

XS DANGEROUS ANIMALS AMENDMENTS DISCUSSION

QUESTION AND CONCERN FOLLOW UP

The following represents answers to questions and concerns raised during the Monday, January 13, 2020, Public Health and Safety Standing Committee Discussion.

Number of Animals

Based on conversations with the department, other council offices, and the committee, **the number of allowed dogs will remain at 4.**

Vacancy Reporting

While drafting the proposed ordinance, there was a long term vacancy in the role of the Detroit Animal Care and Control Director (DACC) which resulted in a severe impact on departmental operations. Residents' complaints were not being resolved and center operations suffered greatly. The purpose of this amendment is to provide legislative oversight over the Administration's efforts to hire a DACC Director to ensure that the department, which impacts the safety of our communities, has leadership.

Quarterly Reporting

As stated, enforcement is a crucial aspect of addressing dangerous animals within the City of Detroit. The requirement of quarterly reporting ensures adequate legislative oversight over departmental operations. The requirement is that the department shall present the report during committee but does not specify when. As always, it is at the discretion of the chair to determine the date of any report or discussion during committee. Additionally, the enhanced reporting is required to be posted on the City website to allow for residents throughout the City to be made aware of any possible threats to their safety relative to dangerous animals within their neighborhoods.

Breeder's License

Originally, it was proposed to require all animals be sterilized unless being utilized in breeding activities to control our animal population and to limit the amount of stray animals and animals being housed at the Detroit Animal Care and Control facility. However, after extensive research it was shown that the cost for city-wide mandated sterilization would be financially burdensome on our population and our departmental operations. Therefore, the creation of a breeder's license was a compromise to manage the breeding of animals within our city so that we can manage the population. After consulting with breeders and with the expertise of Director Kumpf, the restriction of two litters was determined to be satisfactory.

As it relates to the breeder's license fees, the legislative body will approve the licenses and other fees via resolution, so there is another chance to address the licensing fees. This ordinance does not initiate licensing fees.

License Renewal Time Frame

There is currently a 30-day time frame to renew or retain a dog license. If the committee believes this timeline is too short, the time frame can be extended to 45-days. **Awaiting response on if this is a satisfactory time frame or if another time frame is requested from the Committee.**

Emma's Clause

Prior to the incident surrounding the tragic mauling of Emma Hernandez, residents reported the fencing conditions of the dogs. The Detroit Animal Care and Control Investigator was not able to get a response from the owner of the dogs. Eventually the animals escaped the enclosure and tragically mauled young Emma.

This new amendment is a direct result of the circumstance related to the mauling of Emma Hernandez. The amendment creates a new process that requires, *specifically for improper enclosures that pose a threat to the safety of residents in the neighborhood*, the investigator to visit the location themselves and photograph the location, if contact cannot be made with the owner, the investigator must post a notice on the home, the owner has 48 hours to respond to the posting, if response is not received, a show cause hearing with 36th district may be initiated. This gives the department the ability to immediately act on improper enclosures for animals that pose a threat to the neighborhoods.

Enforcement, Budgeting & Community Outreach

When drafting this ordinance, the departments and our office understood that legislation alone will not be able to protect our children and our communities from dangerous animals. We all understood the importance of budget and enforcement. As a result, the ordinance does not take immediate effect. There is a 6-month implementation time frame to allow for the department's bifurcation to be completed, construction on the new facilities to be completed and the approval of an adequate budget.

The administration has committed to an increase in the budget that is currently being reviewed. It is expected that the bifurcation and enforcement enhancements will be addressed in the Mayor's Proposed FY 2020-21 Budget. Furthermore, it is not uncommon for the legislative body to pass legislation and fund enforcement enhancements during the review of the budget similar to both the Fair Chance Housing Ordinance and the Affordable Housing Ordinance where the legislative body approved an increase in funding for inspection officers for CRIO to support previously approved new regulations.

Emma's Clause has been separated from the other amendments to take immediate effect in order to ensure that all animals are housed in proper enclosures and that there is a process in place to quickly address improper enclosures.

The Office of Council President Brenda Jones is currently working in collaboration with both the General Services Department and the Health Department to evaluate their current budget needs. The memo entitled "Detroit Animal Care and Control Budget Concerns" can be found on Council President Brenda Jones' website at detroitmi.gov/brendajones.

Furthermore, in addition to legislation and enforcement, community engagement and outreach is essential to reporting to ensure the safety of our neighborhoods. In addition to more trucks and officers on the streets, many of the determinations will depend on our residents reporting and informing the department of violations.

During the extensive 10-month research and drafting process, the department reported that dog bites increase significantly in neighborhoods between the months of May and October. Therefore, the February 1-April 1 outreach timeframe is to ensure that our communities are educated on dangerous animal laws and reporting mechanisms as both neighbors and dog owners so that residents are knowledgeable of the laws and know how and what to report. There was an evaluation to initiate outreach earlier, however it is imperative the information is fresh in the minds of the residents as peak season approaches.

Furthermore, the Administration has demonstrated the ability to host community meetings in a short time frame with the hosting of all 7 charter mandated Mayoral Evening Community meetings within one month. With a solid partnership between the General Services Department, the Health Department and the Department of Neighborhoods, Group Executive Brad Dick has ensured the Office of Council President Brenda Jones that outreach mechanisms can be met. This was a provision that was discussed in detail with the department to ensure efficient administration.

Nuisance, Potentially Dangerous and Reckless Dog Owner

Prolonging the approval of the amendments significantly impacts the ability of the department to enhance enforcement and operations with new dangerous animals' classifications and reckless dog owner provisions.

There will always be illegal actors in the canine industry. For example, those that harbor dogs for illegal gaming or utilize them as protection for illegal practices. There is no expectation that this ordinance will solve every dangerous issue just as current laws do not prevent speeding, larceny or even murder, however, the Office of Council President Brenda Jones is confident that this crucial piece of legislation acts as a tool in the City's global tool box as the City works to address dangerous animals on an administrative and legislative level.

Two of the most useful tools in this legislation are the enhanced classifications and the creation of the reckless dog owner provision.

Beginning in early 2019, the Office of Council President Brenda Jones began working on enhanced classifications with the previous Animal Care and Control Director to create a proactive approach -- rather than a reactive approach to managing aggressive dog behavior. The previous director reported that most animals which were determined to be dangerous were not returned home and that animals which exhibited aggressive, menacing and potentially dangerous behaviors were left in limbo due to a lack of regulations to address their behaviors. The creation of Nuisance and Potentially Dangerous classifications was thoroughly researched and provides a mechanism to get ahead of dangerous dog behavior prior to the animal becoming dangerous or vicious.

Prior to the tragic mauling of Emma Hernandez, The Office of Council President Brenda Jones was prepared to submit a completed draft of the aforementioned proposed amendments. However, as a result of the tragedy, the amendments were revisited and enhanced from the months of September 2019 until November 2019.

A major component of the enhanced amendments is the creation of the reckless dog owner provision that situates responsibility and accountability onto the owner, which was the main goal when the amendments were revisited after the tragic mauling of Emma Hernandez. The City of Detroit with this new provision allows steps to be taken towards preventing negligent owners from owning animals within the City of Detroit, an ability we currently do not have.

All of the changes represented in the proposed amendments are a result of extensive research, long discussions and extensive community engagement. There are provisions included from dog breeders, dog owners and attack victims and their families.

Lastly, Council President Brenda Jones is committed to working with our judges and prosecutors to ensure strict rulings as a priority related to owners that violated the provisions within this code, bridging together a collaborative dangerous animal regulation strategy between all three branches of government within our City.