

OFFICER INVOLVED SHOOTINGS OF AGGRESSIVE DOGS

SUMMARY

Recent newspaper articles as well as a citizen's complaint have addressed a growing concern regarding Law Enforcement Officers shooting personal dogs. A survey of law enforcement agencies in the County revealed that in the five years from 2010 to 2014 there have been a total of 56 dogs killed and 8 injured. Due to these statistics, the San Marcos substation of the San Diego County Sheriff's Department decided to institute a training program for its deputies on how to recognize and deal with aggressive and dangerous¹ dogs.

The 2014/2015 San Diego County Grand Jury (Grand Jury) found that this program is a good start at resolving the issue of dealing with aggressive and potentially dangerous dogs and should be expanded to other law enforcement agencies in the County.

INTRODUCTION

The purpose of this investigation was to determine if the shooting of dogs by law enforcement officers was a common occurrence or an isolated circumstance. The Grand Jury determined that this was more than an isolated incident and thus sought to find out what was being done by police departments to minimize the harm to dogs while at the same time insuring the safety of their officers.

PROCEDURE

- The Grand Jury conducted a survey of police departments in the County to see how many dogs had been killed or injured by law enforcement officers.
- The Grand Jury received a presentation from the County Sheriff's Department on its training program for how to handle aggressive dogs.
- The Grand Jury interviewed senior staff from four police departments on how to deal with aggressive dogs.
- The Grand Jury reviewed the State and County laws and ordinances regarding pet ownership.
- The Grand Jury reviewed the San Marcos Sheriff's substation Policies and Procedures Manual concerning interactions with dogs.
- The Grand Jury investigated whether this issue had been addressed at the State level or in other States.

¹San Diego County Ordinance NO. 9098 of 11/16/1999 defines "Dangerous Dogs"

DISCUSSION

San Marcos Sheriff's Substation Training Program

The San Marcos Sheriff's Substation developed its training by first investigating other training programs. A Department of Justice website² revealed a five (5) video³, on-line presentation describing the proper steps in dealing with aggressive dogs. The training consists of a two week class covering the DOJ videos and subjects such as K-9 behavior, State Requirements for Peace Officers Standards and Training (POST), certification, State laws and County ordinances. The training also involves presentations by other agencies in the county including the Humane Society, Animal Control, and Health & Human Services.

In addition the San Marcos substation developed a Policies and Procedures Manual for dealing with aggressive and dangerous dogs that can be shared with other agencies and can be used for guidance for the creation of any new legislation.

The current practice for San Diego County Sheriff's Department deputies, when they enter a property where a dog resides, is to bring tools such as beanbags and mace. Deputies may also use other articles such as the baton to insure the safety of the officer while minimizing harm to the dog.

Laws/Ordinances

A search of San Diego County laws and ordinances, pertaining to the ownership of pets was conducted and Ordinance NO. 9098 was found. This ordinance covers Animal Control in general and dangerous dogs in particular. It outlines the requirements for pet owners and makes it clear that the responsibility for the safety of people and other pets lies with the owner of the dog. The following specific sections pertain to this report:

- Section 62.660 Presumption of Responsibility for Violation
- Section 62.661 Enforcement Provisions
- Section 62.662 Arrest and Citation
- Section 62.665 Investigations

There are recent reports that the State of California is considering legislation and the establishment of a training program for law enforcement agencies, but this is not anticipated in the near future.

Survey of Area Law Enforcement Agencies

A survey was conducted of the 10 law enforcement agencies located in San Diego County.

² www.doj.gov

³ www.nationalcanineresearchcouncil.com

**CHART 1
DOG SHOOTINGS BY LAW ENFORCEMENT AGENCIES (2010-2014)**

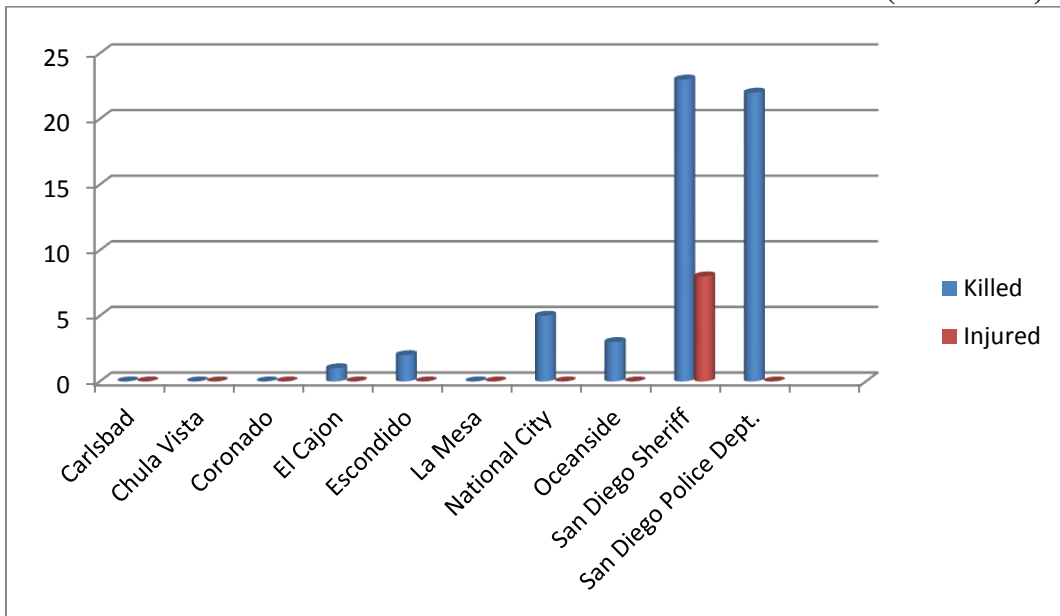


Chart 1 shows the number of “officer involved dog shooting” incidents in the county in the last five years. Of the ten departments listed, six had incidents. The number of shootings totaled 64 including both dogs killed and injured. The San Diego County Sheriff’s Department had the most incidents with San Diego Police Department being second. This is consistent with the populations shown in Chart 2.

**CHART 2
POPULATION OF POLICE SERVICE AREAS BY DEPT. (2013)**

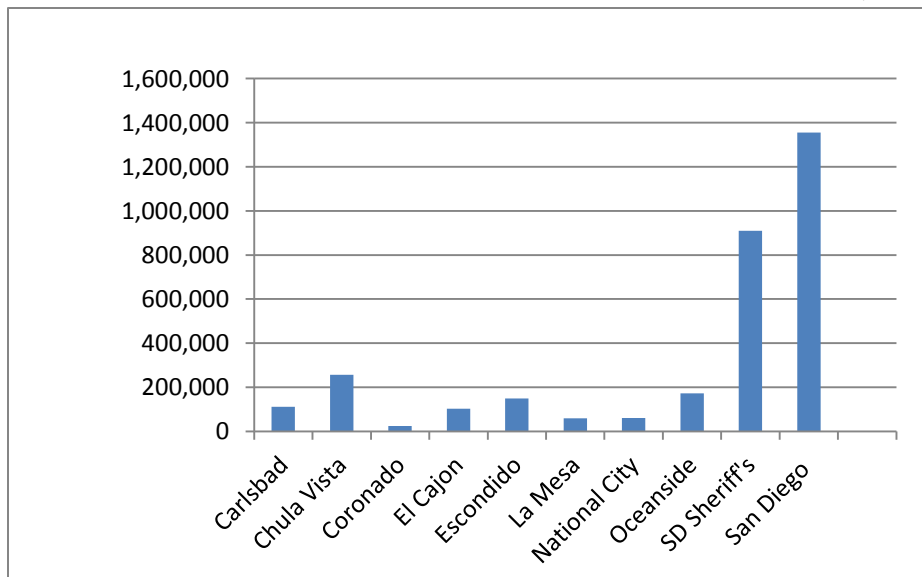


Chart 2 displays the population of the service area for each Police Department. In addition to a large population, the San Diego County Sheriff’s Dept. has to patrol a service area of approximately 4,400 square miles including 60 miles of the international border.

**CHART 3
SUMMARY OF LAW ENFORCEMENT AGENCIES SURVEY ON
AGGRESSIVE AND DANGEROUS DOGS**

	Incidents (2010-2014)	Officer Training	Community Information	Policies/ Procedures	Reduction Measures
Carlsbad	0	YES	NO	YES	N/A
Chula Vista	0	YES	NO	NO	N/A
Coronado	0	YES	NO	YES	N/A
El Cajon	1	NO	NO	NO	NO
Escondido	2	YES	YES	YES	YES
La Mesa	0	NO	NO	NO	N/A
National City	5	YES	NO	YES	YES
Oceanside	3	NO	NO	YES	NO
SD Sheriffs	31	YES	NO	YES	YES
San Diego	22	YES	NO	YES	YES

Chart 3 is a summary of the survey results on how local police departments are dealing with the aggressive and dangerous dog issue. Note that part of the problem deals with citizens not knowing their responsibilities and the police policies on dealing with dogs. Accordingly the answers on “Community Information” relate to informing the public as to their responsibilities and are an important piece to resolving this problem.

FACTS AND FINDINGS

Fact: El Cajon, La Mesa, and Oceanside law enforcement agencies do not have specialized training on how to deal with aggressive and dangerous dogs.

Fact: Carlsbad, Chula Vista, Coronado, El Cajon, La Mesa, National City, Oceanside, San Diego, and the San Diego County Sheriff’s law enforcement agencies do not provide educational services or information to their communities on policies/procedures for officer interaction with aggressive and dangerous dogs.

Fact: Chula Vista, El Cajon, and La Mesa law enforcement agencies do not have policies or procedures for how their officers are expected to deal with aggressive and dangerous dogs.

Fact: El Cajon and Oceanside law enforcement agencies have not instituted measures to reduce/eliminate officer involved dog shootings.

Finding 01: San Diego County law enforcement agencies could improve the safety of their officers and minimize harm to dogs if they offered training and established policies and procedures for their officers on dealing with aggressive and dangerous dogs.

Finding 02: San Diego County law enforcement agencies could improve their stature with the local community and improve their safety by providing education/information on the responsibilities of dog owners and how offices will deal with aggressive and dangerous dogs.

COMMENDATION

The San Diego County Sheriff's Department should be commended for taking a proactive approach to officer involved dog shootings within San Diego County. Its proactive approach should result in a safer environment for their officers and minimize the need to harm dogs.

RECOMMENDATIONS

The 2014/2015 San Diego County Grand Jury recommends that the San Diego County Sheriff's Department:

15-10: Provide copies of its "Officer Involved Aggressive Dog Shootings" training program to other San Diego County law enforcement agencies as well as collaborate with these departments to utilize the existing program or help establish their own program. This should be done irrespective of any pending State legislation on this matter.

The 2014/2015 San Diego County Grand Jury recommends that Carlsbad Police Department, Chula Vista Police Department, Coronado Police Department, El Cajon Police Department, La Mesa Police Department, National City Police Department, Oceanside Police Department, San Diego Police Department and the San Diego County Sheriff's Department:

15-11: Educate and inform their communities on citizen's responsibilities and how officers plan to deal with aggressive and dangerous dogs.

The 2014/2015 San Diego County Grand Jury recommends that El Cajon Police Department, La Mesa Police Department and Oceanside Police Department:

15-12: Implement specialized training to its Officers on how to deal with dangerous dogs.

The 2014/2015 San Diego County Grand Jury recommends that the Chula Vista, El Cajon, and La Mesa Police Departments:

15-13: Implement policies and procedures for dealing with aggressive dogs.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Due Date</u>
San Diego County Sheriff's Department	15-10, 15-11	07/17/15
Carlsbad Police Department	15-11	08/17/15
Chula Vista Police Department	15-11, 15-13	08/17/15
Coronado Police Department	15-11	08/17/15
El Cajon Police Department	15-11, 15-12, 15-13	08/17/15
La Mesa Police Department	15-11, 15-12, 15-13	08/17/15
National City Police Department	15-11	08/17/15
Oceanside Police Department	15-11, 15-12	08/17/15
San Diego Police Department	15-11	08/17/15