A BILL FOR AN ACT

CONCERNING THE CREATION OF THE "DOG PROTECTION ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

In order to prevent or reduce the number of dogs shot by officers of municipal police departments and sheriffs' offices (collectively, "local law enforcement officers"), the bill requires local law enforcement agencies to:

! Develop training programs to prepare local law enforcement officers for encounters with dogs in the line of duty, which training must emphasize how to recognize
common dog behaviors and how to employ nonlethal methods to control or respond to dogs; and

Adopt policies and procedures setting forth the appropriate ways to handle dog encounters, including policies and procedures that allow dog owners to remove or control their dogs whenever circumstances warrant.

The bill creates a dog protection task force to set minimum standards for qualified animal behavior experts or licensed veterinarians who provide the required training to local law enforcement officers, to develop minimum training curricula to be used by local law enforcement agencies, and to develop web- or video-based training that may be used by local law enforcement agencies.

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Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby declares that:

(a) Dogs are one of the most beloved and popular animals in the United States;

(b) According to its 2011-2012 national survey of pet owners, the American Pet Products Association estimates that there are over seventy-eight million dogs in the United States, with approximately forty-six million American households currently containing at least one dog;

(c) "Dog Fancy" magazine has recognized Colorado as one of the most dog-friendly states, and Colorado often is listed as one of the top states in per capita dog ownership;

(d) Many Coloradans cherish their dogs and consider them to be members of their families.

(2) The general assembly further finds and declares that:

(a) In Colorado alone, there are multiple instances every year of dogs being shot by local law enforcement officers;

(b) Many of those dogs are beloved pet, service and companion,
sporting, and working dogs, most of which were docile and well-trained and had no history of threatening behavior, and in many of these cases, the dogs were shot despite not exhibiting any signs of aggression;

(c) In the last five years alone, there have been more than thirty dog shootings by local law enforcement officers in Colorado;

(d) Some of the more notable recent dog shootings include:

(I) On January 14, 2013, eight-year-old Ziggy, a blue heeler-border collie mixed-breed dog, was shot and killed by a local law enforcement officer who was responding to a call at the wrong address. Ziggy had no history of aggression.

(II) On November 24, 2012, Chloe, a mixed-breed therapy pet who was staying with a relative of her owner, exited an open garage door. When police were notified that an unfamiliar dog was running loose on the street, Chloe was restrained in an animal control snare pole, shocked with a taser, and shot five times by a local law enforcement officer. The shots ricocheted and came close to hitting an animal control officer who was trying to remove Chloe.

(III) Scar, an eight-year-old bulldog mix, was shot in the face on August 26, 2012, by a local law enforcement officer pursuing a person wanted on a misdemeanor drug charge. Witnesses described Scar, who never left his front yard, as not barking, growling, snarling, or otherwise displaying vicious or aggressive behavior. Scar languished in great pain and then died.

(IV) On May 10, 2011, local law enforcement officers received a 9-1-1 call. An officer responded to the call but went to the wrong address. He was walking to the correct address when the owner's two dogs, Ava, a German shepherd, and Ivy, a golden retriever, noticed the
officer. Friendly and curious, Ava and Ivy approached the officer, Ava with a rawhide treat in her mouth. The officer immediately raised his weapon and Ava's owner called to her. As Ava turned to look at her owner, the officer shot Ava and killed her. The rawhide bone that fell from her mouth when she was shot was lying next to her when she died. The dog's family filed civil suit against the local law enforcement agency and the shooting officer, and the case is currently pending in United States District Court for the District of Colorado.

(V) On February 5, 2010, Zoey was fatally shot and killed by a local law enforcement officer responding to an accidental 9-1-1 call. The officer arrived at Zoey's home knowing the call was made in error, but still had her weapon drawn. A witness saw Zoey standing in the driveway as the officer approached. The officer shot Zoey, killing her.

(VI) On September 8, 2008, the owner of Rocky, a yellow labrador, and Angel, a Chihuahua-poodle mix, became aware that a door in the garage had accidentally been left open by a member of the family. The two dogs had slipped out of the open door. When they went to search for the dogs, the family found that Rocky had been shot twice and was deceased. Eyewitnesses at the scene stated that Rocky was fleeing from a local law enforcement officer when the officer discharged his weapon twice, shooting Rocky in the back and in the head. Rocky died of his wounds, which were later determined to be consistent with the dog having been shot from behind while fleeing from the officer.

(VII) On July 2, 2008, Molly and Sage, two friendly dogs who had never attacked any person or exhibited any aggressive behavior, managed to exit their owner's front porch, but never left their yard. Despite the fact that the police officer suffered no sign of attack or injury, Molly was shot
and killed by the officer responding to a call about the dogs running at-large. Molly was left to suffer and die without an attempt to render veterinary care.

(VIII) Jake, an eleven-year-old senior German shepherd dog, was shot by a local law enforcement officer on July 27, 2007, who was responding to a call about a radio being too loud. Jake came to the door by the side of his owner to greet the officer and without warning, was immediately shot in the back of the head. Jake survived the gunshot wound. As a result of the shooting, the city in which the local law enforcement agency is located was sued in federal court. That suit was settled with an agreement that the local law enforcement agency would consider implementing new training for dog encounters.

(IX) On January 18, 2013, local law enforcement officers were called to a residence to assist medical personnel conducting a welfare check. During the welfare check, Kupa, the residence owner's service dog, was shot and killed by officers. Some eyewitnesses reported that Kupa, a service dog specially trained to avoid conflict, displayed no aggression toward the officers. Several days after the shooting, Kupa's owner fell and cut open her head because she did not have Kupa's assistance. The owner's wound was so severe that medical personnel at the hospital had to insert staples into the side of her head to close the wound.

(e) In its 2012 report "The Problem of Dog-Related Incidents and Encounters" (available on-line at http://cops.usdoj.gov/RIC/Resource Detail.aspx?RID=612 when accessed on February 26, 2013), the office of community oriented policing services, a component of the United States department of justice, found that, in most police departments, the
majority of intentional firearm discharges involve animals, and of those shootings, most frequently dogs.

(f) Deadly force, which should be an option of last resort, is rarely necessary to defuse the situations or mitigate any risk presented by dogs. For example, employees of landscaping companies and delivery companies routinely encounter dogs in their lines of work and are able to work successfully with dog owners to handle issues presented by their dogs without resorting to shooting dogs.

(g) These shooting tragedies cause profound grief to the dogs' owners, trauma to families and neighbors witnessing the incidents, great physical suffering to the dogs, and undermine the confidence that communities have in their law enforcement to protect and serve in an appropriate and humane manner.

(3) The general assembly further finds, determines, and declares that:

(a) Colorado's law enforcement officers perform honorably, courageously, and selflessly, and their safety remains of paramount importance;

(b) Given the high incidence of dog ownership in the state, local law enforcement officers routinely encounter dogs while performing their myriad duties;

(c) Some local law enforcement officers may not have much experience dealing with dogs and may thus have a fear of dogs or may be unfamiliar with typical dog behaviors;

(d) In discharging their firearms to shoot dogs, local law enforcement officers may experience regret for causing pain to the dog or the dog's family or for not being aware of other ways the situation
could have been addressed;

(e) Increasing such officers' knowledge of, and comfort with, interactions with dogs will better protect the local law enforcement officers in the course of performing their duties; and

(f) Although some local law enforcement officers do handle dog encounters in an appropriate manner and some local law enforcement agencies already conduct training in canine behavior, there clearly exists a need to provide training to local law enforcement officers so that they are prepared to encounter dogs. There is also a clear need for local law enforcement agencies to establish and follow local policies setting forth the appropriate methods to handle those encounters, which methods take into account a range of nonlethal alternatives and allow dogs to be controlled or removed by their owners.

(4) The general assembly finds and declares that it is a matter of statewide concern to require local law enforcement officers to receive training on differentiating between aggressive and nonthreatening dog behaviors, learn to utilize alternatives to lethal force, learn how to properly utilize animal control officers, and allow dog owners an opportunity to intervene and save their dogs, as the totality of the circumstances warrant. It is the intent of the general assembly, in creating this act, to eliminate or reduce the number of dogs shot in the context of law enforcement encounters. In order to prevent or reduce the shooting of dogs in the state, while maximizing local control by allowing local law enforcement agencies to most effectively and appropriately determine how to comply with the requirements of this act, the general assembly further intends that local law enforcement agencies develop and implement training and written policies and procedures in accordance
with this act.

SECTION 2. In Colorado Revised Statutes, add 29-5-112 as follows:

29-5-112. Dog interactions with local law enforcement officers - training to be provided by local law enforcement agencies - policies and procedures - scope - task force - creation - composition - immunity - definitions - short title - legislative declaration. (1) Short title. This section shall be known and may be cited as the "Dog Protection Act".

(2) Legislative declaration. The general assembly finds, determines, and declares that it is the policy of this state and a matter of statewide concern to prevent, whenever possible, the shooting of dogs by local law enforcement officers in the course of performing their official duties. It is therefore the intent of the general assembly in adopting this section to:

(a) Require training for officers of local law enforcement agencies on differentiating between canine behaviors that indicate imminent danger of attack to persons and benign behaviors commonly exhibited by dogs, such as barking, that do not suggest or pose imminent danger of attack;

(b) Require local law enforcement agencies in the state to adopt policies and procedures for use of lethal and nonlethal force against dogs, which policies and procedures must:

(I) Emphasize alternative methods that may be employed when dogs are encountered; and

(II) Allow a dog owner or animal control officer,
WHENEVER THE OWNER OR AN ANIMAL CONTROL OFFICER IS PRESENT AND IT IS FEASIBLE, THE OPPORTUNITY TO CONTROL OR REMOVE A DOG FROM THE IMMEDIATE AREA IN ORDER TO PERMIT A LOCAL LAW ENFORCEMENT OFFICER TO DISCHARGE HIS OR HER DUTIES.

(3) **Definitions.** As used in this section:

(a) "**Dog**" means any canine animal owned for domestic, companionship, service, therapeutic, assistance, sporting, working, ranching, or shepherding purposes.

(b) "**Dog owner**" means a person owning, possessing, harboring, keeping, having guardianship of, having financial or property interest in, or having control or custody of, a dog.

(c) "**Licensed veterinarian**" means a person who is licensed pursuant to article 64 of title 12, C.R.S., to practice veterinary medicine in this state.

(d) "**Local law enforcement agency**" means a municipal police department or a county sheriff's office.

(e) "**Local law enforcement officer**" means any officer in a local law enforcement agency. The term does not include an animal control officer, code enforcement officer, or a deputy sheriff who is assigned exclusively to work in jails, court security, or administration.

(4) **Training required.** (a) (I) Each local law enforcement agency is required to provide to its officers training pertaining to encounters with dogs in the course of duty. At a minimum, the training must cover the policies and procedures adopted by the agency pursuant to subsection (6) of this section and assist officers in assessing what dog posture, barking and other
VOCALIZATIONS, AND FACIAL EXPRESSIONS TYPICALLY SIGNIFY, THE
OPTIONS FOR DISTRACTING AND ESCAPING FROM A DOG, OPTIONS FOR
SAFELY CAPTURING A DOG, AND DEFENSIVE OPTIONS IN DEALING WITH A
DOG.

(II) EACH LOCAL LAW ENFORCEMENT AGENCY IN THE STATE
SHALL:

(A) DEVELOP, BY SEPTEMBER 1, 2014, A TRAINING PROGRAM
CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION AND THE MINIMUM
TRAINING CURRICULA DEVELOPED BY THE DOG PROTECTION TASK FORCE
PURSUANT TO SUBSECTION (5) OF THIS SECTION;

(B) REQUIRE ITS CURRENT LOCAL LAW ENFORCEMENT OFFICERS TO
COMPLETE THE TRAINING PROGRAM REQUIRED BY THIS SUBSECTION (4) BY
JANUARY 1, 2015; AND

(C) REQUIRE ALL LOCAL LAW ENFORCEMENT OFFICERS HIRED ON
OR AFTER JANUARY 1, 2015, TO COMPLETE THE TRAINING REQUIRED BY
THIS SUBSECTION (4) WITHIN EACH OFFICER'S FIRST YEAR OF EMPLOYMENT.

(b) (I) IN ESTABLISHING THE TRAINING PROGRAM REQUIRED BY
THIS SUBSECTION (4), A LOCAL LAW ENFORCEMENT AGENCY SHALL ADOPT
OR INCORPORATE ANY MINIMUM TRAINING CURRICULA DEVELOPED BY THE
DOG PROTECTION TASK FORCE CREATED IN SUBSECTION (5) OF THIS
SECTION.

(II) THE TRAINING PROGRAM REQUIRED BY THIS SUBSECTION (4)
MUST BE WHOLLY OR PRINCIPALLY PROVIDED OR OVERSEEN BY EITHER A
QUALIFIED ANIMAL BEHAVIOR EXPERT OR LICENSED VETERINARIAN. THE
QUALIFIED ANIMAL BEHAVIOR EXPERT OR LICENSED VETERINARIAN
SELECTED TO PROVIDE THE TRAINING MUST POSSESS THE MINIMUM
QUALIFICATIONS SPECIFIED BY THE DOG PROTECTION TASK FORCE
CREATED IN SUBSECTION (5) OF THIS SECTION.

(III) IN ORDER TO REDUCE THE COSTS OF PROVIDING THE TRAINING PROGRAM REQUIRED BY THIS SUBSECTION (4), A LOCAL LAW ENFORCEMENT AGENCY MAY DEVELOP ITS OWN WEB- OR VIDEO-BASED TRAINING OR UTILIZE SUCH TRAINING DEVELOPED BY THE DOG PROTECTION TASK FORCE UNDER SUBPARAGRAPH (III) OF PARAGRAPH (d) OF SUBSECTION (5) OF THIS SECTION, AND LOCAL LAW ENFORCEMENT AGENCIES ARE ENCOURAGED TO SEEK QUALIFIED ANIMAL BEHAVIOR EXPERTS OR LICENSED VETERINARIANS WHO WILL VOLUNTEER TO PROVIDE OR PARTICIPATE IN THE TRAINING.


(c) (I) THE TRAINING PROGRAM REQUIRED BY THIS SUBSECTION (4) MUST CONSIST OF A MINIMUM OF THREE HOURS OF TRAINING FOR LOCAL LAW ENFORCEMENT OFFICERS.

(II) NOTHING IN THIS SECTION PREVENTS A LOCAL LAW ENFORCEMENT AGENCY FROM IMPLEMENTING A TRAINING PROGRAM OR ADOPTING POLICIES AND PROCEDURES THAT EXCEED THE MINIMUM NUMBER OF HOURS OR OTHER REQUIREMENTS SET FORTH IN THIS SECTION AND BY THE DOG PROTECTION TASK FORCE PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(5) Task force. (a) THERE IS HEREBY CREATED THE DOG PROTECTION TASK FORCE.
(b) (I) The task force consists of the following twenty-three members:

(A) Three licensed veterinarians appointed by the Colorado veterinary medical association or its successor entity;

(B) Two representatives of the Colorado federation of animal welfare agencies or its successor entity;

(C) One representative of the Colorado federation of dog clubs or its successor entity;

(D) Two representatives of the Colorado association of animal control officers or its successor entity;

(E) Three sheriffs or deputy sheriffs representing county sheriffs of Colorado, incorporated, or its successor entity, one of whom must have at least two years of experience working in a K-9 unit and one of whom must work in a county with a population of fewer than one hundred fifty thousand persons;

(F) Three representatives of the Colorado association of chiefs of police or its successor entity, one of whom must have at least two years of experience working in a K-9 unit and one of whom must work in a municipality with a population of fewer than twenty-five thousand persons;

(G) One representative of the Colorado fraternal order of police or its successor entity;

(H) One representative of Colorado counties, incorporated, or its successor entity;

(I) One representative of the Colorado municipal league or its successor entity;
(J) Three persons appointed by the Colorado Bar Association or its successor entity, two of whom must be attorneys with expertise and experience in animal law and dog shooting cases, and one of whom must be a person who owns or owned a dog shot by a local law enforcement officer; and

(K) Three members, appointed by the Colorado Veterinary Medical Association, with expertise in criminal justice, canine behavior, or other animal behavior.

(II) The entities responsible for appointing task force members shall notify the Colorado Veterinary Medical Association in writing of the identity of their appointees prior to the first meeting of the task force and upon any change in their appointees.

(III) Members of the task force shall not be compensated for, or reimbursed for expenses incurred in, attending meetings of the task force.

(IV) The following two members are co-chairs of the task force:

(A) One of the veterinarians appointed pursuant to sub-subparagraph (A) of subparagraph (I) of this paragraph (b), which co-chair shall be named by the Colorado Veterinary Medical Association; and

(B) One of the members appointed pursuant to either sub-subparagraph (E) or (F) of subparagraph (I) of this paragraph (b), as mutually agreed to by the appointing authorities.

(c) (I) The task force shall hold its first meeting no later than September 1, 2013.
(II) (A) The task force shall meet as often as necessary to complete the tasks described under paragraph (d) of this subsection (5) on or before July 1, 2014.

(B) After July 1, 2014, and prior to January 31, 2015, the task force shall meet as often as it deems necessary, but no less frequently than once, to ensure that the curriculum, guidelines, and web- or video-based training are implemented and effective.

(III) The task force shall hold its meetings and staff those meetings in a location offered for those purposes by one of the entities represented with task force membership, with preference accorded for the principal office of the Colorado veterinary medical association.

(d) By July 1, 2014, the task force shall:

(I) Develop minimum training curricula that a local law enforcement agency must use to fulfill the training requirement of subparagraph (I) of paragraph (a) of subsection (4) of this section;

(II) Specify the appropriate minimum qualifications, including education, experience, or skills, that an animal behavior expert or licensed veterinarian providing the training pursuant to subparagraph (I) of paragraph (b) of subsection (4) of this section must possess; and

(III) Develop web- or video-based training that may be utilized by a local law enforcement agency to fulfill the training requirement of subsection (4) of this section.

(e) The curricula, qualifications, and web- or video-based
INSTRUCTION DESCRIBED IN PARAGRAPH (d) OF THIS SUBSECTION (5) MUST
BE READILY ACCESSIBLE BY COLORADO'S LOCAL LAW ENFORCEMENT
AGENCIES ON ONE OR MORE INTERNET WEB SITES DESIGNATED BY THE
TASK FORCE.

(f) THE TASK FORCE CREATED BY PARAGRAPH (a) OF THIS
SUBSECTION (5) IS DISSOLVED, EFFECTIVE JANUARY 31, 2015.

(6) Policies and procedures. (a) (I) IN ADDITION TO THE
TRAINING PROGRAM DEVELOPED UNDER SUBSECTION (4) OF THIS SECTION,
NOT LATER THAN SEPTEMBER 1, 2014, EACH LOCAL LAW ENFORCEMENT
AGENCY IN THE STATE SHALL ADOPT WRITTEN POLICIES AND PROCEDURES
THAT ARE SPECIFICALLY DESIGNED TO ADDRESS ENCOUNTERS WITH DOGS
OCCURRING IN THE COURSE OF DUTY AND THE USE OF FORCE AGAINST
SUCH DOGS.

(II) AT A MINIMUM, THE POLICIES AND PROCEDURES MUST
ADDRESS THE FOLLOWING:

(A) THE IDENTIFICATION AND MEANING OF COMMON CANINE
BEHAVIORS, AND DIFFERENTIATING BETWEEN DOGS THAT ARE EXHIBITING
BEHAVIOR THAT PUTS LOCAL LAW ENFORCEMENT OFFICERS OR OTHER
PERSONS IN IMMINENT DANGER AND DOGS WHO ARE NOT ENGAGING IN
SUCH BEHAVIOR;

(B) THE ALTERNATIVES TO LETHAL USE OF FORCE AGAINST DOGS;

(C) THE REASONABLE OPPORTUNITY FOR A DOG OWNER TO
CONTROL OR REMOVE HIS OR HER DOG FROM THE IMMEDIATE AREA. THE
POLICIES AND PROCEDURES ADOPTED IN ACCORDANCE WITH THIS
SUB-SUBPARAGRAPH (C) MUST ALLOW A LOCAL LAW ENFORCEMENT
OFFICER TO TAKE INTO ACCOUNT THE OFFICER'S OWN SAFETY AND THE
SAFETY OF OTHER PERSONS IN THE AREA, THE AVAILABILITY OF
NONLETHAL EQUIPMENT, THE FEASIBILITY OF SO ALLOWING A DOG OWNER TO ACT CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES, INCLUDING THE PRESENCE OF AN ANIMAL CONTROL OFFICER OR WHETHER THE CALL IS A LOCATION THAT IS LISTED IN THE DANGEROUS DOG REGISTRY CREATED IN SECTION 35-42-115, C.R.S., OR IS A LOCATION AT WHICH ILLEGAL NARCOTICS ARE SUSPECTED TO BE MANUFACTURED OR TRAFFICKED, OR ANY EXIGENCIES THAT MAY BE PRESENT, SUCH AS WHEN THE LOCAL LAW ENFORCEMENT OFFICER IS RESPONDING TO A CALL THAT ASSERTS OR SUGGESTS THAT A PERSON HAS BEEN BITTEN BY A DOG OR IS IN PHYSICAL DANGER.

(b) Each local law enforcement agency shall make the written policies and procedures available to the public for inspection in accordance with the "Colorado Open Records Act", part 2 of article 72 of title 24, C.R.S.

(7) Immunity. (a) All task force members, as volunteers, are immune from civil actions and liabilities pursuant to section 13-21-115.5, C.R.S.

(b) A qualified animal behavior expert or licensed veterinarian providing the training and instruction in accordance with this section is immune from any liability, whether civil or criminal, for the good faith performance of those duties.

(8) Scope and effect. (a) This section applies only to local law enforcement agencies and is not intended to affect, implicate, or abrogate the authority of the peace officers standards and training board created in part 3 of article 31 of title 24, C.R.S.
(b) This section is not intended to apply to situations in which a dog is shot accidentally, including when a local law enforcement officer intends to fire at a person but inadvertently shoots a dog.

(c) Nothing in this section affects or abrogates the ability of any duly authorized person to impound or euthanize a dog in accordance with section 18-9-202.5, C.R.S., or in accordance with any resolution adopted pursuant to section 30-15-101, C.R.S.

SECTION 3. In Colorado Revised Statutes, 13-21-115.5, add (3)

c) (II) (T) as follows:

13-21-115.5. Volunteer service act - immunity - exception for operation of motor vehicles - repeal. (3) As used in this section, unless the context otherwise requires:

(c) (II) "Volunteer" includes:

(T) A member of the dog protection task force created in section 29-5-112 (5), C.R.S. For the purposes of this section, the dog protection task force constitutes a "governmental entity". The members of the task force are exempt from the annual verification requirement set forth in subparagraph (III) of this paragraph (c). This sub-subparagraph (T) is repealed, effective January 31, 2015.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.