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Baltimore City Police Department v. Esteppe

Court of Special Appeals of Maryland - August 27, 2020 - A.3d - 2020 WL 5051552

Exonerated arrestee brought action against police officer, city police department, mayor, city council, and state for false arrest, civil conspiracy, negligence, violations of Maryland Declaration of Rights, and other claims.

Trial court dismissed claims against all defendants other than officer. Following trial, trial court entered judgment in favor of arrestee on negligence, constitutional tort, and civil conspiracy claims, and after officer appealed, the Court of Special Appeals affirmed. Arrestee filed motion styled as seeking declaratory relief to enforce judgment against city and police department under Local Government Tort Claims Act (LGTCA). The Circuit Court granted motion in part, finding police department was liable for judgment entered against officer. Police department appealed.

The Court of Special Appeals held that:

- Availability of judgment enforcement action did not preclude arrestee from seeking declaratory relief;
- Arrestee could seek enforcement of police department's LGTCA obligation either as separate action or within underlying tort action;
- Tortious, outrageous, and illegal nature of officer's actions was not dispositive of determination of whether officer acted outside scope of his employment; but
- Officer's conduct was not in furtherance of police department's business, such that it was outside scope of officer's employment.

Court of Special Appeals would construe exonerated arrestee's purported motion for declaratory relief to enforce judgment against police department as motion for summary judgment, where motion, in substance, sought to determine police department's liability under Local Government Tort Claims Act (LGTCA) for judgment entered against police officer on arrestee's claims for civil conspiracy, constitutional tort, and negligence, and arrestee did not bring separate declaratory judgment action.

Under the Local Government Tort Claims Act (LGTCA), a tort victim may file an enforcement action against a local government to compel it to pay a judgment awarded against its tortfeasor employee; in such an action, the tort victim seeks a judgment against the local government for payment of the underlying judgment against the tortfeasor employee.

Availability of enforcement action for judgment creditor to pursue claim against judgment debtor's employer, a police department, under Local Government Tort Claims Act (LGTCA) did not preclude judgment creditor from seeking declaratory relief regarding police department's liability under LGTCA; declaratory judgment proceeding was not required to be sole remedy available.

At the point when a tort victim seeks to establish a local government's obligation to pay an underlying judgment against a tortfeasor employee under the Local Government Tort Claims Act

(LGTCA), through an enforcement action, a declaratory judgment action, or some combination of the two, the tort victim's claim is no longer against the employee for the underlying tort, but against the local government he or she contends has become liable to pay the judgment under the LGTCA; that local government must, therefore, be made a party and given the opportunity to be heard.

Determination of whether police officer's tortious conduct against arrestee arose in the scope of his employment, as necessary for police department to be liable to arrestee under Local Government Tort Claims Act (LGTCA), could be made after entry of judgment on tort claims against police officer, and, thus, arrestee could seek enforcement of police department's obligation to pay already-entered judgment either as separate action or within underlying tort action, without any party having raised scope-of-employment issue during tort action; police department's liability under LGTCA depended on factual scope-of-employment issue that was not an element of underlying tort claims, and LGTCA did not explicitly require scope-of-employment issue to be raised immediately after underlying verdict.

Although a local government is not obligated to intervene in an underlying tort action against its employee in order to file a declaratory judgment action challenging its obligation to pay an underlying judgment under the Local Government Tort Claims Act (LGTCA), neither is it prohibited from doing so; if the local government is aware that a demand under the LGTCA is forthcoming, it is not precluded from raising the issue promptly after a verdict is rendered against the employee tortfeasor.

Police officer's conduct in fraudulently obtaining and executing search warrant, leading to underlying judgment against police officer in arrestee's underlying tort action, was not in furtherance of police department's business, and, thus, officer's conduct did not fall within scope of his employment, as necessary for police department to be liable for tort judgment under Local Government Tort Claims Act (LGTCA), even though officer's discovery of contraband firearm during search served law enforcement objective; warrant was authorized only as a result of officer's perjurious allegation that arrestee was drug dealer, which was motivated solely by officer's personal vendetta, and officer had no reason to believe arrestee engaged in illegal possession of firearms.

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