IMMUNITY - WASHINGTON

Mancini v. City of Tacoma

Supreme Court of Washington, EN BANC - January 28, 2021 - P.3d - 2021 WL 279715

Apartment resident, detained by police officers exercising search warrant, filed action against city, city police department and police chief, alleging, inter alia, negligence, assault and battery, false imprisonment, and invasion of privacy.

The Superior Court denied defendants' motion for directed verdict, and entered judgment on jury verdict in favor of apartment resident on negligence claim. Defendants appealed. The Court of Appeals reversed. Resident appealed.

The Supreme Court held that:

- As a matter of first impression, police executing a search warrant owe the same duty of reasonable care that they owe when discharging other duties, abrogating *Estes v. Brewster Cigar Co.*, 156 Wash. 465, 287 P. 36, *Reese v. City of Seattle*, 81 Wash.2d 374, 503 P.2d 64, and *Coldeen v. Reid*, 107 Wash. 508, 182 P. 599;
- Police owed duty of reasonable care to apartment resident, enforceable in tort; and
- Issue of whether police officers breached duty of reasonable care in entering, searching, and detaining resident at resident's apartment in the execution of search warrant was for jury.

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