

DANGEROUS AND VICIOUS DOG TASK FORCE
McHenry County Government Center
Administration Building
667 Ware Road
Woodstock, IL 60098

MINUTES OF MONDAY, NOVEMBER 28, 2005

Chairman Koehler called the Dangerous and Vicious Dog Task Force meeting to order at 3:33p.m. The following members were present: Ken Koehler; Ann Gilman; Nick Provenzano; Under sheriff Gene Lowery (as a representative for Sheriff Nygren); Jamie Rein, (as representatives for States Attorney Lou Bianchi); Jerry Rivard, Animal Control; Pat McNulty, Health Department; Tracey Odishoo, Board of Health. Dr. Gorski, John Jung, Jr., Dr. Edin Mehanovic, Anna May Miller, Dr. Brain Sager and Sandra Salgado were absent. Also in attendance: interested public; and the press.

Kenneth D. Koehler, Chairman	
Lou Bianchi	Ann Gilman
Dr. Richard Gorski	John Jung, Jr.
Pat McNulty	Dr. Edin Mehanovic
Anna May Miller	Sheriff Keith Nygren
Tracey Odishoo	Nick Provenzano
Jerry Rivard	Dr. Brian Sager
Sandra Salgado	

MINUTES

Mr. Provenzano made a motion, seconded by Ms. Gilman to approve the minutes of the November 16 and November 21, 2005 meetings. The minutes were approved as submitted with a unanimous voice vote of all ayes.

PUBLIC PARTICIPATION

Chairman Koehler explained that anyone wishing to address the Committee would be allowed three minutes to make their statement. He asked that those who had previously addressed the Committee not do so at this meeting unless they had new information. Noting that no one wished to speak, Chairman Koehler closed the Public Participation portion of the meeting.

NEW BUSINESS

Update on current status: Ms.Rein addressed the Committee and provided a report on current McHenry County Ordinances and State Statutes. She distributed information on modifications to Anna's Law under the current laws and recommended changes to the McHenry County Ordinance. She reviewed the steps that must be taken to have a dog deemed vicious, those steps include: (1) the owner must be given notice of the incident that is the basis of the investigation; (2) an investigation is conducted; (3) a report is made recommending a finding that the dog is a vicious dog; and (4) the report is provided to the State's Attorney and the owner. The State's Attorney can then file a complaint in the Circuit Court after a review of the report. If the courts make the final determination as to whether the dog is deemed vicious. Once a dog is deemed vicious, the following can be imposed: (1) a fine; (2) the dog must be spayed or neutered; (3) the dog must be micro-chipped; (4) the dog is subject to enclosure; (5) the judge has the discretion to order a vicious dog to be euthanized.

Steps to determine a dangerous dog were also provided by Ms. Rein. A dangerous dog is one which behaves in a manner that a reasonable person would believe poses a serious threat to a person or companion animal or without justification bites a person and does not cause serious physical injury. A dog can be deemed dangerous by administration through a preponderance of the evidence after a ten days notice is provided to the owner who is given the opportunity to meet with administration prior to such a determination. An investigation is conducted and a final report is provided. In addition to imposing a fine, the dog must be spayed or neutered and micro-chipped. Animal Control also has the right to impound a dangerous dog if the owner fails to comply with the requirements.

Should violations occur after a dog is deemed vicious there are serious penalties that can be imposed including a Class 4 felony. If the owner knowingly allows the dog that has been deemed vicious to run at large or fails to comply with any order regarding the dog and serious injury occurs the owner can be found guilty of a Class A misdemeanor or a Class 4 felony.

Chairman Koehler raised concern with the use of the word "knowingly" as he felt such language would provide an "out" for the owner as the meaning could be interpreted many ways and used to the advantage of the owner. Ms. Rein noted that a lecture / presentation on Ryan's Law will be made on Tuesday 11/29/03 at 11 a.m. She recommended that the members and those interested listen to this presentation which will be available on a computer network. Ms. Gilman raised concern that before a dog can be deemed dangerous, three separate incidents must

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have occurred. Ms. Rein confirmed the three bite rule. Ms. Gilman asked how a dog that attacks another dog walking with its owner on a lease would be handled. She felt this should also be addressed as the attacking dog should be restrained. Ms. Rein noted that currently such a dog could be deemed dangerous. Ms. Gilman expressed concern that the current laws do not go far enough in addressing the attacking dog and fines that can be imposed. She went on to comment that she has zero tolerance for owners who allow their dogs to run at large and felt all dogs deemed to be vicious should be euthanized. She added that owners should be required to have their dog spayed or neutered unless they are a registered breeder. It was noted that the American Kennel Club (AKC) provides very specific information on all breeds including fencing requirements for certain breeds. Chairman Koehler confirmed that problems with vicious dogs in McHenry County do exist and pointed out incidents that happened prior to the one in Cary. Members agreed that Animal Control personnel must be increased and that the County needs to be more aggressive in enforcing their Animal Control Ordinances. Mr. Rivard noted that the majority of complaints in the County have been "neighbor against neighbor" type complaints. He stated that reports of a dog running at large in the County have been few. With a neighbor complains only a fine can be imposed. Chairman Koehler re-stated the following five problems previously raised by Dr. Gorski: (1) Owner responsibility; (2) imposing stricter penalties; (3) we need to educate on all levels; (4) a breed specific law is too restrictive; and (5) Animal Control needs additional resources. Ms. Odishoo added that the community needs to be empowered to take control. Citizens need to be assured that the County enforces its ordinances and that their complaints will be duly investigated and acted upon accordingly. It was noted that if a person files a complaint they must be willing to provide testimony; if they are unwilling then "our hands are tied." Members also agreed that micro-chipping should be a requirement to dog ownership and should be provided with the registration. Concerns were also raised with the breeder who raises an animal to perform certain duties such as a police dog and then sells a dog who does not meet their criteria to a citizen. Such animals are bred for specific behavior that may cause a problem in the future. Mr. Provenzano added the wording "knowingly" needs further definition and a database tracking dog violations and incidents should be available to all animal control officers. Mr. Provenzano also noted that all adoptions from rescue groups have certain requirements that must be met prior to the adoption including the spay or neutering of any dog adopted along with required micro-chipping. A home inspection is often required to make sure the new owner can provide the proper environment for the animal.

Chairman Koehler asked the Committee to determine what position they wanted to forward to representatives on proposed legislation that should either be breed specific or not. All members agreed that a broader view needs to be taken and legislation should not be breed specific. The Committee agreed that the County Board needs to support Ryan's Law. Ms. Gilman made a motion, seconded by Mr. Lowery, to recommend the County Board support new legislation amending Ryan's Law. Mr. Provenzano made a motion to amend the Original motion to include the language "...as a first step," Ms. Odishoo seconded Mr. Provenzano's motion. The motion to amend carried with a unanimous voice vote. The original motion carried with a unanimous voice vote. Chairman Koehler noted that a written document needs to be forward to representatives by December 15, 2005.

For the next meeting, Chairman Koehler asked that members write down their specific concerns. The Committee will also review the recommendations provided by Mr. Foley.

Old Business

None

Executive Session

None

Adjournment

Noting no further business, Ms. Gilman made a motion, seconded by Mr. Provenzano to adjourn the meeting at 5:15 p.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION:

Support Ryan's Law legislation as a first step