

# **Bond Case Briefs**

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## **IMMUNITY - WASHINGTON**

### **Ghodsee v. City of Kent**

**Court of Appeals of Washington, Division 1 - April 18, 2022 - P.3d - 2022 WL 1133772**

Detainee, who had been shot by county police officer and detained pursuant to Involuntary Treatment Act, and detainee's mother brought negligence action against city and county.

The Superior Court granted summary judgment in favor of city and county. Detainee appealed.

The Court of Appeals held that:

- Issue of whether county owed duty to detainee pursuant to special relationship exception to public duty doctrine was properly before court;
- Designated mental health professionals (DMHP) did not have definite, established, and continued relationship with detainee;
- Language of non-emergency detention (NED) order did not create "take charge" duty;
- Police officers did not owe detainee duty to detain him more swiftly; and
- City and county were entitled to statutory immunity.

City and county were entitled to statutory immunity for actions with regard to decision to detain detainee pursuant to Involuntary Treatment Act, in negligence action brought by detainee and mother against city and county; statute plainly provided immunity for actions, as well as decision-making, taken related to decision regarding whether to detain person for evaluation and treatment, and detainee did not demonstrate that either city or county owed him individualized duty of care as matter of law, as necessary to establish gross negligence.