



PHOTOS: MARK W. CLARK

Battered by lawsuits and angry public opinion, some agencies are searching for a way to stop shooting pets. Humane organizations, dog behaviorists, and police trainers say officer education is the answer.



roaming "vicious dog." And that video was posted online and went viral.

Dog lovers and animal rights activists were outraged. There were "Justice for Chloe" protests in front of the Commerce City PD headquarters.

Prosecutors charged Officer Price with felony animal cruelty. Charges that didn't stick. He was acquitted at trial.

But that wasn't the end of Price's legal problems. A lawsuit was filed last fall by Chloe's owner against Commerce City, Officer Price, Officer Castillo, and animal control officer Bores.

Nor were the effects of the Chloe incident confined to local courts. The incident attracted so much political attention that

Colorado now has a new law requiring that law enforcement officers be trained in how to handle dog encounters. How that law will be implemented remains to be seen. One Colorado police chief contacted for this article said his agency has not received any training guidelines.

AN EPIDEMIC

WHILE THE CHLOE INCIDENT is one of the best-known cases of police officers shooting and killing a companion canine, it is not an anomaly.

No one keeps records on how many privately owned dogs are shot and killed each year by American law enforcement officers

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Can Police Stop Killing Dogs?



In a scene from "Police & Dog Encounters" Chicago officers take instruction from dog trainer and author Brian Kilcommons. Note the bladed stance to calm the dog.

PHOTO: NATIONAL CANINE RESEARCH COUNCIL

defendant officers and agencies have to pay attorney fees for the winners. It should also be noted that some officers have been slapped with punitive damages in dog shooting suits. And punitive damages are usually paid by the officers personally, unlike compensatory damages, which are often covered by the agency's insurance.

TRAINING MATERIALS

SOCIAL MEDIA AND COMMUNITY OUTRAGE and growing fears of litigation are just some of the reasons that law enforcement agencies, use-of-force experts, and animal protection organizations are working to find solutions to the officer vs. dog problem. Many think part of the

solution is better officer training.

That's why three years ago DOJ COPS published a training booklet that is available free to law enforcement agencies titled "The Problem of Dog-Related Incidents and Encounters." And last year Safe Humane Chicago and the National Canine Research Council produced four approximately 10-minute-long training videos titled "Police & Dog Encounters" that are now available on YouTube and distributed by DOJ COPS. The four videos cover assessing a dog's body language, tactical options for dealing with dogs, and the potential legal ramifications of shooting dogs.

The dog owners sued. The Ninth U.S. Circuit Court of Appeals let the suit go forward. And then in 2005 after the U.S. Supreme Court declined to hear an appeal of the Ninth Circuit decision, Santa Clara County settled for \$990,000 and the City of San Jose settled for \$800,000. The cities of Santa Clara and Gilroy had already paid total damages of about \$50,000.

Of course not every lawsuit stemming from a dog shooting by officers nets nearly 2 million bucks for the plaintiffs like the Hells Angels settlements. But six-figure damages are not unheard of, and even nominal payoffs to the plaintiff can balloon when the

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at the dog, the worse it gets."

ASPCA dog behavior expert Dr. Randall Lockwood says officers dealing with a dog in a non-exigent circumstance should consider the situation like a hostage negotiation. "What the dog wants is for you to go away. What you want to do is stay, do what you need to do, and then leave. You and the dog need to reach agreement on the terms by which that will take place," he explains.

Canine behavior experts advise officers to avoid eye contact and assume a bladed and relaxed stance when approaching a dog for the first time. "Turn sideways," says Kilcommons, who has trained more than 40,000 dogs. "When you confront a dog head-on and look him in the eye, it's a challenge. You are basically telling that dog that you want to fight. Some dogs will react and bark and go into a state of anxiety when they see that. Others will accept your challenge and think, 'Fighting sounds like a good idea. Here I come.'"

DETERRENCE TOOLS

POLICE TRAINERS AND DOG EXPERTS SAY that only in the most extreme circumstances should drawing your duty pistol be your first reaction to a hostile dog.

Extended Coverage on PoliceMag.com

Use-of-Force Continuum for Dogs
www.policemag.com/doguseofforce

Sued for Shooting a Pet
www.policemag.com/petshootingsuits

SWAT Operations and Pet/Guard Dogs
www.policemag.com/swatanddogs

What Dog Owners Can Do
www.policemag.com/dogowners

What Breeds Get Shot by Police
www.policemag.com/breedshot

"You have to do some critical thinking," says retired officer and use-of-force expert Dr. Ron Martinelli, who has testified in dog shooting lawsuits, both for and against officers. "You have to ask yourself, 'Is there any other way of getting around this? Can I get around this dog or remove this dog from the picture without shooting it?' And if the dog is presenting a clear threat, you have to ask what you can do

rather than shoot it to accomplish your mission. Can you bring in animal control? Can you ask the dog's owner to lock it up? Can you use OC? Can you use a TASER?"

"When you confront a dog head-on and look him in the eye, it's a challenge. You are basically telling that dog that you want to fight." -Brian Kilcommons

Some experts say one of the first things an officer should try with an unfriendly dog is to throw a stick or ball. Pets will often chase it. Another option is dog treats. And Lockwood says officers can at least try saying, "Sit," in a firm, but friendly voice. "Most pet dogs at least know that command, and sometimes when they hear it, they will just stop and kind of look at you," he explains.

Kilcommons recommends that before using weapons, officers

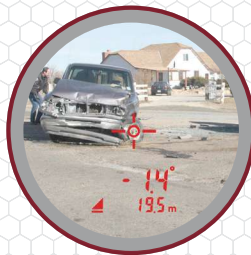
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Kilcommons says that like some humans, "some dogs just are not wired right."

And former officer now attorney O'Linn raises tactical concerns that would prevent an officer from choosing a less-lethal, take-it-slow approach during a hostile dog encounter. She uses a foot pursuit scenario as an example. "Officers have to be concerned about the tactical disadvantage they could be placed at if, as they are dealing with the dog, the bad guy takes advantage and tries to hurt them or someone else," she explains.

Matthews stresses that DOJ COPS is in no way advocating that officers compromise their personal safety to save dogs. "We just want to give officers options so they don't have to resort to the immediate use of deadly force," she says.

Other dog advocates agree that while they don't want officers to shoot dogs without reason, they understand that sometimes it's necessary.

Cynthia Bathurst is the founder of Safe Human Chicago and a noted animal advocate. She was one of the driving forces be-



PHOTO: MARK W. CLARK

Resources

"Police & Dog Encounters" Training Videos

<http://cops.igpa.uillinois.edu/resources/police-dog-encounters>

Canine Encounters Law Enforcement Training

<http://www.canineencounters.com/>

hind the production of the "Police & Dog Encounters" videos.

In 2010 Bathurst helped train more than 6,000 officers of the Chicago Police Department on police vs. dog encounters, participating in roll call briefings for all three shifts. She says one night after the training two tactical officers came back into the station an hour later looking distressed and told her they had to tell her something.

"I feel so guilty," one of them told Bathurst. "We were chasing this guy and somebody told us there were no dogs in the yard that the guy had just run into. So I jumped over the fence, and two big dogs, teeth bared, came running at me. I tried to get back over the fence before they reached me, but I couldn't. I had to shoot and kill one of the dogs and the other ran away."

Bathurst says she looked that officer in the eye and said, "Good for you. You did the right thing. I'm not going to second-guess something like that. You kept your partner and yourself safe, and that's what you are supposed to do." ♦

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