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DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Tuesday, March 29, 2022

1:00 pm

State Capitol, Conference Room 229, Via Videoconference

IN CONSIDERATION OF
SENATE CONCURRENT RESOLUTION 196/ SENATE RESOLUTION 189
URGING THE COUNTIES TO MORE EFFECTIVELY AND MEANINGFULLY
COORDINATE THEIR POLICE ENFORCEMENT AND PUBLIC AWARENESS
EFFORTS WITH THE STATE AND WITH HUMANE SOCIETIES AND OTHER
ANIMAL WELFARE ORGANIZATIONS CONCERNING THE DANGERS POSED BY
UNLEASHED DOGS TO HUMANS AND TO OTHER ANIMALS IN PUBLIC AREAS.

Senate Concurrent Resolution 196/Senate Resolution 189 urge the Counties to more effectively and meaningfully coordinate their police enforcement and public awareness efforts with the State and with Humane Societies and other animal welfare organizations concerning the dangers posed by unleashed dogs to humans and to other animals in public areas. **The Department of Land and Natural Resources (Department) is in support of these measures.**

The Department's Division of State Parks (State Parks) has witnessed an increase in the proliferation of dogs within park units, particularly associated with the homeless population. Most recreational dog owners, other than violating park rules on the prohibition of dogs and not removing their waste, do not pose a safety threat. However, as an example, Sand Island State Recreation Area has illegal homeless residing with dogs who have been reportedly attacking the public. There is increased ambiguity as to which agency should be responding to the citing and confiscation of these animals. State Parks has asked the Humane Society for support, but they do not have the staff dedicated to the removal of these animals. The Humane Society has offered cages, with the caveat that if they are damaged the State Parks would be responsible for their replacement, at \$700 dollars apiece. State Park staff are not trained or equipped for this, and staff injury would trigger Workers' Compensation claims. However, Humane Society staff are trained and understand animal behavior, and are the most appropriate agency to reach out to the dog owners and inform them that they must remove their animals, and if not, trap and take them to suitable confinement. The citing of the individual is not an adequate deterrent on management and removal of these animals.

Thank you for the opportunity to comment on these measures.

TESTIMONY IN SUPPORT OF SCR 196/SR 189 (Danger of Unleashed Dogs)

From: JAMES NELSON

To: SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
March 29, 2022 1:00PM ROOM 229

Chair Nishihara, Vice-Chair DeCoite, and members of the committee:

Thank you for hearing this measure.

This resolution arose from discussion with persons who have had their own pet attacked by an off-leash dog, resulting in serious harm and even death to the pet that was attacked, and in one case also serious injury to a person who attempted to save his pet from attack. It also arose from my personal experience of being attacked by an off-leash dog in a state park last summer, which resulted in serious injury to both of my lower legs and required two months of closely medically supervised care. Typically, stitches are not used for dog bites, as dogs' mouths hold so much dangerous bacteria that doctors choose to let the wound excrete as it slowly heals.

Although animal cruelty issues are principally a matter of state law, animal control issues are principally a matter for the counties. The county laws regarding leashing requirements in any non-private area and "dangerous dog" incidents are relatively clear. Although the majority of state and county park areas declare that animals of all types are prohibited, there is a troubling lack of enforcement in general and lack of clarity with regard to what agency performs what functions. Coordination and supervision of follow-through efforts, if any, by the local police departments, the Dept. of Land and Natural Resources in the case of incidents in state parks, and the humane societies in each county more often than not becomes the job of the person who has been injured or whose animal has been attacked. The finger pointing among agencies and departments adds insult and stress to the injuries, physical and emotional, of the victim/complainant. I would be happy, if asked, to relate more details of my dealing with HPD, DLNR, the Hawaiian Humane Society on Oahu, and the City & County Department of the Prosecuting Attorney. Suffice it to say that, as far as I know, the dog that attacked me is still alive and roaming public areas with its owner. If the injury I incurred had been inflicted directly by a person rather than a dog, the perpetrator would likely be facing felony assault charges.

Proposals:

1) The most important thing the counties can do is to implement public awareness efforts to promote leashing of dogs at all times when on public property (excluding the small number of legal off-leash areas in certain parks). At the same time, there should be increased awareness efforts and enforcement of the penalties associated with unleashed dogs – perhaps something similar to the "Click It or Ticket" campaign that reminds people of their obligation to wear a seatbelt. If every owner of an unleashed dog in a public area had real reason to expect a citation on the spot carrying a fine of \$50 (Oahu), I imagine many more people would keep their dogs restrained and many injuries to persons and pets could be avoided.

2) Injuries could also be reduced in park areas if the prohibitions on animals that do exist in a majority of parks and posted on signage were consistently and meaningfully enforced. Perhaps the counties or DLNR should consider designating certain areas in a park as “dog friendly, leash required” and then only enforce the total prohibition in all other areas, including beaches. As it stands now, in most of the parks I have visited, both county and state, very many members of the public obviously do not consider dogs to be “animals” for the purposes of the posted rules. When those dogs are unleashed, the potential for danger obviously increases greatly.

3) When an incident does arise, 911 is notified, and local police arrive, a victim/complainant should be notified clearly of the roles of the police, humane societies, and DLNR (if applicable.) If it is up to the victim/complainant to notify the local humane society and/or DLNR (if applicable), this should be made clear at the time of the police response. The police should also explain, simply and clearly, what the police are able or unable to do with respect to impounding or taking steps to destroy the attacking animal.

Dogs live in a world of smells and sounds that are quite literally imperceptible to humans, including their owners. Citizens have a fundamental and reasonable expectation that they will be able to enjoy public areas without encountering unleashed dogs. County law enforcement agencies, along with DLNR as necessary, need to take initiatives to instill greatly increased awareness among dog owners that everyone’s safety, including their own and that of their own pet animals, will be better protected if dogs are always leashed in public areas in accordance with already existing law.

Again, thank you for hearing this measure.

LATE

SCR-196

Submitted on: 3/28/2022 7:33:03 PM

Testimony for PSM on 3/29/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patti Dellaport	Individual	Support	Written Testimony Only

Comments:

Dear Senator Nishihara,

I hope this email finds you well. My name is Patti Dellaport. I am writing to you in support of SCR 196/SR 189. I have been working with Senator Agaran's office regarding this matter.

To briefly summarize, my dogs and I were attacked last December by an unleashed dog while returning home from a walk in my neighborhood. This story was briefly covered by Hawaii News Now Reporter Chelsea Davis. During the attack, I was unable to fight the attacking dog off or defend my dogs from being viciously bitten as I had fallen to the ground nearly immediately after the attack started. My only hope throughout the incident was that my screaming would herald help. Had my husband not been home and come to our rescue (wrestling the dog off of us), I am confident my dogs would have been killed in front of me and that I would have been severely harmed. After my husband had successfully pinned the attacking dog to the ground, I picked up my dogs and ran. The attacking dog was able to get out of my husband's grip and tried to pursue us to attack again. I feel fortunate that my dogs have since recovered and that the owners of the attacking dog were willing to be financially responsible for the vet bills incurred, however, one of the saddest realizations is that the outcome of my case is far better than most. I say this is a sad realization because in retrospect, I am disappointed with the way that my case was handled, and yet, I know the outcome is better than most. I am still appalled with the lack of transparency, communication, and professionalism by the Humane Society. It is a concern of mine that there is not standardization across the state that guides officers on how to manage these concerns.

Within the week following my incident, I cared for patients or had received reports of family members being bitten by dogs. This only made me more aware that the dog attack issue is far reaching and not isolated. At least two of the three incidents were not reported to my knowledge. I feel that part of this is due to the public's lack of awareness on the importance and benefit of reporting and then also, lack of clarity on who to report to (I.e. my own experience and not understanding that "officer dispatched" referred to humane society officer). If the Humane Society continues to oversee these animal attack cases, I believe they are in an excellent position and have a responsibility to educate the public not only on the policy and procedure with managing these incidents, but also the need and importance of leashes even if the dog is "friendly" or "well behaved".

As it seems currently, there is little oversight by the county over the workings of the Humane Society. If they are allotted the opportunity to be the authority and oversee these incidents and are not meeting an appropriate level of performance, as evidenced by the incredible lack of professionalism, I feel that mediation and discussion for improvement should be considered.

I am deeply concerned for the safety and wellbeing of my community as a whole as I feel the incident that happened to me clearly demonstrates the need for better enforcement of dangerous dog violations. It is my hope that a more effective and meaningful coordination and collaboration between counties, police enforcement, public awareness efforts with the State and with Humane Societies, as well as any additional animal welfare organizations will better and more appropriately manage dangers of unleashed dogs to both humans and other animals.

Thank you very much for your time and consideration,

Patti Dellaport