

CIVIL GRAND JURY | 2017-2018

CITY AND COUNTY OF SAN FRANCISCO



Our Lovable Pets: Dogs and Public Safety in San Francisco

"When a dog goes bad, the fault lies with his master." -George R. R. Martin

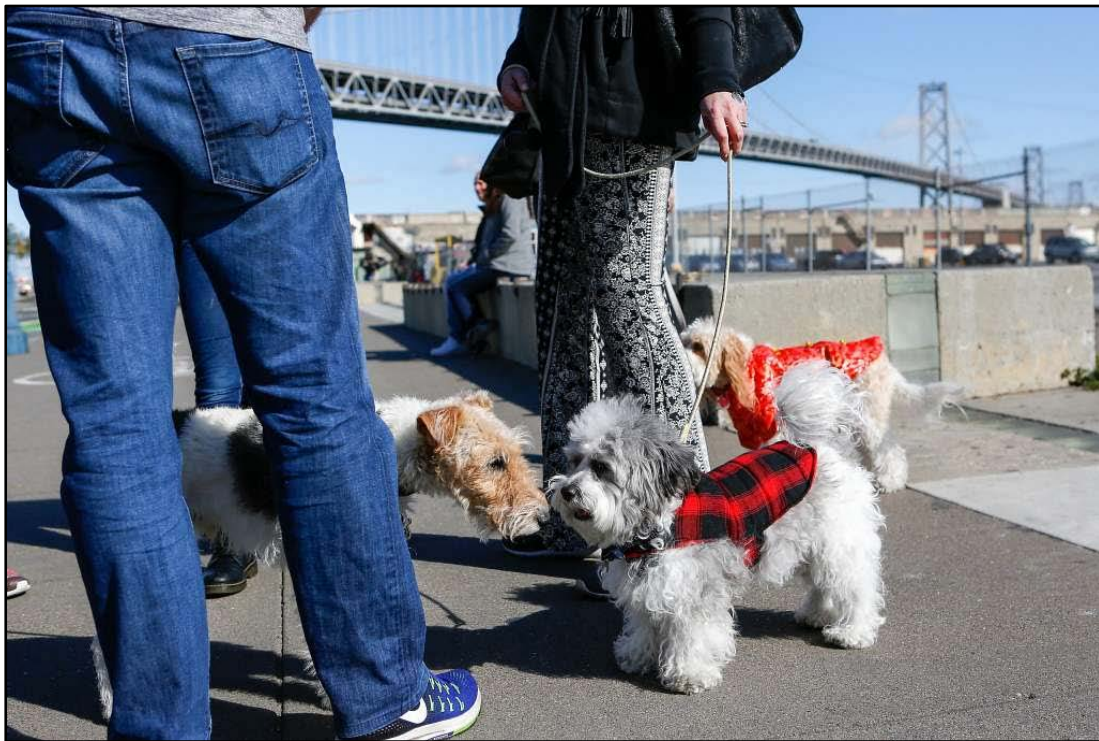


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EXECUTIVE SUMMARY

A shocking event in 2001 brought the issue of public safety from dog attacks to the attention of San Francisco and the nation—two unleashed Presa Canario dogs attacked and killed Diane Whipple in the hallway of her apartment building. Later investigations revealed that there had been unofficial complaints about these dogs, including unreported biting incidents, but that they were unknown to San Francisco Animal Care and Control (SFACC) as potentially vicious and dangerous dogs. Since the death of Ms. Whipple, there have been yet more dog attacks in San Francisco resulting in injury or death, both to dogs and to humans.

This report explores the functions, operations and interactions of three San Francisco government entities that share the responsibility of protecting the public from dog attacks and bites. These entities are San Francisco Animal Care and Control, the Vicious and Dangerous Dog Hearings (managed under the City Administrator’s Office) and the Vicious and Dangerous Dog (VDD) Unit of the San Francisco Police Department. The San Francisco Civil Grand Jury seeks to help these entities to improve their understanding, management, record keeping and treatment of dogs that may pose a risk to public safety.

The Civil Grand Jury found that all three entities are largely effective in protecting the safety of the public from dog attacks and bites. We also found gaps in current practice, areas where their efforts can be made more efficient and effective. The result is the list of Findings and Recommendations that appear at the end of this report.

BACKGROUND

No one knows how many dogs live in San Francisco.

We have heard estimates of the dog population in San Francisco ranging from 120,000 to 500,000. If we follow the national averages established by the American Veterinary Medical Association¹, which are that 36.5% of households have an average of 1.6 dogs each, that calculates out to 229,512 dogs living in our households, plus another unknown number, say about 2,500 dogs, living with our homeless population, for a total of about 232,000 dogs². An estimate, perhaps not better than any others, but suitable to work with in this report.

Most dogs in San Francisco are well-behaved and well-treated by their families. However, among any population that large we will certainly find exceptions. In 2017 there were over 300 reports of dogs biting people. During that year San Francisco had 146 Vicious and Dangerous

¹ AVMA statistics are at <https://www.avma.org/KB/Resources/Statistics/Pages/Market-research-statistics-US-pet-ownership.aspx>

² Estimated households in San Francisco is 393,000 (U.S. census); 36.5% of 393,000 = 143,445; 1.6 dogs for each of these households = 229,512

Dog Hearings. For that same year, SFACC records show over 2000 cases of dogs reported off leash, of which 500 were followed up and or responded to by authorities. Of the reported cases, 24 resulted in citations to dog owners³. There were over 300 reported and investigated cases of dogs being mistreated or in poor living conditions.

Matters of dog behavior and public safety concern the citizens and the government of our city, and they affect most closely these organizations:

1. City ordinance established San Francisco Animal Care and Control (SFACC) in 1989 as a public animal shelter and the primary enforcement agency for proper care of domestic animals, dog licensing, and dog leash law enforcement. It is also responsible for recording dog bites, dog vaccinations, and dogs that have been determined vicious and dangerous. SFACC took over official shelter duties from the SF SPCA, and enforcement and record-keeping responsibilities from the Department of Public Health.
2. The San Francisco Police Department established its Vicious and Dangerous Dog (VDD) Unit in 1994 to assist law enforcement officers in their encounters with dogs that behave in threatening and potentially dangerous ways, and to investigate dog-related complaints made to SFPD.
3. The Vicious and Dangerous Dog Hearings were established in 2001 originally by the Police Department. These Hearings adjudicate and give legal standing to municipal decisions about whether specific dogs are vicious and/or dangerous⁴. These Hearings are now controlled by the City Administrator's Office, while the Hearing Officers are contracted by the Office of the Controller.

The San Francisco Civil Grand Jury is interested in the operations and relationships among these three government entities and their impact on public safety. This report is the result of our investigation.

METHODOLOGY

Our investigation followed several paths to the facts and findings that are central to this report:

Interviews - we interviewed staff and management at SFACC, the SFPD, as well as other city agencies involved with dog policy and public safety in the City.

³ Data supplied by SFACC.

⁴ See Health Code Section 42(a) for definition of vicious and dangerous dogs.

Data Analysis - The San Francisco IT Department supplied us with 15 years of data from the database used by SFACC—a software system called Chameleon⁵. Members of the Civil Grand Jury subjected these data to extensive analysis.

Legal Research - we reviewed City/County code covering SFACC and the Vicious and Dangerous Dogs Hearings. We also studied California statutes that covered rabies reporting.

Research on Hearings - we listened to recordings of many of the Vicious and Dangerous Dog Hearings for 2017, attended hearings as observers, and read through hearing decisions.

DISCUSSION

The San Francisco Civil Grand Jury explored public safety and aggressive and potentially dangerous dog behavior within San Francisco. Our purpose was to discover what institutions and activities are in place to minimize public risk from dog attacks and bites, and to identify opportunities for improvement.

One serious risk of dog attacks is that a dog bite can spread rabies. To control the spread of rabies, California law requires each county to record all dog bites within their jurisdictions and report the statistics of those bite records to the Veterinary Public Health Section of the State Department of Public Health four times per year.⁶ The state then publishes those figures in an annual summary⁷. This is one area where an abundance of caution has paid off. San Francisco has had no recorded case of rabies in any land mammal within its entire history, although a few bats that have died from rabies are recovered every year.

Besides rabies, there are other significant risks to dog attacks and bites. Dog attacks can cause serious injury and even lead to death. In addition to physical harm there is emotional trauma—victims of dog attacks can end up being afraid or uncomfortable walking in their own neighborhood or going to their place of work after suffering an unprovoked attack. This can happen even when the victim suffered no physical harm from the dog, because being aggressively threatened by a dog can be a very frightening experience. Children can be terrorized and suffer permanent emotional scars from such attacks, even without physical injury.

⁵ Chameleon is a product of HLP Software

⁶ California Health and Safety Code Division 105

⁷ California VPHS Rabies Reports located at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ReportedAnimalRabies.aspx>

This report focuses on the three city/county entities that are charged with managing these risks and identifies improvements to their operations and interactions that will further protect the public.

San Francisco Animal Care and Control

Provisions of the San Francisco Health Code established San Francisco Animal Care and Control (SFACC) on July 1, 1989⁸. SFACC is responsible for several functions critical to helping protect citizens from dog attacks, including:

- Enforcing dog license and dog leash laws
- Keeping records of dogs designated as vicious and dangerous.
- Monitoring the restrictions imposed by law on dogs deemed vicious and dangerous.
- Maintaining records of dog behavior reported as menacing or dangerous.
- Working with San Francisco Park and Recreation Rangers and U.S. Federal Park Police when threatening or dangerous dog behavior happens within their jurisdictions.
- Impounding dogs that behave in a threatening or dangerous manner, as witnessed either by SFPD or an SFACC Animal Control Officer.

In some of these areas, our investigation has found laxity in enforcement and reluctance to pursue change by SFACC. We will discuss this throughout the report.

SFACC is responsible for monitoring that the requirements imposed on the owner of a vicious and dangerous dog are being met, and it is SFACC that carries out humane euthanasia on any dog that is ordered destroyed.

SFACC shelter duties are listed in Appendix D.

Animal Control Officers (ACOs)

SFACC provides the City and County with a force of Animal Control Officers (ACOs), who have their own responsibilities:

- Field patrols
- Emergency response
- Issuing citations
- Impounding animals
- Collecting stray dogs (reuniting them with their owners when possible)
- Collecting and disposing of dead animals on city streets
- Enforcing rabies quarantines for those animals that have bitten humans
- Investigating reported neglect or abuse of animals, and removing those animals from their home environments if necessary until it has been made safe and healthy for them.

⁸ San Francisco Health Code Section 41.4

SFACC reported to us that at least one ACO is on duty seven days per week, between 6:00 AM and 1:00 AM. During the day, there are generally two or three officers on duty. There is no ACO on duty, no dispatch, and no emergency response available between 1:00 AM and 6:00 AM. Although dogs taken by SFPD during these hours can be housed temporarily at the SF SPCA Pacific Heights campus, SFPD officers do not have training in handling or capturing difficult dogs and sometimes need assistance from ACOs. This happens during off-duty hours several times per year⁹. In these cases SFPD officers can be put in harm's way or get delayed in the performance of their duties by their inability to handle or capture a dog. This situation needs to be fixed.

Dog License Compliance

City code requires SFACC to enforce the city's dog license laws¹⁰. Our calculated estimate of the dog population of the city is about 232,000 dogs¹¹. The current number of dog licenses in the city is 15,729,¹² or only 6.8%.

Dog owners can buy or renew their dog licenses in person at SFACC, the Tax Collector's Office at City Hall, or several pet stores. They can go online through SFACC's dog license portal at <http://www.licensepet.com/SanFran>. They can also apply by mail. In all cases, dog owners must have a current rabies vaccination certificate. Veterinarians are required by city code¹³ to submit rabies vaccination records to SFACC.

SFACC makes sure that every dog that they release from their shelter has a rabies vaccination and a license. This includes dogs that are adopted out and stray dogs that are reunited with their owners.

SFACC also notifies, through the mail, those owners whose dog license has expired, or who have a dog that has had a rabies vaccination but that has no license. This is done through the San Francisco Treasurer and Tax Collector. If the dog owner ignores the first notice, the Tax Collector sends a follow-up and then a final notice.

These approaches are not effective towards increasing the dog license compliance rate in San Francisco. There are several reasons. SFACC's strategy seems primarily based on waiting passively for dog owners to license their pets. When the owners try to do so online, they find that

⁹ Reported to us in interviews.

¹⁰ San Francisco Health Code Sections 41.4 - 41.5

¹¹ See discussion in Background section of this report

¹² SFACC data from Chameleon database

¹³ San Francisco Health Code Section 41.18

the current version of licensepet.com that SFACC offers is clumsy and out-of-date, resulting in many failed and abandoned attempts to use it. There is no further action of any kind taken after the “final notice” letters, and most dog owners just ignore them. There is no attempt to issue tickets to the owners of unlicensed dogs even when they are right in front of an ACO. These gaps in enforcement are largely responsible for the low rate of dog licensing in San Francisco. They are also examples of SFACC’s laxity in enforcement referred to earlier. This is an area that strongly needs to be re-thought and re-worked by SFACC, and we are encouraged to note that they are currently researching better and more effective methods of dog license enforcement.

See Appendix F for further background information on dog licensing.

Dog Leash Law Enforcement

SFACC reports that they receive a large number of calls about unleashed dogs, and they respond to those calls with reasonable speed. Average response time to all emergency calls is under 20 minutes. When the dog is a stray with no owner nearby, it may be identified in the field if micro-chipped and returned to its owner right away. Otherwise, a stray dog is taken to the SFACC animal shelter until the owner is found.

SFACC is responsible for enforcing the city’s dog leash laws. These laws protect the public, because most dog bites and attacks against humans outside the home happen when dogs are not on a leash. Leash laws also protect dogs who might run into traffic and get injured or killed, and other dogs that might be attacked by an off-leash dog. However, SFACC practice is to educate the dog owner rather than to cite the dog owner for violating the leash law. This is an example of SFACC’s laxity in enforcement of city code. Improving leash compliance will improve dog welfare and public safety.

Chameleon Software Improvements

SFACC uses Chameleon as a management tool for two operational areas within the organization: animal shelter activity and field division activity (actions taken by animal control officers, vicious and dangerous dog history, bite records, etc.). With such a critical role, the data in Chameleon should be reliable and consistent, and reports from that data should be accurate. There is ample evidence from the data within Chameleon that neither is the case. The worst issue is the reliance on simple text memo fields to record such things as field activities and violations. These memo fields support only anecdotal information that is not useful for statistical reporting.

The challenges with Chameleon are two-fold. The current setup of Chameleon data input allows much information to be entered incorrectly, either in the wrong field or with too much free text. Much of this information is entered into free-form Remarks or Comments fields where it is not accessible to reporting. Another source of data accuracy problems in Chameleon is the limited training in and supervision of data entry practices. There does not appear to be any training guide

or user manual for SFACC's implementation of Chameleon, so each person learns how to enter data from someone else who may have themselves learned incorrect or inefficient practices. SFACC's Data Analyst does do a monthly check of some data to make sure that SFACC's statistics on incoming and outgoing animals matches that of SF SPCA¹⁴, but it is not evident that there is any other supervision or check on data entry at SFACC.

SFACC hired an outside expert to research, among other things, ways to improve Chameleon data entry to improve data integrity and accuracy. This research covered the animal shelter activity area. The research was completed, and the expert's report and recommendations were submitted near the end of 2017. As of this writing it appears that most or all these recommended changes have not been implemented, and that there is no clear plan to do so. The recommended changes are not difficult to implement in the underlying software and database systems—a short effort here will go far in improving SFACC shelter database management. This delay may indicate some resistance to change on the part of SFACC.

SFACC has not yet hired an outside expert to investigate the field services (ACO activity) area in Chameleon, so no improvements have yet been recommended or implemented by such an expert. Since the data in this area are most useful in protecting public safety from dog bites and attacks, an investigation into field services data integrity should be undertaken and valid recommendations for data entry improvements implemented.

See Appendix G for background information about Chameleon software.

SFACC Relationships with Other Departments

SFACC interacts with several other departments and agencies, both within and outside the city government. See Appendix H for additional details.

In this situation, some kind of cooperation agreement between the departments is good practice, to improve efficiency and help guide both sides in resolving issues. SFACC has no Memos of Understanding (MOUs) or other cooperation agreements or documents in place with any of these other agencies or departments. There are times when this level of informality causes frustration and communication problems for these other departments, as we heard in interviews. SFACC's apparent disinterest in addressing their relationships with these other entities is disappointing. We did not investigate this topic as thoroughly as the others in this report and we do not have conclusive evidence of these problems, so we are not including this as a recommendation in the report. Nevertheless, we urge SFACC to establish MOUs or similar agreements with these departments and agencies.

¹⁴ From interview.

Public Access to Information

Access to Information about Vicious and Dangerous Dogs

When a VDD Hearing Decision determines a dog is vicious and dangerous, no easily accessible public record is established. Other jurisdictions in the United States¹⁵ publish lists or maps online that include descriptions and/or photos of such dogs. SFACC has said that publishing such a map for San Francisco might invade the privacy of the dog owner, or subject them to harassment.

In fact, the location of such dogs is already a matter of public record in the form of a sign required to be displayed on the owner's property¹⁶, and we believe that public policy should override privacy concerns in these cases. Neighbors should be able to find out easily whether there are specific dogs in the area that might be a danger to them, their children or their pets. SFACC should change this practice and publish this information on their website using an interface that is easy for the public to navigate.

Access to Information about Dog Bites

City code requires the San Francisco Police and all medical personnel and facilities in San Francisco to report dog bites to SFACC. California law requires SFACC to publish these data to the State of California as part of a set of statistics regarding rabies prevention¹⁷. These state summaries are available online¹⁸.

However, SFACC does not publish this information to the citizens of San Francisco at all, and especially not in categories that would be useful for them to know. For the public to assess public policy regarding dog bites, it is helpful for them to know how many dog bites were provoked vs. unprovoked, and how many of the biting dogs were on a leash vs. how many were unleashed.¹⁹ These statistics already exist within Chameleon, and it should be easy to publish them on the SFACC website. SFACC should do so, to contribute relevant facts to public policy discussions about dogs and public safety.

¹⁵ See Appendix A for many examples of other jurisdictions where this is done.

¹⁶ San Francisco Health Code Section 42.2

¹⁷ California Health and Safety Code Division 105

¹⁸ California VPHS Rabies Reports at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ReportedAnimalRabies.aspx>

¹⁹ See Appendix J for an example of how this might be reported.

San Francisco Police Department Vicious and Dangerous Dog Unit

The San Francisco Police Department established the Vicious and Dangerous Dog (VDD) unit in 1994. It is currently staffed by one police officer. The responsibility of this unit is to investigate incidents involving dogs that exhibit menacing or attacking behavior against humans or domestic animals, to render aid to any victim of such an incident, and to document the incident in a police report²⁰. This Unit is also responsible for extensive and specialized record-keeping about dog incidents and the Vicious and Dangerous Dog (VDD) Hearings. It would be helpful to the public interest in curbing dog attacks if a clerical specialist (or second police officer) who could help with and possibly improve this record keeping could be added to the Unit.

This Unit has assumed most, if not all, of the clerical and ministerial functions of the Vicious and Dangerous Dog Hearing process. These include setting the Hearings, transmitting requisite notice to the parties, notifying witnesses, mailing of Decisions, and maintenance of the Hearing Record and evidence. This practice is an informal carryover from the days when SFPD was entirely responsible for the Hearing process, and there is now no formal structure in place to support it. If the City Administrator's Office and SFPD wish this practice to continue, they should solidify it with a formal agreement.

The VDD Unit officer uses information from SFACC's Chameleon database for investigation of dog-related incidents. Currently this officer does not have direct access to these data and must call SFACC and wait for someone there to look up information for him. SFACC has also offered that the officer can come to SFACC, almost 3 miles from his office, to log in himself. Both of these delays his investigations and waste his time. SFACC should provide this Unit officer with direct access to Chameleon data at his own office, if necessary using RDP or VPN technology.

SFPD's General Order 6.07 sets out their policies and procedures for handling dog complaints. The general order was published in July of 1994. Several parts are out of date and contradict current practice and relevant local ordinances. The Chief of Police should present a revised and updated General Order to the Police Commission for approval.²¹

Vicious and Dangerous Dog Hearings

The Health Code²² authorizes these Hearings for two purposes. They determine, through a quasi-legal process, whether a dog should be considered vicious and dangerous as defined in local ordinance. Also, they determine the disposition of any dog that the Hearing Officer decides is

²⁰ From the SFPD VDD Unit web site at <http://sanfranciscopolice.org/vicious-and-dangerous-dog-unit>

²¹ See Appendix C for the text of the current General Order 6.07.

²² San Francisco Health Code Section 42.3

vicious and dangerous. Hearings are held on a regular schedule, once a week, at an established time and location. One Hearing date may cover several dog cases.

The definition of what constitutes a vicious and dangerous dog is defined in the San Francisco Health Code²³ as one that threatens, attacks and/or bites domestic animals or people, and does so without provocation and/or habitually.

Hearing cases are triggered by either a citizen complaint about a dog, or an appeal by a dog owner against the dog's impoundment. If a police officer or SFACC animal control officer witnesses menacing, attacking or biting behavior of a dog, that officer has the authority to have the dog impounded by SFACC as vicious and dangerous, a provisional status pending a Hearing to determine the dog's final status.

Hearing Decisions usually have one of these five outcomes:

1. The dog is not vicious or dangerous and the owner may reclaim the dog if it was impounded.
2. The dog is not vicious or dangerous, but the owner's actions are responsible for the dog's problem behavior. The dog should be removed from the owner's care.
3. The dog is vicious and dangerous but the Decision is held "in abeyance" pending training for the dog or proof of good behavior over time.
4. The dog is vicious and dangerous and is subject to a variety of controls (leash, muzzle, registration etc.) set forth in San Francisco Health Code Section 42.2. Such a dog may be redeemed after training and/or a period of good behavior, and the "vicious and dangerous" designation removed by the Hearing Officer.
5. The dog is vicious and dangerous and is so incorrigible in that behavior that it must be humanely destroyed.

Holding a vicious and dangerous Decision "in abeyance" (#3) is not supported by city code. It causes confusion among the parties to the hearing about the actual status of the dog during the abeyance period. This type of decision should be discontinued.

Hearing Decisions are written by the Hearing Officers and filed at the SFPD VDD Unit. Copies of the Decisions are sent by that Unit officer to SFACC, to the parties to the Hearing, and are also available to the public.

The Decisions of the Hearing Officer are, by code, final. However, a party to the Hearing may challenge the results by petitioning for a Writ of Mandamus from the Superior Court. Such a Writ usually alleges that actions of the Hearing Officer deprived a party to the Hearing of due process of law. If the Superior Court issues such a Writ, it can result in setting the Hearing

²³ San Francisco Health Code Section 42(a)

Decision aside, and may also result in a new Hearing with either the same or a different Hearing Officer.

These Hearings are not court proceedings, but the parties to the Hearings are entitled to due process of law. Strict adherence to due process of law has not always been followed, as when a party to the Hearing has private communication with the Hearing Officer about the Decision. This is known in law as “ex parte” communications, and is regarded as an infringement of due process. One recent Hearing Decision was set aside by a Writ of Mandamus from the Superior Court²⁴ due to a Hearing Officer having ex parte communications. All such communications outside of the Hearings themselves should cease immediately. The City Administrator should take responsibility to so instruct the Hearing Officers.

See Appendix I for background information on VDD Hearings.

CONCLUSION

The San Francisco Civil Grand Jury’s study of dogs and public safety shows three city/county government entities that function reasonably well in protecting the safety of the public from dog attacks and bites. It also reveals several areas where those functions, and public safety, could be distinctly improved.

The SFPD Vicious and Dangerous Dog Unit performs vital functions in this area and would benefit greatly from a staff increase from one to two people. The second person could be another police officer, or a clerical specialist to help with the extensive record-keeping required in this Unit. This Unit should also be recognized in the SFPD General Order that covers police-dog interactions.

The Vicious and Dangerous Dog Hearings operate under the City Administrator’s Office and with extensive support from the SFPD VDD Unit. These Hearings also function reasonably well, but they lack any support structure to make sure they continue to function at this level. A memorandum of understanding between the City Administrator’s Office and SFPD to make sure that SFPD continues their support would be very useful. Finally, these Hearings need monitoring and guidance to make sure they provide equal protection and due process of law to all parties.

San Francisco Animal Care and Control has a huge job and is chronically underfunded. This does not excuse them from performing their responsibilities of enforcing dog leash and dog license laws, and of providing public access to necessary information about dog attacks, dog bites, and vicious or dangerous dogs. We are thoroughly convinced of their devotion to the well-being of animals. Their current practices do not show the same devotion to public safety against

²⁴Superior Court decision located at <https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CPF16515381>

dog attacks and bites. We have tried in this report to show them some ways to improve in that area.

Since the Diane Whipple attack in 2001, we fear that San Franciscans have become complacent about the dangers posed by a small percentage of the dogs that live in the city. It is our purpose to overcome that complacency and to improve public safety, so that such an event will never happen here again.

FINDINGS

- F1. Lack of support for SFPD officers by trained SFACC ACOs during the hours between 1:00 AM and 6:00 AM can increase the risk to SFPD officers and the public from difficult and dangerous dogs.
- F2. Lack of support for SFPD officers by trained SFACC ACOs during the hours between 1:00 AM and 6:00 AM can cause delays and waste time for SFPD officers who may have to stay with a dog that they are unable to capture until an ACO is on duty and can pick up the dog.
- F3. Lack of immediate access to Chameleon data (e.g. previous dog behavior, owner location) by the SFPD Vicious and Dangerous Dog unit officer causes delays in dog attack and dog bite investigations, compromising public safety against dog attacks.
- F4. Public access to statistics about the circumstances of dog bites would improve public policy decisions that affect the safety of the public against dog bites. These statistics would include the circumstance of whether the dog bite was provoked or unprovoked, and whether the biting dog was on or off a leash.
- F5. Public access to the locations and descriptions and/or photos of dogs officially designated Vicious and Dangerous would improve the safety of the public against future dog attacks and bites. Such access is available in many other jurisdictions.
- F6. The SFACC practice of favoring dog owner education on the benefits of dog leashes in lieu of issuing off-leash citations has not increased the percentage of leashed dogs in San Francisco. Improving leash compliance will improve dog welfare and increase public safety regarding unleashed dog attacks.
- F7. “Ex Parte” communications occur when a party to a case, or someone involved with a party, talks, writes or otherwise communicates with the Hearing Officer about issues in a case or Decision, without the other parties’ knowledge or consent. Consequently, such communications violate due process of law and deprive the parties of a fair Hearing, and are therefore impermissible.

- F8. Where inaccurate data exists in Chameleon there will be inaccurate statistical reporting and other undesirable results. For example, duplicate or obviously invalid dog owner addresses make it more difficult to contact dog owners with dog license reminders.
- F9. Data entry into Chameleon is not well regulated by current training, supervision or by the current software implementation.
- F10. Implementing the software changes recommended by the consultant — hired to identify potential improvements to Chameleon — would improve the integrity of data in the animal shelter activity area of Chameleon.
- F11. A study of data entry improvements in the field services area of Chameleon and implementation of valid recommendations would improve the integrity of the data in this area and improve the accuracy of reports about dog attacks and bites.
- F12. Failure to follow up on the "Final Notice" dog license and license renewal letters reduces the rate of compliance for dog licensing in San Francisco.
- F13. The technologically out-of-date and clumsy version of licensepet.com that SFAC uses results in many users abandoning online attempts to license their dogs. This reduces the dog license compliance rate in San Francisco.
- F14. A current dog license provides no additional benefit to the dog owner if the dog is already microchipped and vaccinated, a fact which tends to further reduce the dog license compliance rate in San Francisco.
- F15. A higher compliance rate for dog licensing would be a positive outcome for San Francisco and its residents.
- F16. Some sections of SFPD General Order 6.07 (issued 7/27/94) are out of date and contradict either current practice or relevant local ordinances or both. Updating or re-issuing this General Order would help avoid confusion among SFPD officers about their duties regarding dog complaints.
- F17. Current practice is that SFPD VDD Unit has assumed many of the clerical and ministerial functions of the Vicious and Dangerous Dog Hearing process. The GSA sets the framework of Hearings schedules (days, times, locations, assigned Hearing Officers), while the VDD Unit officer does the following: coordinates specific cases and the parties thereof to specific Hearing dates; notifies parties and witnesses to each case when their case will be heard; receives Decisions from Hearing Officers, keeps a file of the originals, and sends copies to the parties of each case and to SFACC; and maintains the Hearing audio recording archive. Only custom obliges SFPD to continue performing these functions. This situation is inherently unstable, and if both parties wish the arrangement to continue, it needs to be regularized.

- F18. A Decision by a Hearing Officer that a dog is Vicious and Dangerous, but holding the Decision in abeyance, or placing a dog on probation, without further explanation in the Decision, does not make clear to any of the parties whether the provisions of SF Health Code section 42.2, et seq., apply (e.g. registration of the dog, payment of a \$250 fine, permanently affixed identification, prominent display of signage, etc.).
- F19. A Decision by a Hearing Officer that a dog is Vicious and Dangerous but holding the Decision in abeyance, or placing a dog on probation, is not within the Hearing Officer's jurisdiction, and does not address the public safety requirements of SF Health Code section 42.2.

RECOMMENDATIONS

The San Francisco Civil Grand Jury:

- R1. Recommends the Executive Director of the San Francisco Animal Care and Control (SFACC) study methods to provide 24-hour ACO coverage, either by full staffing or by on-call staffing, and report on this matter to the City Administrator by April 1, 2019. (F1, F2)
- R2. Recommends the Executive Director of SFACC provide the SFPD VDD Unit with RDP (remote desktop protocol) or VPN (virtual private network) access to Chameleon, one seat license and a login to Chameleon, by January 1, 2019. (F3)
- R3. Recommends the Executive Director of SFACC publish on their website, for each of the most current five years, statistics about dog bites against humans in San Francisco, divided into categories based on whether the bites were provoked, and whether the biting dog was on a leash at the time of the bite. This to be implemented no later than July 1, 2019. (F4)
- R4. Recommends the Executive Director of SFACC publish on their website up-to-date information for all dogs that have been deemed Vicious and Dangerous by an authorized Hearing Officer and for which that status is still in effect. This information to include the residential address of the dog and/or its location on a map, the name of the dog, the breed of the dog, either a description or a photo of the dog, and the date of the most recent enforcement field visit by an ACO. This to be implemented no later than January 1, 2020. (F5)
- R5. Recommends the Executive Director of SFACC change the current practice of only teaching dog owners about the benefits of keeping their dog(s) on a leash, to include issuing a citation to those dog owners whose dogs are in violation of the city leash law, as provided in Health Code Sections 41.12(a) and 41.13. This to be implemented no later than January 1, 2019. (F6)

- R6. Recommends the City Administrator instruct the VDD Hearing Officers that Ex Parte communications involving any issue in any case are not allowable outside the Hearing unless all parties to the Hearing are present. These instructions to be given as soon as practicable, and no later than January 1, 2019. (F7)
- R7. Recommends the Executive Director of SFACC establish a data entry manual that includes standard procedures written for all Chameleon data entry, no later than July 1, 2019. (F8, F9)
- R8. Recommends the Executive Director of SFACC establish data entry training and supervision over data entry procedures in Chameleon, to ensure accurate and uniform data entry, no later than July 1, 2019. (F8, F9)
- R9. Recommends the Executive Director of SFACC authorize and work with the Information Technology Director of San Francisco Department of Administrative Services to implement the changes in Chameleon data entry setup which were recommended by the paid consultant, Dr. Delany; this work to be finished no later than July 1, 2019. (F8, F10)
- R10. Recommends the Executive Director of SFACC request Friends of SFACC to fund a study by a qualified expert of Chameleon data entry for the Field activity division, and to authorize and work with the Information Technology Director of San Francisco Department of Administrative Services to implement those changes in Chameleon that will improve data entry accuracy and integrity. This work to be concluded no later than January 1, 2021. (F11)
- R11. Recommends the Executive Director of SFACC study methods to increase compliance with dog license laws in San Francisco by at least 50% as measured by the number of active dog licenses as of December 31, 2017; the study to include but not limited to such options as lowering license fees across the board, adding some benefit(s) to dog owners for having dogs licensed, instituting a meaningful follow-up to the "final notice" automated dog license letters, and finding a better online interface for dog license applications, plus any other means that may occur to them. This study to be completed and submitted to the City Administrator no later than July 1, 2019. (F12, F13, F14, F15)
- R12. Recommends the San Francisco Chief of Police modify General Order 6.07 to bring it into compliance with local ordinances and with current practice. The General Order will also be modified to include the existence and function of the SFPD Vicious and Dangerous Dog Unit. These changes, either incorporated into the existing General Order or into a new superseding General Order, to be presented to the Police Commission for approval no later than April 1, 2019. (F16)
- R13. Recommends the City Administrator's Office and the San Francisco Chief of Police agree on a Memorandum of Understanding (MoU) specifying that San Francisco Police

Department will continue to be in charge of the enumerated clerical and ministerial function for the Hearing Officers of the Vicious and Dangerous Dogs Hearings. This MoU to be completed by July 1, 2019. (F17)

- R14. Recommends the San Francisco City Administrator instruct Hearing Officers for the Vicious and Dangerous Dogs Hearings that it is their responsibility, pursuant to SF Health Code sections 42.3(C)(i) and (ii), to find a dog either Vicious or Dangerous or not Vicious and Dangerous, and that holding such Decisions "in abeyance" is no longer an option. This instruction to be given no later than March 31, 2019. (F18, F19)

REQUIRED RESPONSES

Pursuant to Penal Code section 933. The San Francisco Civil Grand Jury requests responses as follows:

From the following individuals:

Executive Director of San Francisco Animal Care and Control
(F1, F2, F3, F4, F5, F6, F8, F9, F10, F11, F12, F13, F14, F15)
(R1, R2, R3, R4, R5, R7, R8, R9, R10, R11)

City Administrator; San Francisco Office of the City Administrator
(F7, F17, F18, F19)
(R6, R13, R14)

Chief Information Officer Department of Technology San Francisco Administrative Services
(F10, F11)
(R9, R10)

Chief of Police, San Francisco Police Department
(F16, F17)
(R12, R13)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

GLOSSARY

ACO - Animal Control Officer

Friends of SFACC - a non-profit charitable organization that provides money, materials and services to SFACC operations.

SFACC - San Francisco Animal Care and Control

SFPD - San Francisco Police Department

SF SPCA - San Francisco Society for the Prevention of Cruelty to Animals

VDD Hearings - Vicious and Dangerous Dog Hearings, under the City Administrator's Office

VDD Unit - Vicious and Dangerous Dogs Unit of the San Francisco Police Department

APPENDICES

Appendix A - Jurisdictions that have online maps or lists of dogs officially declared dangerous

- Austin, Texas (map) <https://austintexas.gov/departments/dangerous-and-vicious-dogs>
- Arlington, Texas (map) <http://arlingtontx.maps.arcgis.com/apps/MapTour/index.html?appid=f56462235c624a1da4e5a4a713f1f418&webmap=2dc79a0f49594e1783f31b8565a6bde5>
- Knox County, Tennessee (map) http://www.knoxsheriff.org/dangerous_dog.php
- Minneapolis, Minnesota (map) <http://www.minneapolismn.gov/animals/dangerous/index.htm>
- Anne Arundel County, Maryland (map) <http://www.aacounty.org/departments/animal-control/dangerous-animals/>
- Avon Lake, Ohio (list) <https://www.avonlake.org/departments/police/nuisancedangerousvicious-dogs>
- Miami-Dade County, Florida (map) <http://gisweb.miamidade.gov/dangerousdogs/>
- Harris County (Houston), Texas (map) <http://publichealth.harriscountytexas.gov/About/Organization/VPH/Animals-and-Pets/AnimalLaws/Dangerous-Dog>
- Frederick County, Virginia (list) <http://www.fcva.us/departments/treasurer/dog-tags/dangerous-dog-registry>
- Marion County, Florida (searchable database) <http://www.marioncountyfl.org/departments-agencies/departments-a-n/animal-services/animal-control-and-pet-laws/dangerous-dogs>

- Volusia County, Florida (list with photos) <https://www.volusia.org/core/fileparse.php/5919/urlt/Animal-Control-Dangerous-Dog-Info.pdf>
- Palm Beach County, Florida (interactive map) <http://www.pbcgov.com/snap/DangerousDogs.aspx>
- Seminole County, Florida (map and list) <http://www.seminolecountyfl.gov/departments-services/county-managers-office/animal-services/declared-dangerous-dogs-list-residing-.stml>
- State of Virginia (searchable database) <https://dd.va-vdacs.com/>
- Albuquerque, New Mexico (list) <https://www.cabq.gov/pets/education-resources/dogs/dangerous-dogs>

Appendix B - Jurisdictions with online dog license applications that have user-friendly interfaces

- San Mateo County (petdata.com) <http://www.petdata.com/for-pet-owners/sma/license-online>
- Solano County (petdata.com) <http://www.petdata.com/for-pet-owners/sln/license-online>
- Sacramento County (licensepet.com) <https://licensepet.com/w13/reg/saccw1>

Appendix C - SFPD General Order 6.07, dated July 27, 1994

- I. POLICY, A DUTIES OF PATROL OFFICERS. It is the policy of the San Francisco Police Department that district station patrol officers investigate dog bite cases and enforce both local and state animal control laws.
- I. POLICY, C COMMISSION OF ANIMAL CONTROL AND WELFARE. The Chief of Police will designate one supervisory officer assigned to the Special Operations Division to serve on the Commission of Animal Control and Welfare. The officer will serve as the Commission's Hearing Officer and preside over Hearings to determine actions in vicious and dangerous dog cases.
- II. PROCEDURES, B. BITING DOG. 3. QUARANTINE BY OWNER- Tell the owner to quarantine the dog for at least 10 days and to immediately notify the Department of Public Health, Bureau of Epidemiology and Disease Control (554-2832) if the dog becomes sick, dies or gets lost.
- II. PROCEDURES, B. BITING DOG. 5. INCIDENT REPORT/DPH FORM. Prepare an incident report. Forward the Animal Bit [sic] Report and a copy of the incident report to the Department of Public Health, Bureau of Epidemiology and Disease Control, 101 Grove Street, Room 402, San Francisco, CA 94110

There is no mention in this General Order of the Vicious and Dangerous Dog Unit, which is central to the subject matter.

Appendix D - SFACC Background

SFACC is the city agency responsible for dealing with both domestic and wild animals within San Francisco, and during the past 29 years has performed a broad range of activities and services in the City and County of San Francisco²⁵, including:

- Operating an animal shelter, with food, water, exercise, and medical care provided for all animals within. This shelter is also where dogs are impounded while waiting for a Vicious and Dangerous Dog Hearing. When required by law or medical necessity, and as a last resort, the shelter provides humane euthanasia for some of those animals as a shelter service.
- Administering the sale and recording of dog licenses.
- Receiving and recording all dog rabies vaccination records.
- Receiving and recording all dog bite records from police and medical sources, and transmitting a quarterly summary of those records to the State of California to assist in rabies control.
- Sponsoring animal volunteer programs, including volunteers who work in the animal shelter.
- Adopting or fostering out as many of the animals in their shelter as possible, in conjunction with animal behaviorists, veterinarians, rescue groups, and the SFSPCA, to make sure that the animals will have good homes in which to thrive.
- Providing the City and County with a force of Animal Control Officers (ACOs)

SFACC collects fees and fines for many of these activities, but these funds amount to only a very small fraction of the operational costs. For fiscal year 2016-2017 the city's General Fund budget for SFACC was nearly \$7,000,000, while the income from fees and fines was less than \$500,000. Public donations for that year through a non-profit organization called Friends of SFACC amounted to about \$152,000. Other funds spent from a County-established fund called "Animal Care and Control Gift Fund" totaled over \$220,000. In addition to volunteers in the animal shelter, SFACC has over 50 full- and part-time employees, including veterinary staff, animal behaviorists, front counter and office staff, animal shelter staff, and Animal Control Officers.

Appendix E - SFACC - Inter Agency Coordination²⁶

Parks and Recreation. SFACC cooperates with Park Rangers to deal with animal issues that occur within city parks. This includes, among other issues, problems and complaints about dog behavior, and wild animals such as coyotes.

²⁵ Health Code Section 41.4

²⁶ The information in this section was derived from interviews.

San Francisco Police Department and San Francisco Fire Department. SFACC ACOs are called to emergencies when animals are involved that SFPD or SFFD cannot handle. For example, if there is a fire in a home with pets, SFACC may be called for assistance; or if there is an arrest of a person with a dog, SFACC may be called to house the dog temporarily at its animal shelter. When SFPD encounters a dog behaving dangerously it can request SFACC to impound the dog. Also, SFACC cooperates and sometimes collaborates with the SFPD VDD Unit in investigating dog-related incidents.

U.S. Federal Park Police. SFACC cooperates with Federal Park Police to deal with animal issues that occur on federal land within the city limits, such as at Ocean Beach or in the Presidio. As with city parks, this may include problems and complaints about dog behavior, or wild animals such as coyotes.

Treasury and Tax Department. The Real Estate Tax division sends out dog license reminders generated through the data in Chameleon, and deals with the returned mail and incomplete applications. The Cashier's office handles walk-in dog license requests and the online license requests that come through licensepet.com.

The IT Department assists SFACC by writing custom reports from Chameleon data, and by making sure the Chameleon software is running properly. The IT Department is also responsible for implementing requested software changes.

Appendix F - Dog Licensing Background

Why dogs don't get licensed:

- Dog owners may not be aware that a dog license is required, if it was not part of their upbringing or cultural background.
- The process of licensing your dog can be a nuisance, especially if you must do it in person.
- When your dog is licensed it is "in the system", so that license renewals are sent regularly, and the dog owner is subject to late fees and citations for lack of compliance.
- Some dog breeds such as pit-bulls face extra scrutiny under the legal requirement to have them fixed after the age of 8 weeks.
- For those who don't see the usefulness of licensing their dogs, a dog license fee may just seem like another tax to pay.
- A more modern method of identifying pets exists in the form of micro-chipping.
- Dog license fees can be a burden on low-income families.

Current dog license procedures and other considerations²⁷

The San Francisco Treasurer and Tax Office, on behalf of SFACC, sends out automated letters to dog owners with expiring licenses, and to dog owners who have had their dogs vaccinated but whose dogs do not have licenses. (Veterinarians and anyone else who vaccinates dogs in San Francisco is required by law to report that vaccination to SFACC.) These automated letters start with an initial letter; if necessary there is a follow-up letter, and then a final notice. There is, however, no follow-up to these final notices and no consequences for failing to respond to them. We conclude that a large percentage of dog owners routinely ignore these official letters from their county government.

A previous administration at SFACC tried to improve the rate of dog licensing through a door-to-door campaign. This effort did not produce a noticeable increase in dog licenses. We conclude that this kind of effort is ineffective.

Dog licenses can be purchased or renewed online through a service called licensepet.com, which SFACC uses. We would expect an online process to increase dog license compliance when it is more convenient than going in person. However, the existing user interface can only be described as clumsy, difficult to use, and out of date, which results in frequent delays and frequent abandoned attempts by users (our evidence for this last point is only anecdotal, since the vendor refuses to release site diagnostic information to their client, the City and County of San Francisco). Delays are caused by the need to contact the dog owner when their online attempt is unsuccessful because parts of the required materials were not received and wait for them to respond. During these delays the City already has their payment, but can't process it properly because the license can't be issued.

SFACC is currently researching a better online interface, and better dog license management tools. We encourage this effort.

Appendix G - Background information - SFACC Chameleon Software

SFACC uses a software program called Chameleon to enter animal and owner data into a database from which reports can be generated. Animal shelter information such as intake date and departure date, status and care notes, and medical treatments are entered into Chameleon by SFACC staff. Other information entered into Chameleon includes all ACO dispatch calls and the results of those calls, dog license information, dog vaccination information received from veterinarians and animal hospitals, bite reports received, and animal-related police incidents. Chameleon contains a unique record for all animals that pass-through ACC operations, and a related unique record for the animal's owner, if known. One owner record may be associated with any number of animal records within Chameleon.

²⁷ The information in this section was derived from interviews, and public records.

Appendix H - Background on SFPD VDD Unit

The VDD Unit officer plays an important role in the Vicious and Dangerous Dog Hearings (see that section for more details about those Hearings). This officer (as does any police officer) has the authority to have SFACC impound any dog that he observes behaving in a vicious or dangerous manner. Also, this officer receives complaint forms from the public about potentially vicious and dangerous dogs, and receives appeals from owners of dogs that have been impounded. When a Hearing is required, the VDD Unit officer schedules the parties to the Hearing, usually the victim(s) of an attack and the owner(s) of the dog in question plus any other witnesses, to appear together at a regularly scheduled Hearing. The VDD Unit officer provides the Hearing Officer with all the paperwork and evidence regarding the case at the beginning of the case Hearing. Paperwork can include complaint forms, police incident reports, bite reports, and the dog owner's appeal of impoundment. Evidence can include photos, audio and video recordings, or other physical evidence.

The VDD unit officer also manages the archive of audio recordings of Hearings, receives the originals of all Hearing Decisions, provides copies of them to SFACC and to the parties to the Hearing, and archives dog-related police incident reports.

Appendix I - Background on Vicious and Dangerous Dog Hearings²⁸

History

The Vicious and Dangerous Dog Hearings were originally supposed to be the responsibility of the Department of Public Health, and then of the Commission of Animal Welfare and Control. At some point SFPD took them over, and after that SFACC was mostly in control of the process. Currently these Hearings are managed by the City Administrator's Office.

Legal Background

The immediate legal background for these Hearings consists of several areas of city code, mostly Health Code Article 1, Section 42.3.

Administrative Hearing Officers such as the ones used for these Hearings are not members of the judiciary. They represent the executive branch of the government entity concerned, in this case the City and County of San Francisco. The head of that executive branch is, of course, the Mayor. Next in line after the Mayor is the City Administrator, and the City Administrator's Office is primarily responsible for the operation of these Hearings. Hearing Officers are

²⁸ Information in this section was derived from city code, public records and interviews. Public records include recordings of individual Hearings, and Decisions from those Hearings.

recruited and hired by the Office of the Controller, and trained and scheduled for Hearings by the City Administrator's Office.

Parties to the Hearing

- The victim of a reported attack by the dog, or the complainant about the dog's behavior.
- The owner or owners of the dog (note that "owner" in this context is very broadly defined in the Health Code).
- SFACC, as the agency responsible for making sure that the Hearing Decisions are carried out. SFACC may also serve as an information resource for the Hearing Officer by providing background information about a dog from their database during the Hearing. An SFACC animal control officer or other staff member may participate in a Hearing as a witness.
- SFPD VDD unit officer, either as a witness or as the custodian of evidence, or both. Other police officers may also appear as witnesses, as may members of the public.

Informality of Hearings

Witnesses are not sworn. Although audio recordings of the Hearings are made and the recordings are available on request, there is no court reporter present and no transcript is issued. Rules of evidence are not strictly observed.

Hearing Decisions

Under current practice there are four possible Decision outcomes:

1. The Decision may be that the dog is not vicious or dangerous. This dog will be released to the owner, if it has been impounded at SFACC, as soon as the Decision is published.
2. The Decision may be that there is no problem with the dog itself but that the owner is the cause of the bad behavior of the dog. In this case the Hearing Officer may order that the dog be removed from the owner's care, and even that the owner should not be allowed to own dogs in the future. It is not clear that there is any local ordinance supporting this kind of Decision but as far as we could find such Decisions have not been challenged.
3. The Decision may be that the dog is vicious and dangerous, but this Decision may be "held in abeyance" for a period of time. Such a Decision may require that the dog should undergo training, or it may only require that the dog should not again exhibit the vicious or dangerous behavior during that period of abeyance. This is, in effect, a sort of probation, and if the dog passes the probation it will no longer be considered vicious and dangerous. If the dog offends again during that period and/or if the dog does not undergo the required training, the Hearing Officer may decide that the dog is indeed vicious and dangerous after all. There is no support in local ordinance for holding a vicious and dangerous dog Decision in abeyance. Also it is not clear under such a Decision whether the owner is required to observe the restrictions that apply to dogs that have been

determined to be vicious and dangerous, as described in San Francisco Health Code Article 1 Section 42.2.

4. The Decision may be that the dog is vicious and dangerous, with no probation or abeyance. In this case, the Hearing Officer can prescribe the disposition of the dog:
 - The dog may be allowed to remain in the custody of the owner but must be leashed and muzzled at all times while in public, must have a permanent identification number affixed to the dog, must be registered and have a photo on file with SFACC as a vicious and dangerous dog, the owner must pay a \$250 registration fee, and the owner must place a sign in plain view at the dog’s place of residence that there is a dangerous dog on the premises. Such a dog may not be sold or have a transfer of ownership within the city, and may only leave the city if authorities at its new location are notified of its status. These restrictions are listed in San Francisco Health Code Article 1 Section 42.2.
 - The dog may have the above restrictions applied but with a proviso that if the dog completes a training course and can then demonstrate proper behavior, it can be released from those conditions. Note that this is a different case from holding the vicious and dangerous Decision in abeyance. In that case the above restrictions are apparently not applied during the abeyance period. In this case they are applied until the ruling about the dog’s status is lifted. It is true that there is no support in local ordinance for removing the status of “vicious and dangerous” from a dog, but this seems to us to be a reasonable compromise for those dogs with borderline behavior issues.
 - If the dog is incorrigibly dangerous, the Hearing Officer may order that it be humanely destroyed.

Appendix J - Sample Style for Reporting Dog Bite Data (2017 data excludes December)

		PROVOKED OR NOT PROVOKED					
Year	Total Dog Bites	Provoked	Pct Provoked	Not Provoked	Pct Not Provoked	Unkn own	Pct Unknown
2017	1007	253	25.12%	554	55.01%	200	19.86%
2016	821	230	28.01%	375	45.68%	216	26.31%
2015	793	273	34.43%	357	45.02%	163	20.55%

2014	957	240	25.08%	480	50.16%	237	24.76%
2013	884	260	29.41%	415	46.95%	209	23.64%
		ON LEASH OR OFF LEASH					
Year	Total Dog Bites	On Leash	Pct On Leash	Off Leash	Pct Off Leash	Unknown	Pct Unknown
2017	1007	228	22.64%	663	65.84%	116	11.52%
2016	821	167	20.34%	499	60.78%	155	18.88%
2015	793	173	21.82%	499	62.93%	121	15.26%
2014	957	163	17.03%	631	65.94%	163	17.03%
2013	884	189	21.38%	538	60.86%	157	17.76%

Appendix K: SFACC Code Violations, Chameleon (2017 data excludes December)

Year	41.12C	42	597	1091	43.2(A)	122335 H&S	597S	597T	40.6
2017	298	75	85	63	14	5	6	0	0
2016	342	97	145	111	9	12	3	0	2
2015	236	86	111	71	19	6	2	2	1
2014	375	101	136	118	21	22	5	0	0
2013	313	83	103	121	16	8	6	0	1
2013	341	107	171	141	43	11	1	0	0

41.12C SF Health Code, Welfare

- 42 SF Health Code, Vicious Dangerous
- 597 CA Penal Code, food, water, care, vet
- 1091 Common Radio Code - Animal / Stray
- 122335 H&S CA Health Code, tethering
- 43.2(A) SF Health Code, Pit Bull Spay/Neuter
- 597S CA Penal Code, Abandonment
- 597T CA Penal Code, Confined
- 40.6 SF Health Code, Animals, parked car, ventilation