March 11, 2019

Environment Committee
Legislative Office Building, Room 3200
Hartford, CT 06106
Phone: 860-240-0440
evtestimony@cga.ct.gov

Re: SUPPORT (with amendment) HB 7297, AN ACT CONCERNING QUARANTINE AND DISPOSAL ORDERS OF ANIMAL CONTROL OFFICERS

Dear Co-Chair Cohen, Co-Chair Demicco, Vice Chair Kushner, Vice Chair Gresko, Ranking Member Miner, Ranking Member Harding, and Honorable Members of the Environment Committee,

On behalf of the Connecticut-based supporters of The Humane Society of the United States, the largest animal protection organization in the country, please accept this public hearing testimony in SUPPORT (with amendment) of HB 7297.

Several high profile and controversial dog bite cases have occurred in recent years that has brought to light the need for better management. The Department of Agriculture convened the Domestic Animal Control Working Group to address this matter in late 2018, but failed to include adequate representation from those who would provide expertise on animal behavior and prevention--please see Attachment I.

Please see Attachment II for samples of some good dangerous dog laws.

Dangerous dog laws can be tricky and it’s important to craft them carefully to ensure they are effective, humane, and enforceable. It’s important to keep in mind that no law can prevent dog bites! Dangerous dog ordinances are crucial to have in place when a bite incident has occurred to prevent future bites, but they are not a deterrent, and most people don’t know they even exist until they are involved in an incident. These laws allow for reactive intervention, and it is critical that they are consistently enforced. The best way to prevent dog bites is with proactive services that ensure that dog owners have access (including non-monetary resources, such as transportation, carriers, leashes, pharmacies, etc.) to veterinary care, spay/neuter resources, dog training and socialization and other similar services. When crafting an effective dangerous dog law, it is important to keep several things in mind:

- **Multi-level classification of dog behavior should be established.** There are many variations that can be used. For example, some designations include nuisance, potentially dangerous, dangerous, and vicious. One size does not fit all, so it is critical to have a multiple tiers in the dangerous dog law.

- **There must be due process for a dog to be deemed dangerous or potentially dangerous.** Just as in the criminal system every individual is innocent until proven guilty;
with the stakes so high, it’s important to create a process that allows a court of law to
determine whether a dog should be declared dangerous or potentially dangerous
without unnecessarily removing dogs from their homes.

- **Requirements for dogs deemed dangerous should not be overly harsh and still allow dogs to be dogs.** Certain requirements are reasonable and encouraged, such as mandatory spay/neuter or training, but it is important to not overly restrict these dogs, such as by over-muzzling or harmful restraint.

- **Dangerous dogs laws must always be breed neutral.** Overall, dangerous dog laws should be effective, humane, and enforceable. Applying regulations to all breeds rather than focusing on a specific breed(s) of dogs is the most effective way to operate.

In addition to well-crafted dangerous dog regulations, the best approach to animal
management is to focus resources on proactively establishing humane standards and
preventing problems by focusing on the basics—leash and safe confinement laws for
dogs. These are both areas where law enforcement can work to establish new “social norm”
behaviors in a community. When behaviors like allowing dogs to roam or keeping dogs on
chains is normal, there are bound to be problems, and often those problems are allowed to
persist from lack of resources and attention. We strongly encourage communities to build a
strong foundation of proactive outreach and compliance in these areas to achieve animal
welfare and public safety standards.

- **Preventing owned dogs from roaming freely is important, as loose dogs pose a risk to public safety, other animals, and themselves.** To minimize these risks, policies should prevent dogs from running at-large by establishing the expected conduct, while also reuniting violators with their pets and taking proactive measures to prevent further violations (in addition to any fines). Restraint laws generally require owners to safely confine pets on their property and adequately restrain them when off.

- **Constant tethering is bad for both dogs and people.** Dogs are naturally social creatures who need interaction with people and/or other animals, and long-term restraint often severely damages their physical and psychological well-being. Importantly, tethering is a major risk factor for serious dog bites and attacks. Dogs feel naturally protective of their territory; when confronted with a perceived threat, they respond according to their fight-or-flight instinct. A tied dog, unable to take flight, resorts to fight, attacking any unfamiliar animal or person who wanders into his territory.

Thank you for your time and consideration.

Yours truly,

Annie Hornish
Connecticut Senior State Director
The Humane Society of the United States
Cell: (860) 966-5201  Email: ahornish@humanesociety.org
September 6, 2018

Governor Dannel P. Malloy
State Capitol
210 Capitol Avenue
Hartford, CT 06106

Re: State Department of Agriculture Domestic Animal Control Working Group

Dear Governor Malloy:

We, the undersigned, respectfully voice our opposition to the Domestic Animal Control Working Group recently formed by the Department of Agriculture to recommend policy changes regarding the issuance of domestic animal restraint and disposal orders. It is concerning that in its current statement of the working group’s mission and purpose, the Department of Agriculture has eschewed any inquiry into incident prevention or reduction despite legislative consensus on this matter when this past spring, the House overwhelmingly passed, 132-15, HB 5367 to establish a working group expressly to study ways to prevent domestic dog attacks.

Most disturbing, however, is the Department of Agriculture’s exclusion from the working group of the very experts in animal behavior and humane and effective dangerous dog policy who would be most critical to the examination of any aspect of the dangerous dog question, be it dog bite prevention and/or the Department’s chosen focus, the issuance of restraint and disposal orders. Specifically, the Department of Agriculture rejected requests to include HSUS, the ASPCA, CT Votes for Animals, and failed to include animal behaviorists from the International Association of Animal Behavioral Consultants. The Department omitted these policy and behavior experts despite being well-aware of the many hours these groups spent successfully negotiating the inclusion of experts, and a more balanced set of objectives, in the final version of HB 5367 before it overwhelmingly passed the House.

We respectfully request that the Department of Agriculture working group be modified to be more consistent with this carefully negotiated legislation, both in mission and use of experts. Our goal – and that of our thousands of Connecticut supporters – is a modern, comprehensive approach to dog bite prevention that emphasizes safe and humane communities governed by laws institutionalizing responsible and humane dog ownership. These critical omissions in the composition of the Department of Agriculture’s current working group will retard Connecticut’s ability to adopt best practices in dog bite prevention, even as localities and states (including those in this immediate area, such as NJ and NY) move closer to realizing this vision.

Effective dangerous dog laws are enforceable, emphasize owner accountability and prevention (through such tools as fines, multi-level classification of dog behavior and
proportional consequences), provide due process, and are breed-neutral (the latter acknowledged by Connecticut in 2013 when it enacted Public Act 13-103, which barred municipalities from enacting breed-specific ordinances).

Connecticut’s present system for addressing dogs of potential concern is woefully inadequate. But there are successful local and state models from which Connecticut can learn. Merely expediting the process – the apparent organizing principle of a proposal circulated earlier by the Department of Agriculture – is an affront to the interests of dog owners, due process rights, and the dogs who needlessly get caught up in any inequitable and harmful process.

On behalf of our thousands of Connecticut members, we respectfully urge you to step in and demand that your Commissioner of Agriculture provide the balance – both in mission and composition – on this working group that is critically needed to prevent the repetition, and even amplification, of past mistakes. HB 5367 offers a template to be followed. Only in this way can you ensure that Connecticut joins the many other states and localities that have addressed the dangerous dog question responsibly and humanely.

Annie Hornish
Connecticut Senior State Director, State Affairs

The Humane Society of The United States
ahornish@humanesociety.org
C 860-966-5201
humanesociety.org

A.J. Abrecht, Esq.
Legislative Attorney
801-436-3571 (mobile)
Best Friends Animal Society
bestfriends.org
facebook.com/bestfriendsanimalociety | twitter.com/bestfriends

Together, we can Save Them All!
Attachment II: Sample Dangerous Dog Laws

Below are samples from both the state and local level that highlight the important aspects of an effective dangerous dog law.

State Level—Minnesota
Multi-level Classification
347.50 DEFINITIONS.
Subd. 2. Dangerous dog.
”Dangerous dog” means any dog that has:
(1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
(2) killed a domestic animal without provocation while off the owner’s property; or
(3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 3. Potentially dangerous dog.
”Potentially dangerous dog” means any dog that:
(1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
(2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner’s property, in an apparent attitude of attack; or
(3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Due Process
347.541 DISPOSITION OF SEIZED ANIMALS.
Subdivision 1. Hearing.
The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer.

Subd. 2. Security.
A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog’s actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure.

Subd. 3. Notice.
The authority declaring the dog dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:
(1) a description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;
(2) a statement that the owner of the dog may request a hearing concerning the
dangerous dog declaration and, if applicable, prior potentially dangerous dog
declarations for the dog, and that failure to do so within 14 days of the date of the notice
will terminate the owner’s right to a hearing under this section;
(3) a statement that if an appeal request is made within 14 days of the notice, the owner
must immediately comply with the requirements of section 347.52, paragraphs (a) and
(c), and until such time as the hearing officer issues an opinion;
(4) a statement that if the hearing officer affirms the dangerous dog declaration, the
owner will have 14 days from receipt of that decision to comply with all other
requirements of sections 347.51, 347.515, and 347.52;
(5) a form to request a hearing under this subdivision; and
(6) a statement that all actual costs of the care, keeping, and disposition of the dog are
the responsibility of the person claiming an interest in the dog, except to the extent that
a court or hearing officer finds that the seizure or impoundment was not substantially
justified by law.

Subd. 4. Right to hearing.
Any hearing must be held within 14 days of the request to determine the validity of the
dangerous dog declaration. The hearing officer must be an impartial employee of the local
government or an impartial person retained by the local government to conduct the hearing. In
the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses
of the hearing up to a maximum of $1,000 will be the responsibility of the dog’s owner. The
hearing officer shall issue a decision on the matter within ten days after the hearing. The
decision must be delivered to the dog’s owner by hand delivery or registered mail as soon as
practical and a copy must be provided to the animal control authority.

Reasonable Requirements
347.52 DANGEROUS DOGS; REQUIREMENTS.
(a) An owner of a dangerous dog shall keep the dog, while on the owner’s property, in a proper
enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained
by a substantial chain or leash and under the physical restraint of a responsible person. The
muzzle must be made in a manner that will prevent the dog from biting any person or animal
but that will not cause injury to the dog or interfere with its vision or respiration.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog
is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous
dog in its new jurisdiction.

(c) An owner of a dangerous dog must notify the animal control authority in writing of the
death of the dog or its transfer to a new location where the dog will reside within 30 days of the
death or transfer, and must, if requested by the animal control authority, execute an affidavit
under oath setting forth either the circumstances of the dog’s death and disposition or the
complete name, address, and telephone number of the person to whom the dog has been
transferred or the address where the dog has been relocated.

(d) An animal control authority shall require a dangerous dog to be sterilized at the owner’s
expense. If the owner does not have the animal sterilized within 30 days, the animal control
authority shall seize the dog and have it sterilized at the owner’s expense.
(e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(f) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner’s name, address, and telephone number.

Breed-Neutrality
Note: Minnesota goes one step further and pre-empts local municipalities from implementing breed-specific legislation
347.51 DANGEROUS DOGS; REGISTRATION.
Subd. 8.Local ordinances.
A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

Local Level—Multnomah County, Oregon
Multi-level Classification
§ 13.401 LEVELS OF DANGEROUSNESS. Classification of a dog as potentially dangerous shall be based upon specific behaviors exhibited by the dog. For purposes of this subchapter, behaviors establishing various levels of potentially dangerous dogs are the following:
(A) Level 1 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.

(B) Level 2 behavior is established if a dog, while at large, causes physical injury to any domestic animal.

(C) Level 3 behavior is established if a dog, while confined so as not to be at large, as defined in § 13.002, aggressively bites any person.

(D) Level 4 behavior is established if: (1) A dog, while at large: (a) Aggressively bites any person; or (b) Kills or causes the death of any domestic animal or livestock; or (2) A dog classified as a Level 3 potentially dangerous dog that repeats the behavior in division (C) of this section after the owner or keeper receives notice of the Level 3 classification.

(E) Notwithstanding divisions (A) through (D) of this section, the director shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged in the behaviors specified in divisions (A) through (E) of this section, if the director determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other similar mitigating or extenuating circumstances.

§ 13.402 CLASSIFICATION.
(A) Classification of a dog as a dangerous dog shall be based upon the dog engaging in any of the following behaviors: (1) A dog, whether or not confined, causes the serious physical injury or death of any person; or (2) A dog is used as a weapon in the commission of a crime.
(B) Notwithstanding division (A) of this section, the director or hearings officer shall have discretionary authority to refrain from classifying a dog as a dangerous dog, even if the dog has engaged in the behaviors specified in division (A) of this section, if the director or hearings officer determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other extenuating circumstances that establishes that the dog does not constitute an unreasonable risk to human life or property.

(C) If a dog is classified under this section as a dangerous dog and the owner requests to keep the dog, the director shall have discretion to order the dog not be euthanized provided the dog is placed in a certified dangerous animal facility as defined under this chapter.

(D) The director in making a determination under division (C) of this section may consider any relevant evidence that addresses one or more of the following factors: (1) Whether the dog constitutes an unreasonable risk to human life or property if housed in a dangerous dog facility; (2) Whether the dog has successfully completed the certified American Temperament Testing Society or Pet Partners as deemed appropriate; or (3) The reasonable likelihood of no repeated behavior by the animal in violation of this chapter.

Due Process
§ 13.403 POTENTIALLY DANGEROUS DOGS; APPEALS; RESTRICTIONS PENDING APPEAL. 
(A) The director shall have authority to determine whether any dog has engaged in the behaviors specified in §§ 13.401 or 13.402. This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog’s upbringing and the owner’s or keeper’s control of the dog, and other relevant evidence as determined by the director. These observations and testimony can be provided by the County Animal Control Officers or by other witnesses who personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog’s behavior if necessary.

(B) The director shall have the discretion to increase or decrease a classified dog’s restrictions based upon relevant circumstances.

(C) The director shall give the dog’s owner or keeper written notice by certified mail or personal service of the dog’s specified behavior, of the dog’s classification as a potentially dangerous dog or dangerous animal, of the fine imposed, and of the restrictions applicable to that dog by reason of its classification. If the owner or keeper denies that the behavior in question occurred, the owner or keeper may appeal the director’s decision to the hearings officer by filing a written request for a hearing with the director as provided under § 13.508.

(D) Upon receipt of notice of the dog's classification as a Level 1, 2, 3, or 4 potentially dangerous dog or dangerous animal pursuant to division (C) of this section, the owner or keeper shall comply with the restrictions specified in the notice unless reversed on appeal. Failure to comply with the specified restrictions shall be a violation of this chapter for which a fine can be imposed. Additionally, the director shall have authority to impound the dog pending completion of all appeals.
(E) If the director’s decision or the hearings officer’s decision finds that a dog has engaged in dangerous animal behavior, the dog shall be impounded pending the completion of a dangerous animal facility application or any appeals.

(F) Any dog classified as a Level 4, that is found to have repeated Level 4 behavior as defined under this code, shall be impounded pursuant to § 13.307 if not already impounded. The dog shall not be released to the owner or be made available for adoption until either potential recipient of the dog has established arrangements for accommodating the animal consistent with all the security and safety requirements ordered by the director or the hearings officer.

Reasonable Restrictions
§ 13.404 REGULATION OF POTENTIALLY DANGEROUS DOGS.
In addition to the other requirements of this chapter, the owner or keeper of a potentially dangerous dog shall comply with the following conditions:
(A) Dogs classified as Level 1 dogs shall be restrained, so as not to be at large, as defined in § 13.002, by a physical device or structure, in a manner that prevents the dog from reaching any public sidewalk, or adjoining property and must be located so as not to interfere with the public’s legal access to the owner’s or keeper’s premises, whenever that dog is outside the owner’s or keeper’s home and not on a leash.

(B) Dogs classified as Level 2 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public’s legal access to the owner’s or keeper’s premises. In addition, the director may require the owner or keeper to obtain and maintain proof of public liability insurance. In addition, the owner or keeper may be required to complete a responsible pet ownership program as prescribed by the director or a hearings officer.

(C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public’s legal access to the owner’s or keeper’s premises, and the owner or keeper shall post warning signs, which are provided by the director, on the premises where the dog is kept, in conformance with rules to be adopted by the director. In addition, the director may require the owner or keeper to obtain and maintain proof of public liability insurance. The owner or keeper shall not permit the dog to be off the owner’s or keeper’s premises unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person. In addition, the director may require the owner or keeper to satisfactorily complete a pet ownership program.

(D) Dogs classified as a dangerous animal as described in § 13.402 shall be euthanized or placed in a dangerous animal facility as determined by the director or hearings officer. A dog classified as a dangerous animal shall be confined within a secure enclosure with a double security gate and shall meet the requirements in division (C) of this section. In addition, the director or hearings officer may suspend, for a period of time specified by the director or hearings officer, that dog owner’s or keeper’s right to be the owner or keeper of any dog in the county, including dogs currently owned by that person.

(E) All dogs classified as dangerous animals, and determined by the director or hearings officer to be euthanized, shall be euthanized at any time not less than 20 days after the date of
classification. Notification to the director of any appeal to the hearings officer as provided for in § 13.508(A), or to any court of competent jurisdiction, shall delay destruction of the dog until a date not less than 15 days after a final decision by the hearings officer or final judgment by the court.

(F) To insure correct identification, all dogs that have been classified as potentially dangerous or dangerous animals shall be marked with a permanent identifying mark, micro-chipped, photographed, and may be fitted with a special tag or collar determined by the director at the owner's expense. The director shall adopt rules specifying the type of required identification.

(G) In addition to the normal licensing fees established by § 13.512, there shall be an annual fee in an amount set by Board resolution for dogs at each classification level. This additional fee shall be imposed at the time of classification of the potentially dangerous dog and shall be payable within 30 days of notification by the director. Annual payment of this additional fee shall be due and payable upon the anniversary date of the classification.

(H) The owner or keeper of a potentially dangerous dog or dogs classified as dangerous animals shall not permit the warning sign to be removed from the secure enclosure, and shall not permit the special tag or collar to be removed from the classified dog. The owner or keeper of a potentially dangerous dog or dogs classified as dangerous animals shall not permit the dog to be moved to a new address or change owners or keepers without providing the director with ten days’ prior written notification.