

[COA Opinion: Police officer entitled to immunity in connection with decision to use police dog](#)

5-18-2011 by Jason Byrne

On May 17, 2011, the Court of Appeals published its per curiam opinion in [Norris v Police Officers for the City of Lincoln Park](#), No. 295378. The Court of Appeals reversed the trial court and found that a police officer was entitled to governmental immunity in connection with his decision to use a police dog to assist in an arrest. Apparently, the subject of the arrest was suffering from a temporal lobe epileptic seizure - explaining why he was not compliant with a traffic stop or subsequent arrest. He sued claiming post-traumatic stress and other damage as a result of the nature of his arrest, which included the use of a police dog. The Court of Appeals found that the officer that deployed the dog could only be liable if he engaged in wanton or malicious conduct, or demonstrated a reckless indifference to the common dictates of humanity. Here, the Court of Appeals found that standard was not met because the dog was only used after Plaintiff was resisting another officer's attempts to take him into custody, was only used for fifteen seconds, and was called off after the Plaintiff resisted and kicked at the dog. The Court concluded that the use of the dog was discretionary police judgment and thus entitled to immunity.