

City of Elk Grove Animal Services

Issue

Does the Animal Services division of the City of Elk Grove follow proper procedures in responding to reports of vicious or dangerous animals?

Reason for Investigation

The Grand Jury received a complaint that Animal Services did not follow the legal codes and procedures when responding to the death of a pet cat killed by a neighbor's dog.

Method of Investigation

Members of the Grand Jury reviewed the extensive paperwork submitted by the complainants and then made two visits to interview the Animal Services Supervisor.

Background and Facts

An Elk Grove family reported that its cat died as a result of an attack by a neighbor's pit bull which had broken into their yard through the fence. The family called Animal Services and was sent a "Vicious or Dangerous Animal Affidavit" through the mail, but was not informed that they could request a visit by Animal Services. (The incident occurred on a holiday, so the family's call went to the City's General Call Center.) The family submitted the affidavit in a timely manner, but was very disappointed by the slow and what the family members termed "inadequate" response by the Animal Services staff. There was a hearing six weeks after the attack, but neither the independent hearing officer nor the dog owners appeared at the hearing. The complainants were told by Animal Services that after a behavioral assessment, the dog could be put down or the owners would be required to construct a kennel or a secondary fence to contain the dog. The dog was not seen or given a behavioral assessment until two months after the incident. The dog owners paid a fine and were required to license the dog. No further action was taken to kennel the dog or to require a secondary fence.

The complainants contacted their City Council member, who arranged a meeting with the Deputy City Manager, the Community Enhancement Manager, and the Animal Services Supervisor. The family was informed there was nothing further that Animal Services could do.

The Animal Services Supervisor position was created in 2006. There are three animal control officers in addition to the Supervisor. They respond to calls for stray animals, dead animals, and complaints. Because there are no facilities for impounding animals, Elk Grove contracts with the SPCA on Florin-Perkins Road to house animals. The Animal Services Supervisor is hopeful that in the not-too-distant future Elk Grove will have its own shelter.

Two visits with the Animal Services Supervisor revealed that the City of Elk Grove adopted Sacramento County's animal control codes when it took over that function from the County.

Elk Grove is in the process of formulating its own codes to reflect changes in state law and the needs of the community.

There have been three “vicious or dangerous animal” incidents in Elk Grove in the last year. Elk Grove Municipal Code requires that an investigation into the facts of the affidavit shall be completed no later than seven business days after the date the affidavit is filed.

The Animal Services Supervisor stated that the delays in assessing the dog were due to the fact that the owners did not respond to registered mail or when visited by Animal Services Officers. When owners do not respond, the only recourse of the City is to cite the owners with an infraction. When the dog was assessed, two months after the original incident, he showed no aggressive behaviors. The Supervisor did state that pit bulls are usually only aggressive to other animals, not to humans.

The Supervisor determined that the dog needed certain restrictions: It was to be tethered when in the back yard alone, or kept inside when the owners are away. Fence inspection by the Code Enforcement Officer revealed no weaknesses, so no kennel was required.

Findings and Recommendations

Finding 1A. The complainants were given incorrect information about hearings and consequences, and the processes they experienced did not follow any of the time limits outlined in the Elk Grove Municipal Code.

Finding 1 B. Elk Grove Animal Services did not adhere to the timelines of the Municipal Code relating to complaints of “vicious” animals. The delayed response and the misinformation given to the cat owners created the perception of injustice.

Recommendation 1. Elk Grove Animal Services should set up procedures to guarantee timely response to affidavits filed with them.

Finding 2. Current codes or City policy do not require an immediate on-site visit by an employee of Animal Services, upon notification that one animal has killed another. Such a visit has to be requested.

Recommendation 2. A provision should be included in the Elk Grove codes that, upon notification of death of an animal by another animal, the person reporting such an incident should be told they may request an immediate visit by an animal control officer.

Response Requirements

Penal Code sections 933 and 933.5 require that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by October 1, 2008, from:

- **Elk Grove City Council**