

1/14/14 #13

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December 30, 2013

Orange County Board of Supervisors  
Hall of Administration  
333 West Santa Ana Boulevard  
Santa Ana, CA 92701

Re: Proposed Ordinance To Amend the Definitions of "Vicious Dog" and "Potentially Dangerous Dog": Request to Strike Paragraph 4-1-23(b)(7) from the Proposed Ordinance

Dear Orange County Board of Supervisors:

We have lived in Orange County our entire lives, and we have lived in Placentia for 10 years. We also are trial attorneys who practice tax law in Orange County. We are writing to ask the Board of Supervisors to strike one paragraph--Paragraph 4-1-23(b)(7)--from the proposed ordinance to amend the definitions of "vicious dog" and "potentially dangerous dog."

On the whole, we are very pleased with the progressive steps that this proposed ordinance takes, and Ryan Drabek, the Director of OC Animal Care, and his staff should be praised for their work to ensure safe communities. In general, this ordinance is beneficial because it focuses on the behavior of the individual dog and holds reckless owners accountable.

However, Paragraph 4-1-23(b)(7) does not focus on individual behavior. This paragraph includes in the definition of a Level 2 dog "Any dog that has been used primarily or in part for the purpose of dog fighting or is a dog trained for fighting." We think this paragraph is misguided and should be struck from the proposed ordinance because:

1. Unlike the rest of the proposed ordinance, this paragraph does not focus on the individual behavior of the dog but instead focuses on the circumstances under which a dog is seized.
2. There is a national trend to remove dogs from dog fighting situations from the definition of a "vicious dog." For example, in 2011, the State of Florida amended its "dangerous dog" definition solely to remove dogs used or trained for dog fighting from the definition of a dangerous dog. See Fla. S.B. 722, available at <http://laws.flrules.org/2011/211>. In addition, the American Bar Association passed a resolution in which it discussed the benefits of individually evaluating dogs seized from dog fighting situations. See ABA Resolution 108B (Feb. 14, 2011), available at <http://bit.ly/1diBHo0>.
3. In the proposed ordinance, Paragraph 4-1-23(b)(7) does not require that the dog be designated a Level 2 dog around the same time as the dog is used or trained for dog fighting. The dogs seized from the Michael Vick dog fighting situation (discussed below) are a prime example. These dogs were seized in 2007, and many have been rehabilitated and now serve their communities as certified therapy dogs. If a family in

Orange County wanted to adopt one of these therapy dogs now, the dog could still be considered a "Level 2 dog" under the proposed ordinance.

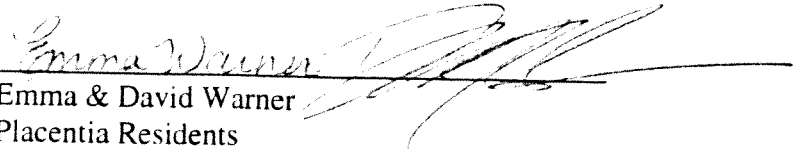
4. Under the proposed ordinance, a "Level 2 dog" designation can never be removed. Thus, even if a dog were rehabilitated, there is no procedure to remove this designation.
5. If Paragraph 4-1-23(b)(7) were stricken from the proposed ordinance, the remainder of the proposed ordinance would still ensure safe communities and protect the citizens of Orange County. Any dog used or trained for dog fighting that also exhibits dangerous behavior may still be classified as a Level 1, 2, or 3 dog based on that dog's behavior and not the circumstances of its seizure.
6. Dogs seized from dog fighting situations are victims themselves of the dog fighting crimes committed by their owners. Many dogs seized from dog fighting situations have been rehabilitated, adopted into loving homes, and have become certified therapy dogs that serve their communities.

To provide further information about dogs seized from dog fighting situations, we have enclosed a copy of the book, "Lost Dogs" by Sports Illustrated writer Jim Gorant. This book discusses the Michael Vick dog fighting case in Virginia and the rescue and rehabilitation of the 49 dogs that were seized from the property. Under the proposed Orange County ordinance, each and every dog seized from Michael Vick's property would have been determined to be a Level 2 dog. However, with the "Vicktory Dogs," each dog was individually evaluated, all but one of the dogs were placed with rescue organizations, and many of these dogs are now certified therapy dogs that work with children or veterans. Specifically, at least 13 dogs have passed the Canine Good Citizen test and at least 5 dogs are certified therapy dogs. If you only have time to read a few pages from the book, please read some of pages 251 through 272, which has the individual biographies on each of the 49 dogs seized from Michael Vick's property and discusses where they are now.<sup>1</sup>

Once again, we believe that the proposed ordinance is a good ordinance that keeps our communities safe by focusing on individual behavior and holding reckless owners accountable. This good ordinance could be made great by striking Paragraph 4-1-23(b)(7) from the ordinance.

We look forward to your prompt attention and action to this matter. Please feel free to call us at (949) 444-8656 to discuss any questions or concerns you might have. We also will attend the next Board of Supervisors meeting on January 14, 2014 to discuss this issue.

Respectfully submitted,

  
Emma & David Warner  
Placentia Residents

Enclosure: "The Lost Dogs" by Jim Gorant  
CC: Ryan Drabek, Director, OC Animal Care (with enclosure)

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<sup>1</sup> For more information about the Vicktory Dogs, please see <http://www.badrap.org/five-years-later>, and <http://bestfriends.org/The-Sanctuary/Explore-the-Sanctuary/Dogtown/Vicktory-Dogs/>.

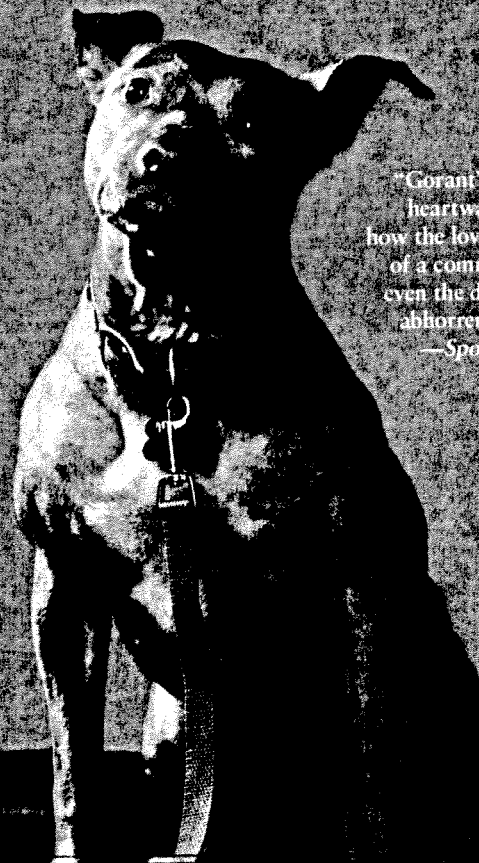
Copy of  
The Lost Dogs  
By Michael Vick  
Is available in the Clerk  
of Boards office

THE INSPIRING NEW YORK TIMES BESTSELLER

# THE LOST DOGS

MICHAEL VICK'S DOGS  
AND THEIR TALE OF RESCUE AND REDEMPTION

JIM GORANT



"Gorant's fine book is a heartwarming tale of how the love and commitment of a community can heal even the deepest and most abhorrent of traumas."  
—*Sports Illustrated*

WITH A NEW AFTERWORD