

Officer Involved Shootings with Dogs

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Introduction

In 2013, approximately 80 million dogs were living in 56.7 million U.S. households, with 63 percent of those households regarding them as members of the family.¹ It is no wonder then that “officers encounter dogs in the course of almost every kind of police interaction with the public.”²

The vast majority of such encounters with animals end well. When suburban Philadelphia police approached a man in a car who was behaving suspiciously, they discovered a kitten near death and got her to the vet in time to save her life. Police along the Garden State Parkway in New Jersey quickly sought vet care for a dog who had jumped (or possibly been thrown—investigation ongoing) from a car window and then was hit by another car. When Baltimore Police Officer Dan Waskiewicz responded to a call about a “vicious dog” chasing children in the area, his careful observations and familiarity with dog body language told him that the dog was no threat. On the contrary, the dog was the one being chased – by children who were throwing glass bottles at him – and he was trying to escape. Officer Waskiewicz called to the dog, who quickly came over, tail between his legs,

and sat by him. Officer Waskiewicz didn’t just spare this dog’s life, but he also gave him a new one – when he adopted Bo.

Unfortunately, however, more and more encounters that end in the deaths of pet dogs are coming to light. There is mounting concern that the numbers are increasing and that the problem is getting out of hand. You know something is wrong when an article opens with the sentence, “A cop shot a dog the other day. Again.”³ Even the U.S. Department of Justice (DoJ) sees it that way. In its 2011 publication *The Problem of Dog-Related Incidents and Encounters*, DoJ Community Oriented Policing Services director Bernard Melekian wrote that “the number of dog fatalities by law enforcement [is] on the increase...”⁴

Incidents

The enormity of this problem boggles the mind. Reciting every incident over a year or two or three is unnecessary; websites devoted to these victims include hundreds of stories, with new postings every day.⁵ A Google search will turn up story after story. While comprehensive statistics don’t exist, a disturbing picture emerges from data found in news reports:

1 Sources differ marginally in their statistics: ASPCA Facts About Pet Ownership in the U.S.; the American Veterinary Medical Association; and the American Pet Products Association

2 “The Problem of Dog Related Incidents and Encounters.” Community Oriented Policing Service, U.S. Department of Justice. 2011. <http://ric-zai-inc.com/Publications/cops-p206-pub.pdf> p.5

3 “It’s Time to Train Officers Not to Kill Dogs.” Real Clear Politics. July 8, 2013. http://www.realclearpolitics.com/articles/2013/07/08/its_time_for_police_to_stop_killing_dogs.html

4 DoJ, op.cit., p.1

5 E.g., <https://www.facebook.com/DogsShotbyPolice>; <http://dogmurders.wordpress.com/>

According to DoJ, the majority of officer-involved shootings involve animals, most frequently dogs.⁶

Between 2000 and 2009, Milwaukee police killed 434 dogs.

Between January 1 and December 2, 2013, North Las Vegas Police had used deadly force against nine dogs, seven of which died. In 2011, it was five dogs, with one death; in 2012, six dogs, with four deaths.

A five-year period in Colorado saw 30 dogs shot. (This record was the catalyst for the state's new training law; see below.)

In 2009 alone, Houston saw 187 officer-involved dog shootings; 121 dogs died. Between January 2010 and May 2013, Houston police shot 187 dogs; 121 died. During that time period in Harris County, the number was 228, with 142 fatalities. In 2013 alone, "law enforcement officers in Houston and Harris County shot more dogs than New York City police officers shot in 2010 and 2011 combined."⁷

According to various California law enforcement agencies, for the period 2000-2005, one-half of all intentional firearm discharges by officers were animal-related.⁸ Between 2000-2004, two unnamed California sheriffs' departments logged 162 animal shootings.⁹

Between 2008 until just before the new Illinois training law was signed in 2013 (see below), 488 animals, mostly dogs, were shot in Chicago.

During a two-year period (2010-2012), 100 dogs had been shot in four metro Atlanta counties.

A spokesman for the Las Vegas Metropolitan Police Department called the number of dogs killed by officers "statistically insignificant" in light of the number of dog encounters they have.¹⁰ That may be, but that attitude misses the point when better training and use of nonlethal options might have spared some of those lives, and spared those families so much heartache. When asked about the justification for so many dog shootings in his jurisdiction, Deputy Thomas Gilliland of the Harris County (TX) Sheriff's Office said, "If the dog turns and comes at a citizen, or the deputy, they have all right to use lethal force."¹¹ That is a troubling statement. His deputies should be operating under a policy of lethal force as a last resort, not the first. They should have received proper training both in recognizing the difference between a friendly or frightened dog and a dangerous one and in responding in either case without using a gun.

How can this dynamic be changed?

"Given the growing amount of media attention, the increasingly obvious public interest in animal welfare issues, and because it is the right thing to do, this subject calls for significant attention and training."¹² What makes Officer Waskiewicz's

story so compelling is not just the ending, but how he got there – by knowing how to approach a potentially "vicious" dog, by knowing how to read that dog's body language, and by being able to address the situation with confidence not fear. As DoJ COPS director Bernard Melekian advised, "Law enforcement officers must advance beyond automatically using their weapons when encountered by a dog. There are many other ways to ensure public and officer safety through diffusing dog encounters."¹³

Dog shootings appear to occur generally under two different scenarios: One directly related to the animal, such as a dog running loose; or one indirectly involving a dog as an innocent bystander, e.g., officers executing a warrant feel threatened by a barking dog and before assessing the level of danger or even giving the owner a chance to restrain or confine the dog, they shoot him. In a bitter irony, all too often it turns out that the officers were at the wrong address.

To the extent that these shootings occur when it is known that a dog is involved, there is no excuse for those calls not being handled properly. If possible animal control should be involved. If resources don't permit that, or animal control is short-staffed, or if law enforcement is also animal control, then those being sent on such calls must have proper training in dog behavior and psychology and be equipped to use nonlethal responses (behavioral tactics or physical means) first. Chemical repellants and disabling agents are cheap enough and small enough that all officers should be able to carry some with them. Departments must institute, support, and reinforce policies on using nonlethal means first, and using lethal means as only a last resort.

Laws

Three states and some localities have made such training mandatory or are working towards that goal. Here are some examples:

In Illinois, a measure signed by Governor Quinn in 2013 (HB 3388), requires the Illinois Law Enforcement Training and Standards Board to approve guidelines for training officers on canine behavior and nonlethal ways to subdue dogs.

Tennessee's peace officer certification training now includes an animal behavior component so officers can ascertain threat, control the situation and neutralize the threat with the least amount of force or harm to the animal.¹⁴

After a spate of dog shootings, Colorado adopted a law (SB 226) in May 2013 mandating a minimum of 3 hours of training for police in dog behavior and "body language." They must also "be trained in non-lethal methods of handling non-violent calls to allow dog owners or animal control professionals the chance to safely secure the dog."¹⁵

In October 2012, Fort Worth, Texas, police began receiving eight hours of classroom training in dog behavior; "how to

Police Chief, vol. LXXX, no. 8, August 2013. International Association of Chiefs of Police. p.4 http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=3000&issue_id=82013

¹³ COPS/DoJ, op.cit., p.1

¹⁴ <http://inpublicsafety.com/2014/08/puppycide-public-perception-of-police-lethal-force-on-domestic-animals/>

¹⁵ Ibid.

⁶ COPS/DoJ, op.cit.

⁷ <http://www.ohmidog.com/tag/houston/>

⁸ "The Canine Factor: to Shoot or Not to Shoot." Lisa Spahr. Subject to Debate, a publication of the Police Executive Research forum, January 2007

⁹ Ibid.

¹⁰ <http://www.reviewjournal.com/news/nevada-law-sought-reduce-unnecessary-dog-shootings-police> 11/24/13

¹¹ <http://www.ohmidog.com/tag/houston/>

¹² "Officer Safety Corner: Dogs and the Police Response: A Guide for Safe, Successful, and Humane Encounters." Gary P. Maddox. The

make a stand without the use of deadly force,” and the use of nonlethal methods, such as spray and tasers.

In 2013, the Leander, Texas, Police Department instituted mandatory training to “teach officers how to better perceive attacking dogs, and how to make a stand without the use of deadly force. Officers will learn to use OC Spray, Tasers, and also how to take a bite.”¹⁶

The Fort Worth and Arlington, Texas, police departments began requiring training in dog behavior and nonlethal responses to dog encounters in 2012.

Under a recently implemented pilot program, “deputies in San Marcos (CA) are learning how to respond nonviolently to potentially aggressive dogs...The training could be introduced to the department’s more than 2,200 deputies countywide by the end of the year...San Diego police are planning a similar education effort for their nearly 1,900 officers, as are police in Oceanside.”¹⁷

Nevada Senator David Parks (D-Las Vegas) plans to introduce legislation in 2015 “to require police to go through training in dealing with dogs to avoid shooting...peoples’ prized pets.”¹⁸

A number of other states, including California, Georgia, Idaho, Maryland, and Oregon, have similar legislation pending.

The Benefits of Training

Lawsuits are being filed not just to redress the killing of a pet, but also for failure to train. (See following article.) As noted in the Spahr article, “if departments fail to address these concerns, the courts may do so...prevention of unfortunate animal shooting incidents can decrease lawsuits and increase public confidence.”¹⁹

Most importantly, though, the benefits of training can be seen in improved handling of dog encounters. For example, training paid off in June for two officers in Arlington, Texas – and one lucky dog. Sergeant Gary Carter and Officer Heather Gibson responded to a call about a “pit bull” who was following residents. Thanks to the mandatory training they received last year, the two officers recognized that the dog was suffering from dehydration. They were able to return “Jeffrey” to his owner, who had adopted him just the week before.²⁰

As of July 2013, the training mandated for Fort Worth, Texas, officers had been so effective that no dogs had been shot since training began in October 2012.²¹ And in 2012, as training kicked in, the number of dogs shot in Milwaukee dropped to 26 from an average of 48 per year.

Conclusion

16 <http://www.examiner.com/article/leander-police-department-officers-to-receive-dog-behavior-training>

17 <http://www.utsandiego.com/news/2014/Jul/06/pilot-program-deputies-dog-shooting-san-marcos/?#article-copy>

18 <http://www.reviewjournal.com/news/nevada-law-sought-reduce-unnecessary-dog-shootings-police> 11/24/13

19 Spahr, op.cit.

20 “Arlington PD officers use their mandatory dog behavior training to save lost dog” Elisa Black-Taylor. Greenville Dog Examiner. June30, 2014 www.examiner.com/article/arlington-pd-officers-use-their-mandatory-dog-behavior-training-to-save-lost-dog

21 <http://www.examiner.com/article/leander-police-officers-to-receive-dog-behavior-training>

This is not to say that lethal force will never be needed. When a full-out dog attack is in progress and a person’s life is in danger, then there may be no choice (though this poses an additional hazard to people). It is also true that irresponsible owners do – or don’t do – things that put their pets in harm’s way, e.g., not keeping better control of aggressive dogs or allowing dogs to roam freely. Then there are those individuals, e.g., drug dealers or people trying to avoid warrants, who use animals to prevent police from doing their jobs. Even in those situations, however, officers – and their departments and communities – would be better served if they were prepared for these encounters and equipped to respond with nonlethal force when possible.

As the officer on the street, the one who is going to get the report of a dog at large, the one who is going to be serving a warrant on a house that is highly likely to include a four-legged member, the one who might be chasing a perpetrator through backyards, you owe it to yourself to demand the most thorough training available and the most appropriate tools (e.g., mace, a Taser, or even a pocketful of treats) to enable you to avoid unnecessarily killing some family’s pet. The negative consequences of these tragedies are not confined to the animal and the owner; “[t]he situation can also strain community-police relationships and perceptions of safety”²² Training in animal behavior “coupled with scenario-based exercises” will go a long way toward “improving public safety, increasing officer confidence in dealing with animals, and decreasing officer shootings of animals (which is likely to decrease lawsuits).”²³

Where formal training is not yet available, practical advice can be found in the article from the International Association of Chiefs of Police publication, *The Police Chief: “Officer Safety Corner: Dogs and the Police Response: A Guide for Safe, Successful, and Humane Encounters.”* http://www.policchiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=3000&issue_id=82013 ★



22 “The Canine Factor: to Shoot or Not to Shoot.” Lisa L. Spahr. Subject to Debate, a publication of the Police Executive Research Forum. January 2007, p.4

23 Ibid., p.5