

**KITTITAS COUNTY**  
**Board of County Commissioners**

**AGENDA STAFF REPORT**

**AGENDA DATE:** May 6, 2014

**ACTION REQUESTED:** Deny Claim for Damages from Edward and Julie Harnett  
(#201404110016)

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**BACKGROUND:** On April 3rd, 2014, the Kittitas County Sheriff's Office (KCSO) received a telephone report regarding possible possession/delivery of a controlled substance at the residence of claimant. The report was made by a plumbing contractor who was performing work at the residence along with the contractor's 11 year old son. The contractor alleges that the occupant of the residence appeared intoxicated with eyes being closed to mere slits, speech was slow and slurred, and was drooling heavily. The contractor further alleges that the son used the restroom at the residence and saw what was described as numerous clear plastic bags of a white powdery substance tied closed with rubber bands. The contractor states he also observed about a dozen of these golf-ball sized bags of powder in the restroom, and then left the residence and later contacted the KCSO.

KCSO officers investigated the matter, noting that the items described by the contractor are consistent with the possession, use, and distribution of controlled substances. A KCSO officer applied for and was granted a warrant to search the residence for evidence of controlled substances by Kittitas County Superior Court Judge Frances Chmielewski. During the search of the residence, the KCSO officer reported that he encountered two locked interior bedroom doors. The KCSO officer reported that the occupant at the residence stated that he did not know of any keys at the house or any other way to open the doors. After unsuccessfully trying to open the doors without force, a KCSO officer kicked each of the doors once. The KCSO officer reported the doors opened immediately, with some damage done to the doorjamb.

**INTERACTION:** Claimant filed a claim for damages with the County, alleging approximately \$1,500.00 in damages to two bedroom doors and doorjamb within the residence. The claim did not include any estimates or bills supporting the stated value of damages.

The Prosecutors office requested additional information from the KCSO, which was received. The KCSO recommends denial of this claim, as the search of the residence was conducted pursuant to a valid search warrant commanding KCSO officers to diligently search the residence for evidence, and any damage to doors or doorjamb was a result of the occupant of the residence offering no alternative for access to locked rooms within the residence.

The Prosecutors office concurs with the KCSO recommendation for denial of this claim. Washington courts have held that liability from executing a search warrant attaches only when the search unnecessarily damage the property, that is, if law enforcement damages the property to a greater extent than is consistent with a thorough investigation. In this instance, given the judicial command to search the residence, the presence of locked doors within the residence, and the resident's inability or unwillingness to voluntarily open the locked doors, breach of the doors in the manner which occurred suggests a reasonable search without unnecessary damage in compliance with the command of the search warrant.

**RECOMMENDATION:** Deny paying the claim as requested.

**ATTACHMENTS:** Claim of Edward and Julie Harnett  
Written response to claim by KCSO

**LEAD STAFF:** Michael P. Nigrey, Deputy Prosecuting Attorney