

Misuse Of Residents' Credit Cards: Nursing Home Did Not Commit Malicious Prosecution.

The local police were notified after two nursing home residents complained that their credit cards were missing and that unauthorized charges at local stores had shown up on their credit card bills.

Police detectives went to the stores, got the store surveillance tapes and showed the tapes to two nursing home employees who were able to identify the purchasers as aides who had cared for the residents whose credit cards were missing.

The police then obtained arrest warrants. The two residents, however, passed away before the cases went to court and the prosecutor decided to drop the charges.

The aides filed a civil lawsuit for malicious prosecution against their two former co-workers and the nursing home itself.

The police instigated the investigation and the criminal prosecution.

The nursing home employees did no more than provide information to the police and assist them in identifying the individuals making the purchases on the store surveillance tapes.

The aides implicated for theft have no basis to sue for malicious prosecution.

UNITED STATES DISTRICT COURT
CONNECTICUT
May 21, 2009

The US District Court for the District of Connecticut dismissed the case. A citizen cannot be held liable for providing information, albeit incriminating, or for cooperating with the police in good faith. The criminal charges having been dropped proved nothing. Kafaru v. Burrows, 2009 WL 1457153 (D. Conn., May 21, 2009).