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Ferreira v. City of Binghamton

Court of Appeals of New York - March 22, 2022 - N.E.3d - 2022 WL 8375662022 N.Y. Slip Op. 01953

Unarmed occupant of home subject to no-knock search warrant, who was shot in stomach by police officer during execution of search warrant, brought negligence action against officer, police department, and city.

Following trial in which jury found in favor of occupant against city and awarded him \$3 million in damages, but found in favor of officer, the United States District Court granted city's motion for judgment as a matter of law and set aside the damage award and denied occupant's motion to overturn the verdict in favor of officer. Occupant appealed. The Court of Appeals affirmed in part and certified question.

The Court of Appeals held that:

- Plaintiffs must establish that municipality owed them special duty when they assert negligence claim based on actions taken by municipality acting in governmental capacity, and
- Plaintiffs asserting negligence claim based on actions taken by municipality acting in governmental capacity may establish special duty when municipality, acting through its police force, plans and executes no-knock search warrant at person's home, and such duty runs to individuals within targeted premises at time warrant is executed.