

INTRODUCTION

This training segment is designed to help the Animal Care Officer (ACO) learn to identify, investigate, assess and determine those animals that meet Pima County/City of Tucson criteria for "dangerous animal" and the importance of thorough documentation.

OBJECTIVE

To help the officer learn to identify and investigate a dangerous animal complaint.
How to record all information so Animal Care can initiate an investigation.

JURISDICTION

The instructor will explain the different enforcement jurisdictions and their codes as follows:

City of Tucson – 4-13, 4-11

Pima County – 6.04.150

South Tucson – 3-13

Marana – 6-6

Sahuarita – 6-6-1

Oro Valley does not have a dangerous animal ordinance, but case may be forwarded to a field supervisor for review.

COMPLAINT

A complaint must be filed with the Pima Animal Care Center (PACC) to initiate a dangerous animal investigation. Upon contact with the complainant, the field officer investigating the complaint will determine if there is evidence to support a declaration of dangerousness. All complaints must be reviewed by a senior officer. If the senior officer concurs that the evidence does support a dangerous animal assessment, the case will be assigned to an Animal Care Field Investigating Officer for the follow-up investigation.

PACC will initiate an investigation if they have knowledge that an animal is threatening public health and safety. PACC will serve as the primary complainant on behalf of the City of Tucson and/or Pima County.

1. The officer taking the report in this situation will explain the dangerous animal laws and procedures to the complainant.
2. The officer will then meet with the owner of the dog to inform them about the complaint and to check the dog's condition and license. Upon making contact with the owner, the officer shall obtain all the owner information (name, address, phone). Advise the owner that a senior officer or investigating officer will contact them to set up an appointment to assess the dog. If contact is made with the animal's owner, the officer will provide the owner with a notice of the dangerous animal assessment. The officer will also take a photograph of the animal to be assessed.
If, in the opinion of the officer, the dog appears to be an immediate threat to the safety of the public, the officer will impound the dog, pending the results of the investigation.
3. If the dog owner is not at home, leave a dangerous dog notice on the door requesting the owner contact Animal Care regarding an inspection for dangerous dog(s).
4. The officer will then forward all information regarding the complaint to their senior officer.

AUTOMATIC DECLARATION

The Pima Animal Care Center can automatically declare an animal dangerous if the complaint is based on one of the following:

1. An animal can be deemed dangerous by the Pima Animal Care Center if it bites (without provocation) a person while in violation of the leash law. One or more of these conditions must apply:
 - Bite wounds requiring significant medical intervention/treatment.
 - Two bites in violation of the leash law.
2. An animal can be deemed dangerous if it kills or severely injures a domestic dog or cat without provocation while violating the leash law.
3. Any animal declared to be vicious by a magistrate or judge shall be deemed dangerous.

EVALUATION PROCESS

If Section II of these guidelines is not used, then an evaluation process based on a point-score system will be used to determine whether or not an animal is declared dangerous. An investigator will conduct an investigation and determine the disposition of the animal based on the following scored criteria:

1. Confinement measures
2. Animal Care related complaints and/or violations
3. Severity of injury to humans
4. Severity of injury to domestic animals
5. Reported bites
6. Owner accountability/responsibility
7. Neighbor/victim/complainant statements
8. Observations from officer(s)

If the investigator is unable to determine the disposition of the animal using only the above scored-point evaluation, then a behavioral assessment in three parts will be used in addition.

BEHAVIORAL ASSESSMENT**WITH OWNER PRESENT**

The second part of the assessment is conducted with the owner present in the animal's yard. Note the animal's behavior in your report:

1. The owner's ability to control the dog. Does the dog obey simple commands by the owner?
2. The dog's reaction to a stranger near its master. Some dogs become very protective of their masters and will not allow a stranger to approach.
3. The ability of other family members to control the dog.
4. Be sure to note the body language, facial expression, etc. of this part of the assessment just as with the first part of the assessment.

DETERMINATION

The assessment, all reports, and recommendation will be reviewed by a senior Animal Care officer. The recommendation may be changed based on this review.

1. If the dog is declared dangerous, the owner will be served with an Order of Compliance.
2. The owner will have thirty (30) days to comply with all provision of the Order of Compliance.
3. The officer will take a photo of the dog.
4. The owner has ten (10) days in the City, five (5) days (County & other jurisdictions) as to appeal the declaration of dangerous by filing a request for a dangerous dog hearing, providing the dog has not been declared vicious by a court. The owner may obtain this form at PACC.

5. When the Order of Compliance is served, the officer will review each requirement and have the owner(s) initial each requirement. Notation will be made on the Order of Compliance of the actual compliance date. Temporary confinement measures must be noted also. Copies of the assessment, Order of Compliance and Notification of Appeal card are to be given to the owner.

ORDER OF COMPLIANCE

Once a determination that an animal is dangerous has been made, using the above guidelines, the following forms shall be issued to the owner of the animal:

- Order of Compliance
- Notice (Animal has been declared dangerous)

The owner shall also be notified of his/her right to an appeal hearing.

FAILURE TO COMPLY

City: The city enforcement agent may seize and impound the dangerous animal if the owner fails to obey the Order of Compliance. Citations will be issued to the animal owner for appropriate violations pursuant to city code 4-13 F 2 five (5) days after seizure PACC may destroy the animal unless the owner has demonstrated obedience to the Order of Compliance. The animal owner is responsible for impound fees and costs. If the owner of the animal demonstrates proof that the Order of Compliance has been obeyed then the animal will be returned to the owner after payment of fees.

County: PACC may seize and impound a dangerous animal if the owner fails to obey the Order of Compliance. The Pima Animal Care Center may dispose of the impounded animal pursuant to A.R.S. 11-1013) if the owner fails to comply after seven (7) working days. If a citation is issued to the animal owner, pursuant to Pima County Code 604.150(F), the animal will remain at the Pima Animal Care Center until the outcome of judicial proceedings. The owner is responsible for any impound fees and costs. The animal will be returned to the animal owner if they demonstrate proof that the Order of Compliance has been obeyed.

Release of impounded Dangerous Animals: If "hold" is indicated on the kennel card's release date, specify on the back of the card the reason for the hold.

CONFINEMENT

If the Pima Animal Care Center has reason to believe that a dangerous animal is not securely confined, the animal will be impounded and held at the Pima Animal Care Center facility until the animal owner has demonstrated proof that temporary confinement has been established. A field investigator will inspect the premises before the animal is released to the owner. The animal owner is responsible for board and impound fees.

DOMESTIC CATS

If a domestic cat is deemed dangerous pursuant to TCC 4-13(1)(B) or Pima County Ordinance 6.04.150, the conditions on the Order of Compliance will remain the same with the exception for confinement conditions. The cat will be confined sufficiently to prevent escape as follows:

1. The dangerous cat will be confined inside a completely covered enclosure at all times, whether indoors or outdoors.
2. The cat must be transported by a responsible adult in a cat carrier, if travel is necessary.

DANGEROUS ANIMAL HEARINGS

The owner must file a request for hearing within ten (10) (City), five (5) (County & other jurisdictions) working days from the date the Order of Compliance was issued.

The investigator shall schedule the hearing within ten (10) (City), five (5) (County & other jurisdictions) working days of the Request for Hearing. Under extenuating circumstances, the date of hearing may be held beyond the thirty (30) day compliance date, only with the approval of the department manager or the hearing officer. The investigator must confirm the scheduled date in person or by phone with the animal owner.

THE HEARING

- Hearsay evidence is admissible in a civil hearing.
- You may bring letters from people who know your animal.
- Letters need not be notarized, but should include a dog description, name of the animal and signature and address of the writer.
- Witnesses who appear on behalf of the dog owner carry more weight with the hearing officer than letters.
- Witnesses can be cross examined - letters cannot.
- Videos of the dog and/or the animal itself may be presented.
- The dog must be leashed and under control at all times.

- If anyone objects to the animal's presence, or the hearing officer finds the animal's presence disruptive, the dog will be excused from the room.
- The hearings can be long, involved and emotional, taking several hours. If small children or the dog are brought to the hearing, it is requested that you have someone present who can supervise them outside the hearing room.
- The administrative hearing is tape recorded.
- If the declaration of dangerous animal is overturned, all of the owner's evidence will be returned at the end of the hearing.
- If the dangerous animal declaration is upheld, all evidence will be held for 90 days, pending an appeal.
- If the declaration is upheld, the owner has thirty (30) days in which to file an appeal. This will be filed with Superior Court, 110 W. Congress Street.
- The owner can not appeal the ruling of the hearing officer - only issues related to the hearing process or the ordinance.
- Please read the back of the orders of the hearing officer form, which the dog owner will sign and receive at the end of the hearing.
- If the owner does not appeal to Superior Court, he/she must comply within thirty (30) days from the hearing date.
- If an appeal is filed with Superior Court, the Order of Compliance is then on hold. However, the owner must obey the temporary order of confinement. Also, the Pima Animal Care Center will require the appeal number.

The scheduled hearing date may be rescheduled, postponed or canceled at the discretion of the hearing officer. Any request for change received by the Field Investigations Division will be forwarded to the hearing officer. The following circumstances may be accepted by the hearing officer:

- Illness
- Family emergency
- Employment conflict

THE COMPLAINANT

The person(s) who filed the complaint against the animal must be willing to appear at an appeal hearing and face the animal's owners.

The hearing will be set at a time and date convenient to all parties involved.

The complainant needs to make sure that statements made to the initial investigating officer, as well as to the officer doing the assessment, are consistent. If the complainant remembers certain facts or incidents during the hearing, this may be added to the complainant's testimony. However, the complainant needs to advise the Pima Animal Care Center in advance. If the complainant is unable or unwilling to appear at the hearing, they need to advise Animal Care. When necessary, Animal Care can pursue the dangerous animal assessment without civilian witnesses. However, public cooperation is very necessary and important to present a strong case.

The complainant has the option of waiting a few days before deciding on an assessment. The complainant needs to advise the officer, then call the Pima Animal Care Center when a decision has been reached to request the assessment.

The complainant will be questioned by the Animal Care officer, the defendant and the hearing officer, at the hearing. The complainant will remain calm, polite and state only the facts relevant to the case.

THE DEFENDANT (Dog Owner)

The owner may be represented by legal counsel, at his/her expense. If defending the dog without counsel, the owner must prepare the case ahead of the hearing. The dog owner should bring witnesses who know the temperament of the animal. They should be able to testify to the animal's behavior around people and other animals. Witnesses and owner should state only the facts relevant to the case. The owner must prove the animal is not dangerous, that the animal is not a chronic leash law violator, a biter and why the owner feels that the animal is not a threat to the public or other animals. In the county provocation may be used as a defense. The owner should arrive 15-20 minutes before the start of the hearing. The owner may review copies of the city/county evidence, which the Pima Animal Care Center will provide. The owner should plan questions in advance and write down any questions that will be asked of the witnesses, officer, or hearing officer. The objective of the dog owner will be to discredit city/county witnesses. The dog owner will not badger, threaten or harass the witnesses, and will remain calm, relaxed and polite throughout the hearing. If the owner brings a video of his animal, it will be kept at minimal length (optimally less than five minutes).

If the dog owner fails to appear at the hearing, the animal will be declared dangerous by default.

MISCELLANEOUS

1. The dog owner may send the dog out of Pima County. The Pima Animal Care Center will require the dog to be tattooed and altered. The dog must be checked by an Animal Care Officer before allowing the dog to leave. The Pima Animal Care Center will need the name, address and phone number of the new owner. The officer should explain that Pima Animal Care Center would contact the new owner.
2. If the owner claims that the dog was stolen, provide a report for a senior officer to review. Ask the dog owner for a police report regarding the dog being stolen. Inspect the owner's property for the animal, including the house. If the dog owner does not allow an inspection of the property/home, then gather all information necessary for a search warrant.
3. When doing the initial recheck of the Order of Compliance, the officer may give the owner up to seven (7) additional days, as long as the officer sees reasonable progress being made. If any additional time is requested, the manager must approve it.
4. On non-violation bites requesting an assessment on a female dog with puppies, the assessment will be done after the puppies are weaned or gone from the premises, unless otherwise approved by a supervisor.
5. The officer will call the owner at fifteen (15) days into the compliance to check on the progress of the owner.
6. If an animal is on hold at the Pima Animal Care Center regarding a dangerous animal investigation, the animal will not be disposed of without first speaking to the Manager.

DISCLOSURE

The Animal Care Investigation Officer will explain the disclosure procedures to the owner of a dangerous animal. The form will be filled out by the officer, and the dangerous animal owner will be given a copy.



PIMA COUNTY HEALTH DEPARTMENT
 PIMA ANIMAL CARE CENTER
 4000 N. SILVERBELL RD. TUCSON, AZ 85745
 (520) 724-5900 FAX (520) 724-5960
www.pima.gov/animalcare

CASE NO: _____
 OWNER: _____
 ANIMAL NAME: _____

ADDRESS: _____
 SEX: _____ BREED: _____
 COLOR: _____ DATE: _____

EVALUATION CRITERIA

REPORTED BITES:

NON-VIOLATION BITE + 3 _____
 VIOLATION-BITE + 6 _____

SEVERITY OF INJURY TO HUMANS:

(Check One Factor Only Per Victim)

NO BREAK IN SKIN + 1 _____
 BREAK IN SKIN OR BRUISING + 2 _____
 MEDICAL CARE (RELEASED) + 3 _____
 MULTIPLE BITES-SINGLE INCIDENT + 4 _____
 BIT DOWN AND SHOOK VICTIM + 4 _____
 MEDICAL CARE (HOSPITALIZATION) + 5 _____

Animal Complaints or Violations:

LEASH LAW CITATIONS + 2 _____
 LEASH LAW COMPLAINTS + 1 _____
 ATTEMPTED BITE CITATIONS + 2 _____
 ANIMAL ATTACK CITATIONS + 3 _____
 OTHER CITATIONS / OR COMPLAINTS + 1 _____

SEVERITY OF INJURY TO ANIMALS:

ATTACK WITH NO INJURY + 1 _____
 INJURIES TREATED BY OWNER + 2 _____
 VET CARE (1 To 2 Visits) + 3 _____
 EXTENSIVE VET CARE (>2 VISITS) + 4 _____
 INJURIES RESULTED IN DEATH + 5 _____

Confinement / Fencing:

General Comments:

OFFICER # _____

TOTAL SCORE: _____

_____ DANGEROUS
 _____ NOT DANGEROUS

A SCORE OF TEN POINTS OR HIGHER SHALL BE DEEMED A DANGEROUS ANIMAL

We have determined that your dog displays or has a tendency, disposition, or propensity to injure, bite attack, chase or charge, OR attempt to injure, bite, attack, chase or charge a person or domestic animal in a threatening manner OR bare its teeth or approach a person or domestic animal in a threatening manner City Code 4-13 / County Code 6.04.150. The owner has ten (10) days in the City, five (5) days (County & other jurisdictions) as to appeal the declaration of dangerous by filing a request for a dangerous dog hearing, providing the dog has not been declared vicious by a court. The owner may obtain this form at PACC IN PERSON.



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COMPLAINT # _____
OFFICER # _____
DATE: _____

ORDER OF COMPLIANCE - DANGEROUS / VICIOUS ANIMAL

OWNER: _____
ADDRESS: _____
PHONE: _____

ANIMAL NAME: _____
BREED: _____
SEX: _____ COLOR: _____

THE ABOVE LISTED ANIMAL HAS BEEN DECLARED TO BE A DANGEROUS ANIMAL PURSUANT TO CITY CODE/COUNTY ORDINANCE. THE OWNER(S) OF THE ANIMAL SHALL COMPLY WITH THE FOLLOWING ITEMS WITHIN THIRTY (30) DAYS OF THE ABOVE DATE.

CONFINEMENT _____ Construct A Completely Covered Kennel run.
_____ Construct A fence which is (6) feet in height. The top (1) one foot of the fence shall incline inward at a (45) degree angle. The material used in the construction of the fence or kennel run MUST be strong enough to prevent the animal from EVER ESCAPING. The bottom of the fence or kennel run MUST be of concrete, cement or asphalt or MUST be constructed with footing of such material. All entry gates must be kept padlocked except for entry or exit.
_____ Owner Initials Compliance checked and Approved by : _____ On _____

MUZZLE _____ The animal is to be kept MUZZLED and LEASHED and under the control of an adult when outside the confinement area.
_____ Owner Initials Compliance checked and Approved by : _____ On _____

SIGNS _____ Dangerous Animal signs received: (circle the amount) 1 2 3 4 Signs to be posted on all entrances to the confinement area. Report all loss of signs to Pima Animal Care Center Immediately (743-7550). Failure to report losses will result in a Violation of the Order Of Compliance and will result in the issuance of criminal citations.
_____ Owner Initials Compliance checked and Approved by : _____ On _____
_____ Owner Initials Received by : _____ Date : _____

INSURANCE _____ Obtain and maintain liability insurance in the amount of \$50,000 at all times. VICIOUS amount is \$250,000. Proof of this insurance is to be provided to Pima Animal Care.
_____ Owner Initials Compliance checked and Approved by : _____ On _____

TATTOO _____ Have Animal Tattooed on inside left thigh, with a number assigned by Pima Animal Care.
MICROCHIP _____ Have Animal Microchipped and provide proof to Pima Animal Care.
_____ Tattoo # _____ Microchip # _____
_____ Owner Initials Compliance checked and Approved by : _____ On _____

SPAY / NEUTER _____ Have animal spayed or neutered and provide proof to Pima Animal Care
_____ Owner Initials Compliance checked and Approved by : _____ On _____

IMMEDIATE TEMPORARY CONFINEMENT REQUIREMENTS:

_____ Owner of an animal declared dangerous shall not sell, give away, abandon or otherwise dispose of the animal without notifying Pima Animal Care in writing in advance. If the animal dies, Animal Care must verify before the owner disposes of the animal.
_____ Animal MUST remain at Pima Animal Care Center for temporary confinement.
_____ Other temporary confinement or address: _____

I acknowledge receipt of this order and my right to appeal this notice.

The owner has ten (10) days in the City, five (5) days (County & other jurisdictions) as to appeal the declaration of dangerous by filing a request for a dangerous dog hearing, providing the dog has not been declared vicious by a court. The owner may obtain this from at PACC, IN PERSON.

OWNER: _____ DATE: _____ OFFICER: _____ DATE: _____

OWNER INTERVIEW QUESTIONS

1. How long have you had the animal ? _____
2. How long have you lived at your present address ? _____
If less than 1 year, list prior address. _____
3. Is the animal spayed / neutered ? _____ When ? _____
4. Where is the dog confined when you are not at home ? _____

Where is the dog confined when you are at home ? _____

Where is the dog confined when visitors come ? _____

5. Has your animal had any type of training ? _____
6. Where did you get the dog ? _____
7. Does the animal have any previous history of biting or aggression ? _____

8. How did your animal escape ? _____
9. Were you aware the animal could escape ? _____
10. What caused your dog to bite / attack ? _____

11. Do you have any statements or comments about the incident ? _____

12. What measures have you taken to prevent future incidents ? _____

OFFICERS USE:

1. Confinement adequate or inadequate _____
2. Animals behavior toward the officer _____
3. Are they (officers) aware of any previous incidents not recorded in computer ? _____

Owner name: _____ Officer name: _____

Complaint # _____ Dogs name: _____ Date: _____

Pima Animal Control Center Investigation Interview Form

Case #

Owner:

Address:

Officer:

Name of Dog:

	Neighbor:	Neighbor:	Neighbor:	Complainant:
	Address:	Address:	Address:	Address:
	Phone:	Phone:	Phone:	Phone:
Have you seen the animal at large?	Yes No	Yes No	Yes No	Yes No
How does the animal get loose?				
How many times in the last year?				
Have you ever seen it behave aggressively towards people?				
Have you ever seen it behave aggressively towards other animals?				
Comments:				

**REQUEST FOR HEARING
PIMA ANIMAL CONTROL CENTER**

4000 N SILVERBELL RD
Tucson, Arizona 85745

Phone (520) 743-7550 Fax (520) 743-9581

www.found-pets.org/pacc.html

REFER TO OFFICER: _____

I, _____ BEING THE OWNER OF THE ANIMAL LISTED IN PIMA ANIMAL CONTROL CENTER'S ORDER OF COMPLIANCE CASE/COMPLAINT NUMBER _____, DO HEREBY REQUEST A HEARING BEFORE A HEARING OFFICER TO DETERMINE IF THE ANIMAL IS DANGEROUS. PIMA ANIMAL CONTROL SHALL SET A HEARING DATE WITHIN FIVE (5) WORKING DAYS. THE HEARING WILL BE HELD AT THE PIMA ANIMAL CONTROL CENTER. I ALSO AGREE TO OBEY ANY INSURANCE AND TEMPORARY CONFINEMENT REQUIREMENTS, WHICH HAVE BEEN IMPOSED BY THE PIMA ANIMAL CONTROL CENTER PENDING THE OUTCOME OF THE HEARING.

OWNER'S SIGNATURE _____ DATE: _____

ADDRESS: _____

PHONE # _____ WORK PHONE # _____

FOR OFFICE USE ONLY

HEARING DATE SET FOR: DATE _____ TIME _____ LINE _____

HEARING OFFICER: _____

HEARING OFFICER NOTIFIED OF HEARING BY: _____

ON _____ TIME _____ LINE _____

OWNER NOTIFIED OF HEARING BY: _____ ON _____ TIME _____ LINE _____

ANIMAL CONTROL OFFICER(S) _____, _____, _____, _____

NOTIFIED OF HEARING BY: _____ ON _____ TIME _____ LINE _____

WITNESS(ES) NOTIFIED OF HEARING BY: _____ ON _____ TIME _____ LINE _____

WITNESS(ES) NAMES: _____ ON _____ TIME _____ LINE _____

WITNESS(ES) NAMES: _____ ON _____ TIME _____ LINE _____

WITNESS(ES) NAMES: _____ ON _____ TIME _____ LINE _____

WITNESS(ES) NAMES: _____ ON _____ TIME _____ LINE _____

WITNESS(ES) NAMES: _____ ON _____ TIME _____ LINE _____