

Paul Ziehler

From: David R. Flagler <DFlagler@madacc.org>
Sent: Thursday, April 19, 2012 10:40 AM
To: 'David Banaszynski'; 'Tony Day'; 'Kim Egan'; 'Craig Faucett'; 'Kurt Fredrickson'; 'James Grassman'; 'Ronald Hayward'; 'John Hermes'; 'Dominic Leone'; 'Mark Lubberda'; 'Richard Maslowski'; 'Tami Mayzik'; 'Todd Michaels'; 'Eric Pearson'; 'Andy Pederson'; 'Darren Rausch'; 'Susan Robertson'; 'Steve Scaffidi'; 'Don Schaewe'; Gary Schmid; 'Coryann St. Marie-Carls'; 'Derik Summerfield'; 'Chris Swartz'; 'Thomas Taylor'; 'Jerome Tepper'; 'Tom Tollaksen'; 'Russ Van Gompel'; 'Milt Vandermeuse'; 'Ralph Voltner'; 'Michael Weber'; 'Thomas Zepecki'; Paul Ziehler
Cc: 'Laura Proeber'; 'Kevin Wilken'; 'John McDowell'; 'Libby Gutting, DVM'
Subject: MADACC Dog Bite Policy
Attachments: Dog Bite Policy.docx

Dear Board Members of the Milwaukee Area Domestic Animal Control Commission,

On April 17, 2012, the Operations Committee passed a dog bite policy revision at my request. That policy is attached.

Background:

Prior to last Tuesday's meeting, it was the policy of MADACC to euthanize any animals that engaged in biting someone, if the animal was not reclaimed by its owner. I believed that there are circumstances that justified an incident of a dog biting someone and asked to change our policy to allow for the placement of a biting animal, if the bite incident met certain criteria. In order for the bite incident to exempt an animal from euthanasia, the incident would be investigated by the MADACC supervisory team and a vote would take place as to the dog's fate. Anytime that a decision was made to allow for the placement of the animal, the incident surrounding that decision would be reported to the Operations Committee and their next meeting.

The incident that triggered this policy change was a situation in which an injured animal was removed from an accident scene and in moving the animal, a fireman was bitten. It is my belief that under these circumstances, a person would reasonably expect to be bitten when moving an injured animal that is in pain; additional protective gear should be necessary when making such an attempt.

Opt Out Option:

The purpose of this email is to make you aware of the policy change and to give you an opportunity to opt out of the policy, if you believe that this policy places your jurisdiction under unreasonable liability risk. If you should choose to opt out of this policy, any animal that has bitten, in your jurisdiction, and is being held under quarantine at MADACC would not be allowed to be returned to your jurisdiction, unless reclaimed by the animal's owner, and that animal would not be allowed to be placed in any other jurisdiction. Additionally, this opt out clause would prevent animals having bitten in other jurisdictions from being placed in your jurisdiction. To opt out of this policy, you need only to send me an email advising me of your decision and I will add the name of your jurisdiction to the list of jurisdictions that have opted out. Your jurisdiction will remain on that list until such time as your jurisdiction asks to be removed from the opt out option. If you do not want to opt out of this policy, I would appreciate you simply acknowledging the receipt of this email.

If after reading this email and the policy, that you have any questions concerning this policy, please feel free to contact me at 414-649-8660.

cc: police chief
Attorney
Health Commissioner

Thank you,

Dave Flagler

David R. Flagler
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POLICIES AND PROCEDURES MANUAL

Milwaukee Area Domestic Animal Control Commission 3839 West Burnham Street West Milwaukee, Wisconsin 53215				
Subject	Department		Dept. Identification	
Release of "Bite Case" animals	All			
	Section	Pages	Effective Date	Revision Date
		4		4/17/2012

1.0 PURPOSE:

To define for MADACC purposes the term "Bite Case Animal" and to clarify when a "Bite Case Animal" can be released or must be euthanized in order to protect the public.

2.0 ORGANIZATIONS AFFECTED:

MADACC and the municipalities in Milwaukee County.

3.0 POLICY:

It is the policy of MADACC that no "Bite Case Animal" will be released to anyone except the owner and further that no exceptions will be made to this policy unless approved by a majority of the MADACC supervisory team as outlined in the Exception Section (5.0) of this policy and public safety can be maintained. "Bite Case Animals" not released to their owners will be euthanized unless an exception is agreed upon.

Each municipality has the option to "opt out" of this policy so as to prevent biting animals from being adopted into their jurisdiction or adopted out from their jurisdiction, regardless of the circumstances surrounding the bite; those municipalities are listed in the "Opt Out" Section (6.0) of this policy.

Any time that a "Bite Case Animal" is made available for adoption, the details of the bite incident will be reported to the Operations Committee Board at the upcoming meeting of the Operations Committee.

4.0 REFERENCES:

MADACC DEFINITIONS

"Bite Case Animal" is defined as: 1.) any mammal which is capable of and is known to harbor and transmit the rabies virus and which has caused any type of injury with its teeth which resulted in a break or penetration in the skin of one or more human beings and 2.) is being held in quarantine at MADACC because of the bite.

"Owner" is defined as the person(s), firm, corporation or other legal entity which owns and has lawful custody of the "Bite Case Animal" and/or in which their legal representative, volunteer or employee signs a MADACC record or facsimile as owner. Owner is NOT the person, firm or corporation which is merely harboring the animal. Civil/adoption contracts notwithstanding, businesses including but not limited to humane societies, pet stores, rescue groups and kennels which have sold or "adopted" an animal to a second party are no longer the "owner" for the purposes of this policy. Identification such as "micro chips" may not be considered proof of ownership or lawful custody.

Spouses which are married or "separated" are considered co-owners (either party may reclaim the animal). With the exception of animals described in State Statute 173.23 (4) (a) (b) (c) animals subject to this policy should not be euthanized or released until pending questions regarding ownership between the two spouses or former spouses are answered.

"Supervisory team" is defined as the group of MADACC employees who work in a supervisory capacity. The members of that group consist of the Executive Director, Veterinarian, Field Supervisor, Kennel Supervisor and Office Supervisor.

5.0 PROCEDURES: Acceptance of animals

Unwanted Animals: MADACC personnel will determine ownership of the bite case animal prior to accepting it.

As a general rule unwanted bite case animals WILL NOT be accepted from non governmental agencies, shelters, humane societies, kennels or other private animal related businesses unless they state they are the legal owner and their representative and/or an employee signs a MADACC record as such. Exceptions may be made for some private individuals, veterinary clinics under State Statute 173. (2) or certain other circumstances and also in those instances in which the municipal health department orders MADACC to accept the animal.

Stray Animals: Animals found or observed off the owner's property while not under control of the owner or owner's representative are as a general rule considered strays which can be seized or impounded without an owner signature.

"Safekeeping Animals": Ownership should be determined whenever possible and signature obtained if owner is present and willing to sign the record.

Release of Animals after Quarantine

Disposition will be as follows:

Strays with no known owner	Will be euthanized subject to other holds or legal encumbrances.
Strays with a known owner	Will be released to the owner after payment of all fees or if unclaimed will be euthanized subject to other holds or legal encumbrances.
Unwanted with permission	Will be euthanized.
Unwanted w/o permission	Will be released to the owner after payment of fees or if unclaimed will be euthanized subject to other holds or legal encumbrances.
Safekeeping with permission	Will be euthanized subject to other holds or legal encumbrances.
Safekeeping w/o permission	Will be released to the owner after payment of fees subject to any other holds or legal encumbrances or if unclaimed will be euthanized subject to holds or legal encumbrances.

5.0 Exceptions

The MADACC supervisory team may make an exception to this policy when, following an investigation, the majority of them believes that the circumstances involving the bite was provoked or under unusual circumstances that justified the dog to bite. Those unusual circumstances might include:

- A. Being handled when the animal is in pain.
- B. Biting in an act of being playful.
- C. The animal is protecting its young.
- D. The animal has been forced into a threatening position.
- E. The bite is the result of careless handling by staff or volunteers.
- F. An accidental incident in which an animal tooth compromises a person's skin that results in bleeding.

6.0 Jurisdictions

The following municipalities have instructed MADACC that they do not want bite animals being adopted into their jurisdictions or animals that have bitten in that jurisdiction will not be made available for adoption in another jurisdiction:

City of Milwaukee

This is a MADACC policy and statements and definitions are subject to interpretation only by MADACC.

OPERATIONS COMMITTEE APPROVED
April 17, 2012