

**AMERICAN BAR ASSOCIATION**

**ADOPTED BY THE HOUSE OF DELEGATES**

**FEBRUARY 17, 2020**

**RESOLUTION**

RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal legislative bodies to enact laws, and governmental agencies to adopt policies, that provide law enforcement officers with comprehensive animal encounter training on the reasonable use of force necessary to better secure the safety of such officers, protect public health, reduce legal liability, and ensure the humane treatment of the animals encountered.



## REPORT

This resolution builds upon existing ABA Criminal Justice Standards on Urban Police Function that focus on limiting the excessive or unnecessary use of force by law enforcement officers.<sup>1</sup> In the United States, the number one reason a police officer discharges their weapon is to shoot at a dog.<sup>2</sup> In some cities, police firing their guns at dogs accounts for a full 75% of all service weapon use.<sup>3</sup> The U.S. Department of Justice has recognized the dangers posed by these incidents and produced materials to help address them.<sup>4</sup> However, such resources remain voluntary and often are not utilized widely enough.<sup>5</sup> This report will discuss the numerous public health and safety hazards, financial and legal liability, insurance issues, and animal welfare concerns resulting from the lack of current federal, state, and territorial laws on the subject of animal encounter training for law enforcement officers. A recommendation by the ABA will assist decision makers seeking to address these concerns through enacting comprehensive and consistent laws that provide adequate and necessary animal encounter training to law enforcement officers in order to better ensure the amount of force deployed during such encounters is reasonably necessary to protect all involved from unjustifiable harm.

### **I. PUBLIC HEALTH & SAFETY**

When law enforcement officers shoot at family pets or other animals, they risk causing injuries and even death to innocent human bystanders. Police officers firing their guns at animals in heavily populated areas further increases the risk of accidentally shooting members of the public, either directly, or indirectly as bullets ricochet off hard surfaces.<sup>6</sup> Humans injured in these unfortunate accidents have included a four-year-old girl in Ohio, whom an officer shot in her leg after firing at her dog;<sup>7</sup> a Los Angeles woman who was shot in the leg when officers fired at a dog in a crowded area;<sup>8</sup> and an Illinois man whom officers mistakenly shot in the leg as they fired nineteen rounds at a dog in the backyard of the home next door.<sup>9</sup>

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<sup>1</sup> Standards on Urban Police Function §§ 1-2.4(d), 1-10.1(c) (Dec. 5, 2018), [https://www.americanbar.org/groups/criminal\\_justice/publications/criminal\\_justice\\_section\\_archive/crimjusst\\_standards\\_urbanpolice/](https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archive/crimjusst_standards_urbanpolice/).

<sup>2</sup> Mike Carter, *Half of Intentional Shootings by Police Involve Dogs, Study Says*, SEATTLE TIMES (Dec. 2, 2012).

<sup>3</sup> *Id.* (“Nearly three-quarters of the police shootings in Milwaukee, Wis., from 2000 to 2002 involved dogs.”).

<sup>4</sup> Cynthia Bathurst et al., U.S. Dep’t of Justice, THE PROBLEM OF DOG-RELATED INCIDENTS AND ENCOUNTERS, 42 (2011), <https://www.nationalcanineresearchcouncil.com/sites/default/files/The-Problem-of-Dog-Related-Incidents-and-Encounters-2011.pdf>.

<sup>5</sup> C.J. Ciaramella, *Why Are Detroit Cops Killing So Many Dogs?*, Reason (Nov. 15, 2016)(citing to a Detroit attorney who claims that “none of the officers he’s deposed has watched them”).

<sup>6</sup> One night in April 2011, police in Camden, N.J., fired more than 30 bullets at a puppy, ricocheting across vehicles and piercing a home. *GUNNED DOWN: Why are so many dogs being shot by police?*, PETFUL SPECIAL REPORT, 3 (2013), <https://www.petful.com/gunned-down-report-new.pdf>.

<sup>7</sup> Earl Rinehart, *Columbus Police Officer Injures 4-Year-Old While Shooting at Dog*, COLUMBUS DISPATCH (June 19, 2015).

<sup>8</sup> Kate Mather, *Woman Riding Bicycle Along Venice Boardwalk Wounded by Gunfire After LAPD Shoots ‘Agitated’ Dog Nearby*, L.A. TIMES (Nov. 5, 2016).

<sup>9</sup> *Brandon v. Village of Maywood*, 157 F. Supp. 2d 917, 924 (N.D. Ill. 2001).

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Unfortunately, when police officers fire lethal weapons at encountered animals, the potential harm to nearby humans can exceed physical injury. One such instance involved an Iowa officer who attempted to intervene in a domestic dispute between a woman and her husband who was holding the couple's three-year-old son.<sup>10</sup> When the family's dog tried to protect the woman, the officer fired his gun at the dog but slipped in the snow and missed, accidentally shooting and killing the young mother instead.<sup>11</sup> In another case in Los Angeles County, sheriffs opened fire at a dog at a loud party and killed a seventeen-year-old boy when the bullets ricocheted and hit him in the chest.<sup>12</sup>

In some of the cases referenced above, using deadly force against the dog in question may have been objectively reasonable under the circumstances. However, if the officers had been trained in animal behavior and nonlethal tactics, they instead may have been able to manage the perceived threats without causing harm to any of the individuals involved.<sup>13</sup> As statistics from several major cities now demonstrate, when police officers are provided with such training they are more likely to react in ways that preserve public safety without incurring the significant emotional, physical, and financial costs associated with unnecessarily using deadly force against animals they encounter in the line of duty.<sup>14</sup>

Most commonly, law enforcement officers discharge their weapons at dogs to protect themselves or their fellow officers.<sup>15</sup> Yet numerous examples exist of police officers firing their guns at dogs and accidentally shooting themselves,<sup>16</sup> their partners,<sup>17</sup> their supervisors,<sup>18</sup> or even their own K9 police dogs.<sup>19</sup> In contrast, comprehensive records dating back to 1791 contain not a single documented case of a police officer ever being killed in a dog attack.<sup>20</sup> Indeed, the only police officers who have died in relation to dog bites did so as a result of subsequently contracting rabies—which since has been eradicated in dogs long after the last such incident in 1936.<sup>21</sup> By comparison, during that

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<sup>10</sup> Jason Clayworth, *Lawyer for family of mother slain by Iowa cop: 'Burlington covered up a murder,'* DES MOINES REGISTER (Oct. 18, 2018)

<sup>11</sup> *Id.*

<sup>12</sup> Maya Lau et al., *L.A. Sheriff's Deputies Shoot at Dog, Firing Bullets That Bounce and Kill Teen, Officials Say*, L.A. TIMES (June 22, 2017). One of the officers also was injured by the ricocheting bullets fired at the party. *Id.*

<sup>13</sup> Conor Friedersdorf, *What Dog Shootings Reveal About American Policing*, THE ATLANTIC (July 13, 2017).

<sup>14</sup> Courtney Lee, *More than Just Collateral Damage: Pet Shootings by Police*, U. NEW HAMPSHIRE L.REV. 171, 196 (Nov. 19, 2018).

<sup>15</sup> Kaylan E. Kaatz, *Those Doggone Police: Insufficient Training, Canine Companion Seizures, and Colorado's Solution*, 51 SAN DIEGO L. REV. 823, 826 (2014).

<sup>16</sup> *Sheriff's Deputy Hospitalized After Accidentally Shooting Himself In Leg*, CBS LA (Apr. 16, 2014).

<sup>17</sup> *Police officer shot by partner trying to kill dog*, FOX 16 NEWS (Nov. 8, 2012).

<sup>18</sup> *Police officer, aiming for dog, accidentally shoots his sergeant*, WABC-13 NEWS, NEW YORK (Feb. 18, 2015), <https://abc13.com/news/cop-aiming-for-dog-accidentally-shoots-sergeant/523510/>.

<sup>19</sup> Jose Cardenas, *Parolee, Police Dog Killed*, L.A. TIMES (Aug. 26, 2003). The first LA County Sheriff's Department dog killed in the line of duty was Marco, a 9-year old Malinois who was ordered to bite a 23-year-old domestic violence suspect. Before the dog could reach the man, the officers mistook a flip-flop in his hand for a weapon and fired a total of 81 bullets that killed both Deondre Brunston and Marco. *Id.*

<sup>20</sup> "Animal Related" officer deaths 1791-2019, OFFICER DOWN MEMORIAL PAGE, <https://www.odmp.org/search?cause=Animal%20related&from=1791&to=2019&filter=nok9&o=>.

<sup>21</sup> *Id.* See Christine Petersen, *Modeling Infectious Disease Research Using Canine Models*, NATIONAL ACADEMIES OF SCIENCES, ENGINEERING AND MEDICINE (May 7, 2019).

same 228-year span at least 69 police officers were killed by horses, three by bees, two by cows, one by lions, one by a spider, and one by a cat.<sup>22</sup>

Notably, many other service professionals encounter dogs in the daily course of their jobs. These include mail carriers, meter readers, cable installers, delivery drivers, and real estate agents. Yet despite not carrying firearms or other lethal weapons, only 1% of U.S. Postal Service workers are bitten by dogs.<sup>23</sup> This is primarily due to the fact that postal employees receive comprehensive training in animal encounters and dog-bite prevention.<sup>24</sup> Such instruction uses live dogs and sample scenarios to educate postal workers on how to interpret a dog's body language to determine whether the dog is angry, afraid, or friendly. It also teaches mail carriers how to calm, distract, and subdue dogs with voice commands, or fend them off using non-lethal methods.<sup>25</sup> This in-person training is kept current by annually requiring postal workers to watch a 2-hour video on canine behavior.<sup>26</sup> As described by U.S. Postal Service Safety Director, Linda DeCarlo, "Dog bite prevention training and continuing education are important to keep pet owners, pets and those who visit homes—like letter carriers—happy and healthy."<sup>27</sup>

## II. FINANCIAL AND LEGAL LIABILITY FOR GOVERNMENTS AND INSURERS

When innocent bystanders are killed or wounded by police firing lethal weapons at dogs, the financial liability can be substantial for the municipal, county, or state governments that employ those officers. In 2019, a claims board approved a \$3 million settlement for the aforementioned teenager killed when two L.A. Sheriff's deputies fired at a loose dog.<sup>28</sup> In 2018, the City of Burlington, Iowa agreed to pay \$2 million<sup>29</sup> to settle a federal lawsuit brought by the family of the young mother killed by an officer firing at her dog.<sup>30</sup> Financial liability also can be significant when bystanders are injured, rather than killed. In 2016, the Columbus City Council approved a \$780,000 settlement after a four-year-old child was shot in her living room by a police officer firing his gun at her family's dog from their front doorway.<sup>31</sup>

Even when police officers kill or wound dogs and other pets without harming humans, significant legal and financial liability can arise if those shootings are found to be unjustified. In 2013, the Minneapolis City Council approved a \$225,000 settlement to a

<sup>22</sup> "Animal Related" officer deaths 1791-2019 *supra* note 20.

<sup>23</sup> U.S. Postal Service, *Press Release, U.S. Postal Service Releases Annual Dog Attack City Rankings* (Apr. 6, 2017), [https://about.usps.com/news/national-releases/2017/pr17\\_016.htm](https://about.usps.com/news/national-releases/2017/pr17_016.htm).

<sup>24</sup> *GUNNED DOWN*, *supra* note 6, at 5.

<sup>25</sup> Allie Ferguson, *Helping Postal Workers Fend Off an Age-Old Problem: Dog Bites*, NAT'L PUBLIC RADIO (May 17, 2015).

<sup>26</sup> *GUNNED DOWN*, *supra* note 6, at 5.

<sup>27</sup> U.S. Postal Service, *supra* note 23.

<sup>28</sup> Statement of Proceedings for the Regular Meeting of the Los Angeles Contract Cities Liability Trust Fund Claims Board (August 14, 2019).

<sup>29</sup> Andy Hoffman, *\$2M settlement between Steele family, city of Burlington finalized*, THE HAWK EYE (Aug 8, 2018).

<sup>30</sup> Erin Jordan, *Autumn Steele's Family Files Federal Lawsuit*, THE GAZETTE (Nov. 21, 2016).

<sup>31</sup> Lu Ann Stoia, *Family Awarded \$780k from City After Daughter Accidentally Shot by Columbus Officer*, WSYX ABC 6 (Sept. 12, 2016). The traumatic event required Ava Ellis to undergo multiple surgeries. *Id.*

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family whose two dogs were killed by police in such close proximity to the couple's young children that the dogs' blood splattered on their 3-year-old daughter while she was eating breakfast at her kitchen table.<sup>32</sup> As one commenter notes, "While dogs do not have civil rights, their owners do."<sup>33</sup> Accordingly owners whose pets have been killed by police can bring federal claims against both the officers and their employers for illegal seizures under the Fourth Amendment to the United States Constitution.<sup>34</sup> In such situations, a citizen alleging the deprivation of a constitutional right due to official state action is able to bring a lawsuit under 42 U.S.C. § 1983.<sup>35</sup> And as the Seventh Circuit determined in one such 2008 case, "the use of deadly force against a household pet is reasonable only if the pet poses an immediate danger and the use of force is unavoidable."<sup>36</sup>

That standard of reasonableness applies in situations when police officers happen to encounter dogs during their routine daily duties. However, many fatal shootings of dogs occur when police officers are serving search or arrest warrants and have the added benefit of time to prepare. In such cases, courts have adopted an even stricter standard of reasonableness.<sup>37</sup> In the most notorious of such cases, *San Jose Charter of the Hells Angels Motorcycle Club v. City of San Jose*,<sup>38</sup> the Ninth Circuit ruled in 2005 that "the Fourth Amendment forbids the killing of a person's dog, or the destruction of a person's property, when that destruction is unnecessary—i.e., when less intrusive, or less destructive, alternatives exist."<sup>39</sup> The court further declared, "We have recognized that dogs are more than just a personal effect. The emotional attachment to a family's dog is not comparable to a possessory interest in furniture."<sup>40</sup> In the wake of the Ninth Circuit's ruling, both the City of San Jose and San Jose County settled with the Hells Angels members for \$2 million (\$1 million each).<sup>41</sup>

Last year the *ABA Journal* reported on multiple large payouts resulting from recent lawsuits filed after police officers wrongfully shot family pets. The feature quotes the director of one law enforcement-related organization who states, "Law enforcement agencies across the country are getting slammed with settlements and judgments that are costing them thousands of dollars that could be better spent within their agencies."<sup>42</sup>

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<sup>32</sup> Matt McKinney, *April 6: Family wins \$225,000 settlement against Minneapolis police*, Star Tribune, (June 1, 2013).

<sup>33</sup> Carter, *supra* note 2.

<sup>34</sup> Lee, *supra* note 14, at 179.

<sup>35</sup> 42 U.S.C. § 1983 (1996).

<sup>36</sup> *Villo v. Eyre*, 547 F.3d 707, 710 (7th Cir. 2008).

<sup>37</sup> Kaatz, *supra* note 15, at 847.

<sup>38</sup> *San Jose Charter of the Hells Angels Motorcycle Club v. City of San Jose*, 402 F.3d 962, 968–69 (9th Cir. 2003). The Supreme Court denied certiorari in the case. Kaatz, *supra* note 15, at 847, fn 142.

<sup>39</sup> *Hells Angels*, 402 F.3d at 977-78.

<sup>40</sup> *Id.* at 975.

<sup>41</sup> Karen Snell, *The Police Shot My Dog*, 2013 Animal Law Conference presentation (Oct. 27, 2013) (Of the \$2,000,000 total settlement, \$800,000 was for the shooting of the dogs), [https://www.youtube.com/watch?v=b5r3vmDEFaw&list=PLB20uPYJaEJ5SknZ8fZCqsL\\_K81K8pr1o](https://www.youtube.com/watch?v=b5r3vmDEFaw&list=PLB20uPYJaEJ5SknZ8fZCqsL_K81K8pr1o).

<sup>42</sup> Arin Greenwood, *Courts are awarding significant damages to families whose dogs are killed by police*, ABA JOURNAL (April 2018).

One such case in 2017 led to a \$1.26 million jury award against a Maryland county and police officer who shot a Chesapeake Bay retriever in his own yard while the family was home unable to hear the officer knocking at their door.<sup>43</sup> That same year the City of Hartford, Connecticut, settled for \$885,000 with a family whose dog was shot and killed during an unlawful search.<sup>44</sup> Also in 2017, San Diego County paid \$225,000 to a family for shooting their puppy behind a fence that prominently displayed “Beware of Dog” signs,<sup>45</sup> while in Las Vegas, Police approved a settlement of \$199,000 in an excessive force lawsuit in which five officers burst into a home and killed the family dog.<sup>46</sup> And these are only a few examples from one single year.<sup>47</sup> More recently, in July 2019, St. Louis County settled for \$750,000 with a family whose dog was killed when a SWAT team charged into their home merely to investigate unpaid utility bills.<sup>48</sup> In addition to these federal cases filed under the U.S. Constitution, large jury verdicts for dog shootings by police are being secured in state courts as well. One Maryland case, *Brooks v. Jenkins*, ultimately resolved in 2014 with a \$207,500 award to a family whose chocolate Lab survived being shot by a county Sheriff’s Deputy.<sup>49</sup>

The costs of defending such lawsuits, and of paying any resulting damage awards or settlements, most often are borne by local taxpayers<sup>50</sup> and the insurance companies who underwrite the governmental entities involved.<sup>51</sup> In the Colorado case that resulted in a \$262,500 settlement after a dog was shot in her family’s garage while secured with a snare pole, a municipal spokeswoman all but boasted that, “The city’s out-of-pocket cost was a \$50,000 deductible. Our insurance agent covered the rest.”<sup>52</sup> The city’s own legal

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<sup>43</sup> *Reeves v. Davis*, No. C-02-CV-15-002956, 2017 WL 2723614, at \*1 (Md. Cir. Ct. Sept. 27, 2016) (the jury awarded \$500,000 in economic damages, \$750,000 in noneconomic damages, and \$10,000 for trespass to chattel). The \$1.26 million award is believed to be “the largest civil judgment in U.S. history for a pet’s death at the hands of police.” Greenwood, *supra* note 42. A judge later reduced the damage award to a total of \$207,500 after citing a Maryland statute that limits local governments’ liability. *Id.*

<sup>44</sup> Greenwood, *supra* note 42. The 2nd Circuit deemed the search to have been “unlawful.” *Id.*

<sup>45</sup> Greg Moran, *County pays \$225,000 to settle lawsuit over deputy shooting pit bull puppy*, SAN DIEGO UNION-TRIBUNE (Jan. 25, 2017).

<sup>46</sup> Wesley Juhl, *Las Vegas police settle lawsuit involving fatal dog shooting for \$199K*, LAS VEGAS REVIEW-JOURNAL (Mar. 27, 2017).

<sup>47</sup> For example, in 2018, Detroit, Michigan settled one federal lawsuit in for \$225,000 and another in 2016 for \$100,000, both for police killing pet dogs that already were safely restrained in fenced yards. C.J. Ciaramella, *Detroit to Pay \$225,000 After Cops Shoot Three Dogs in Marijuana Raid*, REASON (Mar. 22, 2018). In 2016, a smaller Colorado municipality also agreed to settle a federal lawsuit for \$262,500 for a dog shot and killed in her owner’s driveway after already being snared on a catch-pole. Greenwood, *supra* note 42.

<sup>48</sup> Tony Messenger, *St. Louis County settles for \$750,000 in case where SWAT team shot family dog*, ST. LOUIS POST-DISPATCH (July 2, 2019). The settlement came one week into the federal trial over the incident.

<sup>49</sup> *Brooks v. Jenkins*, 220 Md. App. 444 (2014).

<sup>50</sup> Nick Wing, *We Pay A Shocking Amount For Police Misconduct, and Cops Want Us Just to Accept It. We Shouldn’t.*, HUFF. POST (May 29, 2015) (“That money [used to pay settlements to victims of police misconduct], like the rest of the police department’s budget, comes from taxpayers.”).

<sup>51</sup> Meme Moore, *Police Controversies Affecting Coverage: Underwriters are taking a harder look at insurance terms and conditions for police departments in the wake of highly publicized deaths*, RISK & INSURANCE (May 5, 2015).

<sup>52</sup> Jesse Paul, *Commerce City Pays \$262,500 to Family Whose Dog Was Killed by Cop*, DENVER POST (July 27, 2016), (quoting Michelle Halstead, spokeswoman for Commerce City, Colorado).

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expenses in that case totaled an additional \$125,227.<sup>53</sup> Given that most of these family pet shooting lawsuits are filed as federal civil rights claims, “even nominal payoffs to the plaintiff can balloon when the defendant officers and agencies have to pay attorney fees for the winners.”<sup>54</sup> Under the relevant statute, plaintiffs’ recoverable legal fees are set at the prevailing rate for private attorneys in the community.<sup>55</sup> In just one such dog shooting case, the plaintiffs’ attorneys’ fees alone totaled over \$530,000.<sup>56</sup>

## III. SCOPE AND SEVERITY OF THE PROBLEM

“The Department of Justice estimates that U.S. law enforcement officers kill roughly 10,000 companion dogs per year, or twenty-five to thirty per day.”<sup>57</sup> One DOJ official has gone so far as to describe the occurrence as an “epidemic.”<sup>58</sup> Over the past decade, Chicago police fired their guns at dogs a total of 700 times,<sup>59</sup> killing an average of 2 dogs every single week in one five-year span.<sup>60</sup> Given that just one of those 700 shootings led to a \$333,000 judgment against the city,<sup>61</sup> the potential financial liability is immense. Nearby, in much smaller Milwaukee, police shot and killed 434 dogs during a recent nine-year period—equating to roughly one dog killed by police every single week for nearly a decade.<sup>62</sup> In Buffalo, NY, one officer alone shot as many dogs in a two-year period as all 34,000 members of the New York City Police Department.<sup>63</sup> Police officers in Detroit also have been subject to scrutiny for shooting and killing a startling number of animals in the line of duty—with official records revealing that as of 2017 one Detroit police officer alone had shot at least “80 dogs.”<sup>64</sup>

### a. Unjustified Shootings Can Damage Police-Community Relations

Beyond causing physical harm to people and animals, and serious financial liability for governments and their insurers, when the police kill a family dog it can lead to the

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<sup>53</sup> Chris Halsne, *Settlement reached in police killing of dog, called largest in U.S. history*, KDVR FOX NEWS (Jan. 25, 2016), <https://kdvr.com/2016/01/25/settlement-reached-in-police-killing-of-dog/>.

<sup>54</sup> David Griffith, *Can Police Stop Killing Dogs?*, POLICE MAG. (Oct. 29, 2014); see also, Mike Carter, *Owners of Dog Slain by Police Are Awarded Attorney Fees*, SEATTLE TIMES (Apr. 25, 2013).

<sup>55</sup> Snell, *supra* note 41.

<sup>56</sup> *San Jose Charter of the Hells Angels Motorcycle Club v. Santa Clara*, No. CV99200022JF, 2006 WL 427934, at \*16–17 (N.D. Cal. Dec. 6, 1999).

<sup>57</sup> Lee, *supra* note 14, at 176 (citing Laurel Matthews, a supervisory program specialist with the Department of Justice's Community Oriented Policing Services).

<sup>58</sup> Griffith, *supra* note 54.

<sup>59</sup> Frank Main, *700 dogs have been shot or shot at by police in Chicago in the past decade*, CHICAGO SUN-TIMES (Mar. 23, 2018).

<sup>60</sup> Dawn Turner Trice & Jeremy Gorner, *Are police too quick on the draw against dogs?*, CHICAGO TRIB. (Aug. 6, 2013)(citing Chicago police shooting statistics from 2008 to mid-2013).

<sup>61</sup> David Heinzmann, *Family gets \$333,000 for 2009 raid in which cops killed dog*, CHICAGO TRIB. (Aug. 19, 2011). The Chicago officers shot and killed the family's 9-year old Labrador retriever, Lady, after refusing the two teenage sons' request to secure their “tail-wagging” dog before conducting a search “that found no criminal activity in the apartment.” *Id.*

<sup>62</sup> Radley Balko, *“Why did you shoot me? I was reading a book,”* SALON (July 7, 2013).

<sup>63</sup> *Id.*

<sup>64</sup> C.J. Ciaramella, *Detroit Police Shot 54 Dogs Last Year—Twice as Many as Chicago*, REASON (Sept. 4, 2018). In a 2016 lawsuit two other Detroit officers stated they each had shot roughly 19 or 20 dogs. *Id.*

deterioration of police-community relations that already may be strained.<sup>65</sup> As the head of the Milwaukee Fire and Police Commission, observed, “Even one dog shooting generates so much outrage that it can take years to repair the damage to community relations.”<sup>66</sup> The former Deputy Executive Director of the National Sheriffs’ Association further implored, “[W]hen an officer ends up shooting a dog it rips right at the fabric of the community. This problem needs to be solved.”<sup>67</sup>

Even members of the general public without direct connections to the animals killed by police frequently become incensed and mobilized by these stories.<sup>68</sup> In a 2014 Cleburne, Texas incident, footage was obtained via FOIA of a police officer whistling two dogs over to him then shooting them as they arrived—the resulting viral video immediately became international news.<sup>69</sup> The public outrage against the officer, department, and city was swift and severe. It started with a petition to terminate Officer Kevin Dupre that generated 65,000 signatures within the first week.<sup>70</sup> That was followed by several public protests, multiple death threats against the officer, and the City of Cleburne’s website being shut down by hackers in possible retaliation.<sup>71</sup>

When police wrongfully shoot any pet, it can cause a great deal of community agitation, but when police shoot a service animal, it can spark even more societal indignation.<sup>72</sup> In 2017, a Minneapolis officer shot two tail-wagging dogs in their backyard that were service animals for the owner’s children, assisting them with seizures and anxiety.<sup>73</sup> Both dogs ultimately survived, but again the public backlash against the police was fast and scathing. Before long an online petition calling for the officer to be fired gathered over 138,000 signatures,<sup>74</sup> and a webpage soliciting donations for the dogs’ care collected over \$37,000.<sup>75</sup>

## **b. All Types of Pets Are Shot by Police—And All Owners Can Be Impacted**

While some may assume that police only use lethal force on large or intimidating dogs, records show that officers across the U.S. have killed family dogs of almost every type,

<sup>65</sup> See Griffith, *supra* note 54 (describing the “PR Nightmare” that can result when police kill dogs).

<sup>66</sup> Dinesh Ramde, *Milwaukee Police No Longer Shooting as Many Dogs, Thanks in Part to Training*, ST. PAUL PIONEER PRESS (June 14, 2014).

<sup>67</sup> C.J. Ciaramella, *Cops Kill Lots of Dogs. This Simulator Trains Them Not To*, REASON (Sept. 14, 2018)(quoting National Sheriffs’ Association Deputy Executive Director John Thompson).

<sup>68</sup> Hal Herzog, *Why People Care More About Pets Than Other Humans*, WIRED (Apr. 13, 2015).

<sup>69</sup> Jenny Awford, *Texas cop who triggered outrage when he shot family’s tail-wagging dog receives death threats*, DAILY MAIL UK (Oct. 23, 2014).

<sup>70</sup> Dan Solomon, *Horrible Video Shows a Cleburne Police Officer Calling To, Then Shooting, a Tail-Wagging Dog*, TEXAS MONTHLY (Oct. 20, 2014).

<sup>71</sup> Frank Heinz & Tim Ciesco, *Cleburne Officer Cleared of Shooting, Killing Dog*, NBC DFW 5 (Dec. 20, 2014), <https://www.nbcdfw.com/news/local/Cleburne-Officer-Cleared-of-Shooting-Killing-Dog-286462351.html>.

<sup>72</sup> See, e.g., Greg Hadley, *She Called 911 Because Someone in her Yard Was on Drugs. Police Shot her Service Dog.*, MIAMI HERALD (Apr. 20, 2017).

<sup>73</sup> Abigail Adams, *Video Shows Police Shooting Emotional Support Dogs in Owner’s Yard*, TIME (July 11, 2017).

<sup>74</sup> Aaron V., *Justice for Ciroc and Rocko: Fire Trigger-Happy Minneapolis Police Officer*, CARE2 PETITIONS.

<sup>75</sup> Karli Jones, *Justice For Our Dogs*, GOFUNDME, <https://www.gofundme.com/43u375s>.

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size, shape, or breed.<sup>76</sup> Numerous examples exist where police officers have shot small dogs like Chihuahuas,<sup>77</sup> Miniature Dachshunds,<sup>78</sup> and even puppies,<sup>79</sup> as well as breeds widely considered to be family-friendly, such as Labrador Retrievers,<sup>80</sup> Cocker Spaniels,<sup>81</sup> and Golden Retrievers.<sup>82</sup> Police officers also have shot and killed several other species of domesticated animals, including pet pigs,<sup>83</sup> goats,<sup>84</sup> and even cats.<sup>85</sup> Many instances further have come to light where police officers killed animals that clearly posed no threat to anyone—such as dogs who were shot after being tied up outside,<sup>86</sup> secured behind closed doors,<sup>87</sup> or even while they were attempting to run away.<sup>88</sup> Several of these incidents have been captured by police officers' own cameras, such as a 2016 Detroit incident involving a tethered dog that led to a \$100,000 judgment against the city.<sup>89</sup>

Similarly, contrary to what some may mistakenly assume, the unjustified shooting of pets by law enforcement impacts families across the socio-economic spectrum.<sup>90</sup> This point was underscored in the episode that occurred in the tranquil suburb of Berwyn Heights, Maryland, where the town's Mayor had his own two black Labrador retrievers shot and

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<sup>76</sup> Lee, *supra* note 14, at 176-78.

<sup>77</sup> See, e.g., Christopher Brito, *Arkansas deputy fired after shooting a barking chihuahua in the face*, CBS NEWS (Jan. 8, 2019). After video of the incident surfaced, angry citizens made over 300 calls in one day to the Faulkner County Sheriff's Office and the officer later was charged with animal cruelty. *Id.*

<sup>78</sup> See, e.g., *Danville Police Shoot, Kill Growling Miniature Dachshund*, RICHMOND TIMES-DISPATCH (June 11, 2009).

<sup>79</sup> See, e.g., Melissa Pamer, *Video Shows Texas Police Officer Fatally Shoot Tail-Wagging Puppy*, KTLA (Oct. 22, 2014), <http://kta.com/2014/10/22/video-shows-texas-police-officer-fatally-shooting-tail-wagging-puppy/>.

<sup>80</sup> See, e.g., *Dog Shooting in Coeur d'Alene Violated Policy, Police Chief Says*, THE OREGONIAN (Sept. 6, 2014) (noting that an Idaho officer was found to have acted unreasonably when he shot a Labrador shut inside a van with partially-opened windows).

<sup>81</sup> See, e.g., Rick Hurd, *Concord: Owners of Cocker Spaniel Shot by Police Seek Apology*, MERCURY NEWS (June 24, 2013) (describing how an officer in California shot and wounded a thirteen-year-old cocker spaniel who barked at him from within a yard).

<sup>82</sup> See *Bixby Police Officer Loses Job Over Gesture Made on Camera*, THE OKLAHOMAN (July 1, 2004) (describing the firing of a police officer in Oklahoma who shot a Golden Retriever tethered in a yard).

<sup>83</sup> See Frank Warner, *Slatington Pot-Bellied Pig Shot to Death by Police Officer; Chief Defends Action*, THE MORNING CALL (Aug. 2, 2017) (describing how officers shot a pet pig named Oscar after he escaped his property and allegedly chased the officers).

<sup>84</sup> Lizzy Acker, *It Took 4 Shots and 2 Guns to Kill an Aggressive Goat in Portland*, OREGONLIVE (Aug. 10, 2017) (chronicling the shooting of a goat who police claim was behaving aggressively, but who the owner claims would submit to his children).

<sup>85</sup> Donald Bradley & Glenn Rice, *Raymore Police Mistakenly Kill Family Cat*, KANSAS CITY STAR, Sept. 11, 2009, at A4 (recounting the shooting of Tobey, an elderly, declawed, deaf, six-pound, "cuddly" pet cat whom officers shot twice in the head and dumped in a city trash can).

<sup>86</sup> See, e.g., Abigail Curtis, *Maine Man Fighting Back After Police Allegedly Shot, Killed His Dog in Louisiana*, BANGOR DAILY NEWS (Apr. 30, 2014) (summarizing an incident in Louisiana where an officer shot a dog after permitting the owner to tie his dog to a fence with a short leash).

<sup>87</sup> C.J. Ciaramella, *Why Are Detroit Cops Killing So Many Dogs?*, REASON (Nov. 15, 2016) (reviewing several dog shootings by Detroit police officers, including one where a dog was shot through the back door of a home and another where a dog was shot through a closed bathroom door inside the house).

<sup>88</sup> *Id.* (reviewing another incident where Detroit police shot a dog, but the bullets entered from behind).

<sup>89</sup> Danny Spewak, *Collateral Damage: Police Shooting Dogs in Line of Duty*, CLICK ON DETROIT (Mar. 27, 2017).

<sup>90</sup> OF DOGS AND MEN (Ozymandias Media 2015)(profiling a wide range of dog owners whose pets were killed by police, including single mothers, young urban couples, suburban families, elderly women).

killed in his home by Prince George’s County Deputies.<sup>91</sup> The police’s justification for the raid was that a box containing marijuana had been addressed to the Mayor’s wife who was a state finance officer.<sup>92</sup> A few days later police arrested a FedEx driver and an accomplice who had been mailing such boxes to other unsuspecting addresses.<sup>93</sup> The Mayor described the ordeal as “the most traumatic experience of his life.”<sup>94</sup> To Mayor Calvo’s credit, he recognized that what happened to him was part of a broader problem of policy, not of individual officers. “I don’t think they’re bad people,” the Mayor said. “Just poorly trained.”<sup>95</sup> As a result, Mayor Calvo sued Prince George’s County.<sup>96</sup> The lawsuit was settled for an undisclosed sum, but the agreement importantly mandated “better training in dealing with the pets [county police] encounter in raids, as well as treating them more humanely.”<sup>97</sup> Calvo also was instrumental in helping pass state legislation requiring police agencies to report information on all SWAT team deployments including whenever a SWAT team injures or kills a pet.<sup>98</sup>

#### IV. SOLUTIONS ALREADY EXIST—ANIMAL ENCOUNTER TRAINING WORKS

##### a. Comparing Apples to Big Apples

When the City of Chicago instituted non-lethal animal encounter training for its utility meter readers, the number of employee dog bites dropped by 90%.<sup>99</sup> Yet until recently the city still did not provide comprehensive animal encounter training to its 12,474 sworn officers—“the nation’s second-largest police force.”<sup>100</sup> One commentator succinctly points out that, “it is not unreasonable to ask police departments to train cops at least as well as meter readers when the failure to do so predictably results in needlessly killed pets and endangered humans. But many police departments don’t care enough to go to the trouble.”<sup>101</sup> Consequently Chicago police historically have shot roughly ten times more pets than have officers in either New York or Los Angeles. Indeed, records show that while NYPD shot nine dogs in 2014, and LAPD shot eight dogs in 2015, in just the first nine months of 2015 Chicago police already had fired their weapons at animals at least 84 times.<sup>102</sup>

<sup>91</sup> *Md. mayor’s dogs shot dead in botched police raid*, THE TORONTO STAR (Aug. 7, 2008).

<sup>92</sup> *SWAT team kills 2 dogs in raid on Md. mayor’s home*, POLICEONE.COM (Aug. 1, 2008).

<sup>93</sup> *Md. mayor’s dogs shot dead*, *supra* note 90.

<sup>94</sup> *SWAT team kills 2 dogs in raid on Md. mayor’s home*, *supra* note 92.

<sup>95</sup> Sarah Brumfield, *County Settling Suit Over Raid of Md. Mayor’s Home*, NBC NEWS 4 WASHINGTON (Jan. 24, 2011).

<sup>96</sup> Alan Suderman, *Berwyn Heights mayor sues Prince George’s County over SWAT raid that killed his dogs*, WASHINGTON EXAMINER (June 22, 2009).

<sup>97</sup> Radley Balko, *Militarized police overreach: “Oh, God, I thought they were going to shoot me next,”* Salon (July 10, 2013).

<sup>98</sup> Brumfield, *supra* note 95.

<sup>99</sup> *Dog Bite Prevention Training Helps Meter Readers*, PETCHA, <https://www.petcha.com/dog-bite-prevention-training-helps-meter-readers/>.

<sup>100</sup> *Annual Report 2017*, CHICAGO POLICE DEPARTMENT, <https://home.chicagopolice.org/wp-content/uploads/2019/03/Chicago-Police-Department-Annual-Report-2017.pdf>.

<sup>101</sup> Friedersdorf, *supra* note 13.

<sup>102</sup> Ciaramella, *Why Are Detroit Cops Killing So Many Dogs?*, *supra* note 5.

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The difference is that the NYPD and LAPD provide some of the most comprehensive animal encounter training to their law enforcement officers, coupled with department-wide accountability to make sure such training is implemented and adhered to. The ASPCA calls the NYPD one of the “shining examples” of what animal training can do for a police department. “We have been involved in training NYPD officers for many years. On a per capita basis, New York is far lower in incidents than that of lot of other cities.”<sup>103</sup> The ASPCA’s assistant director for law enforcement also served twenty-one years with the NYPD.<sup>104</sup> He states that, “There are some individual departments in other parts of the country that avail themselves of our training, but not many. Not enough.”<sup>105</sup>

## **b. Accountability is Key**

The City of Los Angeles has one of the lowest per-capita rates of officers shooting dogs.<sup>106</sup> Beyond providing ongoing mandatory animal encounter training to its officers every single use of force in the 450 square miles covered by the LAPD is reviewed by a department headed up by Captain Scott Sargent, who not only is an attorney, but also was a K-9 dog handler for several years.<sup>107</sup> He states that, “Law enforcement officers are authorized to use deadly force only to protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury.”<sup>108</sup> LAPD officers also cannot use lethal force against a dog to protect property, including other animals. According to Sargent, LAPD officers are “absolutely forbidden to use force arbitrarily” and the department “simply will not stand for it.”<sup>109</sup> This is not just for the safety of the public and their animals, but also for the safety of the officers themselves, as failing to anticipate and resolve animal encounters immediately with the proper equipment can interrupt or slow an entry down and put the entire unit at risk.<sup>110</sup>

## **c. The Successful Results of Animal Encounter Training**

Now that several U.S. cities and states have implemented non-lethal animal encounter training in recent years, they provide instructive comparisons to judge the effectiveness such training has had on the number of dogs shot by their law enforcement officers. Notably, the City of Chicago achieved a 67% drop in the number of police officers shooting at dogs after it instituted comprehensive animal encounter training along with updated

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<sup>103</sup> Danny Spewak and Megan Blarr, *Collateral Damage: Police shooting dogs in line of duty—Buffalo Police have opened fire on 92 dogs since 2011, killing the vast majority of them. Is it time to start training?*, Marshfield News Herald (Nov. 14, 2014)(Quoting Dr. Randall Lockwood, a senior vice president for the American Society for the Prevention of Cruelty to Animals).

<sup>104</sup> Balko, “*Why did you shoot me? I was reading a book,*” *supra* note 62.

<sup>105</sup> *Id.* (quoting Joseph Pentangelo, the ASPCA’s assistant director for law enforcement).

<sup>106</sup> LAPD Captain Scott Sargent, *The Police Shot My Dog*, 2013 Animal Law Conference presentation (Oct. 27, 2013), [https://www.youtube.com/watch?v=b5r3vmDEFaw&list=PLB20uPYJaEJ5SknZ8fZCqsL\\_K81K8pr1o](https://www.youtube.com/watch?v=b5r3vmDEFaw&list=PLB20uPYJaEJ5SknZ8fZCqsL_K81K8pr1o)).

<sup>107</sup> For an example of an LAPD review, see [http://assets.lapdonline.org/assets/pdf/104-11%20PR%20\(OIAS\).pdf](http://assets.lapdonline.org/assets/pdf/104-11%20PR%20(OIAS).pdf).

<sup>108</sup> Sargent, *supra* note 106.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.* The LAPD Use of Force Directive for Dog Encounters is an example of such policies, available at <http://www.sheriffs.org/sites/default/files/LAPD%20Directive%207%20Dog%20Encounters.pdf>.

policies and procedures—falling from 73 incidents in 2014 to 24 in 2017.<sup>111</sup> This change in policy did not come easy and resulted primarily from a “scathing” Department of Justice report on Chicago Police Department practices commissioned in the wake of the controversial police shooting of Laquan McDonald.<sup>112</sup> The DOJ report stated, “During our review of officer-involved shootings we saw shootings at dogs that appeared to be unnecessary, retaliatory or reckless. We also observed that there were many complaints from community members that officers unnecessarily or recklessly killed their dogs and that, like other civilian complaints, these complaints were not adequately investigated.”<sup>113</sup>

In addition to providing training for officers on how to de-escalate interactions with dogs they perceive to be hostile, in 2017 the department adopted a new use-of-force policy that clearly declares a Chicago police officer “is justified in using deadly force to stop a dangerous animal only when the animal reasonably appears to pose an imminent threat to the safety of the sworn member, another person, or another animal and no reasonably effective alternatives appear to exist.”<sup>114</sup> As part of this new policy, the Civilian Office of Police Accountability now investigates every dog shooting by Chicago police officers—something that previously happened only “rarely, if ever.”<sup>115</sup>

Impressively, after Texas passed statewide legislation in 2015 requiring officers to have 4 hours of animal encounter training, the number of dogs shot by TX police fell from 281 in 2014 to 32 in 2018, with only 17 shot as of November 2019—a drop of over 90%.<sup>116</sup> One Texas tale exemplifies the broad positive impact that instituting animal encounter training can achieve. Such training brought accolades to the town of Arlington, Texas after calls came into police of an “aggressive pit bull” chasing people around a neighborhood, with one caller pleading, “This dog is so vicious, please get him.”<sup>117</sup> When officers arrived, however, they observed the dog’s behavior, and based on their recently added training determined the dog was just “thirsty and lost.”<sup>118</sup> The officers then coaxed the dog into their patrol car with a protein bar. A quick scan for microchip later revealed that “Jeffery” had been adopted from a local shelter just the week before and simply escaped his new back yard.<sup>119</sup> Photos of the officers calmly petting the dog through the window of their cruiser posted to the Arlington Police Department’s Facebook page reached over 2 million people in less than 24 hours. Today that post boasts 176,000 likes,

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<sup>111</sup> Main, *supra* note 59.

<sup>112</sup> *Id.*

<sup>113</sup> U.S. Dep’t Just. Civil Rights Div. & U.S. Attorney’s Office N.D. Ill, *Investigation of the Chicago Police Department* 28 n.4, (Jan. 13, 2017).

<sup>114</sup> Chicago Police Department, *Use of Force, General Order G03-02*, (2017) at 2 (available at <https://home.chicagopolice.org/use-of-force-policy/>).

<sup>115</sup> Main, *supra* note 59 (quoting Mia Sissac, a spokeswoman for Chicago’s Civilian Office of Police Accountability).

<sup>116</sup> Email Communication with Shelby Bobosky, Interim Executive Director, Texas Humane Legislation Network, Oct. 17, 2019.

<sup>117</sup> *Arlington Officer Praised For Rescuing ‘Aggressive’ Pit Bull*, CBS DFW (June 27, 2014).

<https://dfw.cbslocal.com/2014/06/27/arlington-officer-praised-for-rescuing-aggressive-pit-bull/>

<sup>118</sup> Elisa Black-Taylor, *Arlington PD officers use their mandatory dog behavior training to save lost dog*, ELISA’S EXAMINER (June 30, 2014), <https://elisasexaminer.wordpress.com/2016/07/08/arlington-pd-officers-use-their-mandatory-dog-behavior-training-to-save-lost-dog/>.

<sup>119</sup> *Id.*

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18,000 comments, and has been shared over 71,000 times.<sup>120</sup> Police Chief Johnson responded saying, “This is exactly the type of compassion we love to see our employees exhibit and credit their good judgment and our significant investment that our organization has made in providing training to officers on how to deal with dogs.”<sup>121</sup>

## VI. LEGISLATION IS THE ANSWER

While the New York, Los Angeles, and Chicago police departments provide good models for others, far too many law enforcement officers in the United States still are forced to engage with citizens and their pets without the benefits of such training—putting themselves, their fellow officers, and local citizens at risk.<sup>122</sup> As one commenter has noted, “Although the need for adequate training is readily apparent nationwide, it is an institutional problem that exceeds a single department.”<sup>123</sup>

To address the issue, in 2011 The Department of Justice’s Community Oriented Policing Services released a publication entitled, *The Problem of Dog-Related Incidents and Encounters*, to help law enforcement better prepare to handle encountering dogs in the field.<sup>124</sup> In the introduction, the Director of the DOJ-COPS office notes, “There are a variety of circumstances where a dog could be involved in a police call, and it is critical that police departments not only develop effective departmental strategies advocating for the proper handling of dog-related incidents and encounters, but also proactively create tactical-response strategies, ensuring humane treatment of dogs and safety for the public and officers.” The DOJ-COPS office later produced an accompanying series of five animal encounter training videos entitled, *Police & Dog Encounters: Tactical Strategies and Effective Tools to Keep Our Communities Safe and Humane*, that it has made available online at no cost.<sup>125</sup>

Although these resources are quite valuable, and many departments have put them to good use, they still are voluntary, meaning that the police officers who likely could benefit from them most often do not use them.<sup>126</sup> In response, following the lead of Colorado’s “Dog Protection Act”, several other states, counties, and municipalities have recognized the need to prepare officers for such interactions and thus have enacted laws that either

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<sup>120</sup> Arlington Police Department Facebook post, <https://www.facebook.com/ArlingtonPolice/photos/a.10151419638535755/10152078636300755/?type=1&theater>.

<sup>121</sup> *Arlington Officer Praised For Rescuing ‘Aggressive’ Pit Bull*, *supra* note 117.

<sup>122</sup> Elizabeth Olsen, *Paws Up, Don’t Shoot: Preventing Officer-Involved Shootings of Companion Canines*, 23 ANIMAL L. 65, 91 (2016).

<sup>123</sup> Kaatz, *supra* note 15, at 853.

<sup>124</sup> Bathurst et al., *supra* note 4, at 10.

<sup>125</sup> Center for Public Safety & Justice, *Police and Dog Encounters*, YOUTUBE (June 18, 2014), <https://www.youtube.com/playlist?list=PLhE9QvBTLkY5KG7GVSu5M5QxtWQkVxTKS>; See also, Donald Cleary & Melissa Bradley, *Police and Dog Encounters: Tactical Strategies and Effective Tools to Keep Our Communities Safe and Humane*, 6 COMMUNITY POLICING DISPATCH (Dec. 2013). Narrated by retired Chicago police superintendent, Terry Hillard, the videos feature dog behavior expert Brian Kilcommons demonstrating real-life scenarios with SWAT and street officers. *Id.*

<sup>126</sup> Ciaramella, *Why Are Detroit Cops Killing So Many Dogs?*, *supra* note 5 (citing to a Detroit attorney who claims that “none of the officers he’s deposed has watched them”).

require or encourage the completion of animal encounter training programs along with accountability procedures to make sure that training is properly implemented and adhered to.<sup>127</sup> As noted above, the 2015 Texas legislation successfully reduced officer-involved shootings of dogs by over 90% across the state.<sup>128</sup>

## VI. CONCLUSION

All interested parties benefit from the reduction of unnecessary harmful accidents: members of the public, families and their pets, police officers, the governmental entities they work for, and the taxpayers or insurance companies who bear the ultimate financial liability for mistakes. When police officers are provided comprehensive animal encounter training, not only are they better prepared to protect themselves from dog bites, they also are less likely to resort to using deadly force that may unjustifiably harm or kill innocent human bystanders and family pets. Conversely, when insufficiently trained officers are thrust into situations where they have to make split-second decisions without the benefit of education about animal behavior and non-lethal options, the consequences can be catastrophic for the entire community impacted, physically, emotionally, legally, and financially.

One former officer who now has provided animal encounter training to over 2,100 other law enforcement officers, states that, “The only reason why there are a lot of shootings is that [police officers] don't have the training.”<sup>129</sup> The former Deputy Executive Director for the National Sheriffs' Association, John Thompson, further explains, “Law enforcement officers want to handle their calls safely and go home at the end of their shift, while not causing any needless harm. [Training] will give them much needed tools to recognize and address possible conflict with dogs instead of simply shooting an animal.”<sup>130</sup>

As described by the National Sheriffs' Association, the goal of animal encounter training “is not to make each law enforcement officer a canine behavior expert. Rather, the intent of [such] training is to give police officers the knowledge and tools to safely handle dog encounters during their daily duties, and to keep officers, the public, and pets as safe as possible.”<sup>131</sup> Accordingly, to encourage the consistent

<sup>127</sup> Lee, *supra* note 14, at 222 (noting that such laws exist in five states: Colorado, Illinois, Ohio, Tennessee, and Texas). Nevada also enacted a law in 2015 that requires dog-encounter training. NEV. REV. STAT. § 289.595 (2015).

<sup>128</sup> Bobosky, *supra* note 116.

<sup>129</sup> Esther Robards-Forbes, *Austin police get hands-on training to reduce dog shootings*, Austin-American Statesman (Sept. 10, 2014) (quoting Jim Osorio, senior law enforcement specialist for the National Humane Law Enforcement Academy).

<sup>130</sup> National Sheriffs' Association, *National Law Enforcement Center On Animal Abuse, National Sheriffs' Association And Virtra Launch New Law Enforcement Training Program To Reduce Animal Injury In Police Encounters*, Press Release (June 5, 2018) (quoting National Sheriffs' Association former Deputy Executive Director John Thompson), <https://www.sheriffs.org/National-Law-Enforcement-Center-Animal-Abuse-National-Sheriffs%E2%80%99-Association-and-VirTra-Launch-New>.

<sup>131</sup> National Sheriffs' Association, *About Law Enforcement Dog Encounters Training (LEDET)*, available at <https://www.sheriffs.org/ledet>. The National Sheriffs' Association helped develop an immersive animal encounter simulator to provide exactly this type of training. Mark Roper, *Deputies learn how to handle dogs with virtual reality training*, ABC2 BALTIMORE (June 6, 2018).

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implementation of such training, the American Bar Association should urge all federal, state, local, territorial, and tribal legislative bodies to enact laws, and governmental agencies to adopt policies, that provide law enforcement officers with comprehensive animal encounter training on the reasonable use of force necessary to better secure the safety of such officers, protect public health, reduce legal liability, and ensure the humane treatment of the animals encountered.

Respectfully submitted,

Dorothea M. Capone  
Chair, Tort Trial and Insurance Practice Section  
February 2020

**GENERAL INFORMATION FORM**

Submitting Entity: Tort Trial and Insurance Practice Section

Submitted By: Dorothea M. Capone, Chair

1. Summary of Resolution(s).

The Resolution urges all federal, state, local, territorial, and tribal legislative bodies and/or governmental agencies to enact laws that provide for comprehensive animal encounter training to law enforcement officers on the reasonable use of force necessary to better secure the safety of such officers, protect public health, reduce legal liability, and ensure the humane treatment of the animals encountered.

2. Approval by Submitting Entity.

TIPS Council voted to support the resolution and report on October 17, 2019.

3. Has this or a similar resolution been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

This resolution builds upon existing ABA Criminal Justice Standards on Urban Police Function that focus on limiting the excessive or unnecessary use of force against individuals encountered by law enforcement officers.

5. If this is a late report, what urgency exists which requires action at this meeting of the House?

Not applicable.

6. Status of Legislation. (If applicable)

Not applicable.

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

The Resolution will support legislative efforts and assist decision makers to enact uniform laws that provide comprehensive non-lethal animal encounter training to law enforcement officers in those jurisdictions that lack such training.

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8. Cost to the Association. (Both direct and indirect costs)

None.

9. Disclosure of Interest. (If applicable)

Not applicable.

10. Referrals.

This Report and Recommendation is referred to the Chairs and Staff Directors of all ABA Sections and Divisions including, specifically, the Criminal Justice Section.

11. Contact Name and Address Information. (Prior to the meeting)

Chris Green, Executive Director  
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Email: [cgreen@law.harvard.edu](mailto:cgreen@law.harvard.edu)

12. Contact Name and Address Information. (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

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## EXECUTIVE SUMMARY

### 1. Summary of the Resolution

This Resolution urges all federal, state, local, territorial, and tribal legislative bodies and/or governmental agencies to enact laws that provide for comprehensive animal encounter training to law enforcement officers on the reasonable use of force necessary to better secure the safety of such officers, protect public health, reduce legal liability, and ensure the humane treatment of the animals encountered.

### 2. Summary of the Issue that the Resolution Addresses

The number one reason U.S. police officers discharge their weapons is to fire at dogs, and in some cities, police shooting guns at dogs accounts for 75% of all service weapon use. When insufficiently trained officers are thrust into situations where they have to make split-second decisions without the benefit of education about animal behavior and non-lethal options, the physical, emotional, legal, and financial consequences can be catastrophic for the entire community impacted. All interested parties benefit from the reduction of unnecessary harmful accidents: members of the public, families and their pets, police officers, the governmental entities they work for, and the taxpayers or insurance companies who bear the ultimate financial liability for fatal mistakes. But despite the documented success of existing non-lethal animal encounter training programs in reducing unnecessary harmful accidents in the states, counties, and municipalities that have implemented them, most police officers in the U.S. still are not afforded such training.

### 3. Please Explain How the Proposed Policy Position will address the issue

When police officers are provided comprehensive animal encounter training, not only are they better prepared to protect themselves from dog bites, they also are less likely to resort to using deadly force that may unjustifiably harm or kill innocent human bystanders and family pets. By encouraging legislative action to provide such training, the proposed policy position will assist implementation of a consistent U.S. legal regime that better secures the safety of such officers, protects public health, reduces legal liability, and ensures the humane treatment of the animals encountered in accordance with the goals of the American Bar Association. This resolution builds upon existing ABA Criminal Justice Standards on Urban Police Function that focus on limiting the excessive or unnecessary use of force against individuals encountered by law enforcement officers.

### 4. Summary of Minority Views

None.