

COA Opinion: When police investigate a reported crime and ultimately arrest the wrong person, the individual who originally reported the crime is not the proximate cause of any injury to the wrongly arrested person

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In [Wilson v. Sparrow Health System et al., No. 290895](#), the Court of Appeals affirmed the trial court's dismissal of Plaintiff's negligence claim because the police investigation was the proximate cause of Plaintiff's injuries, not Defendant's inaccurate report to the police that Plaintiff was the person who had exposed himself.

Plaintiff was a member of a gym and present at it the night that a man exposed himself to two female lifeguards. After a short investigation in which the lifeguards identified Plaintiff as the man who had exposed himself, the gym reported to the police that Plaintiff had committed the offense. The police independently investigated the incident and charged Plaintiff with indecent exposure. Some time later, another man exposed himself at the gym. When he was caught, he confessed to both exposure incidents. The police then dropped the charges against Plaintiff.

Plaintiff sued the gym, alleging among other causes of action common law negligence. Plaintiff contended that the gym caused him injury stemming from the wrongful criminal charges against him. Following some discovery, the defendants moved for summary disposition under MCR 2.116(C)(10). The trial court granted the motion, concluding that the defendants did not owe Plaintiff a legal duty and failed to make out a prima facie case of defamation. On appeal, the Court of Appeals affirmed on the ground that the gym was not the proximate cause of Plaintiff's harm because the police investigation severed the causal chain. The Court held that the conduct of the police and prosecutor in investigating and charging a crime constitutes a superseding cause of Plaintiff's alleged injuries, and the citizen who initially reports such a crime therefore cannot be held liable as a matter of law, even if the information he reported to the police was inaccurate.