

# CODE REVISION WORKGROUP

RECOMMENDATION, SEPTEMBER 2020





## *MISSION*

Review of Ordinance 2019107-025 with regard to **public safety**  
and animal welfare

RECOMMENDATION #1 - REMOVE THE WORD "FEAR" FROM THE YELLOW HIGHLIGHTED SECTION IN 3-1-1 (20), LEAVING IT TO READ AS FOLLOWS:

(20) UNPROVOKED BITING means biting that is not provoked. Biting is unprovoked if, among other things, it occurs during ordinary care, including feeding and placing a collar, leash or harness on a dog, or from merely initiating interaction with a dog, or standing and facing the dog, walking towards a dog or its owner or addressing the dog's owner. Biting is provoked if, among other things, it occurs because the dog was being taunted, or the dog was acting in defense of self, a person, another animal, or property, or the dog was acting from maternal instinct, or the dog was reacting to hunger, pain or the dog bites accidentally, as when playing. To be provoked a biting must occur contemporaneously with or immediately following the provocation.

Note: Text in red was approved at the January 2020 Animal Advisory Commission meeting but is still not part of Code.

# RECOMMENDATION #1 JUSTIFICATION

- **"Fear" is not a visible action, it is an internal state**
  - It 's often difficult to ascertain internal state when a bite occurs (even for trained observers)
  - Even if we **can** identify fear as a motivation, that doesn't mean the dog is "safe", treatable, or behaving normally
  - The presence of "fear" in a severe bite situation is far too vague a reason to release a high-risk dog
- City law and Mr Bland concur with our recommendation

# RECOMMENDATION #2 - ADD TEXT HIGHLIGHTED IN YELLOW

## 3-1-26 NOTICE TO RESCUE ORGANIZATION

- (A) Not less than two business days before the euthanasia of any animal that does not qualify for exemption under Section C, the City animal shelter must:
- (C) This section does not apply to:
- (1) An animal who is irremediably suffering;
  - (2) An animal who, after a high risk assessment, has been recommended for euthanasia for humane reasons or to protect the public from imminent danger to persons or property. Such animal may be euthanized without regard to any time limitations otherwise established in this title and without court order.
  - (3) A dog whose release to a rescue organization would violate a court order; or
  - (4) A dog with a documented history of unprovoked biting that has resulted in severe injury to a person.

## RECOMMENDATION #2 JUSTIFICATION – STATEMENT FROM DR HA, PHD, CAAB

- States, “without question or hesitation”, that irredeemable mental suffering occurs in some animals.
- Refers “specifically to dogs and cats which have experienced intense mental and emotional suffering and have a poor prognosis for recovery”.
- Recommends euthanasia in these cases.
- In 30-year career, Dr. Ha has seen such several cases and each was the result of a hoarding or long-term sheltering situation.
- “The neuroscience behind these traumatic effects is well documented, as is the potential for poor recovery prognosis.”
- Euthanasia decisions should be made in consultation with a veterinarian and a qualified behavior specialist (DACVB or CAAB/ACAAB).

## RECOMMENDATION #2 – ASSESSING THE ANIMALS

- We discussed the dog having a session with a certified behavior consultant. Some AAC dogs have met with certified behavior consultants but it is not a practical solution for all dogs:
  - ❖ no money in the budget to fund the consultation
  - ❖ transporting the dog to the consultant could be dangerous
  - ❖ rotating consultants is best but there are not that many
- The workgroup suggested the City create a form separate from their usual behavior evaluation form. AAC is open to using a form.

# RECOMMENDATION #2 - DRAFT FORM

## High Risk Assessment/Potentially Dangerous Animal Review

A# \_\_\_\_\_

Date \_\_\_\_\_

### Behavior Notes from Outside Shelter and/or Within Shelter (Must meet at least 4)

- Multiple bites in either a single incident or multiple incidents.
- Escalation patterns to bite incidents (minor to moderate or severe, or moderate to severe).
- No obvious warning preceding a bite or bites.
- Once the bite occurs, dog's behavior appears to return to normal.
- When unprovoked (as defined by City Code), dog's reaction to other animals and all types of people (adult and/or children) appears to be dangerous and threatening.
- Shelter staff cannot safely interact with the dog.

Recommend euthanasia for A# \_\_\_\_\_ :

### ASO Leadership Team concurrence:

Chief Animal Services Officer: \_\_\_\_\_

Deputy Animal Services Officer: \_\_\_\_\_

Field Services Manager: \_\_\_\_\_

Operations Manager: \_\_\_\_\_

Customer Services Manager: \_\_\_\_\_



## RECOMMENDATION #2 JUSTIFICATION – PROTECTS THE STAFF, VOLUNTEERS AND PUBLIC

There are **no restrictions** placed on dogs that go to rescue or return to their owners. Example – Bud (returned to his owner who surrendered him per the Ordinance requirement).

- Bud first came into AAC for quarantine 1/8/2020 for minor provoked bite. On 2/9/2020 Bud brought back to AAC as an owner surrender after a second bite incident.
- In second incident, owner reports Bud inflicted wound to his ribs and right forearm, exposing fatty tissue and requiring nine stitches. Considered “moderate and unprovoked”.
- Bud has multiple behavior observation notes about his lunging, hard stares and barking from in his kennel.
- Bud was returned to his owner per Right to Rescue.
- Returning a dog to the same environment where they inflicted significant injury makes it more likely additional incidents will occur.
- Staff had to care for Bud while the owner was contacted and made arrangements to reclaim him.

## BUD UPDATE

- After being returned to his owner, Bud was found unrestrained at a railroad track. His owner kept the dog there because he couldn't keep it at his home. **The neighbors complained about the dog and were afraid of it.** APO impounded the dog on 5/1/2020 as owner did not have a way to keep it. His owner was advised of three day hold period and requested more time as he was pursuing different housing. While in AAC's care, Bud would direct bark, lunge, snap at various staff. Bud also kept biting kennels bars so severely that he was causing punctures and bleeding in his mouth. On 5/15/2020, his owner was advised Bud was at risk of euthanasia for deteriorating behavior and self-harm and was given a deadline of 5/22/2020 to pull the dog was given or AAC would be moving forward with euthanasia. AAC also sent a 7 day notification on 05/18/2020 to at risk rescue partners. Bud was not pulled by partners or the owner and was euthanized on 05/27/2020.

# RECOMMENDATION #2 - FORM APPLIED TO BUD

## High Risk Assessment/Potentially Dangerous Animal Review

A# \_\_\_\_\_

Date \_\_\_\_\_

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### ASO Leadership Team concurrence:

Chief Animal Services Officer: \_\_\_\_\_

Deputy Animal Services Officer: \_\_\_\_\_

Field Services Manager: \_\_\_\_\_

Operations Manager: \_\_\_\_\_

Customer Services Manager: \_\_\_\_\_

# RECOMMENDATION #2 - FORM APPLIED TO VLAD

## High Risk Assessment/Potentially Dangerous Animal Review

A# \_\_\_\_\_

Date \_\_\_\_\_

### Behavior Notes from Outside Shelter and/or Within Shelter (Must meet at least 4)

- Multiple bites in either a single incident or multiple incidents.
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Recommend euthanasia for A# \_\_\_\_\_ :

### ASO Leadership Team concurrence:

Chief Animal Services Officer: \_\_\_\_\_

Deputy Animal Services Officer: \_\_\_\_\_

Field Services Manager: \_\_\_\_\_

Operations Manager: \_\_\_\_\_

Customer Services Manager: \_\_\_\_\_

## VLAD

- Vlad was impounded in November 2019. Dog was initially loose when moved into a suite but then displayed uncomfortable body language. The dog then bit a volunteer.\* After the 10 day quarantine period, staff worked to get evaluations but this proved to be difficult as Vlad displayed severe aggression and barrier reactivity when staff would attempt to open the kennel door. Seven day notification sent on 02/10/2020 to at risk rescue partners. No interest received by the end of the 7 day period. Dog was euthanized on 02/18/ 2020.

\*Volunteer is highly capable (former military dog trainer). Said Vlad showed no warning sign, just attacked.



## *RECOMMENDATION*

- Approve language changes as requested by the work group.