

HONOLULU POLICE DEPARTMENT

POLICY LAW ENFORCEMENT OPERATIONS

March 17, 2015

Policy Number 4.26

ANIMAL NUISANCE AND DANGEROUS DOG COMPLAINTS

POLICY

The Honolulu Police Department (HPD) is committed to handling animal nuisance and dangerous dog complaints quickly and effectively to ensure public and animal safety.

PROCEDURE

I. DEFINITIONS

Animal nuisance: Any animal, farm animal, or poultry that 1) makes noise continuously and/or incessantly for ten minutes or intermittently for one-half hour or more and disturbs anyone at any time of day or night, regardless of whether it is physically situated in or on private property; 2) barks, whines, howls, crows, cries, or makes other unreasonable noise; or 3) bites or stings a person.

Animal nuisance offenses: Violations that usually include, but are not limited to, 1) unreasonable noise, e.g., barking dogs or crowing roosters; 2) dog bites; or 3) exceeding the allowable animal limits per household, e.g., ten dogs or two chickens.

Dangerous dog: Any dog without provocation that attacks a person or domestic animal, causing bodily injury to the person or serious injury or death to a domestic animal or behaves in a manner that a reasonable person would believe poses an imminent threat of such injury or death.

Impoundment: Impoundment includes (but is not limited to) securing the dangerous dog within the dog owner's property, having the owner take the dog to a licensed veterinarian facility or commercial kennel for boarding, or having the Hawaiian Humane Society (HHS) respond to take custody of the animal.

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For impoundment at the owner's property, the following conditions should be met:

- A. When indoors or outdoors on the owner's premises and attended, the dog shall be under the control of a person 18 years of age or older; or
- B. When outdoors on the owner's premises and unattended, the dog shall be kept within a locked, fenced, or walled area from which it cannot escape; or
- C. When outdoors on the owner's premises and unattended, the dog shall be confined to an escape-proof kennel; and
- D. An escape-proof kennel means a structure that allows the dog to stand normally and without restriction, is at least 2 1/2 times the length of the dog, and protects the dog from the elements. Any gates within the kennel shall be lockable to prevent the entry of children or the escape of the dog. When the dog is confined to a kennel or area and unattended, the kennel shall be kept locked.

Unreasonable noise: Noise which interferes with reasonable individual or group activities, such as communication, work, rest, recreation, or sleep, or the failure to heed the admonition of a police officer that the noise is unreasonable and should be stopped or reduced.

II. ENFORCEMENT

- A. The public is entitled to relief from animal nuisance offenses. Enforcement of such offenses is carried out by the HPD.
- B. An animal owner may be cited for any offense in violation of Chapter 12, Revised Ordinances of Honolulu (ROH). However, for situations other than dog bites, warnings are encouraged for first offenses to provide notice to owners that their animal is offending someone and to provide reasonable time to remedy the problem.

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- C. The HPD shall be the lead agency in the investigation and enforcement of dangerous dog and animal nuisance complaints covered under Chapter 12, ROH.
- D. The HHS is authorized to investigate, enforce, and follow up on dangerous dog and animal nuisance complaints. The HHS will also investigate and enforce offenses related to the cruelty of animals.

III. PROCEDURES

A. Communications Division

1. When a call is received regarding an animal nuisance, the call taker will ascertain if the caller would like to meet with the patrol officer(s) to provide further information. If the caller wishes to remain anonymous, an officer(s) will be sent to the scene to assess the complaint.
2. In the case of animal noise complaints (i.e., barking dogs) the call taker should ascertain from the caller if suspicious circumstances exist that may connect the noise with another criminal offense (i.e., trespassing, burglary, or theft) and relay such information to the police radio dispatcher (PRD). The PRD shall relay the information to the officer(s) responding to the complaint.
3. When the case is closed by a field officer, the PRD shall enter the disposition of the case into the Computer Aided Dispatch System and include information as to whether the animal owner was identified, warned, or cited and whether follow-up is required.

B. Beat Officer

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The assigned beat officer shall meet with the complainant and investigate the complaint. The investigation shall include attempting to locate the owner of the offending animal. The officer may recommend that neighbors consider resolving animal nuisances through the Mediation Center of the Pacific (see Attachment 1). Both the complainant and the animal owner should be warned that the center will charge each of them an administrative fee.

1. Unreasonable Noise

a. First Offense

Initiate a miscellaneous crime report for animal nuisance/noise and present the owner with a Notice of Animal Nuisance Complaint, HPD-517 form (see Attachment 2). If the owner is not at home, leave the form with anyone else present or in a conspicuous place on the property.

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If the situation warrants enforcement based on an officer(s)' observation or a written statement from a witness(es), the offender may be cited.

b. Repeat Offense Within Two Years

A citation is recommended. Because the fines escalate with each succeeding violation, the previous offense history must be determined before citing.

c. The courts have held that the offense can be established either by the complainant or by a witnessing officer. Even if an offense cannot be established, the officer should leave the Notice of Animal Nuisance Complaint form with the owner of the presumed offending animal.

- d. Upon completing the investigation, the officer shall apprise the Communications Division of the action taken. If the case is unfounded, it will be closed as a 60 series- type case in the Case Report System (CRS). If the case is confirmed, an animal nuisance report shall be generated, including whether the animal owner was identified, warned, or cited. For cases requiring a follow-up investigation, a copy of the report shall be forwarded to the HHS via the CRS.

2. Dangerous Dog

If the dog fits the definition of a dangerous dog, as defined in Chapter 12, ROH, enforcement is the responsibility of the HPD. Officers responding to dangerous dog complaints shall make every effort to ensure that the dog is no longer a threat to the public. This may include calling HHS personnel to the scene. The HHS telephone line (see Attachment 1) is accessible 24-hours a day, seven days a week.

- a. The officer shall initiate a dangerous dog report and forward a copy to the HHS via the CRS.
- b. For instances in which a felony classification appears appropriate, officers shall handle the scene in accordance with Policy 4.29, CRIME SCENE: INVESTIGATIVE RESPONSIBILITIES AND PROCEDURES.

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c. The officer who initiates the dangerous dog report and who cites the dog owner for violation of Chapter 12, ROH, shall determine if the animal poses an imminent threat to human beings or other animals. If the dog is found to be a threat to human beings or other animals, the officer may order the dog owner to impound the animal until the owner's court appearance date. The officer shall complete and issue the dog owner an Impoundment Notice furnished by the HHS and available on the HPD Forms page of the intranet.

d. Impoundment of the dog may include securing the dog within the dog owner's property, impounding the dog at a licensed veterinarian facility or commercial kennel, or having the HHS respond to impound the dog at the HHS facility. In each case, the dog owner shall bear the costs of housing the animal during the impoundment period.

3. Follow-Up

Any follow-up work required pursuant to animal nuisance or dangerous dog offenses will be handled by the HHS, who will ensure a dog owner's compliance of the Impoundment Notice.

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 ARTHUR J. LOGAN
 Chief of Police

Attachments

Post on bulletin board for one week

Policy first issued August 21, 1997

March 17, 2015
Attachment 1

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CONTACT NUMBERS FOR ANIMAL NUISANCE MEDIATION

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[Hawaiian Humane Society 24-hour Notification	356-2250
Mediation Center of the Pacific	521-6767

NOTICE OF ANIMAL NUISANCE COMPLAINT

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Chapter 12-2 of the Revised Ordinances of the City and County of Honolulu prohibits any animal from making noise, e.g. barking or crowing continuously for ten minutes, or intermittently for a half hour, at any time of the day or night, disturbing any person. The fine for a first-time animal nuisance violation is \$50. Penalties for subsequent offenses increase to a maximum fine of \$1,000 and/or 30 days imprisonment.

The Honolulu Police Department has received a complaint about one or more barking dogs, crowing roosters, or other: _____ in your neighborhood. We believe that the animal(s) may reside with you and request your help in resolving this matter. This is for your information only. No citation is being issued at this time. This notice is intended to inform you about the law and request your compliance before a citation becomes necessary.

In our experience, pet owners are often unaware that their animal may be causing a disturbance, especially if it occurs when no one is at home. For this reason we are including the date _____ and time _____ the disturbance reportedly occurred. Your assistance will help us resolve this matter for the benefit of you and your neighbors. You may contact the Hawaiian Humane Society at 946-2187, ext. 280, for advice about solving animal noise problems.

Additional information: _____

HPD-517 _____
Officer Badge Number Date/Time Contact Phone Number

(8" by 5" card)