implemented DPS policies and procedures and thus immunity was not waived. The Court distinguished the *Davis* case where policies were not adhered to because a trooper struck a vehicle by following too closely and simply not paying attention. The Court did remand the case for trial however on the basis of the plaintiffs' spoliation motion against the City of Atlanta for destruction of audio recordings made during the pursuit.