Attachment C

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April 3, 2013

Hon. Lucia Guzman, Chairman
Senate Judiciary Committee
Colorado State Capitol
200 East Colfax
Denver, CO 80203

Re: Support of Senate Bill 226 (Dog Protection Act)

Dear Senator Guzman and Members of the Committee:

The American Society for the Prevention of Cruelty to Animals (ASPCA), on behalf of 35,000 Colorado members, supports the passage of legislation that helps prevent or reduce the number of non-threatening family dogs shot by law enforcement officers.

Founded in 1866, the ASPCA was the first humane organization in the Western Hemisphere. Our mission, as stated by founder Henry Bergh, is "to provide effective means for the prevention of cruelty to animals throughout the United States." The ASPCA works to rescue animals from abuse, pass humane laws and share resources with shelters nationwide.

Senate Bill 226 creates the "Dog Protection Act" to help prevent or reduce the number of dogs shot by law enforcement officers. Sadly, in the last five years alone, there have been more than thirty non-threatening family dogs shot by local law enforcement officers in Colorado.

This legislation will create a dog protection task force that will develop a law enforcement training program on canine behavior and alternative methods to the use of lethal force when law enforcement officers encounter dogs during the course of performing their official duties.

Additionally, the task force will set minimum standards for qualified animal behavior experts or licensed veterinarians who provide the required training and will develop minimum training curricula and web or video-based training programs that may be used by local law enforcement agencies.

Coloradans cherish our dogs and consider them to be members of our families. Please vote "YES" on SB 226 to reduce animal suffering and the trauma felt by all in the community when these tragic and preventable incidents occur.

Please feel free to contact me if you have any additional questions. I'm available at deborah.foote@aspca.org and 720.219.0782.

Respectfully yours,

Deborah L. Foote

Deborah L. Foote
State Legislative Director

ASPCA WE ARE THEIR VOICE.

Position Statements on Law Enforcement Response to Potentially Dangerous Dogs

Background

The ASPCA receives regular reports of incidents in which dogs have been shot, often fatally, by police officers in the conduct of their regular duties. Although some of these animals may have been utilized as weapons by their handlers or been involved in attacks on people or other animals, many cases have involved family pets killed on the owner's property. Police department policies generally grant broad powers to officers to shoot animals if the officers feel that they are in "imminent danger" or if a dog has killed or is in the process of attacking people, livestock or other pets.

Most police departments require detailed reports any time an officer discharges a firearm, even accidentally. Some of these reports reveal a disturbing trend. Our review of public records of firearms discharges by police indicates that it is common for 50% or more of all shooting incidents to involve an officer shooting a dog. Many of these incidents involve multiple shots fired and many do not result in the dog's swift, humane death.

Policies that require only that an officer "feel" threatened set a very low threshold for justifying the killing of dogs. In virtually all cases we have examined, internal reviews of dog shootings have ruled them to be justifiable under existing policies, even though several cases have resulted in substantial civil judgments against police departments for wrongful destruction. Such incidents not only jeopardize the lives of companion animals, but also undermine the reputation of law enforcement agencies in the community.

Police rarely receive any training that would allow them to rapidly and realistically assess the degree of danger posed by a dog; nor are they routinely informed about or trained to use any of the wide variety of non-lethal tools and techniques available to them as alternatives to shooting. Examples of such alternatives include batons, OC spray, Tasers and chemical capture. Most departments do not have relationships with area animal control agencies, humane societies or SPCAs that could provide training or assistance in responding to calls where dogs are known or suspected to be present. Since more than one-third of American households have a dog, officers are likely to encounter dogs whenever they approach or enter a residence. Although they may encounter truly dangerous dogs in some situations, the majority of dogs they are likely to meet are well-behaved family pets that are legitimately protecting their homes and families from intruders.

ASPCA Position

The ASPCA believes that most instances of police shootings of dogs are avoidable. The Force Continuum concept has been helpful in reducing unnecessary injuries to the public and professionals in encounters with potentially dangerous people. Law enforcement agencies are recognizing that similar benefits can be gained by applying this concept to encounters with potentially dangerous animals.

There are many steps that law enforcement agencies can take to prevent the needless killing of dogs and reduce the high risk of injuries to officers and the general public in such instances:

- Establish better communication between area law enforcement and animal care and control agencies, including sharing of information about addresses with histories of calls for violent offenses or dangerous animals and establishing procedures for enlisting assistance from these agencies in planning responses to situations where dogs are known or likely to be present
- Review existing policies and data on dog shootings and institute administrative review of all such shootings that includes an evaluation of their justification
- Provide officers with training in identifying and assessing potentially dangerous dogs, as well as instruction on how to use their existing equipment (e.g. baton, OC spray) more safely and effectively in situations with potentially dangerous dogs

- Provide officers with additional up-to-date equipment that can be used as an alternative to lethal force (e.g. catch poles, nets, etc.) and proper training on its use
- Enact a Force Continuum policy for encounters with dogs, similar to that for encounters with people, that stipulates an escalating scale of options in which lethal force is considered a last resort

When lethal force must be used, officers should be trained how to do so humanely to prevent or quickly end suffering. The following reflects a policy that is currently in use by several agencies:

"Police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and when they have exhausted other reasonable means to eliminate the threat. If a decision is made that the animal must be killed, the officer must make every effort to insure that the discharge of his weapon is done as safely as possible. The officer should also try to kill the animal in a humane way to keep the animal from undue suffering or escape."

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