

DogsBite.org
P.O. Box 12443
Austin, TX 78711

Councilman Lee Kleinman
1500 Marilla St.
Room 5FN
Dallas, Texas 75201

May 29, 2016

Dear honorable Councilman Lee Kleinman,

My Austin-based nonprofit, DogsBite.org, is a national dog bite victims' advocacy group. Our core mission is to prevent serious attacks. Our website of over 2,200 pages contains hundreds of stories of dog attack victims. The website also tracks dangerous dog laws across the country, as well as all U.S. dog bite fatalities. Though we track many legal issues pertaining to dog attack victims, we are not attorneys. We intervene as advocates, as we are in the case of Nancy Lewis, when we feel that serious injustices or protocol failures have adversely affected dog bite victims.

There were -- and continue to be -- glaring failures in the Dallas Animal Services (DAS) dog bite victim protocol pertaining to Nancy's case. We fear that many other Dallas dog attack victims may have been treated similarly. Some may have even foregone pursuing a civil claim because of inaccurate information supplied by DAS.

Given the "crisis state" of Dallas after the fatal dog mauling of Antoinette Brown, and the recent news of undergoing an 11-week study to review the DAS processes, we strongly advise that you closely consider Nancy's case, how this could be affecting other dog attack victims and how Nancy's case shows that poor training and protocol breakdowns within DAS that are not limited to the "loose dog" problem.

Our Remedies and Recommendations are modest, but critically important. Nancy and my nonprofit want to ensure that what happened to her does not happen to another Dallas dog attack victim. **All of us want to see Dallas succeed.**

Colleen Lynn
Founder & President
DogsBite.org

SUMMARY

Attack Date: 09/12/14
Attack Location: 7108 Winterwood Lane, Dallas, TX 75248
Animal Control #: 373858

On September 12, 2014, Nancy Lewis was attacked by two dogs after she dropped off an elderly client. Nancy got out of the car and assisted her client to the front door. As soon as her client put the keys into her front door, the two dogs rushed out and attacked Nancy. At no point since, despite multiple requests from Nancy and her attorney, has she received a bite report from DAS. About 19-months after the attack, a DAS investigator contacted Nancy about a new incident involving the same dogs. This is when she learned for the first time that the dog that inflicted her most serious injury had also bitten off a woman's finger in 2012. She also learned for the first time that she had the option to initiate a dangerous dog hearing by filing a sworn affidavit. Now 20-months later, Nancy knows that the same dog has been involved in 4 biting incidents.

REMEDIES

- Nancy Lewis must receive a full bite report from Dallas Animal Services.
- We request an investigation by Code Enforcement Services into why her bite report, now 20-months after her serious attack, has been unobtainable by Nancy and her attorney from Dallas Animal Services (DAS).
- We request the results/outcomes of this investigation.
- We request that Code Enforcement Services review the four areas in this document. There are multiple actions (or lack thereof) by DAS animal control officers, likely due to poor training, that may be significantly impeding a dog bite victim's pursuit of a civil injury claim or the decision to pursue one at all.
- We request an explanation *and* a solution from Code Enforcement Services or DAS on each of the four areas of this document.

RECOMMENDATIONS

- Review and revise the existing dog bite victim protocol.
- We recommend adding the clause of Who Can and How To initiate a dangerous dog investigation to the DAS "dog bite report" form.
- Review and revise the existing DAS "dog bite report" in order to ensure that the "basic" dog bite report information -- as described in this document -- is captured after an attack.
- When dog bites and attacks involve multiple victims and serious injuries, we strongly recommend mandatory notification to each of the involved victims if the dog is adjudicated dangerous or vicious.

I. Victim is again requesting bite report from DAS

There have been repeated attempts by Nancy and her attorney to receive her bite report from DAS with no results. This bite report is critical for victims, and absolutely necessary if a victim is pursuing a civil claim. As yet another third party, we are asking that DAS supply Nancy her full bite report that *should* include the following:

Information included on a “basic” dog bite report

- Circumstances
- Animal(s) ID & description
- Case number(s)
- Rabies and vaccination information
- All quarantine dates
- Victim, owner(s), witness(es) contact information
- Severity of injury
- Statements by victim, owner(s) and witness(es)
- Investigative notes, including all dates
- Date the case opened and closed
- Identification of the investigator(s)
- Photograph of the involved dog(s)
- All PREVIOUS bite investigations pertaining to the involved dog(s)

Nancy also seeks the additional information

- Complaints from the public about OTHER INCIDENTS involving the dog(s) that bit Nancy
- Records of any dangerous dog hearing that grew out of OTHER INCIDENTS involving the dog(s) that bit Nancy
- Citations, warnings, and actions taken against the owner(s) of the dog(s) that bit Nancy after her biting incident
- Citations, warnings, and actions taken against the owner(s) in connection with OTHER INCIDENTS involving the dog(s) that bit Nancy

II. Victim told false information: “Well, every dog is allowed one bite.”

Poor officer training and/or lack of a clear dog bite victim protocol

While Nancy was being treated at the hospital it was communicated to her husband by DAS, when asked what could be done about the dogs, that “Well, every dog is allowed one bite.” We don’t know how many Dallas dog bite victims have been told this false statement and then decided not to pursue a civil claim. Animal control officers are NOT attorneys and this DAS officer did not even understand state law.

That a DAS officer would ever say this to a victim indicates poor training and the lack of a clear dog bite victim protocol. Further, when DAS communicated this inaccurate information to Nancy, the dog(s) in FACT did have a previous biting history.

III. Victim not told she could initiate a dangerous dog investigation

Poor officer training and/or lack of a clear dog bite victim protocol

Nancy first learned of the previous 2012 biting incident and the option of filing a sworn affidavit about 19-months after she was attacked. Clearly, this is the result of poor officer training and/or the lack of a clear dog bite victim protocol. *Who Can* and *How To* initiate a dangerous dog investigation is a “basic” component of a proper dog bite victim protocol and a basic dog bite victims’ right. In fact, it is such a basic part of Texas state law this should be included on a revised DAS “bite report form.”

IV. Victim does not know if adjudicated dangerous or vicious

Lack of a clear dog bite victim protocol

Now 20-months after the attack, Nancy does not know if the dog(s) was ever adjudicated dangerous or vicious or of any outcome at all. This case involves at least 4 victims. Each victim should be notified upon the outcome of any dangerous dog hearing or administrative procedure about a dog that attacked him or her. One of the first things Nancy wanted to know after being contacted 19-months after her attack was, “**What happened to the dogs?**” For cases involving multiple victims, a proper dog bite victim protocol would provide this notification to them. At the very least, upon written request by a victim, this information should be obtainable.

CC: Deputy Police Chief Rob Sherwin