

12.115 HANDLING WILD / EXOTIC ANIMALS, DANGEROUS / VICIOUS DOGS, AND ANIMAL REPORTS

References:

Procedure 12.225 - Vehicular Crash Reporting
 Procedure 12.550 - Discharging of Firearms by Police Personnel
 Procedure 12.715 - Property and Evidence: Confiscation, Accountability, Processing, Storage, and Release
 Cincinnati Municipal Code Chapter 701 – Animals, Birds, Fowl
 Cincinnati Municipal Code Sections 1501-1 to 1501-16 – Civil Offenses
 Ohio Revised Code 955 – Dogs
 Ohio Revised Code 1533.121 – Deer Killed by a Motor Vehicle
 Ohio Administrative Code 3701-3-28 – Report of bite of dog or other mammal

Definitions:

Dog Designation – When a police officer has reasonable cause to believe a dog is a nuisance, dangerous, or vicious dog as defined by CMC Sections 701-1-N, 701-1-D-1, or 701-1-V, the dog must be designated as such by the officer.

Nuisance dog – (CMC 701-1-N) Any dog which, without provocation and while off the premises of its owner, keeper or harbinger has chased or approached a person in either a menacing fashion or attitude of attack, or has attempted to bite or otherwise endanger any person.

Dangerous dog – (CMC 701-1-D-1) Any dog which has, without provocation:

1. Caused injury, other than killing or serious injury, to any person;
2. Killed or caused serious injury to another dog; OR
3. Been the subject of a third or subsequent violation of either CMC 701-2(A), Leash Required; Responsibility for Injury, or ORC 955.22, Confining, restraining, debarking dogs; dangerous dog registration certificate

Vicious dog – (CMC 701-1-V) Any dog which has, without provocation, killed or caused serious injury to any person. This does not include:

1. A police dog, being used to assist law enforcement, in the performance of their official duties; OR
2. A dog who has killed or caused serious injury to a person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

Serious injury - Any physical harm that:

1. Carries a substantial risk of death;
2. Involves a permanent incapacity (partial or total), or a temporary, substantial incapacity;
3. Involves a permanent disfigurement or a temporary, serious disfigurement;
4. Involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain

Office of Administrative Hearings (OAH) – Established by the City of Cincinnati to provide hearings and due process of law for those charged with civil offenses. For purposes of this procedure, an administrative hearing may be held for a dog designation, dog-related civil violation, dog impoundment, or any combination of the three.

Wild or potentially dangerous animal – An animal which is wild by nature and not customarily domesticated in the City of Cincinnati and which, because of its size, disposition, or other characteristics inherently constitutes a danger to human life or property.

Purpose:

To ensure the citizens of the community an environment where the quality of life is not threatened by uncontrolled dangerous or vicious dogs, while protecting the individual rights of dog owners.

To establish a procedure for handling wild/exotic animals, nuisance/dangerous/vicious dogs, and animal reports to ensure the protection of the public and follow-up by the Health Department.

Policy:

Department members will exhaust every reasonable means before using firearms to dispose of vicious dogs, dangerous dogs, or wild and potentially dangerous animals as defined in Cincinnati Municipal Code (CMC) Sections 701-1-D-1, 701-1-V or 701-42. Use of the firearm should always involve consideration for the safety of bystanders.

Information:

All incidents involving nuisance, dangerous or vicious dogs must be investigated and handled immediately by the patrol officer dispatched to the scene, including taking photographs, whether the dog is impounded or not. The district Neighborhood Liaison Supervisor (NLS) will file related administrative case jackets, track the results of hearings, and coordinate follow-up investigations when necessary.

With the exception of CMC 701-23, all dog-related CMC code sections have been decriminalized and are handled as civil violations. CMC 701-23, Abusing Dog; Dog Fighting, may be a civil offense **or** a criminal offense depending upon the severity of the violation. Officers should contact the City Prosecutor for guidance if they feel an incident warrants criminal charges.

All dog and other mammal bites must be reported to the Health Department within twenty-four (24) hours, per Ohio Administrative Code 3701-3-28.

Procedure:

- A. Handling Incidents Involving Nuisance, Dangerous and Vicious Dogs
 1. If the dog running loose is a stray, contact the Society for the Prevention of Cruelty to Animals (SPCA) and process as a stray dog.

2. If the dog is not a stray and its behavior is in violation of CMC Section 701-2, Leash Required; Responsibility for Injury:
 - a. Investigate the incident to determine the appropriate dog designation and civil violation(s).
 - 1) If the incident involves a dog bite, follow Section F of this procedure for reporting purposes.
 - b. Issue a Form 15CDD, Notice of CMC 701 Civil Violation and/or Dog Designation, to the owner/keeper/harbinger of the dog. Cite for the appropriate dog designation and civil violation:
 - 1) 701-2(B)(1) – Off Leash
 - 2) 701-2(B)(2) – Menacing Fashion
 - 3) 701-2(B)(3) – Injury
 - 4) 701-2(B)(4) – Serious Injury
 - c. CMC 701-2 does not apply to dogs within a designated dog park.
 - d. Take a photograph of the dog for accurate identification purposes.
 - e. Take photographs of any injuries caused by the dog.
3. Do a search in the RMS Citations module for any prior OAH determination the dog is a nuisance, dangerous or vicious dog.
 - a. An officer may cite for CMC 701-50, Nuisance, Dangerous, and Vicious Dogs, **only** if they know, or are made aware, the dog has previously been determined by OAH to be a nuisance, dangerous or vicious dog.
4. If the incident involves dog fighting or the dog has injuries indicating it may be a victim of abuse, the owner/keeper/harbinger may be cited civilly **or** criminally for CMC 701-23, Abusing Dogs; Dog Fighting.
 - a. Officers must contact the City Prosecutor if they feel an incident is severe enough to warrant criminal charges. If so, handle the same as any other criminal offense (M1).
 - 1) The appropriate criminal complaint must be filed within three days of the seizure of the dog and/or identification of the owner/keeper/harbinger.
 - b. Impound the dog(s) whenever the owner/keeper/harbinger is charged civilly or criminally with CMC 701-23.
5. When an officer designates a dog as a nuisance, dangerous, or vicious dog, the ordinance requires the owner/keeper/harbinger of the dog be notified of the designation within three days, in person or by certified mail.
 - a. If the owner/keeper/harbinger is on scene, issuing the Form 15CDD fulfills the notification requirement.

- b. If the owner/keeper/harbinger is not on the scene, follow Section C.3.a. of this procedure to ensure the notification requirement is fulfilled.
6. The Form 15CDD must include an administrative hearing date, scheduled within seven days after the date of the incident or notification.
 - a. The hearing should be scheduled on a day the investigating officer is available to attend, whenever possible.
 - b. The owner/keeper/harbinger may waive the administrative hearing by checking the appropriate box and signing at the bottom of the Form 15CDD.
 - 1) Waiving the hearing will be considered an admission of the civil violation and/or dog designation. The owner/keeper/harbinger will be required to pay the associated civil fine and may be required to forfeit the dog.
 - c. If the owner/keeper/harbinger refuses to sign the Form 15CDD, write "Refused" in the signature block, provide them with their copy of the 15CDD, and advise they are required to attend the scheduled hearing.
7. The OAH hearing officer will make the final determination regarding the civil violation and/or dog designation.

B. Impoundment Process

1. The decision to impound a dog should be based on the severity of injury and the circumstances (e.g., if the dog is now properly confined or no longer poses a threat to the public, the officer may choose not to impound the dog.)
 - a. Impound any dog designated as "vicious".
 - b. Impound any dog whose owner/keeper/harbinger is charged civilly or criminally with CMC 701-23.
2. If a dog is to be impounded, complete a Form 15DIH, Notice of Impoundment and Hearing in addition to the Form 15CDD.
 - a. The administrative hearing must be scheduled within seven days after the date of the impoundment.
 - 1) Use the same hearing date on the Form 15CDD and Form 15DIH. To limit the time and cost of impoundment, schedule the hearing date as early as possible after the impoundment.
 - b. Request the owner/keeper/harbinger sign the bottom of the Form 15DIH to acknowledge receipt of the notice, and provide them with a copy.
 - 1) If the owner/keeper/harbinger refuses to sign the Form 15DIH, write "Refused" in the signature block, provide them with their copy of the 15DIH, and advise they are required to attend the scheduled hearing.

- c. If the owner/keeper/harbinger is not present, the ordinance requires they must be notified of the administrative hearing date, time and location within three days after the dog is impounded, in person or by certified mail.
 - 1) Follow Section C.3.a. of this procedure to ensure the notification requirement is fulfilled.
 3. The owner/keeper/harbinger may waive the administrative hearing by checking the appropriate box and signing at the bottom of the Form 15DIH.
 - a. Waiving the hearing, or failing to attend any scheduled administrative or criminal hearing, will result in forfeiture of the dog.
 - b. Provide the owner/keeper/harbinger with a copy of the Form 15DIH and the Form 15CDD.
 4. Arrange for transportation of the dog(s) by contacting the SPCA.
 - a. Officers will receive a kennel tag number from the SPCA representative. The SPCA kennel tag number must be written on the Form 15DIH.
 5. Take at least two photographs of the impounded dog: one of the head and one of the entire body of the dog whenever possible.
 6. Complete a Form 330, Property Receipt, for any impounded dog.
 - a. Provide the SPCA representative with the yellow copy of the Form 330 prior to leaving the scene. The SPCA will not take possession of a dog without a completed Form 330.
- C. Administrative Case Jacket and Processing Paperwork
1. Complete an administrative case jacket (Form 15DJ) for **every** incident involving a dog designation, civil violation and/or dog impoundment.
 - a. If the incident involved a dog designation and/or civil violation only, the Form 15DJ must contain:
 - 1) Photographs of the dog and any victim injuries
 - a] **Email** the photographs to the District Quality Assurance (DQA), who will attach them in RMS. Include the dog owner's name and the Form 15CDD number in the email.
 - 2) The officer's copy of the Form 15CDD
 - 3) Copies of any other related report(s)
 - b. If the incident involved the dog also being impounded, the Form 15DJ must contain:

- 1) Photographs of the dog and any victim injuries
 - a] **Email** the photographs to the SPCA at: BCorcoran@SPCAcincinnati.org and to the DQA, who will attach them in RMS. Include the kennel tag number and dog owner's name in the email.
 - 2) The officer's copy of the Form 15CDD
 - 3) The officer's copy of the Form 15DIH
 - 4) A copy of the Form 330
 - 5) A copy of the Aided report
 - a] Write the RMS report number on the top of the Form 15CDD, to the left of the citation number.
 - 6) The fax transmittal sheet of the Health Department notification of a dog bite, if applicable
2. If the dog has been impounded, the investigating officer will forward a copy of the Form 330 and a copy of the Form 15DIH to the Court Property Unit (CPU) via interdepartmental mail.
 - a. CPU will complete a monthly audit of animals held at the SPCA to ensure they are disposed of upon completion of the administrative hearing.
 - b. OAH will forward any decision regarding an impounded dog to CPU, who will relay the decision to the SPCA.
 3. A relief supervisor will review and approve the completed Form 15DJ. Reporting officers will make necessary corrections prior to securing from their shift.
 - a. If the owner/keeper/ harborer did not receive a copy of the Form 15CDD and/or 15DIH, the officer must mark the "**Certified Mail Needed**" box on the jacket.
 4. The investigating officer will forward the approved Form 15DJ to DQA. DQA will enter the information into the RMS Citations module for tracking purposes.
 - a. DQA will email a copy of the Form 15CDD and Form 15DIH, if applicable, to the OAH hearing officer at: OAH@cincinnati-oh.gov .
 - b. DQA will send a photograph and copies of **all** related paperwork to OAH via interdepartmental mail.
 - c. The Form 15DJ will be forwarded to the Neighborhood Liaison Supervisor (NLS) for filing, tracking and necessary follow-up.

D. Responsibilities of the NLS

1. Review the Form 15DJ for accuracy and determine if follow-up is necessary.
 - a. Review the RMS Aided report to see if further investigation is needed by a Neighborhood Liaison Officer (NLO).
 - b. Check the Form 15CDD and/or 15DIH to ensure the owner/keeper/harbinger was on scene and received a copy of necessary paperwork.
 - c. If the owner/keeper/harbinger did not receive a copy of the Form 15CDD and/or 15DIH, the NLS will ensure copies are sent by certified mail within three days of the incident.
 - 1) Mark the "Certified Mail" box on the bottom of the Form 15CDD and/or 15DIH and include the date the form(s) were sent.
2. Ensure an on-duty officer is scheduled to present the case at the administrative hearing.
 - a. If the original investigating officer is off-duty at the time of the hearing, an on-duty NLO must be scheduled to attend.
3. Following the OAH administrative hearing, enter the final disposition of the case into RMS by completing the Disposition tab in the Citations module.

E. Responsibility of the Officer Attending the Administrative Hearing

1. The officer attending the administrative hearing must take the Form 15DJ and a blank Form 15CDD with them, in the event the OAH hearing officer determines the owner/keeper/harbinger should be cited for additional civil violations.
 - a. Review the Form 15DJ prior to the hearing and be prepared to answer any questions the hearing officer may have.
2. Upon completion of the administrative hearing:
 - a. Document the final disposition of the hearing on the Form 15DJ and return it to the NLS.

F. Dog Bite Cases

1. Arrange for immediate medical attention.
2. Complete an Aided report in RMS.
 - a. Provide as much information as possible under each tab.
 - 1) Classify animal bites as an "Aided" type of report.
 - b. Complete the Business/Involved Individual tab with the victim's information. Include an address and telephone number.
 - 1) Describe the incident and the victim's injuries in the Details/Narrative tab.

- 2) If the victim is a juvenile, ensure complete parental or guardian contact information (to include an address and telephone number) is obtained.
 - 3) If the victim is another dog or domestic animal, complete the Business/Involved Individual tab with their owner's information. Include information about the victim animal in the Details/Narrative tab.
- c. In the Reportee/Others/Animal tab, choose "Animal" from the dropdown menu.
- 1) Provide a thorough description of the animal, including a serial, inoculation, or microchip number, if available.
 - 2) Complete all fields regarding the dog designation, civil offense and impoundment status.
 - 3) If further investigation is necessary (e.g., dog owner's address is known but no answer at door), request follow-up by NLU.
 - 4) Include the name, address, telephone number, and other pertinent information of the owner/keeper/harbinger of the dog in the Contact Information section of the Animal tab.
- d. If the dog will not be impounded, instruct the owner/keeper/harbinger to confine the dog for a 10-day period of observation, and not to have the dog inoculated until after the 10-day observation period. Indicate this was done in the Notes section of the Animal tab.
- 1) If the dog is to be impounded, follow Section B of this procedure.
- e. In the event the dog is a stray or unidentified, include as much information as possible in the RMS Aided report.
- 1) If the dog is located, attempt to contain it. Notify the SPCA, through ECC, to respond and pick up the dog for the Health Department examination.
 - a) Notify the Health Department, via fax to Technical Environmental Services (352-2915), of the capture and indicate same on the RMS Aided report.
3. Issue a Form 15CDD for a violation of CMC section 701-2, 701-50 and/or 701-23, if applicable.
4. Upon completing the RMS Aided report, print a copy and fax it to the Health Department's Technical Environmental Services office (352-2915). Indicate on the RMS Aided report the Health Department was "notified by fax", and retain the fax transmittal sheet.
- a. Send the printed copy of the RMS Aided report directly to the Health Department's Technical Environmental Services office through interdepartmental mail.

- b. After completing their investigation, the Health Department will sign any necessary affidavits for an inoculation violation.
 - 1) Dogs under five months of age need not be inoculated.
 5. Report cat bites the same as dog bites.
 6. Report wild animal bites the same as dog bites. If captured, hold for the SPCA.
 7. Report a dog bite involving a police canine to the Health Department's Technical Environmental Services office via fax of the RMS Aided report which shall include both the dog's name and the dog handler's name.
- G. Officer Tactics When Confronted by Dangerous/Vicious Dogs
1. When confronting a dangerous or vicious dog which threatens bodily injury to the officer or citizen:
 - a. Exhaust all reasonable means to confine the dog.
 - b. Notify the SPCA to pick up the dog.
 - c. The use of department issued chemical irritant or the TASER is effective on many animals.
 - d. When use of the firearm is absolutely necessary, avoid shooting the dog in the head. In situations where the dog is known to have bit a human, the dog's head must be intact for rabies testing.
 - 1) Once the firearm is discharged, the officer will comply with Procedure 12.550, Discharging of Firearms by Police Personnel.
 - a) Obtain the name and address of the owner/keeper/harbinger of the dog.
 - b) Obtain the name and address of any witness to the incident.
 - c) Notify the SPCA to pick up the dead dog pending a later examination by the Health Department.
 - d) Complete an RMS Aided report, if applicable.
- H. Unlicensed Dogs
1. Officers have the discretionary authority to issue a "Warning Citation" to the owner/keeper/harbinger of an unlicensed dog.
 - a. Dogs less than 3 months of age or owned fewer than 30 days do not require a license.
 - b. A dog license is valid from January 1st of the current year to January 30th of the following year.
 2. The SPCA has provided the Police Department with "Dog License Violation Warning Citations" for "Failure To File Application For Registration Of Dog."

- a. When a warning citation is issued, the violator is given the pink copy of the three part carbonless form.
 - b. The white copy of the warning is forwarded to the SPCA weekly by the DQA.
 - c. The yellow copy is retained at the district where the violation occurred.
3. The SPCA will follow up on all warning citations to ensure the owner/keeper/harbinger has purchased a current license. The SPCA will assess a fine on a dog owner/keeper/harbinger who fails to obtain a valid license.
- I. Investigating Wild or Exotic Animal Complaints
1. When encountering a wild or exotic animal, request a supervisor respond to the scene.
 - a. The responding supervisor will ensure they have a shotgun and rifled slugs before responding to the scene.
 - 1) When use of the firearm is absolutely necessary (the animal poses an immediate threat to safety of the community), the weapon of choice for large animals is the shotgun with rifled slugs.
 - b. The responding supervisor will immediately notify the District Commander, Night Inspector or Duty Officer of the encounter and outcome.
 2. Notify the SPCA. The SPCA has the necessary equipment and resources to capture wild or exotic animals.
 3. Once the firearm is discharged, the officer will comply with Procedure 12.550.
 - a. Obtain the name and address of the owner/keeper/harbinger of the animal.
 - b. Obtain the name and address of any witness to the incident.
 - c. Photograph the animal before removal for possible court proceedings.
 4. If the owner/keeper/harbinger of the animal is present when investigating a complaint, obtain the property owner's consent to enter the premises.
 - a. If the property owner refuses, and there is probable cause to believe a wild or exotic animal is on the premises, obtain a search warrant to enter the premises and confiscate the animal.
 - b. Notify the SPCA through ECC and have them respond when serving a search warrant. They have the necessary equipment to capture the animal.
 - 1) Advise the owner/keeper/harbinger the animal may have to be tranquilized with a dart gun.
 - c. If the owner/keeper/harbinger voluntarily gives up the animal and wishes to transfer it to the SPCA's cage at the scene, advise the owner/keeper/

harborer of the possibility of using lethal force against the animal if control is lost.

- 1) The SPCA must approve transfer of a non-tranquilized animal.
 5. Once captured, photograph the animal for court proceedings.
 6. When citing the owner/keeper/harborer, use CMC 701-42.
- J. Humane Destruction of Dangerous/Sick/Injured Wild Animals
1. Sworn personnel may, when reasonable, use their firearm to prevent an undomesticated wild animal from inhumane suffering or to protect themselves and others from a dangerous animal.
 - a. When applicable, sworn personnel should utilize the animal's owner to gain control over a dangerous animal or render aid to an injured animal.
 2. In deciding whether it is necessary to destroy a wild animal, an officer must consider the type and size of the animal as well as the urgency to prevent prolonged suffering. An officer may use his service pistol to euthanize an animal if it appears to be:
 - a. A danger to the officer or the public
 - b. Seriously injured
 - c. Disabled or diseased past recovery
 - d. Unfit for any useful purpose
 3. When an officer deems it necessary to destroy an animal, the officer will immediately request his supervisor to respond to the scene.
 4. Officer Responsibilities
 - a. Wear eye and ear protection.
 - 1) Ensure other officers, citizens, etc., are far enough behind the officer to avoid the need for eye and ear protection (approximately 25 to 50 yards away).
 - b. The officer must use their service pistol for the application.
 - 1) The officer's firearm must remain in the holster until the officer has approached, is stationary, and is comfortable enough with the movement of the animal to take the shot.
 - c. Approach the animal from the rear on the opposite side of the head and legs to avoid being kicked or thrown off balance.
 - 1) The animal may start to thrash around more when it senses the officer approaching. If that happens, the officer should wait a few seconds and the animal may calm down giving the officer a more accurate shot.

- 2) Wait until the animal is stationary. There may be body movement or thrashing, but the animal cannot be mobile. The officer needs to be sure the animal is immobile enough to take an accurate head shot.
 - a. The shot should be taken up close but far enough away to allow the officer to hold firearm at a downward angle of approximately 35 to 40 degrees. Officers should not shoot straight down at their feet but approximately 5 feet away.
- d. When euthanizing a deer aim for the best target locations for the deer which are:
 - 1) In or below the eye with the bullet traveling toward the back of the skull.
 - 2) In the back of the head on the same line as the eye with the bullet traveling toward the front of the skull.
 - 3) Anywhere in the head in line with the eye with the bullet traveling into the skull.
5. Euthanizing animals on an asphalt, concrete or other hard surface
 - a. The preferred surface to euthanize the animal is on dirt or grass, not asphalt or concrete.
 - 1) After a bullet strikes a hard object, it is unpredictable. When deciding whether to euthanize an animal on asphalt, concrete or other hard surface, the officer must keep in mind they are responsible for the bullet and any bullet fragments.
 - a. Officers must consider the backstop and should have 180 degree clearance in front of them.
 - 2) If the officer determines there is not an appropriate backstop or they do not have 180 degree clearance in front of them, the SPCA should be contacted to respond to the scene.
6. Supervisor Responsibilities
 - a. Respond to the scene.
 - b. Provide the officer euthanizing the animal with eye and ear protection.
 - 1) Each District CDOP Van is equipped with protective eye glasses and disposable ear plugs.
 - c. Notify ECC of the shots fired and the outcome.
 - d. Complete a Form 18A Supervisor's Preliminary Investigation: Weapons Discharge at an Animal and forward it through the chain of command.
 - 1) Fax a copy of the report to Inspections Unit.

- e. Notify the District Commander if the incident occurs during regular business hours. During non-regular business hours notify the Night Inspector or Duty Officer of the encounter and outcome.
- f. If the animal is known or suspected of having bit a human, notify the SPCA to pick up the dead animal pending a later examination by the Board of Health.
- g. If the animal is not suspected of biting a human:
 - 1) Notify Ohio Department of Transportation (ODOT) to pick up the dead animal if located on an expressway.
 - 2) Notify the Department of Public Services to pick up the dead animal if located on a city street.

K. Dead Animals

- 1. When a citizen reports a dog or other animal has been killed or found dead, the officer will notify the Health Department. The Health Department will determine if the animal is wanted for any previous incident involving a dog or animal bite.
 - a. If the animal is a deer killed by a motor vehicle, follow Procedure 12.225, Vehicular Crash Reporting.
- 2. If the animal is not wanted by the Health Department, notify Public Services to pick up the remains.