

Bond Case Briefs

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James v. City of Boise

Supreme Court of Idaho, Boise, April 2015 Term - May 21, 2015 - P.3d - 2015 WL 2412189

Plaintiff filed a complaint alleging a violation of Idaho Tort Claims Act against police officers and city after she was bitten by a police dog while officers were responding to a burglary in process call. The District Court dismissed all of plaintiff's claims with prejudice. Plaintiff appealed.

The Supreme Court of Idaho held that:

- The use of a police dog to find and seize the plaintiff, whom officers believed was a possibly armed suspect involved in a burglary in progress, from a dark basement was objectively reasonable, and thus officers did not use excessive force;
- Evidence failed to establish that police officers acted with malice or criminal intent when they sent police dog to find and seize plaintiff; and
- Police department's implementation of a "bit and hold" method of training its police dogs, rather than a "bark and hold" method, did not provide a valid basis for plaintiff's negligent failure to train, supervise or control police dog claim.