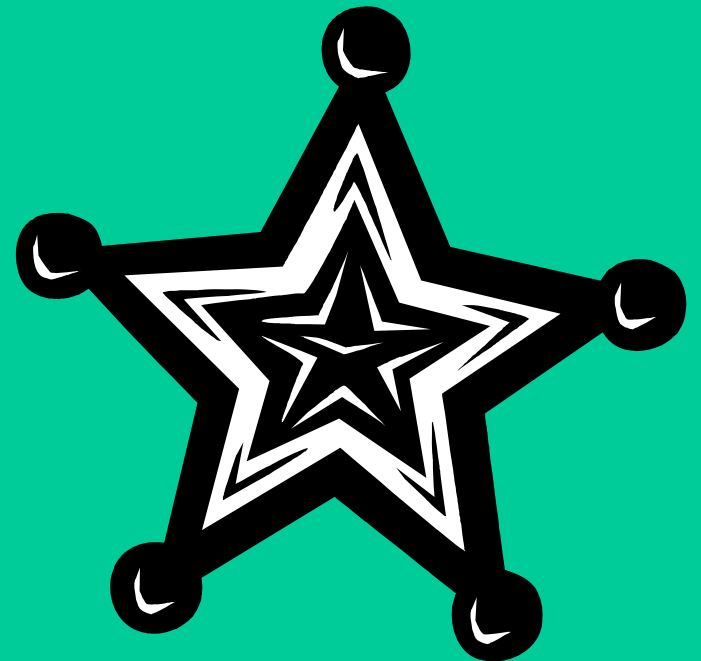


- Fort Bend County
- Roy L. Cordes, Jr.
 - Fort Bend County Attorney



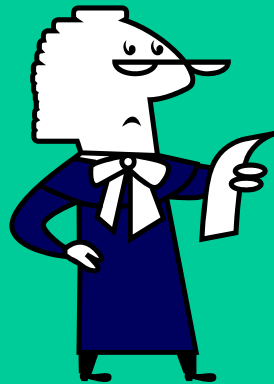
Law Enforcement Meeting

- Provide overview of legal issues
- Describe the administrative process triggered by “dangerous dogs”
- Answer questions



Why Not Just Ban “Dangerous” Dogs?

- Simple answer- It's against the law.



Why Not Just Ban “Dangerous” Dogs?

- Health & Safety Code § 822.047 LOCAL REGULATION OF DANGEROUS DOGS.

A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions:

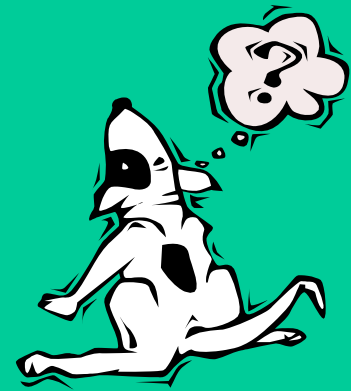
Are not specific to one breed or several breeds of dogs; and

Are more stringent than restriction provided by this subchapter.



Legal Procedures for Dangerous Dogs

- Fort Bend County has adopted regulations regarding animal control based on what is allowed by the Health and Safety Code
- Applies only to unincorporated portions of FBC. Cities have their own regulations/ordinances.



Three Scenarios

1. There is a dog loose in my neighborhood
2. There is a dog that just bit someone and it caused a serious bodily injury
3. There is a dog that looks like it will bite someone because it is acting aggressively

Each scenario has a specified remedy

SCENARIO 1.

There is a dog loose in my neighborhood.

- Fort Bend County requires all dogs and cats to be kept under restraint
- The owner of any dog or cat will be held responsible for the action of the pet



SCENARIO 1.

There is a dog loose in my neighborhood

- Animal control is authorized to seize and impound an animal that is “at large”
- Any person may take up and deliver an animal to Animal Control for impounding

SCENARIO 1.

There is a dog loose in my neighborhood

- If ownership is known, Animal Control may issue a citation to the owner of the straying pet instead of impounding
- If impounded, an owner may retrieve the pet upon payment of appropriate charges

SCENARIO 1.

There is a dog loose in my neighborhood

- End result- dog may be coming home



Scenario 2

Dog bit someone; caused a serious bodily injury

- Bite is defined as “any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by the animal.”
- Causes severe bodily injury defined as an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional AND would require hospitalization without regard to whether the person actually sought medical treatment.

Scenario 2

Dog bit someone; caused a serious bodily injury

- Sworn report is made to JP or County Court by *any person*, including a peace officer
- Judge issues a warrant based on probable cause to seize dog
- Animal control seizes dog and impounds
- Same procedure for a city, unless the city has adopted more restrictive rules.

Scenario 2

Dog bit someone; caused a serious bodily injury

- Court sets hearing within 10 days of warrant
- If Court rules “serious bodily injury,” dog is euthanized
- End result- dog is NOT coming home



I think that dog is going to bite me

- Or the dog did bite me causing less than a “serious bodily injury”
- Legal wording to describe this scenario is, “Dog bites or commits unprovoked attacks that lead reasonable person to believe that the dog would attack and cause bodily injury to the person.”

SCENARIO 3

I think that dog is going to bite me

- Report made to animal control about incident- specificity is key.
- Determinations are made on fact specific information. More on this later.
- Animal control investigates utilizing sworn statements of witnesses and makes determination that dog is or is not dangerous

SCENARIO 3

I think that dog is going to bite me

- If animal is declared dangerous, owner is notified and has 15 days to appeal determination
- If there is no appeal, the dangerous dog determination stands and the owner is required to comply with the regulations for having a “dangerous dog”



SCENARIO 3

I think that dog is going to bite me

Requirements for dangerous dog

1. Register the dangerous dog with the animal control authority for the area in which the dog is kept
2. Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

SCENARIO 3

I think that dog is going to bite me

Requirements continued

3. Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept

I think that dog is going to bite me

Requirements continued

4. Comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs

SCENARIO 3

I think that dog is going to bite me

- If in compliance, the dog stays at home
- If not in compliance, dog will be seized and owner has additional 10 days
- Failure to comply results in dog being euthanized,
- But compliance means the dog comes home

SCENARIO 3

I think that dog is going to bite me

- The determination of whether the dog is dangerous can be appealed
- If there is an appeal by the owner, the court will hold a ruling to determine if this is a dangerous dog



SCENARIO 3

I think that dog is going to bite me

- Appeal decided by judge
- If not determined to be dangerous, then the dog goes home
- If dog is dangerous, the owner will have to demonstrate compliance as stated before
- Failure to comply results in dog being euthanized, but compliance means the dog comes home

To keep in mind

It's not enough to state, "everyone knows that pit bulls are dangerous."

Philips v. US, 500 F.Supp.2d 668
(W.D.Tx. 2006)



Facts of Case

- Dog bite victim's parents brought action against United States to recover for injuries caused by bite on military base.
- Dog involved was a pit bull breed.
- All parties lived on the army base, including the dog. This is where the bite occurred.

The Evidence Presented

- Army officials had testified that they knew the pit bull breed had potential to be more aggressive or injurious. Actual testimony included:
 - That some breeds, including pit bulls, have “tendencies towards aggression”
 - That pit bulls were one of the breeds that had physical characteristics or breed characteristics that gave it a “higher incidence of being able to cause harm.”

Court's Ruling

- Court stated, “generalized assumptions regarding particular breeds are insufficient to establish actual knowledge as to a specific dog’s propensities.”
- Court rejected the lawsuit and the parents could not go further.
- Therefore, must be very specific in reports made on this subject

Other reminders

- Any dog can be a dangerous dog- even my dog.



Criminal Penalties

- Criminal penalties apply to dangerous dog scenarios.
- Failure to comply with dangerous dog requirements and an attack by a dangerous dog are both Class C misdemeanors which may be upgraded for repeat offenses.
- An attack resulting in serious bodily injury is a Class A misdemeanor.

Penal Code § 37.08

- False report to peace officer or law enforcement employee
- A person commits an offense if, with intent to deceive, s/he knowingly makes a false statement that is material to a criminal investigation and makes the statement to:

Penal Code § 37.08

- a peace officer conducting the investigation; or
- any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation.

Penal Code § 37.08

- An offense under this section is a Class B misdemeanor.



Contact information

- Michelle Rangel 281-341-4555
- Animal Services 281-342-1512

