
IMMUNITY - MARYLAND

Howard v. Crumlin

Court of Special Appeals of Maryland - November 28, 2018 - A.3d - 2018 WL 6191359

Mother of 911 caller, who was killed after jumping, falling, or being pushed off roof of apartment building, brought action, individually and on behalf of caller's estate, against county police officer and county police chief for negligence and wrongful death, alleging failure to investigate 911 call, failure to make contact with caller, and failure to maintain proper policies and procedures for responding to 911 calls.

The Circuit Court granted defendants' motion to dismiss. Mother appealed.

The Court of Special Appeals held that:

- Mother failed to adequately allege that special relationship existed between caller and officer, for purposes of public duty doctrine's exception for special relationships;
- Mother failed to allege that police chief owed any duty to caller specifically, as opposed to the public at large;
- Officer's alleged failure to investigate further when he found that entry to apartment building was locked involved discretionary act, not ministerial act, and thus officer was entitled to public official immunity;
- Police chief's development of policies and procedures for responding to 911 calls and for training police officer were discretionary, not ministerial, activities, and thus police chief was entitled to public official immunity; and
- Mother failed to allege gross negligence, as exception to public official immunity, on part of police chief and police officer.

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