

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Iannelli v. County of Nassau

2017 N.Y. Slip Op. 08815 (App. Div. 2d Dep't 2017) · No. 2016-03197 · Decided December 20, 2017

SUMMARY

The Appellate Division, Second Department, affirmed the denial of the defendants' motion for summary judgment in an action arising from a detained plaintiff's suicide attempt by jumping from a police station window. The court held that triable issues remained concerning whether the defendants knew or should have known of the plaintiff's risk of self-harm and whether they provided adequate supervision and medical care. Triable issues also remained regarding assault and battery, civil rights violations under 42 USC § 1983, and loss of consortium.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	William F. Mastro, J.P.; L. Priscilla Hall, J.; Robert J. Miller, J.; Valerie Brathwaite Nelson, J.
JURISDICTION	New York
DECIDED	December 20, 2017
DOCKET	2016-03197
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed from an order denying their motion for summary judgment dismissing an action alleging negligence, assault and battery, 42 U.S.C. § 1983 violations, and loss of consortium.
STANDARD OF REVIEW	On a motion for summary judgment, the movant bears the initial burden of establishing entitlement to judgment as a matter of law and eliminating all triable issues of fact. If the movant fails to meet that burden, the sufficiency of the opposing papers need not be considered.
PRECEDENTIAL VALUE	published appellate decision
PARTIES	County of Nassau, Nassau County Police Department v. Carol Iannelli, Louis Iannelli

TOPICS

summary judgment

duty of care

negligence

standard of care

civil rights

PRACTICE AREAS

torts

civil rights

municipal law

civil procedure

QUESTIONS PRESENTED

1. Whether the defendants were entitled to summary judgment on the ground that Carol Iannelli's suicide attempt was not reasonably foreseeable.
2. Whether the defendants eliminated triable issues of fact concerning negligent supervision and failure to protect a detainee from self-inflicted harm.
3. Whether the defendants eliminated triable issues of fact concerning alleged deprivation of adequate medical care under 42 U.S.C. § 1983, assault and battery, and Louis Iannelli's loss-of-consortium claim.

HOLDINGS

1. A county owes a duty of care to protect its prisoners from self-inflicted harm, but it is not an insurer of prisoner safety; liability depends on whether the risk of harm was reasonably foreseeable because the county knew or should have known of it.
2. The defendants were not entitled to summary judgment because their submissions failed to eliminate triable issues of fact as to whether they knew or should have known that Carol Iannelli posed a risk of harm to herself and whether they failed to provide adequate supervision to prevent reasonably foreseeable harm.
3. The defendants failed to eliminate triable issues of fact concerning the alleged violation of 42 U.S.C. § 1983, assault and battery, and the loss-of-consortium claim.

KEY QUOTATIONS

*“However, the County is not an insurer of prisoner safety and negligence cannot be inferred merely because an incident occurred” (*1)*

*“Rather, the County's duty is limited to providing reasonable care to protect prisoners from risks of harm that are reasonably foreseeable, i.e., those that the County knew or should have known” (*1)*

*“Since the defendants failed to meet their initial burden, the Supreme Court properly denied their motion for summary judgment dismissing the complaint, regardless of the sufficiency of the papers submitted in opposition” (*2)*

FACTUAL BACKGROUND

Carol Iannelli was detained in a second-floor holding cell at a Nassau County police station after her arrest. Evidence indicated that her husband told a detective she had recently been hospitalized following a suicide attempt, that she told a detective she needed prescription medication, and that she reported anxiety, claustrophobia, and a recent hospitalization. After approximately 40 minutes of crying and begging for the cell door to be opened, she escaped the cell, ran to an open window, and jumped, sustaining injuries.

PROCEDURAL HISTORY

Carol Iannelli and her husband commenced the action after Carol, while detained at a Nassau County police station, jumped from a second-floor window in an attempt to commit suicide. The Supreme Court, Nassau County, denied the defendants' motion for summary judgment. The Appellate Division affirmed, concluding that the defendants failed to eliminate triable issues of fact.

DISPOSITION

affirmed

CASES CITED

- Gordon v. City of New York, 70 N.Y.2d 839, 840
- O'Grady v. City of Fulton, 4 N.Y.2d 717
- Sanchez v. State of New York, 99 N.Y.2d 247, 253-256
- Barnette v. City of New York, 96 A.D.3d 700, 701
- Smith v. County of Albany, 12 A.D.3d 912, 913
- Wilson v. Sponable, 81 A.D.2d 1, 7
- Matter of Bezio v. Dorsey, 21 N.Y.3d 93, 104-105
- Palsgraf v. Long Island R.R. Co., 248 N.Y. 339, 344
- Brown v. City of New York, 95 A.D.3d 1051, 1052
- Serpa v. County of Nassau, 280 A.D.2d 596
- Colon v. State of New York, 209 A.D.2d 842, 843
- Blake v. State of New York, 259 A.D.2d 878
- Andrews v. County of Cayuga, 142 A.D.3d 1347, 1349
- Holland v. City of Poughkeepsie, 90 A.D.3d 841, 846
- Millington v. Southeastern El. Co., 22 N.Y.2d 498, 502
- Rakich v. Lawes, 186 A.D.2d 932, 934-935
- Briggs v. Butterfield Mem. Hosp., 104 A.D.2d 626
- Winegrad v. New York Univ. Med. Ctr., 64 N.Y.2d 851, 853
- Stukas v. Streiter, 83 A.D.3d 18, 24-25