



# Philadelphia Police Department Canine Encounters

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## Introduction:

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Officer-involved shooting data shows that between 2013 and 2018, the Philadelphia Police Department (PPD), commendably, cut the total number of firearm discharge incidents involving humans by more than half, from 41 to 12.<sup>1</sup> The number of discharge incidents involving dogs also decreased, but not in proportion with the decrease in discharge incidents involving humans. The data shows that the Department prioritized decreasing the number of firearm discharge incidents that involved humans and found effective strategies to accomplish this goal. However, the number of intentional firearm discharges at dogs increased slightly in recent years and accounted for more than 50% of the intentional shooting incidents in 2017 and 2018. This warranted further review to understand the factors that lead PPD officers to shoot at dogs and identify how the Department can build on prior successes to continue to decrease the number of firearm discharge incidents in the future.

Year	Total intentional discharge incidents <sup>2</sup>	Discharge incidents involving dogs	Discharge incidents involving humans
2013	63	22	41
2014	37	8	29
2015	40	17	23
2016	37	13	24
2017	28	15	13
2018	27	15	12
<b>Totals:</b>	<b>232</b>	<b>90</b>	<b>142</b>

According to additional data provided to the PAC by the PPD, officers respond to approximately 400 calls each year that involve dangerous dogs and dog bites, and this may be a low estimate. Clearly, the vast majority of PPD encounters with dogs do not end violently, and the Police Advisory Commission (PAC) recognizes that officers do not want to shoot dogs. While the data indicates that PPD officers may use sound tactics most of the time, a review of the circumstances surrounding PPD intentional discharges at dogs in the last five years showed several premature decisions to move to lethal force. It must be noted that there are, unquestionably, scenarios such as vicious dog attacks when an officer must use their firearm against a dog to protect themselves or another person from physical injury or death. The analysis in this report does not pertain to those shooting incidents. Instead, this report speaks to incidents in which better training and tactics could have prevented the need for lethal force in the first place.

When compared to the many challenges that the PPD and residents of Philadelphia face each day, how officers interact with dogs may seem like an inconsequential topic. However, encounters that can result in the discharge of a firearm in a public space are a public safety concern for everyone. Further, at the root of all officer encounters with canines are key issues of fear management, threat assessment, and use of force decision-making. Therefore, lessons regarding use of force can be learned from a thorough assessment of canine encounters. As stewards of public safety entrusted to serve and protect residents, how officers react when they experience a threat is arguably one of the most important facets of police work. Ultimately, the training and skills officers need in order to differentiate between their own fearful

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<sup>1</sup>The PPD website (<https://www.phillypolice.com/ois/>) lists discharge incidents involving humans for each year dating back to 2007. The data from the PPD website does not include accidental discharges or instances when an officer shot a dog or other animal. The PPD provided the PAC with the total number of intentional dog shootings from 2013-2018. The PAC combined the data from the PPD website and the data provided to the PAC to determine the total number of intentional PPD firearm discharges and the rate of intentional discharge incidents that involved dogs.

<sup>2</sup> This figure does not include accidental discharges or discharges at wildlife such as deer.

reactions and the objective threat posed by a situation is the same whether the threat comes from a canine, human, or anything else.

Police encounters with dogs and police encounters with humans are different in many ways, especially because a human life is inherently more valuable than a dog's life. However, a key point to consider is if an officer is willing to take the extreme action of firing their weapon during a stressful encounter with a dog when their risk of fatal injury from a dog bite is very low, what might this suggest about their decision making when they fear a human? The PAC does not claim to have an answer to this question, but this report attempts to highlight the role that fear can play in an officer's decision to use force and offers solutions for how the PPD can work to prevent disproportionate fear reactions in officers.

PAC staff met with various employees of local animal agencies, and reviewed PPD directives, officer-involved shooting data, PPD training materials, and canine encounters training materials utilized by law enforcement and other industries across the country. Based on the information collected, the PAC found action steps the PPD can take to increase officer safety during canine encounters. These specific findings and the training that PPD officers receive for canine encounters are discussed in Section II, along with Department procedures after an intentional dog shooting occurs. While this project began as an assessment of canine encounters that ended with a firearm discharge, it expanded to include additional aspects of animal control in Philadelphia that concern the PPD. Sections III and IV pertain to community relations, the PPD directive regarding animal control, and the importance of proper enforcement of local and state laws that pertain to dogs, and Section V concludes the report.

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## *II. Training, Fear, and the Reasonable Use of Force*

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### **a. PPD Training and the “Reasonable” Use of Force**

According to PPD personnel at the PPD Training and Education Services Bureau, Police Academy cadets attend a one-hour course regarding animal encounters, which covers tips to avoid a dog bite, basic information about dogs shot by officers, animal cruelty, and dog fighting. The Training and Education Services Bureau provided the PAC with a copy of the Power Point presentation used in this course, along with the course overview document and a copy of the United States Department of Justice Office of Community Oriented Police Service (COPS) report titled “The Problem of Dog Related Incidents and Encounters.” The COPS report is not distributed to cadets but can be used as a reference by the course instructor. The course is not taught by a subject-matter expert but taught by the rotating staff of Academy instructors. Notably, the PPD Academy course materials highlight that police officers often shoot at dogs because they lack training in dog handling. Ironically, the course does not offer this training.

In addition to Academy training, there is a canine encounters component to yearly in-service training at the PPD gun range that every PPD officer attends. At this yearly training, PPD officers view some or all of a series of five ten-minute videos collectively titled “Police and Dog Encounters.” This video series was created for law enforcement by a non-profit canine behavior science and policy think tank called The National Canine Research Council (NCRC), in partnership with the COPS office and a Chicago-based animal advocacy group. The videos are titled, “Assessing the Situation,” “Communicating with Dogs: Police and Dog Body Language,” “Tactical Considerations,” “Use of Force Considerations,” and “Legal Considerations: Liability, Reporting and Documentation.” According to the PPD Training and Education Services Bureau, this is the extent of training officers receive about interacting with dogs.

PPD Directive 10.01 - *Use of Force Involving the Discharge of Firearms* states that “police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from

physical injury and there is no other reasonable means to eliminate the threat.<sup>3</sup> While this is standard language in use of force policies in many police departments, the current amount of training that PPD officers receive does not provide a good framework for officers to understand what “reasonable” means as it applies to the use of force during a canine encounter. For example, defensive dog handling training can teach officers simple techniques for how to react if a loose dog threatens them. An online ASPCA training<sup>4</sup> instructs that a person should stop all movement, avert eye contact, turn sideways to the dog, and cross or lower arms. An officer who has received defensive dog handling training will understand that changes to their own body language are reasonable first steps for managing an encounter with a dog that shows signs of aggression. Other trainings note that it is always best to approach a dog calmly, by using calm but firm commands while maintaining strong posture. Dog repellent, physical force with a baton or flashlight, and oleoresin capsicum spray (commonly referred to as pepper spray) are listed as options for less lethal force, as well as a taser or ECW. A gun is also a force option but should not be the first choice.<sup>5</sup> If the PPD does not train officers to utilize less lethal force against dogs consistent with recommendations from other law enforcement training documents, PPD officers will likely continue to shoot at dogs at the rate they do now.

The lack of tactical training and preparation for canine encounters was highlighted in the first PPD Use of Force Review Board (UFRB) session of 2019. Of the six officer-involved shootings reviewed in this session, five involved dogs. Two of the shootings involved civilian dog bite victims who needed immediate medical assistance. The exigent circumstances in these two incidents meant that officers were justified in their decisions to shoot to protect human life. Three of the shootings, however, revealed officers who appeared to use their firearms as a first line of defense against a dog, although PPD directives instruct officers to use their guns as a last resort when all other lesser means have failed or cannot be reasonably employed. The PAC recognizes that although one officer’s decision to use their firearm in one particular situation is not representative of all PPD canine encounters, case 18-21 highlights how a lack of training created the chance for an officer to feel disproportionately fearful and, as a result, discharged his weapon when there were other resolutions available.

In case 18-21, two officers responded in a marked patrol wagon to a call at a park in the early evening for a person screaming and being chased by three dogs. When they arrived, they did not find a screaming person but spoke briefly with a young woman who had a leashed dog with her. During their interaction, two unleashed dogs approached with no owner nearby. One of the loose dogs began to bother the civilian and her leashed dog by following them and attempting to mount the civilian’s dog. Officer 1 retrieved a catch pole from the PPD patrol wagon. A catch pole, also referred to as a noose or a control stick, is an animal control tool that allows someone to gain control of a loose dog from a distance by lopping a cord or collar around a dog’s neck. There was a second catch pole in the wagon, but it was broken.

The officers were able to coax one of the loose dogs into their wagon, but it quickly jumped out. Officer 1 got the end of the catch pole around one of the dog’s necks, but it slipped out and growled and barked. Officer 2 then attempted to use the catch pole on the same dog, but the dog growled at him as well. After Officer 2 attempted to use the catch pole, the dog charged at the officers while barking and growling. Officer 2, with the catch pole still in his left hand, drew his firearm with his right hand and shot the dog because he had no doubt the dog was going to attack him and his partner, and he believed they would have been seriously injured if he did not shoot.

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<sup>3</sup> PPD Directive 10.01 – Use of Force Involving the Discharge of Firearms, updated January 30, 2017.

<sup>4</sup> “Defensive Dog Handling: Body Language and Leash Skills,” ASPCA  
[https://www.aspcapro.org/sites/default/files/defensive\\_handling\\_slides\\_0.pdf](https://www.aspcapro.org/sites/default/files/defensive_handling_slides_0.pdf)

<sup>5</sup> Online training resources for law enforcement: State of Colorado Dog Protection Act Training Modules includes a series of free interactive videos designed for law enforcement about animal behavior, tips for officer safety, and other related topics. They can be accessed with free registration at <http://dogprotection.caaco.org>. The ASPCA also has an in-depth webinar series titled Canine Body Language, Human Body Language and Dog Behavior, Defensive Dog Handling, and Canine Communications. These webinars can be accessed at <https://www.aspcapro.org/canine-communication-webinar-series>.

The Internal Affairs Department (IAD) interviews of Officer 1 and Officer 2 did not indicate what training, if any, they received regarding proper use of a catch pole, or how exactly they used it during their attempts to capture the dog. A catch pole is a valuable piece of equipment but can often agitate dogs if it is not used thoughtfully and carefully. For example, experts recommend a catch pole be slowly slid on the ground toward the dog and then used to stroke the dog so that the tool is less threatening.<sup>6</sup> If an officer approaches a dog with a raised catch pole, it can be much more threatening and provoke a more agitated response from the dog. In case 18-21 the officers' tactics with the catch pole are unknown, but the descriptions of the incident provided by the officers suggest their actions may have contributed to how the dog's behavior shifted to being aggressive as the incident progressed. Due to the fact that patrol wagons have catch poles, they are often specifically requested to respond to calls about loose dogs. To prevent officers from making canine encounters more volatile, officers assigned to patrol wagons that contain catch poles should be fully trained on their proper use. At least some marked police vans, also referred to as patrol wagons, are equipped with a catch pole, but the PAC has not been able to obtain any information about how officers are trained to use them. Additionally, as patrol wagons are routinely used for dog-related calls, they could also be equipped with items like dog repellant, slip leads or regular leashes and collars, and dog treats.

Officer 2 told IAD investigators that he had an Electronic Control Weapon (ECW) with him but did not use or it or consider using it before he escalated to the use of deadly force. Officer 2 fired his weapon in the evening, on a residential street outside of a public park at a dog that reacted as expected to inefficient attempts to capture it. Although some may question whether another force option such as a baton or ECW would be realistic or successful against dog in a situation like this, opting to use a firearm creates a real possibility that the original complainant, an officer, or another nearby person could receive an inadvertent ricochet injury from a bullet. While a firearm is sometimes the best force option in a canine encounter, the PAC recommends that the PPD consider how better training may be able to prevent an officer from having to use their firearm against a dog as an encounter unfolds.

An important point to note in this discussion of canine encounters is that unarmed professionals such as delivery workers, parking enforcement officers, and utility workers encounter dogs every day. These professionals do not have access to lethal force options and must use limited tools such as dog repellant to protect themselves or else sustain a bite wound. Granted, police officers sometimes respond to calls for dog attacks, but they also respond to calls for loose dogs and encounter dogs at private residences. While bite wounds can be serious, other industries view them as an occupational hazard and train employees accordingly. The PAC appreciates that public safety officers are expected to capture a loose dog whereas a delivery driver is not, and this means a police officer will sometimes interact with a loose dog differently than a delivery professional. Regardless, how other industries approach canine encounters suggests there is room to reframe how police officers are trained and how the Department expects them to react to dogs when human life is not in imminent danger.

The minimal training provided by the PPD regarding canine encounters increases the likelihood that some officers will be ill-prepared to interact with dogs in the course of duty. While a dog bite can cause serious injury, a dog will almost always give warning signs regarding their state of mind and will bite only if those warning signs are not heeded.<sup>7</sup> An officer who has had no real-world training on how to safely interact with dogs may also misinterpret a normal canine reaction as aggressive or provoke aggression with their own actions. It is understandable that an officer, especially one who has received only minimal training may feel afraid when they encounter a dog. The PAC believes that in order to manage their fear and make the most reasoned force decision possible, the PPD must reimagine how officers are trained for canine encounters.

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<sup>6</sup> Humane Society International, Animal Sheltering "How To" Series How to Use A Control Pole [http://www.hsi.org/assets/pdfs/eng\\_ht\\_control\\_pole.pdf](http://www.hsi.org/assets/pdfs/eng_ht_control_pole.pdf); Kentucky Animal Control Advisory Board Animal Control Officer Training Manual <http://www.kyspayneuter.com/documents/KACCA-Training-Manual.pdf>

<sup>7</sup> Bathurst, C. et al "The Problem of Dog-Related Incidents and Encounters", United States Department of Justice Office of Community Policing Strategies, 2011. <https://www.nationalcanineresearchcouncil.com/sites/default/files/The-Problem-of-Dog-Related-Incidents-and-Encounters-2011.pdf>



## **b. Fight or Flight Reactions in Policing**

In order to understand how the training an officer receives informs fear management and force decisions, it is important to understand the human response to stressful or frightening situations. Parts of the human nervous system are always operating unconsciously to regulate bodily functions such as heart rate, digestion, and respiratory rate. When someone sees or otherwise notices something threatening, a series of physiological and psychological reactions occur that add up to an assessment, both conscious and unconscious, of the present danger. When this threat assessment indicates the presence of immediate danger, biological responses kick into overdrive. The sympathetic nervous system (SNS), which is a specific part of our nervous system then activates and provides a burst of energy so the body can respond to perceived danger.<sup>8</sup>

This is commonly referred to as the “fight or flight” response, and it enables people to react quickly to life-threatening situations. The process is so subconscious and efficient that it can start before the brain’s visual centers have actually processed the situation.<sup>9</sup> For police officers, this moment of threat assessment becomes part of a decision about whether to use physical force to ensure the safety of themselves and anyone else around. Officers must be able to draw upon their experience, training, and tactical knowledge to make a choice regarding the appropriate and reasonable use of force needed to eliminate the threat – ranging from no force at all to deadly force.

While no one can control how their involuntary body responses operate, research shows that a person’s sense of how dangerous something is affects whether they experience the extreme fight or flight SNS response.<sup>10</sup> Further, the degree of the SNS response “can be enhanced or diminished by psychological factors, such as perceived control over the situation,”<sup>11</sup> which is an intuitive concept. A person who has experience with dogs is more likely to remain calm if they come upon a loose dog on the street because they will not consider the dog to be immediately dangerous, even if it is growling and barking. Their experience gives them a sense of control over the situation, because they have at least some understanding of their options to interact safely with the dog.

Research also shows that the amount of fear a police officer feels can diminish their ability to remember their training. “The ramifications of experiencing a severe fight or flight response include difficulty remembering stored information and implementing learned behaviors, all of which may translate into an officer making less than ideal tactical maneuvers and use of force decisions during critical incidents.”<sup>12</sup> In other words, increasing an officer’s perceived control during a stressful encounter allows them to better recall their training and tactical knowledge, which allows them to make smarter force decisions. Of course, with a cursory training on canine encounters, officers have fewer resources to draw upon during an encounter with a dog. This puts them at an even greater deficit and does not allow them the opportunity to stay calm or think through other force options that are available.

The PPD will never be able to train fear out of every police officer. Even with the most comprehensive training program imaginable, an officer can still encounter a dog, feel fear, and use excessive force because their extreme fear hindered their ability to think clearly through their force options. However, a well-trained officer will always be more prepared to respond safely and appropriately to a threat than an untrained officer. Not only is police legitimacy damaged by excessive force incidents, officer and civilian safety is compromised when an officer unnecessarily discharges his or her firearm. The PPD is clearly aware of the how fear impacts officers during

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<sup>8</sup> Understanding the Stress Response, retrieved from Harvard Health Publishing, Harvard Medical School, <https://www.health.harvard.edu/staying-healthy/understanding-the-stress-response>.

<sup>9</sup> Ibid.

<sup>10</sup> Kalisch, R., Müller, M., Tüscher, O. “A Conceptual Framework for the Neurobiological Study of Resilience.” *Behavioral and Brain Sciences*, 27, (2014) DOI: 10.1017/S0140525X1400082X, as cited in Andersen, J. and Gustafsberg, H. “A Training Method to Improve Police Use of Force Decision Making: A Randomized Controlled Trial.” *Sage Open*. 6.2 (2016) DOI: 10.1177/2158244016638708.

<sup>11</sup> Andersen, J. and Gustafsberg, H. “A Training Method to Improve Police Use of Force Decision Making: A Randomized Controlled Trial.” *Sage Open*. 6.2 (2016) DOI: 10.1177/2158244016638708.

<sup>12</sup> Ibid.

stressful encounters with humans and has already gone to great lengths to educate officers around this important topic. The PPD should continue in this direction and extend this type of training to include canine encounters.

### **c. Community and Internal Partnerships**

The PAC found many avenues for the PPD to explore to better prepare officers for canine encounters. First, the PPD Canine Unit is an internal wealth of knowledge with three dog trainers on staff who are qualified with the United States Police Canine Association, which is a nationally recognized police dog training organization. While the Canine Unit trainers work with PPD dogs to train them for police work, they are experts in general dog behavior and understand from their own patrol work how important it is for officers to be comfortable around dogs. Canine Unit personnel noted that in the past, PPD recruits visited the Canine Unit to interact with the dogs and gain experience in an environment with barking dogs, but they did not believe this was still a part of recruit training for PPD. Canine Unit personnel expressed willingness to assist with training officers in the areas of dog behavior, dog handling, and signs of aggression.

The Philadelphia Animal Care and Control Team (ACCT) and the Philadelphia Society for the Prevention of Cruelty to Animals (PSPCA) are two local agencies that are eager to partner with the PPD on training opportunities and information-sharing. Personnel from both agencies reported to PAC representatives that they have ready-made training presentations they give to other local law enforcement groups that they could also share with the PPD. They also offered their own expertise in the areas of dog handling and animal behavior as a resource for future PPD trainings. ACCT and PSPCA leadership reported feeling as though their relationships with PPD needs to be strengthened. Improving communication and collaboration between these agencies and PPD will ensure that recurring problems are properly addressed on a larger scale, instead of through conversations with individual officers that ACCT and PSPCA personnel encounter.

For example, PPD officers sometimes confiscate pets and bring them to ACCT or PSPCA, but when staff question the officer they determine that although the officer had good intentions, the pet was illegally confiscated. As issues like this arise in the future, leadership from involved agencies can share information and find equitable solutions such as refresher trainings on legal issues surrounding pets. While there have been meetings between ACCT, PSPCA, and PPD Community Resource Officers (CROs) in the past, officers cycle in and out of CRO positions over time. The PAC acknowledges that some CROs have maintained communication with ACCT and PSPCA and often reach out for advice or assistance as needed, but animal control issues concern the entire City and a more formal relationship could be beneficial to all involved agencies. Further, if officers are aware of resources such as the ACCT pet food pantry which provides free pet food to low-income Philadelphia residents and low-cost veterinary clinics, they can provide information to residents in need and take a small but meaningful step toward building community relationships. While the PAC recognizes that the PPD has made attempts to strengthen these relationships in recent years, the PAC believes that the PPD should continue to make efforts to improve communication.

In summary, current PPD training for canine encounters consists of one hour at the Academy that covers dog behavior, tactics on approaching animals, use of force options, dog fighting, and how to recognize animal abuse. This is too much information to distill into a one-hour course in an impactful way. The current course could be separated into specialized courses to provide a greater depth of knowledge to better prepare officers for canine encounters. Yearly in-service training currently includes a series of five ten-minute videos shown during range training. While this is better than no refresher on canine encounters, hands-on training is more effective, especially for officers who are not accustomed to being around dogs or those who are afraid of dogs. There are many resources available to the PPD to enhance training as it pertains to canine encounters at little or no cost, including ACCT and PSPCA personnel and PPD Canine Unit trainers, and free online training portals designed for law enforcement.

**Recommendation 1:** The PAC recommends that the PPD partner with ACCT, PSPCA, and the PPD Canine Unit to redevelop the Animal Incidents and Encounters training module utilized in the Police Academy. The new module should be adapted to include more extensive training on dog behavior, recognizing signs of aggression, and defensive dog handling.

**Recommendation 1.1:** Training should include hands-on experience with a live dog whenever possible, and officers who are afraid of dogs should be accommodated for extra hands-on experience if possible.

**Recommendation 1.2:** Yearly in-service training should include a refresher on available equipment to use during canine encounters, how to use other standard-issue equipment creatively to control or redirect dogs, and instructions for how to obtain specialized equipment such as a catch pole when needed.

**Recommendation 1.3:** Officers who are assigned to patrol wagons that have catch poles in them should be fully trained on how to properly use them and how to inspect them to ensure they are not broken before a patrol assignment.

**Recommendation 1.4:** Yearly in-service training should include a refresher on property law and other legal issues regarding pets. Information about how and when pets can be legally confiscated should be circulated through the Department.

As mentioned previously, the total number of intentional PPD firearm discharges has gone down in recent years. According to a national consultant familiar with police shootings rates in Philadelphia, one of the strategies employed by the Department to bring the number of shootings down was to use a “quip,” or a short message that was read over police radio multiple times a day by radio dispatchers. The quip about the use of force was read so many times that officers could recite it from memory. The national consultant considered the use of quips to be highly effective and attributed the decrease in PPD shootings at least in part to the Department’s use of them. The consultant also reported that officers feel pressure to resolve incidents quickly, and this pressure may lead them to take action prematurely during canine encounters. The PPD should use a quip over police radio to tell officers to slow down the procedural momentum during canine encounters, highlight when they should contact ACCT or PSPCA, and remind them of other force options to use against an aggressive dog before resorting to the use of deadly force.

**Recommendation 2:** The PPD should craft and utilize a quip over police radio to reinforce training and remind officers to slow down procedural momentum during canine encounters. The PAC would be happy to work with the PPD on this quip should the PPD accept this recommendation.

The PAC recognizes that the PPD, ACCT, and PSPCA are best suited to understand their shared problems and find solutions that work for all parties, and this report cannot encompass the many avenues in which the agencies can all benefit from a closer working relationship. The PPD should reinvest in a partnership among the agencies to better serve one another and Philadelphia residents.

**Recommendation 3:** The PAC recommends that the PPD establish a working group consisting of relevant PPD leadership, ACCT leadership, PSPCA leadership, and any other community partners to engage in an ongoing dialogue on emerging issues and training opportunities.

**Recommendation 3.1:** This working group should develop a strategy to ensure that officers know about all the resources available at ACCT and PSPCA, such as the pet food pantry and veterinary clinics. Officers will be able to provide information to community members and this can create opportunities to build relationships with residents.

**Recommendation 3.2:** This working group should develop guidelines for how ACCT officers can and should be utilized by PPD officers, including during search warrants.

#### **d. PPD Investigations of Intentional Canine Shootings**

After any PPD firearms discharge, the discharging officer is interviewed by PPD officers assigned to the IAD Shooting Team within 72 hours of the discharge. In all PPD shooting cases, investigators interview civilian witnesses and officer witnesses and write summaries of all the interviews. The interview summaries, along with pictures, video footage, ballistics reports, and any other available evidence are compiled and delivered to the members of the Use of Force Review Board (UFRB),<sup>13</sup> which meets multiple times each year to review shooting

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<sup>13</sup> The voting members of the UFRB are the PPD Deputy Commissioners of Organizational Services, Professional Standards, Patrol Operations, and Special Operations. The Executive Director of the PAC is also a voting member. The President of the FOP (or designee) is a non-voting member. All members are bound by a confidentiality agreement that bars dissemination of details of cases heard by the UFRB.



incidents to determine if they are within PPD policy. A decrease in the number of intentional dog shootings would decrease the number of IAD investigations, thus allowing the time and resources currently consumed by dog shooting investigations to be reallocated. More importantly, in reviewing the materials prepared for the UFRB, the PAC found some differences between the PPD investigations of intentional dog shootings and the investigations of other PPD shooting incidents.

In investigations of intentional shootings that involved a human victim, IAD investigators focused more on the details of the discharging officers' observations, positioning, and justifications for their decision to shoot, and asked follow-up questions to clarify the discharging officer's statement about the discharge. For example, in one investigation of an intentional discharge at a human, an investigator asked the discharging officer, "What caused you to discharge your weapon?" The officer responded that he thought the suspect was reaching for a gun. The investigator then asked the natural next question, "What led you to believe he was reaching for a gun?" That can be contrasted with a discharging officer in a dog shooting who said during his narrative description of the incident that the dog "appeared to be aggressive." The officer also said the dog growled, but the investigator did not ask for any additional details about what signs of aggression the dog exhibited that led the officer to believe that deadly force was necessary.

In some interviews about shooting incidents that involved humans, investigators probed discharging officers about their tactical choices and questioned why they did not use alternative tactics. In various cases, investigators asked officers why they did not take cover from a vehicle driven by a suspect, why they did not approach a suspect differently, why they did not contact a supervisor before taking further action, and what other defensive equipment they had available during the incident. In one instance, an investigator asked the discharging officer if they had considered what collateral damage could have occurred if they missed their shot. Investigators moved slowly through the timelines of the incidents and asked multiple questions about the officers' intentions and tactical choices.

Similar questions are almost totally absent from interviews that relate to dog shootings. The PAC reviewed many PPD interviews regarding dog shootings, but investigators only rarely asked officers what other defensive equipment they had available or inquired about alternatives for how officers could have protected themselves from an approaching dog. Additionally, the interviews of witnesses to dog shootings were less detailed in some cases. In at least two of the investigations reviewed by the PAC, the interview summaries for the dog owners who were present for the shootings did not include any information about their observations of the dog's behavior and level of aggression prior to the officer's discharge.

Finally, while IAD interviews of discharging officers who fired at humans typically ranged from 55 minutes to an hour and 15 minutes (or over two hours in some cases), the interviews of officers who shot dogs were typically thirty minutes or less. The incidents that involved human victims were often more complicated, so it stands to reason that the interviews of the involved officers would take more time. However, the interviews of the officers involved in dog shootings often lacked basic details about how the encounter transpired or what other defensive equipment the officer had available, as noted above. The lack of clarifying detail in these interviews suggests that investigators could spend additional time questioning discharging officers and witnesses after dog shootings to ensure that full and complete statements are obtained.

The differences noted above demonstrate that the same questions are not asked of all officers who intentionally fire their weapons. This suggests that the PPD may tend to divide intentional shootings into two categories: those that are worthy of painstaking investigations and those that are not. Regardless of the intended target, other nearby officers and civilians are endangered with each intentional firearm discharge. By foregoing close review of the circumstances surrounding dog shootings, the Department also misses out on valuable insight on how to better train all officers to ensure their safety and prevent future excessive force incidents. It is clear from the thorough investigations of other intentional shootings that the PPD prioritizes internal investigations of the use of force. The PAC believes there is great value in extending this thoroughness to intentional dog shootings.

**Recommendation 4:** The PAC recommends the PPD conduct consistently thorough investigations of each intentional firearm discharge and ensure that questions regarding equipment and alternative tactics are asked of

each discharging officer. In doing so, the PPD will demonstrate a commitment to universal adherence to the Department policy that officers may only shoot animals to protect themselves or someone else and if there are no other reasonable means to eliminate the threat.

On the *Accountability* page of the PPD website there is a link to another page that includes data, maps, and charts about officer-involved shootings (OIS) dating back to 2007. Each OIS incident has an attached summary. The summaries do not include identifying information for the officers or civilians involved, but often include specific details about evidence found at the scene and whether anyone was killed or injured. This information is far more sensitive than information about a dog shooting, but neither hard data nor summaries of dog shooting incidents are included on the PPD website. As evidenced by the table included in the introduction of this report, dog shootings accounted for over 50% of intentional PPD discharges in 2017 and 2018. Accountability is clearly a priority of the Department, but the publicly available data does not represent the full picture of intentional PPD discharges. To underscore the seriousness of every intentional firearm discharge, the PAC believes that the PPD website should treat dog shootings the same as other intentional discharges. Dog shooting incidents should be individually summarized in the same manner as other OIS incidents, and they should be included in publicly available datasets.

**Recommendation 5:** The PAC recommends that the PPD include summaries and data about all intentional firearm discharges on the PPD website.

PPD Directive 10.01 *Use of Force Involving the Discharge of Firearms* currently says that it is the responsibility of the discharging officer's command officer to "Contact the Police Department's Employee Assistance Program (EAP), within five (5) business days, in order to arrange confidential counseling whenever an officer has discharged their firearm, except at an animal." A note immediately follows which says a commanding officer can use their discretion regarding an EAP referral after an animal shooting. The PAC believes it is best to err on the side of caution with EAP referrals. Any time an officer decides to intentionally fire their weapon it is a serious decision with many potential repercussions. The PAC recognizes that there are times when an officer must use their firearm to destroy a sick or seriously injured animal, but there is a distinction to be made between this kind of encounter and one in which an officer uses their firearm as a force option against something they deem to be a threat.

**Recommendation 6:** The PAC recommends that an EAP referral be required any time an officer intentionally discharges their weapon in a force incident. In doing so, the PPD will underscore the importance of mental health and demonstrate a commitment to promoting a culture that prioritizes the mental well-being of officers.

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### *III: PPD and Animal Control*

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#### **a. PPD Animal Control Directive vs. Other Cities**

As mentioned in the previous section, the partnership between the PPD, ACCT, and PSPCA is ripe for improvement and strengthening. An important part of keeping patrol officers informed of smart practices regarding dogs they encounter is PPD Directive 3.20 - *Animal Control*. The primary purpose of this directive in its current form is to outline Department policies regarding Code Violation Notices and Summary Citations for the offense of harboring a dangerous dog, animal cruelty violations, and animals found on public streets.

While there are definitions listed in "Appendix A" of Directive 3.20, they do not provide practical information. For example, the term "Animal Control Agency" is listed, but the definition does not include the function of ACCT or guidelines for when a PPD officer should call them for assistance. Understandably, ACCT and PSPCA personnel reported to the PAC that officers they encounter do not know the difference between the two agencies, what each agency is empowered to do, or what their responsibilities are in animal encounters. Comparable animal control directives and patrol guide

procedures from other major US cities are structured to provide practical definitions and contact information to officers.

- Chicago Police Department Special Order S04-12 - Incidents Involving Animals lists contact info for their animal control team, outlines what they are empowered to do, and gives instructions for how to request them to respond to an incident. There are also detailed instructions for what officers should do in different types of bite scenarios and how to document them, and instructions for how to deal with stray animals.
- New York City Police Department Patrol Guide Procedure 214-33 Care and Disposition of Animals clearly defines terms such as “dangerous animal” and “dangerous dog” in the procedure. It also lists contact information for the animal control agency, and how to proceed during non-business hours.
- Los Angeles Police Department Manual Volume 4 Line Procedures Section 204 Cases Involving Animals delineates the responsibilities of their internal Animal Cruelty Task Force, the responsibilities of the Los Angeles Animal Services agency, and LAPD officers in animal cases. There are instructions for which agency to contact during business hours and after hours. Additionally, there is a provision about how an officer should handle an animal when the owner has been arrested.

Animal control directives from other major cities include clear definitions of relevant animal control and anti-cruelty agencies. They often note the business hours of the agencies and give clear instructions for how officers should contact agencies after regular business hours if needed. An updated directive will provide clarity to officers and improve efficiency for all involved agencies.

**Recommendation 7:** The PAC recommends that PPD update Directive 3.2 – *Animal Control* to include the roles and responsibilities of ACCT and PSPCA laid out in concise definitions and guidelines for when PPD officers should contact each agency for assistance.

**Recommendation 7.1:** The PPD should work directly with ACCT and PSPCA regarding the revisions to Directive 3.2 – *Animal Control* to ensure that all relevant information and instructions are included.

#### **b. Dangerous Dog Law Enforcement**

In certain situations when a dog injures or kills a person or a domestic animal without provocation, and an owner can be identified, a police officer must write a dangerous dog summary citation. This serves as a complaint against the dog owner, which generates a court date for the owner, who must then go before a judge. If on the court date the judge declares the dog dangerous, the owner must follow an extensive series of rules that are meant to protect people and animals from the dog. According to ACCT and PSPCA, a judge will almost always declare the dog dangerous, and then ACCT is notified, and their staff will visit the property and ensure that the owner has followed all the rules regarding the dangerous dog. If they are not in compliance, the offense progresses to a misdemeanor and can progress in severity from there, with the possibility of jail time for the owner. ACCT personnel noted that in their experience, PPD officers often are not aware of the PPD directive regarding animal control and dangerous dogs, and sometimes they do not know it is their responsibility to be the complainant on the dangerous dog citation. Without a citation, the dog owner does not go to court, and then ACCT cannot monitor the dangerous dogs.

Prior to 2011, Philadelphia participated in the statewide Dog Warden program through the Pennsylvania Bureau of Dog Law Enforcement, and the Dog Warden for Philadelphia alerted ACCT regarding dangerous dogs in the City. Now that Philadelphia no longer participates, the notification process for dangerous dog incidents is not clear. The Philadelphia District Attorney’s Office handled the notifications at various times since 2011 and would notify ACCT once a judge formally declared the dog to be dangerous. The PPD provided data to the PAC regarding the number of incidents coded to indicate a dangerous dog in 2017 and 2018. The data demonstrates that PPD officers issued citations for dangerous

dogs, but ACCT personnel were aware of only a fraction of them. The citations, then, may be ineffectual, because the monitoring authority, ACCT, does not know when new events occur or which dogs to monitor if they are declared dangerous. Although the breakdown in the notification process may not be the fault of PPD or ACCT, ACCT personnel suggested that CROs may be better suited to notify them of new dangerous dog incidents earlier in the process rather than waiting for the judgement to occur.

Further, there is disagreement among the PPD, ACCT, and PSCPA regarding who is empowered to write these citations. According to ACCT and PSCPA, only PPD officers can write them, but the PPD has noted that PSCPA officers have some law enforcement powers and are therefore able to write these citations as well. Dangerous dog laws exist so local law enforcement can monitor known dangerous dogs in their communities. In order for dangerous dog law enforcement to be effective, the PPD, ACCT, and PSCPA must work together to determine agency responsibilities and improve the notification process regarding new dangerous dog incidents.

**Recommendation 8:** The PAC recommends the PPD work with PSCPA and ACCT leadership to determine each agency's responsibilities regarding dangerous dog law enforcement and transmit this information to rank and file PPD officers via roll call announcement.

**Recommendation 8.1:** To expedite the notification process, the PAC recommends that CROs immediately notify ACCT when there is a new event relating to a dangerous dog (as defined in PPD Directive 3.2 Animal Control) in their district. The PPD should be proactive about the notification process, which has grown to be outdated and unnecessarily complicated. Direct communication between CROs and ACCT will allow dangerous dogs to be monitored more efficiently.

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#### *IV: Conclusion*

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It may be easy to question the significance of a topic like canine encounters given the many challenges that PPD officers face each day. But the aim of this report is to reframe the topic of canine encounters and dog shootings as one with much larger implications. Fear management, threat assessment, and use of force decision-making skills come into play in innumerable daily PPD officer experiences, from simple observation to active response to a call. A well-trained officer will always be more prepared to respond safely and appropriately to a threat than an untrained officer. As discussed in the preceding pages, when an officer does not feel in control of an encounter, they are more likely to feel afraid, and that fear informs how they resolve an encounter they believe to be threatening. It is the PAC's hope that the PPD will acknowledge the role that fear plays in an officer's decision to fire their weapon and then make changes to training modules to prepare officers to make the safest possible force decisions when needed.

For the last two years, approximately 50% of all intentional PPD firearm discharges involved dogs. This is a significant figure that needs to be addressed, but this figure is relevant only if the PPD believes this is a topic worth further consideration. The Department is already committed to promoting the message that the use of deadly force is reserved for the most extreme circumstances, when all lesser means of force have failed or cannot be reasonably used. However, in light of the current lack of training provided to officers on canine encounters, and circumstances surrounding some of the dog shootings that the PAC reviewed, the Department's 'shoot-as-a-last-resort' philosophy appears to be applied differently to dogs in some circumstances.

Ultimately, this report raises questions about Departmental policy, practice, and custom that can only be answered by the PPD. Does the PPD provide enough training to keep officers as safe as possible during canine encounters? Does the use of force continuum apply to force decisions when the threat is posed by a dog? Should an officer skip other force options they have received training on and shoot if they are afraid a dog will bite them? Does an officer's subjective fear of a bite wound matter more than the safety of nearby officers and civilians? Does that fear justify the use of deadly force according to the related PPD

directives? And, in the aftermath of a dog shooting, does the PPD take the investigation as seriously as other shootings? The answers to these questions have implications that stretch far beyond any individual encounter between a PPD officer and a dog. The Police Advisory Commission looks forward to the opportunity to work with the Philadelphia Police Department and local agencies to help create solutions and improve relationships if the PPD accepts the recommendations.





## CITY OF PHILADELPHIA

### Police Department

HEADQUARTERS, FRANKLIN SQUARE  
PHILADELPHIA, PENNSYLVANIA

Richard J. Ross, Jr.  
Commissioner

May 16, 2019

Hans Menos  
Executive Director  
Police Advisory Commission  
1515 Arch Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19107

Re: Canine Encounters

Dear Director Menos:

The Philadelphia Police Department has reviewed the Police Advisory Commission's report on canine encounters. Below, you will find specific responses to each PAC recommendation. First, I would like to address some aspects of the report outside of the recommendations.

First, PAC presents a chart comparing intentional police discharges involving humans and dogs; however, I find this comparison concerning. In my opinion, this data lacks the proper context to understand the underlying issues in this report. So, please allow me to provide some context. In the six-year period covered by your analysis, there were 90 incidents where police discharged at dogs. During that same period, the Philadelphia Police Department responded to 2,459 calls for service involving dangerous dogs or dog bites. Also, while 90 represents the total number of discharges at dogs, 2,459 only represents incidents in which this was the primary call for service. This number does not include all other incidents where officers encountered a vicious dog, such as during domestic disturbances or warrant service.

While I agree any discharges at a dog can create a dangerous situation, I would respectfully disagree with the inference of this report that intentional dog shootings is a widespread problem in Philadelphia. As stated in Directive 10.1, *"it is the policy of the Philadelphia Police Department that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons."* The number of Officer Involved Shootings involving people clearly show our commitment to the sanctity of life, but it is important to remember that this also includes the life of our officers. I expect my officers to protect themselves and the public from vicious dogs when necessary. Regrettably, some incidents require the use of deadly force to stop the threat from a vicious dog, with little, if any, time to attempt less-than-lethal options. The threats posed by vicious dogs and from human beings are very different.

Further, you infer that an officer's decision-making skills with respect to shooting dogs somehow indicates their decision-making skill when facing humans. Thus, the purpose of this report was to address dog shootings, but it was also intended to help reduce shooting where humans are involved. I



must respectfully disagree with this correlation. As you correctly stated, the reduction of intentional shooting incidents involving humans has dropped from 41 in 2013 to 12 in 2018. The intentional shooting of dogs has dropped from 22 in 2013 to 15 in 2018. Hence, the numbers simply do not support your premise between dog shootings and deadly force involving people. The PPD has made great efforts to reduce the use of deadly force involving people and these efforts are working. Nonetheless, as mentioned above, the threat posed by vicious animals is very different. So, inferring a correlation between an officer's reaction to a vicious dog and his or her reaction to a threatening individual is, I believe, incorrect.

While we can respectfully disagree on these points, I do appreciate the work that the PAC has done in reviewing our policy. I strive for the best policies and procedures for the PPD and welcome sound recommendations to continually improve the PPD. So, please allow me to address each of your recommendations.

### **Recommendation 1**

The PPD agrees with this recommendation. To the extent feasible within Municipal Police Officer Education and Training Commission (MPOETC) requirements, we will explore an increase in both the length and quality of the Police Academy training devoted to canine encounters.

#### **Recommendation 1.1**

The PPD disagrees with this recommendation. While there may be value in having an instructor demonstrate tactics with one dog, the concept of having an entire recruit class of fifty to one hundred recruits personally interacting with dogs is beyond our logistical capacity.

#### **Recommendation 1.2**

While PPD agrees that this type of information should be covered annually, we must disagree on the method. Yearly in-service training is largely controlled by the MPOETC and there is minimal space for additional City-specific training. However, in concert with the curriculum developed in recommendation 1, PPD will explore other options for disseminating this training, such as a training bulletin or roll-call training.

#### **Recommendation 1.3**

The PPD agrees with this recommendation and will begin the necessary steps to disseminate this training.

#### **Recommendation 1.4**

While PPD agrees that this type of information should be covered annually, we must disagree on the method. As mentioned above, yearly in-service training is largely controlled by the MPOETC and there is minimal space for City-specific training hours. In concert with the curriculum developed in recommendation 1, PPD will explore other options for deploying this training, such as a training bulletin or roll-call training.

## **Recommendation 2**

The PPD agrees with this recommendation and welcomes input from the PAC, as well as the experts from ACCT and PSPCA.

## **Recommendations 3, 3.1 and 3.2**

The PPD disagrees with these recommendations to the extent that they are separate from the efforts to develop training in Recommendation 1. At the conclusion of that development, the PPD believes that ongoing concerns can be addressed through periodic communication, such as a regular meetings or conference calls.

## **Recommendation 4**

The PPD agrees with this recommendation and will work to conduct more comprehensive investigations.

## **Recommendation 5**

The PPD disagrees with this recommendation. The current PPD website regarding Officer Involved Shooting (OIS) was implemented to improve transparency and accountability to the public. This was a reform that was implemented as a result of the voluntary collaboration with the United States Departments of Justice. The current format for the OIS web page was discussed and debated at length with the Department of Justice.

## **Recommendation 6**

The PPD agrees with this recommendation and will make the appropriate changes.

## **Recommendations 7 and 7.1**

The PPD agrees with these recommendations and will begin work on Directive 3.2 with the input from ACCT and PSPCA.

## **Recommendation 8**

The PPD agrees with this recommendation.

## **Recommendation 8.1**

The PPD disagrees with this recommendation. ACCT has the responsibility to monitor and enforce the Pennsylvania Dangerous Dog statute once a dog is properly declared a “dangerous dog” under the law. It is the court’s responsibility, once such a determination is made, to notify the ACCT, which then has the authority to monitor the dog and enforce any violations by the owners. While the PPD see value in having open communications with ACCT, with respect to “dangerous dogs” the PPD cannot circumvent the courts in the process.

Thank you for your continued efforts to assist the Philadelphia Police Department.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard J. Ross, Jr.", written in a cursive style.

Richard J. Ross, Jr.  
Commissioner