

Schultz, Amanda

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Sent: Friday, April 23, 2021 12:42 AM
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Subject: Public comments for 4/23/21

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Public Comments for the WCRAS Advisory Board Meeting 4/23/2021:

At the January 24, 2020 WCRAS Advisory Board Meeting there was much discussion regarding proposed changes to Washoe County's dangerous dog code and a motion was made, and seconded, to move the revision process along. It's my understanding that there has been no further action on this, and this is unfortunate, as I feel revisions are urgently needed, not for public safety but rather for the welfare of allegedly dangerous dogs in our community, and to safeguard their owners from the emotional and financial distress the current code imposes upon them.

Before delving into the nitty gritty I just wanted to clear up what seem to me to be a few misconceptions brought up in the January 2020 meeting. First, NRS 202.500, which contains the State's definitions of dangerous and vicious, pertains only to dog-on-human incidents, and not dog-on-dog or dog on any other animal. The latter only shows up in county ordinances. The State of Nevada does not have definitions or provisions for dog on dog altercations as far as I am aware.

Second, the WCC does use the word vicious but doesn't define it. It just appears in WCC 55.790 - Harboring vicious dog prohibited. Ok, so what constitutes a "vicious" dog? I'm pretty certain I'm looking at the most recent version of WCC Chapter 55.

Regarding transfer of dogs deemed dangerous, WCC 55.750 6(c) states that the owner of a dangerous dog shall not "remove from Washoe County any dog declared dangerouswithout 30 days' written notice to regional animal services." After listening to the January 2020 meeting recording, I got the impression this was being interpreted by some members of the board as pertaining to the owner moving his or her place of residence outside of Washoe County and taking the dog with them. However, there is nothing whatsoever stating this is the case in the code itself. In fact, there have been dogs declared dangerous in Washoe County who were moved to another county with approval of the DA's office and Animal Services, just last year. If this had not been allowed, these dogs, who were labeled dangerous by a hearing officer, very likely incorrectly, with virtually no supporting evidence, would have been killed by the owners as they could not and would not confine them for the rest of their lives to a relatively small enclosure. This section then completely contradicts WCC 55.760 3(c): "Shall not transfer or give away any dog that has been declared dangerous."

Not many owners want to give up their dogs, but if owners of allegedly dangerous dogs don't have the option of giving up their dogs to a new owner or a rescue/rehab in another county or within the county, what are these owners supposed to do when - as is often the case I would bet - they cannot afford to build the required enclosure and pay a minimum of 2500 dollars per dog on liability insurance, just for a dog on dog scuffle, and other fees for one year let alone for the next 10 or 15 + years? Even if an owner can afford these costs, many owners - myself and top behavior experts included - feel the quality of a dog's life and its mental, emotional, and physical welfare will be severely compromised if forced to live in a relatively small enclosure and only walked on a short leash for the remainder of its life, to the point where it would be completely inhumane and unacceptable to do this to the dog. Confinement anxiety (and separation anxiety, which often goes along with it) are real scientifically documented behavioral and welfare issues. As a mobile veterinarian who has visited numerous residences where dogs are confined in pens for even a part of the day, I can attest to their extreme anxiety and stress, observable as pacing, panting, barking, whining, howling, increased aggression and fear, shaking, repetitive behaviors such as leaping onto and off the sides of their enclosures, destructive behaviors including chewing the chain link, and in some cases self- mutilation from hours of chewing or licking their bodies. Desired behavior and welfare decrease and undesirable behaviors increase. I know, I've studied the science of behavior intensively for the past five years including graduate level, advanced courses.

But we need to ensure public safety right? No doubt so does every other county in Nevada right? Then why does Washoe County have the most inflexible, burdensome dangerous dog requirements in this state, while other counties are satisfied

with less rigid laws with more leeway for what is acceptable? Even charges and sentencing guidelines for criminal acts such as murder have multi-tiered categories and plenty of room for flexibility in sentencing! I've researched the dangerous dog codes of many Nevada counties as well as Placer County, CA. Every one of these codes has room for flexibility; for example, they do not demand one specific and expensive enclosure design for dangerous dogs. Many do not require any liability insurance let alone a quarter million dollars worth. Even Clark County requires less than half that of Washoe, 100k, they do allow transfer of ownership, and provide for very simple means for anyone to request a hearing to appeal, no attorney needed.

WCC regarding dangerous dog requirements is completely inflexible and rigid. I respectfully ask what data are you and the County Commissioners basing the current requirements on? Do you have any data? What evidence are you basing the current and proposed requirements on? Are other counties endangering their citizens compared to Washoe because of their more flexible less burdensome code? If you believe so, where is the data and evidence to support this?

Example of inflexibility: I know someone with a half-acre pen made of heavy-gauge 8-foot chain link fence, with 2 feet sunk in the ground, a 3-strand barbless wire lean in addition along the top, cemented posts and one double gate entry with a padlock, designed for and 100% successful at confining many very high percentage wolfdogs over the past 17 years. None of the owners' four huskies have ever escaped either, including the persistent digger. This pen provides excellent security AND excellent welfare for the canine occupants. IT HAS BEEN DEEMED NOT GOOD ENOUGH for compliance with the ridiculously strict dangerous dog requirements of the WCC. Many dog owners have pens their dogs have never escaped from and which no child has ever breached. Not acceptable to WCRAS. Do you know how many dogs and their owners have been given NO option other than euthanasia, due to financial limitations and/or legitimate welfare concerns, when their dog may or may not have even gotten in a minor altercation with another dog?

Dogs and their owners have and will continue to be put in this position because of WC's rigid dangerous dog code but also because of additional problems with the procedures involved in determining whether a dog is "dangerous". I have personally experienced - and have spoken with others who have too - blatant hearing officer bias, which is against the law per WCC 55.800 (13)(d). In my case the hearing officer even admitted to coming into the hearing with confirmation bias when I called her on it. Hearing officers can accept the word of accusers as the ONLY evidence upon which their determination is made, even when presented with equally weighted contradictory testimony of the accused. Yes, they are supposed to be making decisions based on the "preponderance of evidence" but why? Why, when so much is riding on the decision? Aren't dogs innocent until proven guilty? Why not base the determination on "clear and convincing evidence", the next step up? I know of a case where obviously faulty, tainted evidence was accepted as proof in the hearing!

A disgruntled neighbor can make an accusation of an attack by a dog with absolutely no "evidence" other than their verbal testimony, and please don't tell me people don't lie in these hearings. Some are not lying but rather have incorrect memory of the facts. You can literally find stacks of scientific evidence showing how unreliable eye witness testimony is no matter how strongly an honest person feels about their memories of an incident. The consequences of an incorrect dangerous dog determination are devastating to both the accused dog and its owners. I can assure you dog owners have been put through hell because of this and innocent dogs end up dead or living a miserable life full of anxiety.

But, you say, owners can appeal with a Petition for Judicial Review. Do you know how expensive that is? How many of us can file a proper petition and the subsequent required supporting briefs ourselves? How many owners can afford an attorney to do it? What if the ADA files a Motion for Dismissal of your petition based on a pure technicality? Now who can afford to continue to fight for their dog's life?

What level of knowledge of dog behavior do the hearing officers have? Any special training in the science of dog behavior? Skill in interpreting dog body language, evaluating videos of dogs, etc? I know what the answers are and it seems irresponsible to have hearing officers with no special training, knowledge or experience in the broader field of dog behavior, let alone the subspecialty of aggression, making life-altering decisions based on little to no evidence in many cases. Even internationally recognized behavior consultants would never base such an important evaluation on a measly half-hour to hour-long session of questioning an owner and accuser. Would you allow a hair dresser to diagnose your car's problem? We need to involve animal behavior experts in dangerous dog determinations. I also firmly believe this advisory board membership should be required to have a professional animal behavior consultant.

I recall a member of this Advisory Board asking a question during the January 24, 2020 meeting about whether the proposed changes to the dangerous dog code would be considered "trailblazing" when compared to other counties' codes. The answer is clearly no. Washoe County has gone in the opposite direction on the trail, down an unforgiving path with absolutely no room for optional footfalls or alternate pathways, a path that one cannot even turn around on and reverse course. Once on this path, one cannot go back. How many dogs falsely accused of being dangerous ever get their determinations reversed? I'm pretty sure it is close to zero, and that is unacceptable in my opinion.