

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - ARIZONA

Guerra v. State

Supreme Court of Arizona - May 8, 2015 - P.3d - 2015 WL 2194581

Family members who had been erroneously informed by public safety officers that their daughter had been killed in single-vehicle accident, when in fact she had survived, brought action against state for negligence, negligent training, and intentional infliction of emotional distress. The Superior Court granted summary judgment to state and denied family members' cross-motion for partial summary judgment on issue of duty. Family members appealed.

The Supreme Court of Arizona held that, as a matter of first impression, officers did not assume a duty of care to family by undertaking to provide the next-of-kin notification.

Department of Public Safety (DPS) officers did not assume a legal duty of care to an accident victim's family when, after completing their investigation into identity of passenger who was killed in single-vehicle rollover accident, officers erroneously advised the family of surviving passenger with a next-of-kin notification that their daughter had died in the accident. The undertaking by the police to make a report and assure appropriate action would be taken did not create a special relationship from which a duty was born.

Police officers do not owe a duty to a victim's family or friends by undertaking to investigate a crime or accident and identify victims, for purposes of a negligence claim, and no principled distinction exists between the investigation and notification of next-of-kin for purposes of imposing a duty.