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Bailey v. City of Annapolis

Court of Special Appeals of Maryland - September 1, 2021 - A.3d - 2021 WL 3909625

Arrestee brought action against city, police officer, and police department employees to recover for malicious prosecution, gross negligence, and negligence in connection with second wrongful arrest based on warrant for arrest of suspect with same name and birth date.

The Circuit Court dismissed malicious prosecution and gross negligence claims and entered summary judgment for officer and employees on negligence claim. Arrestee appealed.

The Court of Special Appeals held that:

- As a matter of first impression, mistaken arrest based on a warrant for someone else with the same name and date of birth was not the institution of criminal proceedings as required for malicious prosecution claim;
- Police officer did not act with gross negligence;
- Police records specialist, her supervisor, and another police department employee did not act with gross negligence;
- Some actions by police officer were discretionary and protected by public official immunity, but some were unprotected ministerial actions;
- Factual questions precluded summary judgment in arrestee’s negligence action against officer; and
- Records specialist and her supervisor owed no duty to arrestee.

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