

Liability

Substantial Compliance with Mutual Assistance Agreement

Taylor v. Town of Garner, ___ N.C. App. ___, ___ S.E.2d ___ (1 June 2010)

The court ruled that the Garner Police Department and the North Carolina State campus police department substantially complied with the requirements of G.S. 160A-288(a) concerning a mutual assistance agreement, and a Garner police officer was working pursuant to the agreement so the Town of Garner was liable for his compensable injury while working for the campus police department.

Sheriffs, Police, and Other Law Enforcement Officers § 23 (NCI4th) - traffic stop and drug search - 1983 claim - qualified immunity

Rousselo v. Starling, 128 N.C. App. 439 (1998)

The trial court erred in not granting a highway patrol trooper's motion for summary judgment based on qualified immunity in a 1983 claim which arose from a traffic stop, a discrepancy between plaintiff's rental agreement and the car tag, and a dog sniff for drugs. Plaintiff's right to be free from an unlawful detention and search was clearly established, but the initial stop for speeding did not violate any of his rights, the discrepancy between the rental agreement and the license tag was sufficient reason to investigate the situation, confirmation that plaintiff was properly in possession of the vehicle was not made until after the dog alerted to the presence of drugs, which gave the trooper probable cause to search the vehicle, there is not a sufficient indication of a lack of diligence on the part of the trooper to support a finding that the detention was too long, and, assuming any irregularities in the dog sniff, there was no evidence that the trooper was aware or should have been aware of the irregularity. A reasonable person in the trooper's position would not have known that his actions violated a clearly established right and he is therefore entitled to the defense of qualified immunity.