

Ohio Supreme Court Rules that Police Officer does not have Immunity from Negligent Acts with K9 Officer Outside of Duty

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COLUMBUS, OHIO, UNITED STATES, August 31, 2023 /EINPresswire.com/ -- The Ohio Supreme

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Jamie Bordas, Managing Partner

Court reversed the Seventh District Court of Appeals’ judgment on a negligence claim and remanded the matter to the trial court for further proceedings in a recent case that determined whether a K-9 officer can be granted immunity if the dog bites a social guest at the officer’s home. Chief Justice Sharon L. Kennedy, a former police officer herself, wrote the unanimous opinion of the Court which was joined in by the six other Justices.

Jamie Bordas, managing partner of [Bordas & Bordas](#), argued the case before the Ohio Supreme Court.

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unanimously held that a police officer does not have immunity as a matter of law for his negligent acts in keeping and harboring a K-9 dog,” Bordas said. “The officer in this case was off duty, drinking alcohol at a party at his home, and using the dog in an inappropriate manner to do tricks for his guests by having him search for drug paraphernalia in his yard and giving him police commands. There is even testimony that he gave the dog alcohol to drink. If any individual, including a police officer, engages in negligent acts that harm another person, like Ms. Harris here, they should be held responsible and their insurance company should pay damages for those acts. Ms. Harris has had significant injuries and surgeries as a result of this dog attack, and she should be compensated for these things.”

The case will be remanded to the trial court in Jefferson County for further proceedings.

In the case, Harris v. Hilderbrand, Slip Opinion No. 2023-Ohio-3005, Allison Harris attended a cookout at the home of Dustin Hilderbrand, a Belmont County deputy sheriff and K-9 handler,

where she was bitten and seriously injured by the K-9 partner, Xyrem. K-9 deputies keep their dogs in their homes when off duty. Hilderbrand was demonstrating the K-9's ability to respond to attack commands and search for drugs which the officer had placed throughout his backyard during the cookout.

The dog's shock collar, which is used for training purposes, was removed during the evening. When the K-9 attacked Harris, the shock collar was not on, leading to serious injuries that required medical attention and surgeries to repair the damage.

Jefferson County trial court Judge Joseph J. Bruzzese, Jr. acknowledged that keeping the K-9 at Hilderbrand's home was required but noted that the dog was meant to be used for officer work, not entertainment and that Hilderbrand is not immune from liabilities caused by the K-9 when used for amusement. Hilderbrand appealed the trial court's judgment on the negligence claim and the court of appeals determined that, "Although this was an unfortunate situation, reasonable minds can find only one conclusion, i.e., [Hilderbrand] is entitled to immunity as a matter of law because there is nothing tending to show that he was acting manifestly outside the scope of his official responsibilities at the time of the incident." Harris appealed this decision, resulting in the Supreme Court's reversal of the Seventh District's judgment and remanding the matter to the trial court for further proceedings.

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About Bordas & Bordas:

Bordas & Bordas is a plaintiff's litigation law firm with offices in Pittsburgh, Wheeling, W.Va., St. Clairsville, Ohio, and Moundsville, W.Va. The firm's attorneys practice throughout the region in diverse areas of law and are licensed in Pennsylvania, West Virginia, Ohio and Texas.

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