

Item 23-1036: Dangerous Animal Declaration

Board of Health

Wed, Sept 13, 2023 7:00AM

Lee Vogel (Board Member) 14:55

It's the chair's prerogative to rearrange the agenda which I'm going to do um in the interest of Officer Matt Fillebrown, who we've asked at the Board of Health to come and present to us and educate us on the process of evaluating and declaring animals dangerous. And it so happens that under item seven, the first information item is 23-1036, a dangerous animal declaration. So, he has, you know, an opportunity to use this particular case sort of as a framework for informing us. We also have a packed agenda that we're going back to for action items, so we'll probably put a square box around the time we give you

[Cross talk from various individuals.]

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 15:50

Good morning. Can you hear me? Excellent. For those that do not know me, I am Lead Community Service Officer, Humane Officer Matt Fillebrown for the city of Appleton. I'm long in the tooth. So, I'm going to try to keep this short on behalf of the packed schedule. So, part of my responsibilities at the city is I oversee all the animal bites that come into the city. We've got 76,000 people that live in the city of Appleton. And if I had to guess, everybody's got a pet. So, we have thousands and thousands and thousands of dogs in the City of Appleton. We would all hope and dream that all these dogs are well trained, loved, obedient, and we have responsible pet owners. But unfortunately, if I were to turn around this room and ask, "Can you please raise your hand if you've had a negative encounter with an animal while walking in the city?" almost everybody's hands probably gonna go up in some in some degree.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 16:43

And then the question that follows is, well, what is the police department do? What does the city do to help protect you or help protect you or your grandmother walk down the street to make sure that dogs are not being aggressive? Well, the city we've got a couple tier ways that we can deal with this. The first thing is education. We go talk to them, you know, there's a leash law, you got to be in control of your animal. That doesn't work, we can move to a ticket or a noncustodial arrest is what we call it. It's a citation. We can cite for unprovoked attack. So, when the CSOs come to an animal bite, their job is to figure out is it provoked? Is it unprovoked? Is the animal vaccinated? They have all these checklists they do.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 17:25

Most of the time, it's a dog running out and being aggressive [**makes barking noises**] you know, scaring the bejesus out of somebody. We'll come and we've got ordinances for that. Dog can't act aggressively. It can't scare people in the city of Appleton. Everybody's got their right to walk on the street.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 17:39

Sometimes a dog will actually bite. They'll actually break skin; we have an attack. So, we can do a citation, we can do an order to quarantine, we can do at large. There's a lot of things that we can do. Unfortunately, that's not enough sometimes. Sometimes in the city, we get an attack that's so egregious, or it's been so repetitive, that we've got to take the next step.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 18:03

So, the city of Appleton has two things that we can do. We've got a dangerous animal declaration that I can do. So, if we get a bite case that comes to my desk, to my office, and I take a look at it, there's a couple of things that I look to see if it actually meets that requirement. One of them is our ordinances. We have it in the ordinances for dangerous animal declaration; it has to meet these criteria. Like the first criteria is pretty easy. Any dog that causes bodily harm, which is kind of crazy, because then we wouldn't have a single dog in the city of Appleton left, I feel like if that's what we based our dangerous animal off of. So, I take that under consideration because I'm like, well, everybody kind of gets a chance to try to get control their pet and try to do the right thing and get educated trained, take steps, put up fences, leashes, whatever.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 18:56

If I feel that it's not working, we can move to a dangerous animal declaration. And if we do that, there's a couple things that happens. (A) they've got 72 hours to contest it. That's the great thing about our country, our state, our cities, we've got things in place for people to contest. It's just not my will. It's you know, they have a right to go "I think this is not fair. I'm gonna go contest it to the Board of Health." So, they gotta write, they gotta write Chuck, Charles Charles—I'm running out of time. They can write to contest it, have come on in, and then they can meet in the Board of Health and bring their case of why they feel it's not a dangerous animal.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 19:33

If the Board of Health upholds it, then there's a whole bunch of ordinances that they have to do. They gotta get it licensed. They gotta get it registered. They gotta get it neutered. They gotta get a million-dollar insurance policy. They got to put signs up. Every single time it's off property, it's got to be leashed and muzzled. Now we have, if I remember right, four dogs right now in the city of Appleton that are doing that. Like people abide—people abide by the ordinances. They can do that.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 20:00

So, in the case of Millie that was brought up today it was on the Board of Health, Millie was a dangerous animal declared. Millie had ripped open a family members face, and they needed I think 23 stitches to sew it back on up. That was a one-time instance. Now when it comes to instances like this, whether it's sutures, stitches, attacking kids, family members, we don't have to wait for another one. If the severity is there, then we can move to a dangerous animal.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 20:32

So, what happened with Millie is that we declared it dangerous and they did everything they needed to do. They got the insurance policy, they got it neutered, they got it licensed, they got it registered. Unfortunately, Millie got out and went and attacked another dog. And that attack lasted about two minutes on video, that took three people to break up, mace, everything else and the dog just would not let go. So, when we have those instances, I move on over to prohibited.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 21:01

Now for prohibited, that just means we're kicking it out of the city. It's no longer can be in the city. And to reach a prohibited declaration, a couple of things have to happen. It has to be a dangerous animal, and they have to be in violation of the dangerous animal ordinances meaning they weren't in compliance. So, if they're not in compliance, we can move to prohibited and kick the dog on out. If the dog had actually killed another dog off property or caused serious bodily harm on a human being, we can move to prohibited. Or if it's been declared dangerous in another jurisdiction or municipality, and it comes into our city, we can move to prohibit it and kick it on out.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 21:41

So, there's a lot of things that we can do, but it's never A plus B equals C. There's never like that beautiful checkbox that I'm looking for. Like every case is different. Every situation is different. Every pet owner is different. And every animal is different. I mean, we have declared Golden Retrievers as a dangerous animal. We have. Like, it doesn't matter the breed. It just a matter is the action of the animal. That was a lot that I just did in five minutes. How am I doing?

Lee Vogel (Board Member) 22:14

That was perfect. You're at five minutes.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 22:16

Okay. I did practice last night. Is there any questions with all that? I mean, that was a lot of information. To put the Council's mind at ease, I'm going to ask for one more minute. These decisions don't come lightly. The State of Wisconsin deems animals as property. So anytime you go to court, anytime you go do anything with animals, the state the laws, like, they're just property and that's how they want to treat it in court.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 22:44

Raise your hand if you have a pet. Thank you. I mean, do we count them as property? No, they're part of the pack. They're part of your family. They're part of your structure of your house. So, when these things happen, it's very emotional, because we are putting a lot on people for a million-dollar insurance policy or telling them you have to move because your dog can't be here, or you have to put your dog down or give it to somewhere else. And then we still have to know where it is. Because I have a legal right to protect the next jurisdiction where this dog is going to chew. So, we probably have—and I'm gonna wrap this up—we probably have close to 100 bites, maybe more in the city every single year. And I only do maybe five dangerous animal declarations in a year. So, it's not that if a dog comes across my desk, the Baba Yaga is going after it. It's just they have to meet these criteria for us to act at this level. So, I am done. That was a lot. So, questions.

Mayor Jake Woodford 23:51

A couple of questions. At a previous Board of Health meeting, the question came up about if an animal's prohibited in the city of Appleton, how is that then tracked across other jurisdictions?

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 24:04

So, if it's prohibited, what I do—like, I can't remember a dog's name offhand. But I can tell you what I've done with those dogs. So, we prohibit it. it gets kicked out of the city. They have, you know, 24 hours. Like I, I work with them. I know that nobody can just at a drop of a hat just "Where am I going to take my animal?" Like we give them some time. Not a lot, but we give them some. Then what we do is we go "What address is he at?". Get in front of this address, give me a picture of the dog and you at this address and I can see the mailbox. Then we'll figure out the jurisdiction of it, call them, and say "This prohibited animal has now been moved on over to that area."

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 24:44

What we usually do when it comes to the prohibited is there's usually a lot of tickets that are coming with it. So, when we write tickets—and I always tell my CSOs this—we write tickets for what? And of course, they're 18 and they go, "Oh, I guess they did something bad." And I'm like "No, we're looking for compliance." That's why you write tickets. It's for something has—something bad has happened. We're writing a ticket for compliance to make sure it never happens again.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 25:07

We work with the owners, because we know it's hard. So, if they have no other option, they have nothing else to do, they have all these tickets, and now they have—they're legally liable for their dog's actions. If they want to euthanize or remove it from the city, we work with them too as well. We're not about being vengeful. We're about being compliant.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 25:27

So, in answer your question, we'll follow up the jurisdiction, have them send either County, local police departments to go to their house and verify, and then it's good luck. Like, we hope you don't bring it back in because we like we don't have dragnets on the city borders coming on in for people trying to bring their dogs back in. If we find that the dog is back in, I can get a search warrant, seize it, and then go from there. So, we do have things in place. They try to, but we haven't had that happen very much. So.

Lee Vogel (Board Member) 25:58

Thank you. Okay. I think that's it's helpful to have had that explanation for the board and also for the public. And one last thing that I will actually say is that the truth is that we've had a number of situations where we've had to actually take action, in addition to just simply noting it as an information item, in this case with the dangerous animal declaration, Millie. And it comes down to judgment of the officers and, you know, in applying the, you know, the ordinances and expecting compliance and writing tickets, and then the declarations. And then there's a lot of discussions so that the public knows that the board also takes it very seriously that a pet is part of your family, and yet we have to protect the public too. So, there's been some pretty difficult situations. And—

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 26:50

I agree.

Lee Vogel (Board Member) 26:51

—I think we all work, try to work together as best we can.

Mayor Jake Woodford 26:54

Just I'm sorry, chair, one more. Could you remind us when citizens are required to report a bite?

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 27:01

Yes. So, the funny thing is, a lot of laws, you're gonna hear this; "I didn't know I had to do that." One of them is if your animal has been involved in a bite that breaks the skin, it's got to be reported. And that's just not a city thing. That's a state thing. That's a state law. All animal bites need to be reported. And that's all part of the rabies control disease type of initiative that the state of Wisconsin and the United States for that matter has worked on in the last 30 years. Like 30 years ago, rabies was pretty bad. Maybe a little bit longer, maybe a little bit longer. But we've had things put in place since then, that have pretty much wiped out the strain of—well, the canine strain of the rabies disease. Rabies is still out there in bats and raccoons and whatnot. But it's through these procedures, through these steps, through these laws that we have out there that keeps it that way. So, if any dog is involved—or cat breaks, the epidermis, breaks the skin, it's got to be reported. That's it. So good question.

Lee Vogel (Board Member) 28:03

Thank you.

Officer Matt Fillebrown (Certified Humane Officer, Appleton Police) 28:05

I am putting the mic, or I'll be up here all day. Thank you, everybody. Need me for anything else call me. I'll come back again. So.

Lee Vogel (Board Member) 28:14

Thank you very much.