



THE CITY OF SAN DIEGO

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: October 3, 2024

IBA Report Number: 24-29

Public Safety Committee Meeting Date: October 16, 2024

Item Number: TBD

Proposed Response to Grand Jury Report “Dog Bites in San Diego County”

On June 10, 2024, the San Diego County Grand Jury filed a report, titled “Dog Bites in San Diego County.” This report focuses on issues concerning dog bite reporting and applicable animal control regulations and codes for the County of San Diego.

The Grand Jury report included four findings and four recommendations, of which two findings and two recommendations are directed to both the Mayor and City Council. The proposed joint Mayoral and Council response – see Attachment 1 – covers the two findings and the two recommendations applicable to the City of San Diego.

Per the Grand Jury report, the Mayor and Council is required to provide comments to the Presiding Judge of the San Diego Superior Court on the applicable findings and recommendations within 90 days. However, the Council President’s office requested and received an extension for the response to December 6, 2024.

In responding to each Grand Jury finding, the City is required to either (1) agree with the finding or (2) disagree wholly or partially with the finding. Responses to Grand Jury recommendations must indicate that the recommendation (1) has been implemented; (2) has not yet been implemented, but will be implemented in the future; (3) requires further analysis; or (4) will not be implemented because it is not warranted or is not reasonable. Explanations for responses are requested when applicable.

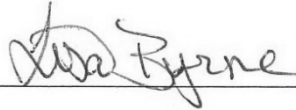
For this Grand Jury report, various departments assisted the IBA in the development of the proposed Council response, including Compliance, Parks and Recreation, City Attorney’s Office,

and the Mayor's Office. We request that the Public Safety Committee provide feedback and forwards its approved proposed response to full City Council.

It should be noted that, while this is a joint Mayoral and Council proposed response, the Council may choose to amend or change this response. If the final response that the Council approves is agreeable to the Mayor, then the joint City response will be sent to the Presiding Judge. Otherwise, the Council and Mayor will send separate responses.



Baku Patel
Senior Fiscal and Policy Analyst



Lisa Byrne
Principal Fiscal and Policy Analyst



Sergio Alcalde
Associate Fiscal and Policy Analyst



APPROVED: Charles Modica
Independent Budget Analyst

Attachments:

1. Proposed City Response to San Diego County Grand Jury Report titled "Dog Bites in San Diego County"
2. San Diego County Grand Jury Report titled "Dog Bites in San Diego County"

**Proposed City of San Diego Response to
San Diego County Grand Jury Report Titled
“Dog Bites in San Diego County”**

Pursuant to California Penal Code Section 933(c), the City of San Diego Mayor and City Council provide the following response to the applicable findings and recommendations included in the above referenced Grand Jury Report.

RESPONSE TO FINDINGS:

Finding 1: *Not all animal control agencies with jurisdiction for animal control in the cities of San Diego County consistently report their dog bite information to San Diego County Animal Control for annual reporting to the California Department of Public Health.*

This finding applies to the cities of Coronado and Chula Vista. Therefore, a response is not provided.

Finding 2: *Public information concerning fines for violations of dog control ordinances is not available for all interviewed jurisdictions.*

Response: The Mayor and City Council disagree with the Grand Jury’s finding. The City of San Diego, through San Diego Municipal Code Chapter 4, section 44.0300, adopts the San Diego County Code of Regulatory Ordinances regarding dog control. Public information regarding fines for violations of these ordinances is available on the Superior Court of California, County of San Diego’s website as a downloadable PDF titled “Bail Schedule,” linked here: <https://www.sdcourt.ca.gov/sdcourt/criminal2/criminalresources>. Consistent with the Superior Court of California Bail Schedule, San Diego Municipal Code section 12.0201 enumerates the maximum fines for convictions of criminal misdemeanors and infractions.

Finding 3: *Providing the authorization to animal control officers to issue citations and fines would provide a method, short of a Dangerous Dog hearing, to incentivize owners to better control their dog’s behavior.*

Response: The Mayor and City Council disagree with the Grand Jury’s finding. Animal control officers already have authority to issue citations under section 62.662 of the San Diego County Code of Regulatory Ordinances and section 44.0300 of the San Diego Municipal Code. Fines can only be assessed by the Superior Court of California, County of San Diego.

Finding 4: *Public information about the presence of Dangerous Dogs in a neighborhood, particularly near public schools, is not readily available in San Diego County.*

This finding applies to the County of San Diego. Therefore, a response is not provided.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1: *Interviewed cities should submit to the County of San Diego reports about all dog bites within their jurisdictions annually.*

This recommendation applies to the cities of Coronado and Chula Vista. Therefore, a response is not provided.

Recommendation 2: *Interviewed cities and the County of San Diego should publicly post the fines associated with violations of ordinances concerning dogs.*

Response: The recommendation has been implemented. As noted in the City's response to Finding 2 above, public information regarding fines for violations of these ordinances is available on the Superior Court of California, County of San Diego's website as a downloadable PDF titled "Bail Schedule," linked here: <https://www.sdcourt.ca.gov/sdcourt/criminal2/criminalresources>. The City of San Diego has also made the same information available to the public through its Parks and Recreation Department website, linked here: <https://www.sandiego.gov/park-and-recreation/parks/dogs>. The Superior Court has the sole discretion as to the actual imposition of fines and the amount.

Recommendation 3: *Interviewed cities and the County of San Diego should develop regulations for a citation and fine process for the violations of animal control ordinances including when a dog bite is reported.*

Response: The recommendation has been implemented. The City of San Diego has a process in place to address violations of animal control ordinances. The San Diego Humane Society, the City's animal services contractor, is authorized to investigate dog bite incidents and issue citations for violations of these ordinances. Violators are subject to fines imposed by the Superior Court of California, County of San Diego.

Recommendation 4: *The San Diego County Board of Supervisors direct the County Animal Control Division to develop a plan for collecting information about the location of a declared Dangerous Dog within the County and posting this information, so it is readily available to the public.*

This recommendation applies to the County of San Diego. Therefore, a response is not provided.

DOG BITES IN SAN DIEGO COUNTY

SUMMARY

Dog bites can cause physical and psychological harm and spread disease. About 2,500 dog bites are reported annually by San Diego County to the California Department of Public Health, although the true number is larger as not all cities make the required report. The Grand Jury decided to investigate how dog bites are handled in the County after receiving a complaint from a person who had suffered a dog bite and felt there was inadequate follow-up of the incident.

The Grand Jury investigation revealed that animal control officers investigate dog bite reports and use their investigation to educate the dog's owner and make recommendations to prevent subsequent incidents. The Grand Jury interviewed the County of San Diego and three cities located in San Diego County. In some interviewed jurisdictions, animal control officers are authorized to issue citations with fines, an effective method to inform owners of the potential seriousness of their animal's behavior. However, few interviewed cities make the fines associated with dog ordinance violations known to the public. Dogs that inflict serious bodily harm or bite twice in four years may be required to submit to a Dangerous Dog hearing. Animal control officers follow up after such a hearing to ensure an owner is adhering to court-mandated requirements. However, the location of Dangerous Dogs in San Diego County is not publicly posted.

The Grand Jury recommends all interviewed jurisdictions annually report dog bite statistics to the County of San Diego and post the fines associated with violations of dog ordinances. Additionally, the Grand Jury recommends that the County and interviewed cities without citations with fines develop regulations authorizing their animal control officers to issue such citations for violations of animal control ordinances including dog bites. Finally, the Grand Jury recommends that all interviewed jurisdictions report the address of any dog designated a Dangerous Dog to the County for public posting. Other cities with animal control services are encouraged to follow a similar practice.

BACKGROUND

San Diego, like the rest of California, has a high rate of dog ownership with an estimated 500,000 dogs residing in the County.¹ Dog ownership includes the responsibility of caring for and controlling the dog's behavior. Dog bites are the 13th leading cause of injuries in the United States.² In 2022, 60,000 people in California went to an emergency room because of an encounter with a dog. Of these encounters, 87% were due to dog bites.³ Every year, San Diego County reports around 2,500 dog bites to the California Department of Public Health. San Diego ranks fifth among cities nationally for dog bites to postal carriers.⁴

In San Diego County, each incorporated city is responsible for animal control. The San Diego Humane Society has contracts for animal services, including animal control, with the following cities: Cardiff, Carlsbad, Del Mar, Encinitas, Oceanside, Solana Beach, Vista, San Marcos, Escondido, Poway, La Mesa, El Cajon, and San Diego. Chula Vista Animal Care performs the same services for the cities of Chula Vista, Imperial Beach, and Lemon Grove. Coronado and

National City police departments are responsible for animal control in their communities. San Diego County Animal Services is responsible for animal control in the unincorporated areas of the county. The San Diego County Department of Public Health is responsible for annually collecting animal statistics from all jurisdictions and sending these to the California Department of Public Health.

San Diego County and the three interviewed cities have varying ordinances governing animal control. Chula Vista and National City can issue citations with fines for a violation. Most cities have citations with fines for dogs being off leash. San Diego County Animal Control Officers issue citations without attached fines for violations.⁵

METHODOLOGY

The Grand Jury interviewed persons involved with animal control from San Diego County, the cities of San Diego, Coronado, and Chula Vista as well as the San Diego Humane Society and Chula Vista Animal Services.

The Grand Jury reviewed state and county documents related to dog bite reporting as well as applicable animal control regulations and codes for the County of San Diego and cities both in the County of San Diego and in the state.

DISCUSSION

Reporting of Dog Bites

A dog bite incident is required to be reported to the animal control agency which has jurisdiction over where the bite occurred. Incident reports come from one of three mandated reporting sources: emergency rooms, the person who has been bitten, or the dog's owner. A witness may also file a report. The Grand Jury's interviewees stated most reports come from emergency rooms. If multiple reports are received about a single incident, these are collated as a single incident. All interviewed agencies maintain a database of dog bites and can link multiple bite incidents to a single dog if the owner of the dog is identified in the incident report.

Once a dog bite report is filed, an animal control officer will follow up to determine the details of the incident. The officer will determine the dog's vaccination and license status and assess its risk for rabies. If the rabies risk is low, typically the dog can be quarantined at the owner's home for the 10-day required observation period for rabies symptoms. If for some reason the owner cannot reasonably assure the dog can be kept securely on the premises, then the officer can elect to require the dog be placed in a shelter for the quarantine period. At this initial assessment, based on the circumstances of the bite incident, officers can provide education about corrective measures they would recommend to prevent a subsequent incident.

Dog bites, as well as bites from other animals, pose a potential threat to public health since all counties in California have been declared rabies areas.⁶ Due to the risk of rabies from a dog bite, California mandates reporting the number of dog bites to the local health authority, which is typically the agency responsible for animal control in the jurisdiction where the dog bite occurred.⁷ The County requires these agencies to send them the total number of dog bites annually. The total number of dog bites reported by San Diego County to the California Department of Public Health between the years 2020-2022 was approximately 2,500 of which

40% were attributed to dogs that were unvaccinated or were of unknown vaccination status. However, the Grand Jury noted that dog bite data for these three years provided from San Diego County did not include information from all cities in the County.

The Grand Jury recommends all cities or the agencies with which they contract for animal control services report their dog bite statistics annually to the County of San Diego. This will ensure there is complete information so that trends in dog bite numbers are reliable.

Dangerous Dog Designation and Control

A Dangerous Dog hearing is held when a dog bite results in substantial harm or death while the person bitten was engaged in a lawful activity, or if there are two bite reports recorded within 48 months where the victim's skin was broken.⁸ Dangerous Dog hearings require those who have been bitten to testify in court. Animal Control Officers state that Dangerous Dog hearings can be difficult to convene. The Grand Jury learned from interviews that quite a few witnesses find the idea of testifying in court, which is a requirement of the process, a daunting experience and it is one of the primary reasons Dangerous Dog hearings seldom occur. Despite the estimated population of half a million dogs in San Diego County, Dangerous Dog hearings are rare. In the San Diego Humane Society reports for the last 3 fiscal years, 9 to 18 Dangerous Dog hearings a year took place, with 78% to 90% of those hearings resulting in the declaration that the dog was dangerous.⁹

Once a dog is declared a Dangerous Dog, certain mandated requirements are placed on the dog and the owner. The dog must wear a dog tag that clearly states it is a Dangerous Dog, it must be muzzled when out in public, and all entrances to the owner's property must have signs announcing the presence of a Dangerous Dog. The owner is required to have liability insurance of at least \$100,000. Additionally, after an assessment of the home setting of the dog, there may be further requirements concerning fencing and gates. As far as the Grand Jury could determine, there is adequate follow-up by animal control officers immediately after the hearing to ensure owners are complying with the conditions mandated at the hearing. It is not known if any subsequent spot checks are done to evaluate if the mandates are being maintained. If the dog has no subsequent incidents or other violations within 36 months of the hearing, such as being found at large, the Dangerous Dog designation is lifted.¹⁰

Some jurisdictions have developed local ordinances permitting animal control officers to issue citations with fines. This process is a method of convincing owners of the seriousness of dog ordinance violations. Typically, these fines are \$100 for an initial violation, \$200 for the second violation in the same year, and \$500 for subsequent violations in the same year. The Grand Jury could not easily find the fines associated with any violations of dog ordinances, including being off-leash, for most cities in San Diego County. National City and Chula Vista both have specific citation policies. Chula Vista imposes a fine of \$175 for the initial dog bite. The city of Del Mar's Animal Services website posts off-leash fines. San Diego County does not have any ordinances related to issuing citations with fines attached for violations of its animal control ordinances, and the City of San Diego follows the County's policies.

The Grand Jury recommends that interviewed cities that do not have such ordinances and the San Diego County Board of Supervisors implement regulations that would permit their animal control agencies to issue citations with fines for violations of animal control ordinances, including when there is a reported dog bite incident.

Locations of Dangerous Dogs

San Diego County does not publish a list of Dangerous Dogs and their locations. For interested members of the public, this information can only be found by searching county court records. The Grand Jury identified several jurisdictions in the United States that publish information about the locations of Dangerous Dogs. The following is a sample of what has been posted in different jurisdictions.

- The State of Virginia has a searchable database by county and town that identifies Dangerous Dogs by owner and address with pictures of the dog and the imposed Dangerous Dog requirements.¹¹
- Volusia County, Florida, maintains a GIS map of Dangerous Dogs within their county.¹²
- Minneapolis, Minnesota, has a map with the location of Dangerous Dogs and their pictures on request.¹³
- Metro Animal Services, serving four cities in Pierce County in Washington, provides only the general location of Dangerous Dogs by the ‘hundreds’ block.¹⁴ This is similar to how the San Diego Police Department produces neighborhood crime statistics.

Knowing the approximate location of Dangerous Dogs in a neighborhood would help San Diego citizens avoid those locations.

The Grand Jury recommends the County Board of Supervisors create and implement a County process in which all jurisdictions may forward the location of a dog that has been designated as a Dangerous Dog to San Diego County Animal Control where it is accessible to the public.

Scope of Findings and Recommendations

Since the Grand Jury interviewed the agencies holding contracts for animal control services in many cities but not all city agencies that are responsible for these contracts, the Grand Jury cannot require a response from all cities. Therefore, the Grand Jury identifies those cities that are required to respond according to the Grand Jury report under California Penal Code §933(c), as well as those that are invited to respond.

FINDINGS

- F1.** Not all animal control agencies with jurisdiction for animal control in the cities of San Diego County consistently report their dog bite information to San Diego County Animal Control for annual reporting to the California Department of Public Health.
- F2.** Public information concerning fines for violations of dog control ordinances is not available for all interviewed jurisdictions.
- F3.** Providing the authorization to animal control officers to issue citations and fines would provide a method, short of a Dangerous Dog hearing, to incentivize owners to better control their dog’s behavior.
- F4.** Public information about the presence of Dangerous Dogs in a neighborhood, particularly near public schools, is not readily available in San Diego County.

RECOMMENDATIONS

- R1.** Interviewed cities should submit to the County of San Diego reports about all dog bites within their jurisdictions annually.
- R2.** Interviewed cities and the County of San Diego should publicly post the fines associated with violations of ordinances concerning dogs.
- R3.** Interviewed cities and the County of San Diego should develop regulations for a citation and fine process for the violations of animal control ordinances including when a dog bite is reported.
- R4.** The San Diego County Board of Supervisors direct the County Animal Control Division to develop a plan for collecting information about the location of a declared Dangerous Dog within the County and posting this information, so it is readily available to the public.

¹ NBC7 San Diego. “Why is San Diego so obsessed with dogs?” (2020)

<https://www.nbcsandiego.com/news/local/why-is-san-diego-county-so-obsessed-with-dogs/2377568/>

² Loder, Randall T. “The demographics of dog bites in the United States.” *Heliyon*, 31. (March 20, 2019)

<https://doi.org/10.1016/j.heliyon.2019.e01360>.

³ California Department of Health Care Access and Information Datasets. *Hospital Emergency Department Diagnostic Procedure & External Cause Codes*. <https://data.chhs.ca.gov/dataset/hospital-emergency-department-diagnosis-procedure-and-external-cause-codes>.

⁴ US Postal Service. “US Postal Service Releases Dog Bite National Rankings.” (June 1, 2023)

<https://about.usps.com/newsroom/national-releases/2023/0601-usps-releases-dog-bite-national-rankings.htm>

⁵ San Diego County Code of Ordinances, Chapter 4, Section 6, 62.661 and 62.662. https://codelibrary.amlegal.com/codes/san_diego/latest/sandiego_regs/0-0-0-102999

⁶ Aragon, Tomas J. *Declaration of Rabies Areas*. California Department of Public Health. (January 1, 2024)

<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/DeclarationofRabiesAreas.pdf>

⁷ California Health and Safety Code, title 17, §2606.

⁸ San Diego County Codes §62.695 and 69.674 https://codelibrary.amlegal.com/codes/san_diego/latest/sandiego_regs/0-0-0-102784

⁹ San Diego Humane Society. “Impact Reports”. https://resources.sdhumane.org/Programs_and_Services/About_San_Diego_Humane_Society/Municipal_Quarterly_Impact_Reports

¹⁰ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FAC&division=14.&title=&part=&chapter=9.&article=3

¹¹ Virginia Department of Agricultural and Consumer Services. “Dangerous Dog Registry Search” <https://dd.vdacs.virginia.gov/Public/Index>

¹² Volusia County, Florida. “Dangerous Dog Registry.” <https://arc-gis-hub-home-arcgishub.hub.arcgis.com/maps/VolusiaCountyFL::dangerous-dog-registry/about>

¹³ Minneapolis Resident Services. “Dangerous Dog Maps”. <https://www.minneapolismn.gov/resident-services/animals-pets/dangerous-animals/dangerous-dogs-map/>

¹⁴ Metro Animal Services. “Dangerous and Potentially Dangerous Dogs.” <https://metroanimalservices.org/about-metro/dangerous-dogs-and-potentially-dangerous-dogs/>

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code 933.05 are required from the:

Required Responding Agency	Findings	Recommendations
City of Coronado	F1, F2	R1, R2
City of Chula Vista	F1, F2	R1, R2
City of San Diego	F2, F3	R2, R3
San Diego County Board of Supervisors	F2, F3, F4	R2, R3, R4

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code 933.05 are invited from the:

Invited Responding Agency	Findings	Recommendations
City of Cardiff	F2, F3	R2, R3
City of Carlsbad	F2, F3	R2, R3
City of Del Mar	F3	R3
City of El Cajon	F2, F3	R2, R3
City of Encinitas	F2, F3	R2, R3
City of Escondido	F2, F3	R2, R3
City of Imperial Beach	F1, F2, F3	R1, R2, R3
City of La Mesa	F2, F3	R2, R3
City of Lemon Grove	F1, F2, F3	R1, R2, R3
National City	F1, F2	R1, R2
City of Oceanside	F2, F3	R2, R3
City of Poway	F2, F3	R2, R3
City of San Marcos	F2, F3	R2, R3
City of Solana Beach	F2, F3	R2, R3
City of Vista	F2, F3	R2, R3