

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING BEFORE JOINT COUNCIL COMMITTEES ON

4

PUBLIC HEALTH & HUMAN SERVICES AND PUBLIC SAFETY

5

6

- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 12, 1999
2:15 p.m.
- - -

7

8

9

10

11 RESOLUTION NO. 970803 - Calling on City Council's
12 Committees on Public Health & Human Services and
13 Public Safety to hold hearings to examine
14 provisions regulating ownership of vicious dogs,
as articulated in Section 10-104 of The
Philadelphia Code.

14

15

16

PRESENT: COUNCILWOMAN MARIAN B. TASCO, Chair
COUNCILMAN DAVID COHEN
17 COUNCILWOMAN DONNA REED MILLER
COUNCILMAN ANGEL L. ORTIZ
18 COUNCILMAN RICHARD T. MARIANO
COUNCILMAN FRANK RIZZO

19

20

21

22

23

VINCENT VARALLO ASSOCIATES, INC.
Registered Professional Reporters
24 Eleven Penn Center, Suite 600
Philadelphia, PA 19103
25 (215) 561-2220

24

25

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 I N D E X

3		Page
4	Dr. Kathy Shaw, Physician.	6
5	Children's Hospital of Pennsylvania	
6	Linda Feder, Private Citizen	16
7	Dog bite victim	
8	Richie Feder, Esquire.	19
9	Deputy City Solicitor, Spouse of Linda Feder	
10	William Ferraro, Philadelphia Department . . .	27
11	of Public Health, Vector Control	
12	Captain Allan Kurtz, Commanding Officer. . . .	32
13	Philadelphia Police Department Canine Unit	
14	Betsy Gerhart, Special Education Teacher . . .	60
15	John B. Kelly School	
16	Owner of guide dog attacked by vicious dog	
17	Rabbi Philip Goodman	70
18	Clinical Chaplain Specialist, VA Medical Center,	
19	Coatesville and Philadelphia, dog bite victim	
20	Leonard Knox and Gary Lovett	81
21	Humane Society Police Officers	
22	Pennsylvania SPCA	
23	Rose Overton, Private Citizen.	91
24	Mother of victim of dog attack	
25	Bernard Weaver, Private Citizen.	96
	Victim of dog attack	
	Patrick Harvey, Private Citizen.	100
	Owner of boxer dog	

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 P R O C E E D I N G S

3 COUNCILWOMAN TASC0: Good afternoon.

4 The committee on -- the Joint Committee on Public
5 Health & Human Services and Public Safety will now
6 come to order. We would like to have the clerk
7 read the resolution into the record, please.

8 THE CLERK: Resolution No. 970803,
9 calling on City Council's Committees on Public
10 Health & Human Services and Public Safety to hold
11 hearings to examine provisions regulating
12 ownership of vicious dogs, as articulated in
13 Section 10-104 of The Philadelphia Code.

14 COUNCILWOMAN TASC0: Thank you very
15 much.

16 We will begin this hearing now. We're
17 hoping that Councilman Rizzo and Councilman
18 Mariano and Ortiz will join us shortly. However,
19 this is a hearing and not a hearing on an
20 ordinance, so, therefore, we will begin because
21 we're gathering information.

22 I'd like to call on Councilwoman Donna
23 Miller, the sponsor of this resolution, to give
24 opening remarks.

25 COUNCILWOMAN MILLER: Thank you, Madam

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 Chair.

3 Good afternoon. I'd like to take this
4 opportunity to thank Councilwoman Tasco and
5 Councilman Ortiz, Chairs for Public Health & Human
6 Services and Public Safety Committees respectfully
7 for calling for this public hearing of Resolution
8 No. 970803. I would also like to thank those
9 private citizens, representatives of City
10 agencies, and members of the professional
11 community for coming to testify before these
12 committees this afternoon. Legislation that
13 effectively reflects the input of all who have, or
14 will be, impacted by a particular subject can only
15 occur with your participation. So, again, I thank
16 you.

17 When I initially introduced this
18 legislation, it was in response to the alarming
19 increase in dog attacks on humans and other dogs.
20 The frequency and severity of such attacks have
21 reached epidemic proportions. My question was,
22 what can we do on a local level to ensure greater
23 accountability from these dog-owners who do not
24 properly train, control, confine or register their
25 dogs. However, to do that, we must first examine

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 the current practices and policies in The
3 Philadelphia Code and the applicable statute.

4 It is statute, on its face, that there
5 is a dire need to address this issue within the
6 framework of our legislative powers. This
7 resolution speaks specifically of a number of
8 breeds across the country. There has been
9 increasing pressure to legislate against specific
10 breeds of dogs -- most notably, the pit bull
11 terrier, as they have been implicated in serious
12 attacks on humans and on other animals.

13 Multiple medical associations recognize
14 that aggressiveness in all dogs and the subsequent
15 dangers to the public are largely a product of
16 inappropriate methods of genetic selection,
17 rearing, and training. All dogs that are
18 selectfully bred, reared, or trained for
19 aggressiveness can impose a significant danger.
20 However, we must still return to our basic
21 question that we will seek to address this
22 afternoon: how can we hold owners accountable and
23 not infringe on the freedom of other such animals,
24 yet protect the health, safety, and welfare of
25 citizens of Philadelphia and provide an adequate

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 forum to address grievances and enforce
3 penalties. These hearings, I hope, will begin
4 that investigation.

5 Thank you. Thank you for your
6 participation.

7 COUNCILWOMAN TASC0: Thank you,
8 Councilwoman Miller.

9 The Chair calls on Dr. Kathy Shaw of
10 Children's Hospital to come forward.

11 The testimony today is to gather
12 information. And, hopefully, as Councilwoman
13 Miller has stated, we'll come up with probably
14 some resolution in form of an ordinance, and the
15 ordinance will emanate from the information
16 presented here today.

17 (Dr. Kathy Shaw comes forward.)

18 COUNCILWOMAN TASC0: Thank you very
19 much for coming. And would you please state your
20 name for the record.

21 DR. SHAW: Yeah. I'm Dr. Kathy Shaw,
22 S-H-A-W.

23 COUNCILWOMAN TASC0: Please proceed
24 with your testimony. Do you have prepared
25 testimony or have you given it to Councilwoman

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 Miller?

3 DR. SHAW: No, I haven't given her
4 anything but I'd be happy to leave this behind
5 afterward if you'd like me to.

6 COUNCILWOMAN TASCO: Okay, thank you.

7 DR. SHAW: What I brought with me, as I
8 searched our records to -- the question that the
9 Councilwoman posed to me is how often do you see
10 dog bites at the children's Hospital? And I'm the
11 director of the emergency department, and I'll
12 tell you the number of dog bites that we see in
13 our emergency department each year.

14 In the past year, we saw 261 children
15 who were bitten by dogs. So that's roughly 2 out
16 of every 3 days, though it is somewhat seasonal.
17 We see more dog bites in the spring, summer, early
18 fall than, of course, we do in the winter, because
19 children and dogs are more likely to be outside.

20 When we looked at our last statistics
21 from 10 years ago, there were 168 dog bites in our
22 emergency department. So in the last 10 years,
23 looking at 1988-'89 compared to 1998-'99, it's up
24 about 55 percent.

25 I brought also -- one of the other

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 questions was, who is affected by dog bites? And
3 very clearly, there's two different profiles,
4 depending on the age of the child. So the younger
5 children, it's often unintentionally provoked, a
6 young child at home with a family dog, you know,
7 who puts their body or their face in the dog's
8 way. And compared to the older children, which
9 are more likely to be bitten out on the street,
10 unprovoked attacks.

11 And the type of injuries vary by the
12 age. So the younger child is more likely to be
13 bit because they're down closer to the dog, in the
14 head or face and in the hands, as opposed to the
15 older children, who are usually trying to defend
16 themselves or push away, so it's usually their
17 extremities.

18 And the types of injuries we see are
19 about a third, a third, and a third. A third of
20 children have lacerations, which are deep cuts
21 requiring closure or sutures. A third have
22 puncture wounds, which are the deep punctures from
23 the dog's teeth, which are more likely to get
24 infected. And a third have a very -- various
25 other things, including abrasions or bruises.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 I brought with me today an article that
3 was published in Pediatrics in 1991 from our
4 institution, and it looked to see the type of dog
5 bites, the breed of the dog, the circumstances
6 surrounding the bite. And I can summarize this by
7 saying that about half of attacks are provoked and
8 about half of the time, they are unprovoked. We
9 can put it that way: half are unprovoked and
10 about half of them are by dogs that are not
11 contained.

12 When you looked by breed, I think the
13 most remarkable thing we found substantiates what
14 the Councilwoman said, which was that with pit
15 bulls, the likelihood that the attack was
16 unprovoked by the child is 94 percent of the time
17 with pit bulls, compared to only 43 percent of the
18 time with other breeds of dogs. So it's twice as
19 likely, a very high percentage. And also that
20 they were more likely, the pit bulls, to be freely
21 roaming animals, and they attack: 67 percent,
22 versus 41 percent for other breeds.

23 COUNCILWOMAN TASC0: Thank you very
24 much for your testimony.

25 I'd like to recognize that we've been

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 joined by Councilman Ortiz, Mariano, and Rizzo.

3 The Chair recognizes Councilwoman
4 Miller.

5 COUNCILWOMAN MILLER: Actually, you did
6 answer my question when you were summing up the
7 percentages at the end -- one third, one third,
8 one third. Most of the pit bull attacks, were
9 they -- do you know if any were behind gates,
10 behind fences?

11 DR. SHAW: Yeah. Again, for the pit
12 bulls, they were freely roaming two-thirds of the
13 time for the pit-bull attacks.

14 COUNCILWOMAN MILLER: Two-thirds, okay.

15 Doctor, I want to thank you for coming,
16 and please leave us a copy of your testimony.
17 Hold on, Councilwoman Tasco has some questions.

18 COUNCILWOMAN TASCO: I guess when you
19 were testifying, you did answer the question
20 later. I wrote down, were they -- were most of
21 the dogs, were they with their owners, or were
22 they the owner dog biting the child or someone
23 else's dog biting the child?

24 DR. SHAW: I don't have that to that
25 detail. I can tell you that the dog was known,

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 like the child could identify the dog -- that
3 might mean the neighborhood dog, however --
4 three-quarters of the time. It doesn't mean that
5 it was the owner's dog, though.

6 COUNCILWOMAN TASC0: Mm-hmm, okay.

7 DR. SHAW: And again, with pit bulls,
8 it was more likely to be a free-roaming dog than
9 the other breeds of dogs.

10 COUNCILWOMAN TASC0: So you find that
11 more dogs that are free-roaming are pit bulls
12 rather than other types?

13 DR. SHAW: Well, I don't know that you
14 can --

15 COUNCILWOMAN TASC0: Oh, you can't say
16 that, okay.

17 DR. SHAW: You can't back it off that
18 way.

19 COUNCILWOMAN TASC0: But those that are
20 biting were pit bulls.

21 DR. SHAW: Correct.

22 COUNCILWOMAN TASC0: Okay.

23 DR. SHAW: I mean, the entry point of
24 the study was a child had been bitten that was
25 brought to Children's Hospital.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILWOMAN TASC0: Mm-hmm, okay.

3 Thank you very much.

4 DR. SHAW: And the only other thing
5 that I neglected to say is that we have, from the
6 emergency department, about 12 to 15 kids a year
7 that are seriously enough injured that they
8 require hospitalization.

9 COUNCILWOMAN TASC0: Thank you.

10 Are there any questions from any other
11 members of the committee?

12 COUNCILMAN MARIANO: Sure.

13 COUNCILWOMAN TASC0: Councilman
14 Mariano.

15 COUNCILMAN MARIANO: I'm sorry for
16 being late.

17 The reason I wanted to ask this
18 question, I thought about doing legislation --
19 somebody asked me before, someone from the SPCA
20 about doing some legislation along this matter,
21 but they wanted to outlaw pit bulls. Now, I've
22 talked to a lot of people, and one of my friends
23 said, Rick, the problem with outlawing pit bulls
24 is then we get into rottweilers, then we get into
25 German shepherds, all that's on this bill. I

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 mean, how far down do we go? I mean, do we get to
3 Great Danes, then we're doing the Taco Bell dog
4 last, or --

5 You know, I'm not trying to be funny,
6 but, you know, there's a golden retriever in the
7 middle there, and there's a lot of people that are
8 very pro-dog in my Council district and in the
9 city.

10 DR. SHAW: Sure.

11 COUNCILMAN MARIANO: And there's a lot
12 going wrong with pit bulls out there, you know. I
13 mean, I can see that. You know, I've seen what
14 happened over the years.

15 But where do we end these vicious breed
16 part? I mean, any dog can be vicious. That Heinz
17 57 variety dog could be just as vicious as a pit
18 bull, but it doesn't have the jaws. And there's a
19 dog with little feet, little legs that has a big
20 jaw from Whales, I forget the name of that, but,
21 you know, he has jaws like a pit bull. Where do
22 we stop? Is there, in your studies, a --

23 DR. SHAW: Well, I can, guess, try and
24 answer that just from personal experience, not
25 from the data per se. The data that we have from

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 this study did identify the pit bull as the most
3 serious offender, if you want to put it that.
4 Though, there are mixed breeds, there are other
5 types of dogs that have -- that had caused vicious
6 attacks to children.

7 And, again, I agree with you that it's
8 a shame to single out a type of dog. This is just
9 what the data --

10 COUNCILMAN MARIANO: If we could single
11 out the owners, it would probably be a lot easier.

12 DR. SHAW: Not, it's just what the --
13 it's what the data shows. And I think you're
14 right, any dog can be vicious. I think that data
15 aside, from a doctor who's worked at Children's
16 Hospital since 1982 and a mother of three, I would
17 never own a couple of breeds of dogs, and the pit
18 bull is one, a rottweiler is another.

19 And, you know, and the children that we
20 see that are bitten by these dogs, if it's known,
21 the family has brought them into the family not as
22 a pet but as a defender of the house, and that
23 usually doesn't mix well with young children.

24 But, again, this study shows that it's
25 beyond that. A lot of these dogs were

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 free-roaming, and I think that's more of concern
3 than anything else.

4 COUNCILMAN MARIANO: Thank you, thanks
5 for that.

6 DR. SHAW: And I'm a dog lover.

7 COUNCILWOMAN TASCO: Councilman Ortiz?

8 COUNCILMAN ORTIZ: What concerns me,
9 and I see that we have a representative of the
10 Police Department here. What concerns me is that
11 in different neighborhoods, specifically up in
12 North Philadelphia and in certain parts of the
13 Barrio and the East District, pit bulls have been
14 -- and other of this type of very big animal have
15 been used by drug dealers, have been used by --
16 actually, I've heard of actual fights staged among
17 these dogs that have happened, and I was wondering
18 if you got reports along those lines as to those
19 circumstances occurring and those activities
20 taking place.

21 DR. SHAW: Again, I think the Police
22 Department would be able to answer you better
23 because our information comes from the victim.
24 And usually all the child or the family will know
25 is that this was a free-roaming dog. Why the dog

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 was free-roaming, I don't know. So, you know, we
3 read the newspapers, too. I can imagine that a
4 dog that's free-roaming is more likely not to be a
5 family pet.

6 COUNCILWOMAN TASCO: Thank you.

7 Are there any other questions?

8 (No further questions.)

9 COUNCILWOMAN TASCO: Thank you very
10 much for your testimony.

11 The Chair calls on Miss Linda Feder and
12 Mr. Richie Feder.

13 (Linda Feder and Richard Feder come
14 forward.)

15 COUNCILWOMAN TASCO: Good afternoon.

16 Would you state your name for the record and
17 proceed.

18 MS. FEDER: My name is Linda Feder.

19 And the reason that I'm very interested in this
20 issue -- and I thank you for inviting me here, I'm
21 glad that you're interested in it too -- is
22 because I was attacked by a pit bull terrier on
23 August 20th.

24 I live in the West Mt. Airy section of
25 the city. I was jogging, which is something I

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 used to do two or three times a week. I no longer
3 jog in the street. I normally was very careful
4 about avoiding dogs when I jog because dogs have
5 chased me and charged at me, but fortunately, I
6 was never bitten. So I took extra precautions to
7 cross the streets, avoid dogs that were off the
8 leash, which, in our neighborhood, is a very
9 frequent occurrence.

10 On this morning, I was jogging on the
11 sidewalk and I didn't see the dog because it was
12 either coming out of a car or crossing the street
13 behind a car. And by the time I saw the dog -- it
14 was about as close to me as I am to you -- I
15 stopped running and stood perfectly still, which
16 is something I had read that you're supposed to
17 do.

18 The owner of the dog was right there
19 and the dog was not on a leash. It charged me and
20 attacked me, even though she repeatedly called it
21 and told it no. By the time she actually
22 physically came over and pulled the dog away from
23 me, it had bitten me six times. And. . . would
24 you like to know where?

25 COUNCILWOMAN TASC0: (Nods.)

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 MS. FEDER: Excuse me?

3 COUNCILWOMAN TASC0: Yes.

4 MS. FEDER: The leg and hip area twice,
5 my left thumb, my left wrist, my right upper arm,
6 and also my left breast.

7 I was very terrified and I was
8 screaming, and I think that that brought other
9 people out into the street. Some of them may have
10 even been there in the first place; it's that sort
11 of street, where people just kind of come out in
12 the morning, and there's lots of families, lots of
13 kids.

14 And the woman who had the dog did pull
15 the dog off of me. She didn't say anything to me.
16 She went into the house with her dog, her husband
17 came out and yelled about how that's it for the
18 dog. But neither one of them said anything to me
19 or offered me any sort of assistance. And
20 luckily, though, some of the other people on the
21 street were more helpful.

22 Afterwards -- I mean, I was treated at
23 MCP. I have healed up physically, although I am
24 still very nervous out on the street. I now own
25 pepper spray, which is something that the people

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 in the emergency room suggested that I get for
3 sort of for peace of mind.

4 And in Mt. Airy, confronting a dog off
5 a leash is almost a daily occurrence, and it's
6 very frightening for me, and it's not been easy on
7 my children who have to deal with me and my
8 fright, and my husband too.

9 The other thing is, after this
10 incident, I've always felt very strongly that this
11 a dangerous dog. First of all, it should have
12 been on a leash; and second of all, that it was a
13 particularly dangerous dog and I wanted to take
14 some action against the dog.

15 And that's where Richie's going to take
16 over, what we've been through to try to do that.

17 MR. FEDER: Good afternoon, Chairwoman
18 Tasco, Chairman Ortiz, Councilmembers. My name is
19 Richie Feder. I am here as a private citizen, not
20 as a member of the Law Department. But I do want
21 to relate to you the difficulty that a private
22 citizen has, even one who is somewhat
23 knowledgeable in the law, in trying to actually
24 take action against the owner of a dangerous dog.

25 There's no question that we would like

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 to see a little bit of punishment, but our most
3 important and fundamental concern was to do
4 something about this dog because we've seen the
5 dog on the street since that time, and this dog is
6 likely to -- if it's done it once, it's going to
7 do it again. I just wanted to briefly tell you
8 what I had to do in order to get any action taken.

9 I do want to tell you first that, based
10 on conversations that I've had here with the
11 Health Department and conversations I've had with
12 the Police Department, I think there is a
13 procedure in place where the Health Department and
14 the Police Department can take some action against
15 these types of dogs and the owners of these dogs.
16 But I have to tell you, it is impossible, at least
17 right now, for any private citizen to find out
18 about that procedure.

19 While we were in the emergency room, I
20 called Health Department. My first concern
21 rabies, which we quickly were able to rule out
22 because we were able to determine the dog was
23 vaccinated. But the Health Department assured me
24 -- at least the first person spoke to -- that
25 there was nothing they could do about this dog if

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 it hadn't had multiple bites. And since they
3 didn't have a record of a prior bite, there's
4 nothing they could do.

5 The police officer who visited us in
6 the emergency room told me, If you want to take
7 any action against the owner, you should call the
8 District Attorney. That made sense to me, so I
9 looked up the Private Criminal Complaint number in
10 the Legal Directory, I called the District
11 Attorney, I got a recording that said, We're open
12 till 3 o'clock. If you come by at 3 o'clock, we
13 might be closed. I left a message; nobody call me
14 back.

15 I called again the next day. I was
16 told that unless the owner of the dog directed the
17 dog to attack my wife, there is nothing they could
18 do for me. The Private Criminal Complaint Unit, I
19 was told, only handles misdemeanors and above, and
20 incidental attacks like this are mere summary
21 offenses.

22 I went back and did some research. I
23 found a state statute which prohibits -- which
24 authorizes persons who have been attacked or
25 anybody on their behalf or any police officer to

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 file an action with a district justice -- and in
3 Philadelphia, that's Municipal Court -- to declare
4 a dog dangerous. And the consequences of such a
5 filing, if the dog is proved to have engaged in a
6 vicious attacks, is that the dog would be ordered
7 to be muzzled whenever it goes outside, and there
8 would be a sign -- must be a placed on the owner's
9 property which warns everybody that there is a
10 dangerous dog on the premises. Presumably, most
11 owners at this point would get rid of the dog.

12 At the same time, my wife tried to call
13 the local police district. After five phone
14 calls, she was able to reach the sanitation
15 officer, who, apparently, is the only one who
16 knows how to deal with dogs in the district, and
17 he assured my wife that he would issue a code
18 violation for not having the dog on a leash. Now,
19 mind you, there had already been two police
20 reports taken on this incident, and nobody had
21 volunteered even to write that notice without my
22 wife's five phone calls.

23 I called back the sanitation officer
24 and suggested to him that he might want to write a
25 violation notice for a dangerous-dog situation so

7 So I called the Private Criminal
8 Complaint people back. She assures me again that
9 there's nothing she can do because the owner
10 didn't direct the dog to attack, but she says,
11 There's a lawyer in my office who maybe can help
12 you. She gives me a name and number, I called.
13 Three days calls, he calls me back, he can't help
14 he, but he says, Maybe my boss can help me. I
15 talked to his boss, he's busy, says, Call me back
16 in two days. We talk, he's going to look into it,
17 and he still hasn't called me back.

18 I called the SPCA. The person who
19 answered the phone there said, There's nothing we
20 can do. I talked to the director of the SPCA, who
21 was actually very helpful and professional, and
22 was well aware of the state statute and said, to
23 his knowledge, nobody in Philadelphia has ever
24 enforced that state statute.

25 I found a case out of another county

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 where a dog officer from the Department of
3 Agriculture issued the citation to an owner of a
4 dangerous dog. I called the Department of
5 Agriculture, I spoke to the dog officers, and they
6 told me that in Philadelphia, we don't handle the
7 City of Philadelphia, that's a Third District
8 city.

9 The Women's Humane Society handles
10 Philadelphia. I called the Women's Humane
11 Society, nobody returns my call.

12 I say this is ridiculous. I'm a deputy
13 city solicitor, I should be able to figure out how
14 to enforce the dangerous-dog law.

15 I called friends in the Police
16 Department, who, after two weeks, were able to
17 persuade the Police Department to issue a
18 citation, and we do now have a court date coming
19 up on November 1st, where a dangerous-dog claim
20 will be brought against the owner, and, hopefully,
21 the dog will be destroyed. But, frankly, I'm
22 confident that there's nobody else in this city
23 who would have been able to get that done, other
24 than me.

25 COUNCILMAN MARIANO: But you didn't

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 call your Councilperson.

3 MR. FEDER: I, fortunately, have a
4 Councilperson who has taken a strong interest in
5 this issue.

6 MS. FEDER: We did call the
7 Neighborhood Association, that was one of our
8 phone calls, too. They were interested in the
9 issue but were not helpful on the legal end of it.

10 COUNCILMAN RIZZO: Can I just add
11 something that I just learned, Counselor? That
12 the humane societies will not deal with pit
13 bulls. I've tried to get recently four pit bulls
14 placed at both of the shelters, and they will not
15 take them. We had to reach out and find a group
16 of people, like the greyhounds group, that have a
17 interest in pit bulls, the rescue people, to
18 actually take these pit bulls.

19 So I assume that if the SPCA or the
20 Women's SPCA take a pit bull, it's destined for
21 death, but they wouldn't even accept those pit
22 bulls.

23 MR. FEDER: Councilman, to be very
24 candid, I really don't care what happens to this
25 dog; I just want to get it off the street. And I

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 can tell you that there are laws in place which
3 seem to be designed to do exactly that, but in
4 order to get anybody to actually figure out how to
5 enforce it, at least as of this date, I don't
6 think there has been adequate communication,
7 although I will tell you, I think that as a result
8 of my conversations with the Health Department and
9 the Police Department and this Council's hearings,
10 I think something will be done.

11 COUNCILMAN RIZZO: Do we have a
12 representative of the Health Department here?

13 COUNCILWOMAN TASC0: Well, yes, and
14 that's what I was going to do. While they're
15 here, why don't we have the -- Mr. William
16 Ferraro, is he here?

17 MR. FERRARO: Yes.

18 COUNCILWOMAN TASC0: Would you come
19 forward, please.

20 And also I'd like Mrs. Moira Mulroney,
21 from the District Attorney's Office. Is she
22 here?

23 (No response.)

24 COUNCILWOMAN TASC0: No. It says
25 there's a letter to be read into the record, okay

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 then.

3 COUNCILMAN RIZZO: Madam Chair, I have
4 a question for the Health Department. May I?

5 COUNCILWOMAN TASC0: Sure.

6 MR. FEDER: Madam Chair, do you want us
7 to remain here?

8 COUNCILWOMAN TASC0: Stay.

9 (Mr. Ferraro comes forward.)

10 COUNCILMAN RIZZO: Would you identify
11 yourself again, please for the record.

12 MR. FERRARO: William Ferraro,
13 F-E-R-R-A-R-O, Philadelphia Department of Public
14 Health, Vector Control.

15 COUNCILMAN RIZZO: Mr. Ferraro, doing
16 some research for this hearing, I read something
17 in the Philadelphia Code that's at least troubling
18 to me and I think should be reexamined, and I'll
19 read. "Maximum number of dogs, cats allowed. No
20 residential dwelling unit shall keep a total of
21 more than twelve adult dogs or cats combined on
22 which no more than four may be unneutered unless
23 the Department of Health has been notified and
24 granted a waiver."

25 Twelve -- a combination of twelve cats

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 or dogs in a residential unit? Does that include
3 an apartment?

4 MR. FERRARO: Yes.

5 COUNCILWOMAN MILLER: Yes.

6 COUNCILMAN RIZZO: Well, I really
7 believe that something -- well, I don't want to
8 just change it to change it, but how could the
9 Health Department come up with a number of twelve
10 and that be a healthy situation? In an apartment,
11 a person could have twelve dogs legally in the
12 City of Philadelphia.

13 MR. FERRARO: We did not come up with
14 that number. That was in the Animal Ordinance
15 that was legislated back, I believe, in '86 that
16 was pretty much given to us. I believe the Animal
17 Advisory Committee may have been involved in that
18 number. The Health Department was not --

19 COUNCILMAN RIZZO: But what really
20 troubles me here is that the Health Department --
21 the Department of Health also can grant a waiver
22 to allow a person to have more than a combination
23 of twelve.

24 MR. FERRARO: Yes, but we never have.
25 We also believe that twelve is too many.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILMAN RIZZO: Well, good, I'm glad
3 to hear that.

4 Thank you, Madam Chair.

5 COUNCILWOMAN MILLER: I have a few
6 neighbors that live in an apartment building, and
7 right now, one of the tenants that had about
8 twelve animals in an apartment and causing havoc
9 throughout the courtyard and the neighborhood,
10 they have a petition going on right now to try to
11 declare her a nuisance tenant. So that's
12 something, I think, that we really need to look
13 at.

14 One of the things -- and I don't know
15 you can't answer this, but when the doctor was
16 testifying and she said that animals are running
17 freely, but doesn't a pit bull have the ability --
18 and maybe someone here knows -- to just stand
19 still and jump over a fence? Someone told me that
20 they don't have to, like, you know, run and get
21 ready to jump; they could just stand still and
22 just jump right up.

23 MR. FERRARO: Yes, they can. I mean,
24 they could jump -- some -- some can climb up a
25 fence to get out, and that would be any dog can do

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 that.

3 Actually, the laws usually just say "an
4 adequate fence, which would mean -- some dogs
5 won't go over a three-foot fence, no matter how
6 high it can jump. For some dogs, you need not
7 only an eight-foot fence, but you need an
8 enclosure across the top to keep them in. So I
9 don't think you can really put a number on a
10 fence, it's just a matter of it has to be under
11 control.

12 And we do investigate any animals that
13 escape, that's usually what happens. We not only
14 ask for fences to go into the ground so they don't
15 dig out, but also up and over if they're jumpers.

16 COUNCILWOMAN MILLER: I would think
17 that, Mr. Feder, in your -- with the experience
18 that you just went through you, and I had another
19 constituent that had a very similar experience.
20 This was a child, a kid maybe about ten, who at
21 that point was even afraid to go to school. He
22 was just afraid to walk the street. He had
23 serious injuries in his face and in other parts of
24 his body.

25 Is there a checklist or is there a

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 where-to-turn directory or a little educational
3 piece we can get together or put together to give
4 people that are victims of attacks, like your
5 wife, to condense and not make it so frustrating
6 to get through?

7 MR. FEDER: Councilwoman Miller, I
8 think that the problem really lies in just making
9 sure that the first line of defense, the police
10 officers, are aware. I was talking with
11 Mr. Ferraro this morning, and he's assured me that
12 the Animal Control Unit is prepared to take action
13 in these cases. I also believe that the Police
14 Department and the DA have the authority to take
15 action in these cases.

16 What we need to do is, when a police
17 officer takes a report in this type of incident --
18 and there's almost always a police report -- they
19 need to know what it is that a person should do,
20 and it really doesn't matter what it is. I mean,
21 if the City decides that the Health Department
22 wants to take the lead, the police, the DA, I
23 don't think the citizen cares; you just need the
24 police officer to know, This is the process, you
25 should call this number, or we will issue a

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 citation and we will contact. But you somebody
3 needs to let the police officer know because
4 that's typically going to be the communication
5 with the City.

6 COUNCILWOMAN TASC0: Why don't we ask
7 Captain Allan Kurtz to come forward, from the
8 Philadelphia Police Department Canine Unit. Let's
9 have this as a little panel since we're talking
10 about happens. You can stay, Mrs. Feder, at the
11 table. He can bring up another chair.

12 Sorry that you were bitten and. . .
13 (Captain Allan Kurtz comes forward.)

14 CAPTAIN KURTZ: Good afternoon.

15 COUNCILWOMAN TASC0: Good afternoon.

16 CAPTAIN KURTZ: Would you like me to
17 introduce myself?

18 COUNCILWOMAN TASC0: Yes, I would.
19 State your name for the record, please.

20 CAPTAIN KURTZ: Sure. It's Captain
21 Allan Kurtz, K-U-R-T-Z, commanding officer of the
22 Police Canine Unit. With me, I also have Police
23 Officer Paul Bryant, who's in charge of our
24 training department, and Paul could probably pick
25 up where I drop off, if need be, so I may be

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 referring to him.

3 COUNCILWOMAN TASCO: Do you have a
4 statement?

5 CAPTAIN KURTZ: Yes. I'm going to give
6 you some statistics that I was able to obtain.
7 Keeping in mind it's not normally my function to
8 keep these statistics, but I was surprised in
9 getting these statistics that there is a problem
10 with centralizing these stats that would be
11 available for Council and that may be built into
12 what we're discussing today, approaching this
13 problem with a resolution.

14 First, I would like to apologize to the
15 two of you for the problems that the Police
16 Department -- that you had with the Police
17 Department. In doing so it and reading everything
18 that we have on it, it is not clearly defined who
19 is the lead agency in these problems. I'm sure
20 you found that out yourself. The Police
21 Department is essentially -- was and we're going
22 to come to -- hopefully, we'll come to some
23 resolutions out of this testimony today.

24 But the Police Department was
25 essentially a reporting agency and just giving

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 this information generally to the Health
3 Department and to the SPCA. Enforcement was not
4 clear, other than issuing summary citations, and
5 those are only in cases where the owner of the
6 animal has been identified, the owner and the
7 address.

8 The ability of a police officer to post
9 this problem occurring, then going to that address
10 and having that owner surrender the dog, in my
11 experience -- and it's limited at this point, was
12 very unlikely to occur. As I understand, I read
13 the new law or the new definition of the law that
14 came from Commonwealth Court, and that may put a
15 little bit more, if you'll pardon the expression,
16 bite into the law, that we can maybe we can in the
17 future take a little more action. But, of course,
18 those policies will be made at a level above me,
19 along with the District Attorney's Office, and
20 input from Council, obviously, will make that law.

21 I can give you some of the statistics
22 that were surprising to me, and these are only
23 statistics that were reported to the Police
24 Department. Last year, in 1998, there were 555
25 cases reported to the Police Department of actual

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 dog bites -- and let me make that calendar year
3 from 1/1/98 to 9/30/98, I'm going to make a
4 comparison. This year, to date, there have been
5 690 in that same reporting period, which is an
6 approximately 25 percent increase. And that is a
7 problem, we all recognize that's a problem.

8 COUNCILMAN ORTIZ: If I may --

9 CAPTAIN KURTZ: Sure.

10 COUNCILMAN ORTIZ: I see a lot of pit
11 bull dogs in neighborhoods that are there, and I
12 see them being walked in the streets by some
13 individuals that are associated with the drug
14 trade and that sort of thing. And it's sort of --
15 in some neighborhoods, the pit bull has become
16 very much identified with the drug trade and the
17 individuals that do it.

18 And I'd like to find out if you have
19 you have some information about that and what are
20 we doing about it, if anything, in terms of -- as
21 police to make sure that these dogs are not out
22 there. Because they train them to be vicious. I
23 mean, I've seen the training that takes place, and
24 I looked at it, riding around. And I have been
25 told of actual pit bull fights within the

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 neighborhoods in which people just go to see these
3 dogs actually get it on. And I'd like to find out
4 what the police is doing, if anything, about this
5 situation.

6 CAPTAIN KURTZ: Councilman, we're aware
7 of the problem. The drug culture, as you're well
8 aware, has taken a liking to pit bull, and many
9 drug houses will have a pit bull for one reason
10 and one reason only -- not just to attack police
11 officers if they should come in contact with a
12 warrant, but to attack anybody who should come
13 near that house. I guess they don't have to pay
14 'em as much to watch the house or whatever, for
15 whatever reason.

16 We have had in four instances this
17 year. There were -- in reference to warrant
18 service with drugs, there were incidents where the
19 police shot or shot at pit bulls. We've
20 experienced -- last year, there were 38 discharges
21 by police officers at dogs, and 24 of them were
22 pit bulls.

23 COUNCILMAN ORTIZ: At police and when
24 they're arresting some drug dealer or --

25 CAPTAIN KURTZ: Suspect.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILMAN ORTIZ: Some suspect?

3 CAPTAIN KURTZ: Yes, in going to serve
4 warrants.

5 COUNCILMAN ORTIZ: And there were 38?

6 CAPTAIN KURTZ: There were 38, but
7 these -- let me break it down for you. There were
8 38 discharges last year by police officers at
9 dogs. Only four of them were in a warrant
10 service. That doesn't exclude the fact that there
11 were a lot of other pit bulls there.

12 But when we go in, we let them know
13 clearly take you take charge of your dog, put him
14 in the backyard, put him -- restrain him in some
15 other part of the house, or we'll do what we have
16 to do. Most of the time, that's successful; some
17 of the times it's not, and it's resulting in
18 shooting the dog or sometimes just shooting at the
19 dog.

20 Interesting, again, 24 of those
21 instances, in the discharges, there were 24 pit
22 bulls, 12 rottweilers. And this won't add up, and
23 I'll explain why. There were 10 boxers; other, 3;
24 and German shepherds 4. For a total of 45 dogs,
25 but there were only 38 incidents where shootings

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 occurred.

3 COUNCILMAN ORTIZ: Has any policemen
4 ever been attacked by a -- I mean been bitten?

5 CAPTAIN KURTZ: Yes. Last year, there
6 were six during these, and some didn't, obviously,
7 have to do with warrant service.

8 COUNCILMAN ORTIZ: And there was no
9 special license for a pit bull. And, obviously,
10 they, in the City code -- Richie, you would know
11 that -- right? There's no special license?

12 MR. FEDER: The code doesn't
13 distinguish between breeds, Councilman.

14 COUNCILMAN ORTIZ: Between breeds.
15 That's interesting.

16 MR. FEDER: Probably state -- in fact,
17 I'll just put on a different hat. State law
18 probably prohibits us from distinguishing between
19 breeds.

20 COUNCILMAN ORTIZ: The equal protection
21 part, right?

22 (Laughter.)

23 CAPTAIN KURTZ: They extend it to
24 everyone.

25 COUNCILWOMAN TASC0: Could I -- what

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 happens to the -- when a police officer is
3 attacked by a vicious dog, what happens to the
4 owner? Are they charged?

5 CAPTAIN KURTZ: Yeah. If the dog is --
6 yes. We'll -- an agg. assault would be an
7 additional charge and it's outlined in the
8 charges.

9 Interesting, though, once a dog is
10 caught up in the judicial process, the dog is
11 taken to the SPCA where it's kept there until the
12 completion of the judicial process, when it has to
13 have a court order to destroy the dog, if that's
14 the request. If a dog is taken off the street and
15 has bitten somebody, we take that dog into
16 custody, transport it to the SPCA, and it's
17 destroyed within 48 hours.

18 COUNCILWOMAN TASC0: Well, now, what is
19 the difference -- under what statute do you charge
20 the owner?

21 CAPTAIN KURTZ: There is some
22 weaknesses that I recognize. It's just a summary
23 citation. Normally, if the dog is off leash, etc.
24 These are summary citations. If the dog is used
25 in the commission of a crime, it's considered a

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 weapon, and then it's charged accordingly.

3 COUNCILWOMAN TASCO: Well, if you go to
4 a house and the person has a dog, you're not --
5 and the dog -- do you consider that, in that
6 instance, a commission of a crime?

7 I guess what I'm trying to get at --
8 you know what I'm trying to get at -- is, why did
9 they have such a hard time with this dog and
10 having somebody take the dog or cite these
11 people? Or why are they having such a hard time
12 to get some justice, and why not the police
13 officers? We don't want police officers being
14 bitten, we don't want anybody being bitten.

15 OFFICER KURTZ: No, we don't want that.

16 COUNCILWOMAN TASCO: We want the same
17 treatment for a citizen who has been attacked and
18 as viciously as this lady has been attacked, and
19 whether it's vicious or not, just the attack, and
20 to have the dog continue to roam the street shows,
21 you know, we want that same protection for our
22 citizens.

23 OFFICER KURTZ: We're extraordinarily
24 sympathetic with incidents, any biting incident,
25 and we're frustrated by it because, under the

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 current law -- and perhaps that will be changed
3 under the new definition -- there was not a lot we
4 could do unless we arrived and the dog is
5 identified still roaming free, then we could take
6 the dog, and the dog would probably destroyed by
7 the SPCA in a 48-hour period.

8 The frustration factor's built in when
9 we arrive and several people on the block will
10 tell us the dog is down with Mrs. Jones inside a
11 residence, and now we have a problem built in. Do
12 we have a right to enter that residence? It's
13 really a call by the supervisor, it all depends
14 under the circumstances.

15 Generally speaking, a supervisor will
16 opt in a conservative manner and not enter,
17 fearful of suit and problems as a result. And,
18 again, the law doesn't define it clearly. The
19 law, as written, doesn't give us the right to
20 enter a private residence after this crime -- and
21 it is a crime in my mind -- but after this act has
22 taken, it's not defined clear enough for us.

23 MR. FEDER: Chairwoman Tasco, if I
24 could just note that in my wife's incident, after
25 the ambulance came and took her to the emergency

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 room, the police did come and visit the owner of
3 the dog. And the owner was sufficiently
4 cooperative as to give the police information
5 about the name, the address of the owner, the
6 Social Security number. And so a police incident
7 report was written.

8 My concern is that I don't think the
9 information has gotten down to the police officer
10 that they're supposed to do more than just take
11 the report.

12 CAPTAIN KURTZ: Generally speaking, if
13 I can address that, in those cases where we can
14 identify it, a summary citation has been our limit
15 in the past. And that's -- that's the frustrating
16 part.

17 MR. FEDER: But even that wasn't done
18 here.

19 CAPTAIN KURTZ: Yes. And, again, I
20 would hazard a guess that the officer in the
21 street who runs into this situation, unless it's a
22 frequent occurrence, is unaware of that process.
23 So there has to be a process within the
24 department, I'm sure, of educating ourselves.

25 And I learned a lot just since Friday

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 by reading some of the statutes in law and some of
3 the cases. And I can understand where the
4 frustration comes from and why the police officers
5 -- I've called several districts and spoke to
6 captains of the districts where these things
7 occur, and they're just as frustrated as anybody
8 else because, generally speaking, we become
9 report-takers.

10 And many times, the child, and a lot of
11 times, the child or an adult has been bitten and
12 already been bitten and they've already been taken
13 from the scene. The information that we get
14 sometimes is complete; many times, it is not
15 complete. So we have very difficult time
16 identifying who owns this dog. And even
17 identifying is a frustrating process because then
18 we can't take an immediate action, we just can't.
19 We have to notify the Health Department and SPCA.

20 I've been in touch, of course, with
21 Charles Spencer of the SPCA, and he's very, very
22 knowledgeable and extremely aware of the problem,
23 tries to address the problems of sending his teams
24 out, patrolling these neighborhoods, but I don't
25 have to tell you his resources are limited, just

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 like most others, and he can only address the
3 immediate fires.

4 If he sees a pattern evolving, then I
5 think he tries to identify the owner, go to the
6 house, and try to at least get the information
7 that is necessary and give it to the people who
8 have been bitten to at least have some process on
9 that end. Again, his hands are as tied as ours is
10 regarding going in and taking out that dog.

11 But I can tell from you experience when
12 I've been on the street, if there's a dog-biting
13 incident and a child or another dog, whoever has
14 been bitten, and if that dog is available and in a
15 yard, that dog's going, I'm taking it out. If I
16 go to that house and the people are uncooperative,
17 I will get that dog out of that house, I guarantee
18 you.

19 But that was just -- and I'm a dog
20 lover, I own dogs. But nothing makes me more
21 angry, especially being in charge of the unit that
22 I am, that there are dogs that are without
23 control, that can do this to the public at large.
24 And it's just -- it ends up with incidents such as
25 this.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILWOMAN TASC0: I have a letter
3 from the District Attorney's Office, and Mr. Feder
4 testified something to the effect that the dog had
5 to have a history of -- because the dog -- because
6 they didn't have any reported incidents of the dog
7 biting someone else, it --

8 MR. FEDER: The old dangerous-dog law
9 had been interpreted to require one additional
10 bite before any prosecution could be taken, but
11 that is no longer the case. And I think it's
12 taken a little bit of time for that word to get
13 down to the street.

14 COUNCILWOMAN TASC0: All right. Are
15 there any other questions?

16 Councilman Mariano?

17 COUNCILMAN MARIANO: Yes. In terms of
18 this problem with you, Mr. Feder, so I guess we
19 got to bump this law up from serious to more
20 serious instead of summary. And I know that's
21 something that you would probably wind up
22 reviewing, right?

23 MR. FEDER: Well --

24 COUNCILMAN MARIANO: In your
25 professional capacity, what would you suggest we

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 do as Councilpeople besides this? I mean,
3 obviously, if person's dog who bit your wife, if
4 it was a guy who was sitting out there, cleaning
5 his gun and it went off and shot your wife, it
6 would have been a different story, God forbid, but
7 it's still his property, and this dog should be --
8 you know, he should be charged with almost the
9 same crime.

10 MR. FEDER: Councilman, I think your
11 analogy is a very good one because the law
12 enforcement process clearly would have taken a
13 very different turn.

14 COUNCILMAN MARIANO: Right, they would
15 have gone in and took the gun, and he would have
16 never got the gun back. Even if he was found
17 innocent, it would have took forever.

18 What can we do -- I'm not a lawyer,
19 you're a lawyer, and there's one lawyer here at
20 the table, thank God. What can we do? I mean,
21 besides -- I know we got to enact legislation, but
22 what --

23 MR. FEDER: In my opinion, as a private
24 citizen, I --

25 COUNCILMAN MARIANO: I mean, I know

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 you've thought about it this.

3 MR. FEDER: As a private citizen,
4 Councilman, I will tell you that the two things
5 that need to be done -- neither of which involve
6 legislation -- are, you need to prevent these
7 incidents by getting the word out that people are
8 supposed to keep their dogs on a leash. Now,
9 whether that means more enforcement by the police
10 or more just communication to the public that it's
11 unacceptable for your dog to be walking without a
12 leash in order to avoid these incidents.

13 COUNCILMAN MARIANO: And the City's
14 doing that right now, 'cause I know, in
15 Councilwoman Krajewski's area, and I've asked for
16 that, there's a whole initiative with one of the
17 departments -- I think it was Mr. Marrone's
18 department about two weeks ago, where -- not quite
19 this vicious part, but people are walking their
20 dogs in recreation fields, and it's -- you know,
21 they're all coming in cars and they're walking
22 their dogs somewhere in Wissinoming. And the
23 Councilwoman got somebody out there, and they're
24 coming up my way and may the other Councilpeople's
25 way, and they're going sure -- you're right, the

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 leash law has to be enforced.

3 MR. FEDER: Well, I think you need to
4 get the word out that that should be done
5 citywide.

6 COUNCILMAN MARIANO: Right.

7 MR. FEDER: And, number two, and when,
8 in fact, these horrible incidents do occur, we
9 need more Captain Kurtzes out there. I mean, you
10 know, his reaction was exactly the right
11 reaction: that dog is getting out of here.

12 And that's clearly not the reaction of
13 the typical street -- officer on the street. They
14 have that authority right now. I -- I personally
15 don't think they need any more authority. I think
16 the problem is getting the word out, that they
17 need to use it, and getting the word to the public
18 so that the police officer tells the victim that
19 you have these rights, and this is what you need
20 to do -- although the onus really shouldn't be put
21 on us; it really should be put on the law
22 enforcement agent, who did go to the house and
23 take a report.

24 COUNCILMAN MARIANO: And I don't think
25 there's a captain in the City of Philadelphia

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 that's going to give some patrolman a hard time
3 because he takes the initiative to remove a dog
4 like this captain suggested we do. I mean, once
5 it's a matter of public record and -- they're
6 probably busy doing a lot of things and didn't
7 really know -- I don't know who that officer was
8 or how long he's been a policeman, he or she, how
9 long it takes.

10 But I think once something like this
11 becomes public -- and maybe through the media, it
12 will -- there's probably a lot of policemen who
13 are going to start saying, I didn't know I could
14 do that. Let's admit it, they're cops, they're
15 not lawyers at this point. They know a little bit
16 about the law, but as far as interpreting the law
17 is what we need to tell them what to do. And,
18 thank God, the captain, you know, has the
19 intestinal fortitude to do that.

20 'Cause there's a lot of things with
21 the dogs in the City of Philadelphia, from dogs
22 barking. Like we have a law now that we're going
23 to plan on doing something to real soon where if a
24 dog barks unprovoked for more than 15 minutes --
25 now, try to get the SPCA involved in that, try

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 calling the Vector Control at 2 o'clock in the
3 morning like I've been calling, 'cause it's right
4 around the corner from my house. People will
5 think you're nuts, but, you know, if you're out
6 working all day and a dog's barking five hours
7 straight, what's unprovoked, what's an unprovoked
8 bark? Somebody walks by and the dog's
9 unprovoked? This is the problem, who gets to make
10 that call?

11 CAPTAIN KURTZ: Just so you know, in
12 1998, there were 4310 vicious-dog calls, okay,
13 that the police actually responded to, of which --
14 that did not include this 739 actual dog bites
15 that were reported. So there is a problem,
16 there's no question.

17 Are we adequately addressing the
18 problem? We're working on it, we're aware of the
19 problem, we've had meetings about it. In fact,
20 the Canine Unit, we've taken something of a lead.
21 We've been beginning to train with tranquilizer
22 rifles, which are actually CO2-propelled, to try
23 -- and it's difficult, but to try to be available
24 on a 24-hour basis and have all canine officers
25 trained on it so that if a call comes in see, we

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 can tranquilize the dog and then take it out.

3 COUNCILMAN MARIANO: So if I hear dog
4 barks at 2 o'clock in the morning, do I call you?

5 CAPTAIN KURTZ: Well, we won't
6 tranquilize them for that. We will advise you by
7 the law, but we're talking -- there are
8 barking-dog calls, by the way, and there were only
9 280 last year. But we won't include that in
10 vicious-dog calls as well, okay?

11 So the Police Department recognizes
12 that there is a problem. Hopefully, Council will
13 have some impact put, and we could probably change
14 or upgrade the current rules and laws regarding
15 the licensing, giving it, again, a little more
16 bite so that a police officer's more comfortable
17 in his role, and everybody involved in it, the
18 roles are a little more defined so that we know
19 when and where, and we can respond quicker.

20 Dogsoff of leashes -- I walk my dogs
21 all the time and I see constantly dogs off the
22 leash. And it's all I can do to keep my big mouth
23 shut. I'm not in uniform, I'm not going to take
24 an action. However, I will let -- if there's a
25 police car in the area, I will let 'em know, go

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 tell that person.

3 The one thing that I've heard most
4 often with people who walk dogs off the leash is,
5 "Gee, he never did that before."

6 COUNCILWOMAN MILLER: Mm-hmm, the first
7 and only time.

8 Let me ask you, how many people have
9 been cited for violations of the leash law? Do
10 you have that number?

11 CAPTAIN KURTZ: I do not have that,
12 that wasn't available. I will get back to you on
13 that. We're attempting to get those numbers.
14 It's very difficult to find out because it wasn't
15 computerized in a manner that we can pull it right
16 out. I promise you that I will get back to you
17 with those numbers.

18 COUNCILWOMAN MILLER: Okay. Because,
19 certainly, as Mr. Feder said, that's where it
20 starts. I'm sure your neighbors are very
21 responsible people -- until it came to their dog
22 being off the leash, getting out of the car in the
23 morning.

24 But one of the things that I would like
25 to do is to put together a task force similar to

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 what you just said that you'd like to do, with
3 informing police officers and the public.

4 However, you know, when we did our research too on
5 the legislation that's on the book, it was like
6 trying to get through a crazy barrier because one
7 person told you this, another thing says that.

8 And we realized too pretty much, right before this
9 hearing, maybe a few days ago, that we really need
10 to sit down and review everything carefully and
11 try to come up with some type of legislation that
12 would deal with all of the particular issues. And
13 we also have a state representative that's working
14 with us just in case there's something that needs
15 to be done at the state level. And then, you
16 know, we found out that the State really doesn't
17 have any control over Philadelphia's dog laws, but
18 the DA had sent a statement here that kind of
19 bounces us back to the State.

20 So we do need to sit down, and I'd like
21 -- I'd welcome people from the City departments
22 to join the task force so that we can come up with
23 this. This is a serious public safety issue in my
24 district and, I'm sure, in districts across the
25 City. And this is something that we really,

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 really, really want to target for upgrading. We
3 want to protect our citizens and we're taking this
4 very seriously.

5 I know of a woman who was in her back
6 yard hanging clothes, one of our constituents, and
7 the dog jumped the fence and attacked her. And
8 she said it kept going for her throat. She's had
9 four operations on her wrist, she's had knee
10 replacement, all kinds of things. So this is
11 something that we are taking very serious.

12 Thank you.

13 COUNCILWOMAN TASC0: Let me just ask
14 Mr. Ferraro a question. Is it the responsibility
15 of your Animal Control Unit to publicize and
16 educate the community about the ownership
17 responsibility?

18 MR. FERRARO: Currently, with the
19 reinstatement or the pushing of the pooper
20 scooper, Operation Scoop and the leash laws, we've
21 been using educational literature. We're not out
22 there giving tickets to people. Initially, we're
23 out there with pamphlets and handing out
24 information such as their dog should be licensed,
25 it should be vaccinated, and that also there's a

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 leash law where their animal needs to be leashed.
3 And actually, we've been, in some cases, giving
4 out leashes to some people initially, to get the
5 ball rolling and let them realize that this is a
6 problem in the City.

7 COUNCILWOMAN TASC0: You said you don't
8 give tickets. Are you authorized to issue
9 citations?

10 MR. FERRARO: Yes. It's a code
11 violation notice that -- actually, we work with
12 the police with that, but it's a \$25 offense,
13 similar to parking ticket. And if they're not
14 paid, the prices would go up, due to the fact of
15 court hearings.

16 COUNCILWOMAN TASC0: Okay, are there
17 any other questions?

18 (No further questions.)

19 COUNCILWOMAN TASC0: Thank you very
20 much. Would you like to make any further
21 comments?

22 MR. FEDER: No, just thank you very
23 much on behalf of my wife and myself for taking an
24 interest in this issue.

25 COUNCILWOMAN TASC0: Thank you very

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 much.

3 We will now call on -- I guess, for the
4 record, we should read the -- I'll have the clerk
5 read the letter from the DA's Office regarding
6 this issue. That will place the agencies, the
7 City agencies on record in terms of how they deal
8 with this issue. And then we'll go to the
9 community discussions.

10 THE CLERK: Dear Councilwoman Miller:
11 Lynne Abraham received your invitation to address
12 City Council regarding the problem of vicious-dog
13 attacks. However, the District Attorney is out of
14 town and will not be able to testify. I am
15 writing to provide some information about the
16 Pennsylvania dangerous-dog law and our office's
17 response to cases involving dog attacks.

18 In 1990, the dog law was amended to
19 include a Dangerous Dog Section (3 P.S. Section
20 459-501-A through Section 459-507-A) to regulate
21 the conduct of dangerous dogs and create the
22 criminal offense of "harboring a dangerous dog."
23 The owner of a dog commits a summary offense if
24 the dog has (i) inflicted severe injury on a human
25 being without provocation on public or private

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 property; (ii) killed or inflicted severe injury
3 on a domestic animal without provocation while off
4 the owner's property; (iii) attacked a human being
5 without provocation; or (iv) been used in the
6 commission of a crime. Furthermore, the dog must
7 have either (or both) a history of attacking human
8 beings and/or domestic animals without provocation
9 or propensity of doing so, which can be proved by
10 a single incident. See 3 P.S. Section
11 459-502-A(A).

12 This law permits a complaint to be made
13 to a Municipal Court judge by the person attacked,
14 their representative, an owner of a domestic
15 animal that had been injured or killed without
16 provocation, the State dog warden or a police
17 officer. If the judge makes the determination
18 that a person is guilty of harboring a dangerous
19 dog, the judge is to report the dog to the Bureau
20 of Dog Law Enforcement. The owner must then
21 register the dog, keep the dog confine or muzzled
22 and leashed, and obtain liability insurance to
23 cover any person injured by the dog. See 3 P.S.
24 Section 459-503, Subsection A.

25 An owner who violates the Dangerous Dog

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 Law by failing to register and restrain their
3 dangerous dogs commits a misdemeanor of the third
4 degree. If a dangerous dog attacks a person or
5 animal because of the owner's intentional,
6 reckless, or negligent conduct, the owner is
7 guilty of a misdemeanor of the second degree. If
8 the attack causes severe injury or death, it is a
9 misdemeanor of the first degree. See 3 P.S.
10 Section 459-505, Subsection A.

11 Most importantly, the Dangerous Dog Law
12 provides that any local ordinances relating to
13 dangerous dogs are abrogated; that is, preempted
14 by State law. See 3 P.S. Section 459-507-A,
15 Subsection C.

16 The Philadelphia District Attorney's
17 office handles some cases involving dog attacks.
18 The law is set up to allow a person to file a
19 complaint with the Municipal Court judge. Our
20 Private Criminal Complaints Unit does investigate
21 and prosecute approximately one case every six to
22 eight weeks.

23 Another manner in which dog-attack
24 cases are seen is when the owner of a dog commands
25 the dog to attack. Those cases are rare, about

18 Sincerely, Moira Mulroney, Assistant
19 District Attorney, Legislation Unit, District
20 Attorney's Office.

23 The Chair calls on Miss Betsy Gerhart.
24 (Betsy Gerhard comes forward.)

25 COUNCILWOMAN TASC0: Good afternoon.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 Would you please state your name for the record
3 and proceed with your testimony.

4 MS. GERHART: Yes. My name is Betsy
5 Gerhart. I am a special education teacher at the
6 John B. Kelly School, at Pulaski and Hansbury
7 Streets. I've been working at that particular
8 school for ten years.

9 I've used a guide dog as my means of
10 mobility since 1974. On October 19th, I went to
11 school, as I usually do, took my stuff to my
12 classroom, put my lunch away, and then walked out
13 to the door, the parking lot door, which is right
14 near the gym, to meet the children coming off the
15 buses. All of my students take buses to and from
16 school. That particular morning, I happened to be
17 the first one there.

18 And I sat down on one of the chairs to
19 wait for the bus, the first bus to come. At the
20 time, I had a chocolate lab, whose name was Cody.
21 I had had Cody for approximately four years at
22 that time. I heard the first bus pull up, and I
23 went outside and got a little boy named Sam, who
24 was in a wheelchair. I brought him back into the
25 building and locked his brakes on his chair so

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 that the chair could not go anywhere.

3 I turned around to go out to get
4 another student. And at that point, one of the
5 assistants -- her name is Darlene James -- who
6 works in the class next door to me came in with
7 one of students, and her name is Talia, she's also
8 in a wheelchair. She put Talia next to Sam and
9 locked her brakes and turned around to go out to
10 the bus. And as she went out the door, she yelled
11 to me, Betsy, there's a dog in the building. And
12 I said, okay, no problem, because there's been
13 lots of dogs in the building occasionally, and
14 I've never had a problem.

15 I was standing right next to Sam and
16 was about to go out the door to get another child,
17 and this dog came from within the school, past the
18 cafeteria, where there were lots of children
19 eating breakfast, past the kitchen, past
20 kindergarten rooms, and to this hall door, must
21 have seen my dog Cody, and came charging through
22 the door and attacked my dog.

23 I was holding my dog's harness and
24 leash, ready to walk. And I immediately, when the
25 dog started growling, I immediately dropped the

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 harness and gave Cody as much freedom as I could.
3 The dog was jumping all over him, growling. Cody
4 just kept moving around in a circle, which ended
5 up to be a circle. I wasn't sure where I was at
6 that point. I'm totally blind, I cannot see at
7 all.

8 I was very concerned about protecting
9 Cody, protecting myself, and not to be, last but
10 least, certainly the two student who were sitting
11 there. They were totally defenseless. If that
12 dog had turned on them, there would have been
13 nothing they could have done.

14 I just kept moving. Wherever Cody
15 moved, I went with him. And all of a sudden, I
16 heard this thud, and it turned out that Darlene
17 James, the assistant I told you about earlier, had
18 grabbed an empty wheelchair, picked up the chair,
19 and started hitting the pit bull with the chair to
20 try and get him off Cody.

21 At that moment, Ed Hartman, who is a
22 colleague, another special education teacher, came
23 through the door, saw what was happening,
24 unbelievably went up and grabbed this dog, and
25 literally wrestled him to the ground, and dragged

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 him outside.

3 At that point, Darlene put the chair
4 down and told me to go, but I was so disoriented
5 and so upset, I didn't know which way to go. So
6 she pointed me in the direction and got me going
7 toward the hall door, which someone had closed in
8 the midst of all this. I think I remember saying
9 to her, Are the kids okay? and she said, yes, just
10 go, just go.

11 So I went through the door. And my
12 principal, John Hackman, Dr. John S. Hackman, was
13 standing on the other side of the door. And I
14 heard him say into his walkie-talkie, Call the
15 police, call the police, we have an emergency.

16 So at that point, he said, Betsy, are
17 you okay? And I just started crying. He said, Is
18 Cody okay? And I couldn't answer him. I
19 literally got down on my knees in the middle of
20 the hallway and tried to check Cody out. There
21 were lots of wet places on his body. I couldn't
22 tell at that point whether it was blood or saliva
23 or what it was.

24 One of my assistants came up at that
25 point, and Dr. Hackman told her to help me get to

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 the nurse's office. We went to the nurse's
3 office. I was hysterical. Mrs. Garber, the
4 school nurse, checked out Cody, and most of the
5 wetness that I had felt was just saliva, thank
6 God. There was one wound on his right rump area.

7 After I finally got calmed down, which
8 took quite a while, about ten, fifteen minutes, I
9 immediately called my vet, which is Rau -- R-A-U
10 -- Animal Hospital, which is located in Glenside,
11 Pennsylvania. I called them and asked them --
12 told them what had happened and asked them what I
13 should do, if anything. And they said, Well, you
14 need to clean the wound. And I said, Well, the
15 nurse has done that. And I said, He's very
16 subdued, he's very quiet.

17 And the doctor said, Well, you need
18 someone to look at his gums. If they're very
19 pale, then you're in trouble, and he needs medical
20 attention immediately because he has gone into
21 shock. If they're okay, if they look like they
22 normally do, then you're okay. So I had the nurse
23 look at his gums. And she said no, they were not
24 pale. And kind of about that time, he started to
25 kind of rebound a little bit and get a little more

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 like himself.

3 At that point, I went out into the
4 school lobby, on my way back to the classroom.
5 And there were two police officers there, and I
6 introduced myself to them, and I told them that I
7 wanted charges pressed immediately, and they
8 didn't really respond to that. They just kind of
9 ignored that. And I said, Where is the dog, what
10 happened to the dog? And they said, He's in the
11 wagon outside. And I said, What are you going to
12 do with the dog? And they said, We're going to
13 take it to the SPCA at Erie Avenue. And I said,
14 Thank you very much, that dog should not be on the
15 street. I was told later that day, by someone who
16 works at my school, that they had seen that dog
17 kill a cat that morning.

18 Somehow -- I don't quite know how now
19 -- I think I just felt like I had to keep going
20 because if I didn't, I'd fall apart, I worked the
21 rest of the day and I taught my class and kept a
22 very close watch on Cody. And at the end of the
23 day, I left school and went home -- or went to the
24 vet on my way home and had them check him out. I
25 had to apply medication to the wound for about ten

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 days to prevent any infection and basically just
3 keep a real close watch on him.

4 After I got home, I called the SPCA. I
5 asked where the dog was -- if the dog that had
6 bitten my dog had rabies, and they told me they
7 didn't know, they hadn't tested for that. And I
8 got upset and I said, This is a guide dog that
9 this dog attacked and I need to know if that dog
10 has been vaccinated. Well, they couldn't tell me
11 that.

12 And after, I guess, about the third
13 person on the phone told me that the dog had been
14 released to the owner. This is about six hours
15 later after this attack, maybe seven hours later
16 after this attack. I was absolutely fit to be
17 tied, very angry and very frustrated, very hurt,
18 needless to say. I just couldn't believe it.

19 I then called the 14th Precinct and
20 spoke with a very nice officer, Officer Stevenson.
21 He gave me the police report number, he gave me
22 the names of the officers who had responded to the
23 call, which I don't remember now, but -- and he
24 told me that he would try to look into things more
25 because he was absolutely appalled after I told

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 him my story, that the SPCA had released this dog.

3 So the next day, he -- we talked to him
4 again, my husband and I, and he said he was still
5 checking into things and that he would get back to
6 me. Well, he did get back to me and he told me
7 that he had taken my story to his captain -- I
8 believe his name is Captain Nestle -- and that
9 Officer Walsh, the public relations officer, would
10 be getting in touch with me, and that they were
11 following up to try to get the owner's name from
12 the SPCA.

13 I, on several occasions, attempted to
14 call Charles Spencer, the director of the SPCA,
15 and could never reach him and would leave
16 messages, and they were never -- my calls were not
17 returned until much later. In fact, I didn't
18 speak to him until after the police spoke to him.

19 COUNCILWOMAN TASC0: Excuse me, Miss
20 Gerhart.

21 MS. GERHART: Yes?

22 COUNCILWOMAN TASC0: There are a number
23 of people waiting to testify.

24 MS. GERHART: Okay.

25 COUNCILWOMAN TASC0: Could you kind of

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 summarize the rest of your testimony, please.

3 MS. GERHART: Yes.

4 COUNCILWOMAN TASC0: Thank you.

5 MS. GERHART: I, um, um -- sorry, I
6 lost my train of thought.

7 COUNCILWOMAN TASC0: Oh, I'm sorry.
8 You said you had tried to reach the SPCA director.

9 MS. GERHART: We -- the case -- Officer
10 Walsh came and met with me, told me the
11 detective's name on the case would be Detective
12 Grabloski, and that he would be looking into
13 things. The owner's name was Nelson Brown, and I
14 understand from Mr. Spencer at the SPCA that this
15 dog had been loose and picked up by the police on
16 several other occasions.

17 On October 28th, my husband spoke to
18 Detective Grabloski after I had made many
19 attempts. And the problem was that he was working
20 midnight to 8, or whatever the police shift is and
21 -- but he did not return my call. So finally, my
22 husband happened to reach him, told him the
23 situation, and asked what was happening in the
24 investigation. And he basically said, Well, I
25 think this is a school matter, and my husband

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 assured him that it was more than a school matter,
3 that there are state laws that protect guide dogs
4 and other service dogs.

5 On November 10th, Detective Grabloski
6 called me and told me he had spoken with someone
7 from the District Attorney's Office, and that
8 because the owner was not present and had not
9 directed his dog to attack me or my dog, that
10 there was nothing that could be done. I find this
11 deplorable and I'm very glad that someone's trying
12 to do something because people and guide dogs need
13 to be protected.

14 Unfortunately, I lost Cody about five
15 months later due to an unrelated medical condition
16 and -- but I still have to worry every time I walk
17 around school that this dog or some other dog will
18 come after my new dog, Chase. It was a horrifying
19 experience, one that I never want to go through
20 again.

21 COUNCILWOMAN TASC0: Thank you very
22 much. And to your knowledge, this dog is still
23 roaming around?

24 MS. GERHART: Yes, as far as I know.

25 COUNCILWOMAN TASC0: Okay.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 Councilwoman, do you have anything?

3 Thank you very much for testifying. We
4 appreciates it very much.

5 MS. GERHART: Thank you.

6 COUNCILWOMAN TASC0: Rabbi Philip

7 Goodman, Chaplain of the Veterans'

8 Administration. Then we have then Mr. Leonard

9 Knox and Mr. Gary Lovett.

10 (Rabbi Goodman comes forward.) Good
11 afternoon.

12 RABBI GOODMAN: Good afternoon. Do you
13 want me to state my name again?

14 COUNCILWOMAN TASC0: Yes. Would you,
15 for the record?

16 RABBI GOODMAN: My name is Rabbi
17 Philip Goodman. I'm Clinical Chaplain Specialist
18 of the VA Medical Center in Coatesville,
19 Pennsylvania, and in Philadelphia, Pennsylvania.

20 I was asked by one of the attorneys of
21 the City Council, Miss Brickland, to come and
22 testify. She came to court with me when my case
23 came up.

24 But I was attacked by a neighbor's
25 rottweiler. And while here, I'd just like to

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 emphasize the effects on the victims
3 psychologically, which is a very devastating
4 effect. In my case, I was operated on my arm, I
5 had broken -- my leg had been broken, trying to
6 escape from this dog. Luckily, I have two
7 neighbors to the one side of me who are physicians
8 and rescued me really from this dog and then
9 called the police.

10 Not only do I want to emphasize the
11 effect to the victim -- namely me and all the
12 other people here -- of having post-traumatic
13 stress disorder, which is a very serious order,
14 either from combat or a domestic trauma, and it
15 will have a lifelong effect.

16 And, incidentally, I'm a person who
17 treats post-traumatic stress disorder, and I've
18 had some post-traumatic stress before this, but
19 it's amazing how devastating this has been to me.
20 Even as I talk about it now, some of these, you
21 know, memories come back to me, and it's changed
22 my life quite a bit.

23 I don't want to read a whole thing
24 here, but I also want to emphasize the reaction of
25 the Board of Health dog supervisor and what

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 happened when we called a Mrs. Keen, and she told
3 us that they were allowing this dog to be brought
4 home. Now, some mention has been made of a second
5 bite, you know, variance in the Commonwealth of
6 Pennsylvania, and I heard also that something has
7 been changed on that. I'm not aware of that, that
8 they can go in and take the dog after the first
9 bite.

10 But this dog, this rottweiler, whom we
11 had complained about lunging over the fence and
12 lunging at children and at old people, finally
13 attacked me. And I would say that I'm glad that
14 it attacked me because if that dog had gotten
15 further away from our area, my yard, that he
16 jumped over into, he probably would have killed a
17 child. It would have roamed the street and killed
18 somebody.

19 Fortunately, I was able to remain
20 standing and to be rescued by my neighbors. But
21 she told us that he must -- that our neighbor must
22 comply with the rules for a vicious dog; that is,
23 a muzzle and a leash. And she told me that these
24 rules would be unenforceable until the dog was
25 declared dangerous in court, which is a procedure

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 happening five months after the incident.

3 She advised us to keep a log of any
4 infractions, and we did so, and so did our
5 neighbor. And I have a list here of the
6 infractions that this neighbor did not leash the
7 dog, did not muzzle the dog, while it was still
8 sent home from the SPCA pound after maybe four or
9 five days. There are at least fifteen dates here
10 that my neighbor and my wife have noticed that the
11 dog was out without a muzzle outside, without a
12 leash, had broken through a screen. We could see
13 a window where the dog was trying to get out
14 through that screen of the neighbor's house, and
15 many occasions where there was no muzzle on the
16 dog.

17 COUNCILMAN ORTIZ: Excuse me, Rabbi.
18 Did the police or anyone intervene at any of these
19 times?

20 RABBI GOODMAN: No. We were told by
21 the Board of Health individual, this Mrs. Keen,
22 that she had no power to enforce this, so we
23 didn't call anybody. She told us that there was
24 no way to enforce it.

25 COUNCILMAN ORTIZ: And that was it?

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 RABBI GOODMAN: And that was it. My
3 neighbor -- when I went and saw the dog unleashed,
4 after I was --

5 COUNCILMAN ORTIZ: Did you file any
6 other complaints about the dog?

7 RABBI GOODMAN: Any other complaints?

8 COUNCILMAN ORTIZ: Right.

9 RABBI GOODMAN: Well, first of all, I'm
10 a peaceful person.

11 COUNCILMAN ORTIZ: I understand that.

12 RABBI GOODMAN: Second of all, I had
13 already had a big doze of (unintelligible)
14 yesterday. I didn't even want to look at this
15 person. I went outside once and told him that dog
16 has to be leashed and muzzled, and he told me he
17 was going to beat the crap out of me. He even
18 called me in the hospital and told me that if I
19 make any problem with him about the dog, there's
20 going to be a big problem.

21 COUNCILWOMAN MILLER: And, you know,
22 that is a big problem because some of the people
23 will --

24 RABBI GOODMAN: And I'm emphasizing
25 that the people who own these dogs --

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILWOMAN MILLER: Right, will
3 threaten you.

4 RABBI GOODMAN: -- will threaten you.
5 Second of all, I observed, and I have on
6 videotape, this man and the son of this man
7 kicking the dog, abusing the dog, and we suspect
8 that it was a badly genetically, you know, kind of
9 misformed dog.

10 But I mean, I also want to emphasize
11 that people who own such animals tend to be
12 totally irresponsible, somewhat psychopathic, and
13 they don't care. There was a 90-year-old man who
14 walked by this man's house before I was bitten,
15 and he threatened that man with the dog.

16 COUNCILMAN ORTIZ: So you didn't inform
17 the police about the threats?

18 RABBI GOODMAN: No -- yes, I did.

19 COUNCILMAN ORTIZ: You did?

20 RABBI GOODMAN: I did. In 1997, this
21 man -- this is two years afterwards -- threatened
22 me, he had some complaint about the way I trim my
23 bushes. And he said to me, If you don't fix that,
24 I'm going to have your house burned down. I mean,
25 this is a case that --

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILMAN ORTIZ: Sounds like a real
3 nice guy.

4 RABBI GOODMAN: And I called the
5 police. Before the police came over, he ran to my
6 porch and said, Oh, I'm sorry, you know who I am.
7 The man has used drugs, we suspect he's on drugs,
8 the wife is on drugs. And he begged me not to --
9 you know, I said, All right, if this happens
10 again, I'm putting you on warning.

11 The police came and I told him I had
12 settled with the guy and I don't want to go into
13 it any further. He apologized, he said it's a
14 quirk that he has. And that was the one time that
15 I called the police.

16 The other thing I want to emphasize is
17 that I cannot go out and do my yard work to this
18 day without having a panic attack.

19 COUNCILWOMAN MILLER: Without having
20 what?

21 RABBI GOODMAN: A panic attack.

22 COUNCILMAN ORTIZ: Is the dog still
23 around?

24 RABBI GOODMAN: No, no. The dog was
25 taken away -- this was April 1995 that the dog

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 attacked me. By October, the dog was removed. I
3 think the insurance company probably threatened
4 him. You know, we won a suit a couple of years
5 later, but he got another rottweiler, and that
6 turned out to be also a threatening dog, and he
7 got rid of that too.

8 I just want to emphasize that for the
9 victims, the loss for the victims of the quality
10 of life -- which I still suffer, I've been under
11 treatment by the former chief of staff of our
12 hospital, who was the former commissioner of
13 mental health for post-traumatic stress disorder.
14 I'm sure the lady who testified at the beginning,
15 she -- I overheard her say she's suffering still.
16 And the children, I mean it's -- will be affected
17 probably for the rest of their life, as we all
18 have.

19 I just have come here to emphasize that
20 it's not about -- it is about a dog or a pit bull
21 or a rottweiler, but nobody talks about, as
22 Councilwoman Miller has talked about. The lady,
23 I'm sure her wounds might heal, I hope so, but
24 this is something that stays with you for the rest
25 of your life in one way or another. And the human

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 toll that is -- and this thing can be -- something
3 can be done about it.

4 I just heard that the one-bite law has
5 been changed. I don't know about that, I hope so,
6 that they can remove a dog immediately.

7 COUNCILMAN ORTIZ: They can.

8 RABBI GOODMAN: Okay, that's very good,
9 I didn't know that.

10 But I just want to testify, and luckily
11 I know something about it and I know my own head
12 and my own symptoms. I just want to make that
13 emphasis that the human toll, the psychological
14 toll from being attacked by an animal, at every
15 moment, you think you're going to die. I thought
16 I was gone.

17 That's all I want to say.

18 COUNCILMAN RIZZO: Madam Chair?

19 Rabbi, I know exactly what you've
20 experienced, and I'm happy to report that I didn't
21 have the same long-term effects, but I was a young
22 lineman for PECO Energy, a troubleshooter at the
23 time, when I walked into an alley, a blind alley
24 where there was only one way out, the way I came
25 in. And a large dog ran me down, and all of the

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 training quickly came back, I froze and protected
3 myself the best I could. And he was a large dog.

4 And I'll tell you, every time I get
5 myself in a situation where I'm near an alley, it
6 just -- I remember every mark on that dog and I
7 think I counted every tooth. And to this day, I
8 remember that experience that I had being run
9 down, 'cause I never thought that I was going to
10 get out of the that alley alive. I mean, I was
11 working with 30,000 volts of electricity. And
12 that experience -- that's one experience that I
13 will never forget as long as I live.

14 So I know people that have been
15 attacked in the manner that you described is
16 something that you just can't forget, especially
17 when a dog -- not many people have seen a dog when
18 they become violent and that jowl that comes back,
19 and it's just -- that's not what we normally see
20 in a dog. But when we see it, it is frightful.

21 RABBI GOODMAN: Thank you, Mr. Rizzo.

22 COUNCILMAN RIZZO: Thank you, Rabbi.

23 COUNCILWOMAN MILLER: Can I ask one
24 question. I missed the very first part of your
25 testimony. Was the dog in a yard without a

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 fence?

3 RABBI GOODMAN: No, the dog was in a
4 yard with a fence. The dog, they claim, the
5 owners of the dog, that they went away on a Sunday
6 morning. It was Mother's Day, and somehow the dog
7 got out the back door, leaped over the fence,
8 which it had done before -- it's in my testimony
9 here. On a number of occasions, the dog had been
10 seen leaping over the fence, and it entered my
11 yard. I was standing in my yard and it jumped on
12 me.

13 COUNCILWOMAN MILLER: Is there anyone
14 here from L&I?

15 RABBI GOODMAN: Who?

16 COUNCILWOMAN MILLER: L&I, Licenses and
17 Inspections.

18 (No response.)

19 COUNCILWOMAN MILLER: Oh, okay. I
20 thought there was some kind of laws that we had
21 that had to do with fences being adequately secure
22 and locked to prevent -- if it jumped over the
23 fence, that's one thing. But in some of the cases
24 that we've heard about, the fences weren't
25 properly locked and weren't properly secured.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 Okay.

3 RABBI GOODMAN: But many of these dogs
4 are large enough to just leap over, you know, a
5 moderate fence of five feet. That's not a
6 problem.

7 COUNCILMAN ORTIZ: Okay, thank you,
8 Rabbi.

9 Next?

10 (Leonard Knox and Gary Lovett come
11 forward.)

12 MR. KNOX: Leonard Knox, Humane Society
13 Police Officer, with the Pennsylvania SPCA.

14 COUNCILMAN ORTIZ: And you, sir?

15 MR. LOVETT: Gary Lovett, Humane
16 Society Police Officer, with the Pennsylvania
17 SPCA.

18 COUNCILMAN ORTIZ: Thank you. You can
19 testify.

20 MR. KNOX: Well, what they were just
21 saying about the fence, we usually enforce the
22 fence for that part, but when the dog is back into
23 his own property by the time we get there, we just
24 can't remove him from off that property because
25 he's back on that his property. But if he was in

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 that neighbor's yard at that time, we would remove
3 him.

4 COUNCILMAN ORTIZ: Right.

5 COUNCILWOMAN MILLER: And once you
6 remove him, what happens?

7 MR. KNOX: Okay. He will go to our
8 shelter, and the owner has the rights, by law, to
9 come up and retrieve his animal. But if we have a
10 number of cases where the dog has been at large,
11 we would give him a citation for that. And at the
12 time, they have to produce that they have a rabies
13 inoculation and --

14 COUNCILMAN ORTIZ: The citation, what
15 is the citation?

16 MR. KNOX: Okay, that's a ticket, like
17 the Health Department was explaining, it's a \$25
18 ticket for the dog running a at large.

19 COUNCILMAN ORTIZ: Okay, but he gets
20 the dog?

21 MR. KNOX: He still gets the dog.
22 There's no law saying that we can't give it back
23 unless there's a court order saying so.

24 COUNCILMAN ORTIZ: 'Cause of a --

25 COUNCILMAN RIZZO: If that dog that you

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 just described that you picked up were a pit bull,
3 what would you have done with that dog?
4 MR. KNOX: Okay, now, the owner of that
5 dog, by us knowing it came out of his yard into
6 the neighboring yard, he would have more proof to
7 get his dog back but he still has to get the City
8 license or produce the rabies license, either
9 one. If he has both, then he has to just pay a --
10 COUNCILMAN ORTIZ: There's no
11 distinguishing dogs?
12 MR. KNOX: No.
13 COUNCILMAN RIZZO: No, my -- let me --
14 my question is, the dog jumped over the fence and
15 now he's in my yard.
16 MR. KNOX: Right.
17 COUNCILMAN RIZZO: You show up, it's a
18 pit bull. I am understanding that you will not
19 handle pit bulls, you won't take pit bulls back
20 and keep them alive or --
21 MR. KNOX: No, no.
22 COUNCILMAN RIZZO: How do you deal with
23 a pit bull then?
24 MR. LOVETT: No, no.
25 MR. KNOX: No, Commissioner.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILMAN RIZZO: Tell me how you deal
3 with a pit bull.

4 MR. KNOX: A stray pit bull that's
5 wandering around loose in the streets, if he came
6 into our shelter, we would hold that animal for 48
7 hours for the owner to come in and get it, but the
8 owner has to really prove that this is his dog --
9 pictures, some kind of ID, something. He has to
10 really prove it. If he can't prove it, we
11 wouldn't give that dog back to him, even though it
12 is his dog.

13 COUNCILMAN ORTIZ: What would you do
14 with the dog?

15 MR. KNOX: The dog would be destroyed
16 after 48 hours.

17 COUNCILMAN RIZZO: Okay. The reason
18 you have that policy is because people come into
19 the system and get --

20 MR. LOVETT: We don't turn any dogs
21 away. I don't know who told you that, Councilman
22 Rizzo.

23 COUNCILMAN RIZZO: We -- recently in
24 Roxborough, there was a resident that had three --
25 don't hold me to the number -- or four pit bulls,

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 and their home became inhabitable. And they tried
3 to reach out to get the --

4 MR. LOVETT: I know exactly who you're
5 talking about.

6 COUNCILMAN RIZZO: They tried to get
7 those pit bulls taken care of, and the response
8 was no, but we'll refer you to a shelter that
9 deals with pit bulls.

10 MR. KNOX: Can I explain?

11 MR. LOVETT: I know what street you're
12 talking about and what house.

13 COUNCILMAN RIZZO: Yeah, Morriston
14 Street.

15 MR. LOVETT: Yeah, Morriston, 3811.
16 And what it is, is, if the animal's brought into
17 us, we will not adopt a pit bull out, and we don't
18 have the facilities to be a boarding kennel so
19 that's why we suggested that they find a boarding
20 kennel to take care of the animals. We do not
21 turn an animal down.

22 COUNCILMAN RIZZO: So if they brought
23 the pit bull to you, in 48 hours, that dog would
24 have been dead.

25 MR. LOVETT: It may be half a half an

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 hour later.

3 COUNCILMAN RIZZO: A half an hour.

4 MR. LOVETT: It might have been up to
5 the doctor. It's an unwanted animal at that
6 point, it's an unwanted animal.

7 MR. KNOX: Excuse me, Councilman. The
8 only way we would adopt out a pit bull if it was
9 someone that found this pit bull on the street and
10 he brought it to us and he wanted to adopt that
11 dog. That's the only way we would adopt it
12 because he didn't have to bring it to us.

13 COUNCILMAN RIZZO: Just to finish up --
14 and again, not all pit bulls are vicious. I have
15 neighbors that have very docile, loving pit bulls,
16 so we're not just condemning a breed of an
17 animal. The majority of the ones that we're
18 familiar with are mean and nasty but there are
19 nice pit bulls, right?

20 MR. KNOX: Yes, there is.

21 COUNCILMAN RIZZO: And you wouldn't
22 want to kill one of those unnecessarily.

23 MR. KNOX: Well, to be straight with
24 you, we wouldn't want to adopt it out because if
25 it goes into the wrong hands, it's going to wind

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 up back at our shelter, in some kind of condition
3 that we wouldn't want to see it in.

4 COUNCILMAN RIZZO: Okay.

5 COUNCILWOMAN MILLER: What is the dog
6 -- type of dog is it that you get the most
7 complaints about?

8 MR. LOVETT: In reference to what?
9 Well, for animal biting, it's pit bulls. For
10 shelter, it can be anything.

11 COUNCILWOMAN MILLER: Well, the animal
12 biting.

13 MR. LOVETT: Animal biting. I guess
14 it's mainly pit bulls we get a lot of calls on.
15 But we don't handle that; that's handled by the
16 Health Department when it's owned.

17 COUNCILWOMAN MILLER: Okay, let me ask
18 you this, too: do you still go around in trucks
19 and pick up unlicensed dogs? When I was a little
20 girl, I used to see that all the time. I don't
21 really see it that often now.

22 MR. KNOX: Yes, we still do that. And
23 if the dog is licensed or unlicensed, if it's not
24 with the owner or it's just running loose, we will
25 pick it up.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILWOMAN MILLER: I think it used
3 to be routine.

4 MR. KNOX: It still is.

5 COUNCILWOMAN MILLER: In different
6 parts of the city?

7 MR. KNOX: Yes.

8 COUNCILWOMAN MILLER: Interesting. I
9 haven't seen it in years, maybe because I'm still
10 working. But have you seen it?

11 COUNCILMAN RIZZO: Just to digress a
12 second, that's another thing that I'll remember,
13 that truck with all the little holes for air
14 vents?

15 COUNCILWOMAN MILLER: Yeah, right.

16 COUNCILMAN RIZZO: I'll never forget
17 when I -- I called them "the dog catcher."

18 COUNCILWOMAN MILLER: Right.

19 COUNCILMAN RIZZO: He opened the door
20 and 20 dogs ran out of that truck, and I'll never
21 forget that as long as I --

22 MR. LOVETT: Well, there's more animal
23 truck on the street daily. There's one at 8:30 in
24 the morning, one at 10:30, one at 11, and one at
25 3:30. They go out and -- and plus we have four

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 (unintelligible) on the street. And the only way
3 we can tell it's animal control, which is the dog
4 catchers, it will have it written on the back
5 "animal control."

6 We receive over 150 animals a day, we
7 have coming into our shelter.

8 COUNCILWOMAN MILLER: So, basically, if
9 someone has a stray in their area, they could
10 actually call you up.

11 MR. LOVETT: Oh, yeah.

12 COUNCILWOMAN MILLER: And at least
13 identify the area and what the dog looks like and
14 you would be on the lookout to pick it up.

15 MR. LOVETT: Right. That's a form that
16 we fill out.

17 COUNCILWOMAN MILLER: Okay.

18 COUNCILMAN RIZZO: Could I ask a
19 question. Maybe you can clarify it 'cause I get a
20 little confused, and I think that I cause some of
21 the confusion.

22 Explain the Women's SPCA. Which
23 organization, again, do you represent?

24 MR. LOVETT: The Pennsylvania SPCA.

25 COUNCILMAN RIZZO: Well, how many

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 different SPCAs do we have and what is the
3 difference? Because I don't know who to tell
4 people to call half the time.

5 MR. LOVETT: The only SPCA in the City
6 of Philadelphia is the Pennsylvania SPCA. The
7 Women's Humane Society moved to Bucks County.

8 COUNCILMAN RIZZO: Do they still
9 function here?

10 MR. LOVETT: No, not to my knowledge.
11 Leonard?

12 MR. KNOX: They come into the city for
13 complaints, like just animal complaint, but not
14 for like running at large or anything like that.

15 COUNCILMAN RIZZO: So the only
16 organization we should be dealing with and
17 referring our constituents to is the Pennsylvania
18 SPCA.

19 MR. KNOX: Correct.

20 MR. LOVETT: You have the phone number,
21 right, Councilman?

22 COUNCILMAN RIZZO: Know it by heart.

23 COUNCILMAN ORTIZ: Anything else?

24 Thank you very much appreciate. We you
25 coming.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 MR. LOVETT: Thank you.

3 COUNCILMAN ORTIZ: Is Rose Overton here
4 and Mr. Bernard Weaver? Would you both come up.

5 (Ms. Overton and Mr. Weaver come
6 forward.)

7 COUNCILMAN ORTIZ: Is there anyone else
8 here to testify on this issue? Come up.

9 UNIDENTIFIED SPEAKER: As a resident
10 and a dog owner, I would like to speak.

11 COUNCILMAN ORTIZ: Something about
12 vicious dogs?

13 UNIDENTIFIED SPEAKER: Yes, and I want
14 to speak on that.

15 COUNCILMAN ORTIZ: Okay.

16 Miss Overton, please.

17 MS. OVERTON: Good afternoon. My name
18 is Rosemarie Overton.

19 COUNCILMAN ORTIZ: Go ahead.

20 MS. OVERTON: On June 8th of '97, my
21 son was walking with two of his friends and he was
22 attacked by a pit bull. All he was doing was
23 passing by a neighbor's home. The little boy at
24 the time who lives in the house was nine years
25 old. He opened the gate and let the dog out.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 There was no "Beware of Dog" signs, no locks, no
3 nothing.

4 The dog - if you watch those animal
5 geographic movies, that's what the do did. He
6 went after my son's leg, got him down and went
7 straight for his throat. By Chris being
8 right-handed, he did like this to protect
9 himself. All of this is gone, it's like biting
10 down into a chicken leg. This is all plastic
11 under here. Chris has already had two surgeries
12 on his arms. He was supposed to have a third but
13 the doctor decided to leave well enough alone
14 because he would never be 100 percent.

15 My argument is, nothing happened to
16 that dog, nothing. I called everybody. I called
17 all those people, all those organizations that we
18 have already heard from. Nothing happened,
19 nothing happened to the owners. Those people are
20 still around there, that dog is still around
21 there, and I was told that if anything --

22 COUNCILMAN ORTIZ: And where is
23 "there"?

24 MS. OVERTON: "There" is approximately
25 three blocks from my home.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILMAN ORTIZ: What's the address?

3 MS. OVERTON: I live in East
4 Germantown.

5 COUNCILMAN ORTIZ: Okay.

6 MS. OVERTON: Do you want my address or
7 the address where the dog owner --

8 COUNCILMAN ORTIZ: No, no, not the --
9 where's the dog at?

10 MS. OVERTON: The dog's at his home.

11 COUNCILMAN ORTIZ: Yeah. The address
12 of the dog.

13 MS. OVERTON: Excuse me?

14 COUNCILMAN ORTIZ: The address of the
15 dog.

16 COUNCILWOMAN MILLER: Well, she's been
17 -- she's -- Miss Overton is one of my
18 constituents, and I'll put the dog's address on
19 record. I don't have it in front of me, but she's
20 another situation where the owners have exhibited
21 some intimidation techniques.

22 COUNCILMAN ORTIZ: Have you gotten a
23 lawyer?

24 MS. OVERTON: Yes, I do.

25 COUNCILMAN ORTIZ: Good. Are you going

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 to sue him?

3 MS. OVERTON: Yes, we are.

4 COUNCILMAN ORTIZ: Very good, very
5 good. So the authorities, the DA --

6 MS. OVERTON: We called everybody. I
7 was told that if anything happens to that dog, I
8 will go to jail.

9 COUNCILMAN ORTIZ: By whom were you
10 told this?

11 MS. OVERTON: The police. Now, what's
12 wrong with that picture?

13 COUNCILMAN ORTIZ: The police told you
14 that if anything happened to the dog, you would go
15 to jail.

16 MS. OVERTON: I will go to jail.

17 COUNCILMAN ORTIZ: Do you have the name
18 of that person?

19 MS. OVERTON: I have everything, I have
20 a list of --

21 COUNCILMAN ORTIZ: I would like to find
22 out who told you that, really.

23 MS. OVERTON: Okay.

24 COUNCILMAN ORTIZ: Really, I mean,
25 let's -- we'll have a -- should have a discussion

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 with those policemen.

3 MS. OVERTON: The reason that the dog
4 is protected is because the dog cleared all his
5 shots and the fact that the dog has an owner,
6 that's what saved the dog. That isn't right.

7 COUNCILWOMAN MILLER: And I remember --
8 I think they said something about the lock on the
9 gate.

10 MS. OVERTON: Oh, yeah. Now there's a
11 lock on the gate, now "Beware of Dog" signs are
12 there, but it wasn't there at the time.

13 Only because the child who lived at the
14 house at the time was nine years old, that's why
15 we couldn't sue the child. And it was a mess.

16 I've been everywhere. I went down the
17 District Attorney's Office, I went down to 1801, I
18 went everywhere. Nothing has happened, nothing.
19 The only person who has suffered is my son, is my
20 son. It's been two years. His arm will never be
21 right. I mean, Chris converted back to sleeping
22 with me, wetting the bed, scared to go outside
23 again. We had to get a psychiatrist to come to
24 the house, I mean, to talk him from the front door
25 to the sidewalk. I can show you pictures of

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 Christ when he was four months old in a walk, with
3 a full-grown rottweiler, he wasn't afraid of dogs.

4 The rule of thumb is, when a dog
5 charges you, freeze and look away. Chris did
6 that, but if it's a dog that has been trained to
7 attack, that rule doesn't apply. So he did what
8 he was supposed to do.

9 COUNCILMAN ORTIZ: And the owner
10 didn't.

11 Sir, Mr. Bernard?

12 MR. WEAVER: My name is Mr. Bernard
13 Weaver. I live in Port Richmond, I'm in Joan
14 Krajewski's district.

15 The reason I'm here is because I've
16 been chased and attacked by a rottweiler on three
17 different occasions, and I had a major stroke over
18 it.

19 COUNCILMAN ORTIZ: Did anything -- did
20 you notify the police about the dog and so on?

21 MR. WEAVER: We notified the SPCA.

22 COUNCILMAN ORTIZ: And what happened?

23 MR. WEAVER: Nothing. The dog's still
24 running wild.

25 COUNCILMAN ORTIZ: Did you notify the

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 Police Department?

3 MR. WEAVER: The Police Department as
4 been notified.

5 COUNCILMAN ORTIZ: And what has
6 happened?

7 MR. WEAVER: Nothing. The dog still
8 runs the street.

9 COUNCILMAN ORTIZ: Does the dog have an
10 owner?

11 MR. WEAVER: Yes, sir.

12 COUNCILMAN ORTIZ: And the owner lets
13 him run the streets.

14 MR. WEAVER: Yes, sir.

15 COUNCILMAN ORTIZ: And without any
16 supervision whatsoever?

17 MR. WEAVER: No, sir.

18 COUNCILWOMAN MILLER: Have you talked
19 to the owner?

20 MR. WEAVER: The owner thinks it's a
21 big joke, that's how he regards the people that
22 complain about his dog. He lets him sit on the
23 porch where there's only a three-foot railing,
24 protecting the persons walking up the street and
25 the home.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 COUNCILWOMAN MILLER: Do you know if
3 the police have ever come out to talk to the owner
4 or cite them for the dog not being on a leash?

5 MR. WEAVER: From what -- I'm told by
6 the SPCA that he's been cited on three occasions
7 but nothing's still done about the dogs.

8 COUNCILMAN ORTIZ: Could you give our
9 clerk the address of this owner and so on? I
10 would appreciate that.

11 MR. WEAVER: Yes, sir.

12 COUNCILMAN ORTIZ: Because I want us to
13 be able do something about it.

14 COUNCILMAN RIZZO: Madam Chairman,
15 could I ask the representative of the SPCA to come
16 back to the table because they may be able to deal
17 and explain how they're going to address this
18 issue right now.

19 Could you come back to the table,
20 please, .

21 (SPCA reps return to witness table.)

22 MR. KNOX: I don't know what address
23 he's referring to but he said the dog was picked
24 up a number of times. The only thing --

25 COUNCILMAN RIZZO: Identify yourself

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 for the record, please.

3 MR. KNOX: Oh, excuse me. Leonard
4 Knox, Humane Society Police Officer, Pennsylvania
5 SPCA.

6 The only way we can do something is if
7 the court orders us to hold this animal. But
8 every time they come back down there to retrieve
9 it, we have to give it back, give 'em a citation.
10 There's nothing to say, Hold this animal, by the
11 courts.

12 COUNCILMAN ORTIZ: So the Police
13 Department has to forward and make a criminal
14 charge against this person?

15 MR. KNOX: Against this owner.

16 COUNCILMAN RIZZO: Can't you -- can't
17 the Pennsylvania SPCA, after numerous contacts
18 with the same dog, generate the paperwork that
19 does exactly -- can't you be the complainant about
20 a vicious dog?

21 Now, here's a gentleman that will
22 provide you with the information about the dog,
23 the address, and whatever support the three of us
24 can give to --

25 MR. KNOX: Yes, I wanted to hear the

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 address so that I can look --

3 COUNCILMAN ORTIZ: He'll give you that.

4 COUNCILMAN RIZZO: Well, he can give
5 you that personally.

6 COUNCILMAN ORTIZ: I would like to see
7 that dog picked up, and then we'll deal with the
8 Police Department ourselves, okay?

9 COUNCILMAN RIZZO: And, sir, could you
10 get to -- sir, could you get together with these
11 two gentlemen and provide them with the
12 information.

13 MR. WEAVER: Yes, sir.

14 COUNCILMAN RIZZO: Thank you.

15 COUNCILMAN ORTIZ: Mr. Weaver, thank
16 you.

17 (Pat Harvey comes forward.)

18 COUNCILMAN ORTIZ: Yes, sir?

19 MR. HARVEY: My name's Patrick Harvey,
20 and I'll make this brief.

21 Listening to all these victims and
22 their stories, I feel for them all. And in every
23 one of these stories -- the one gentleman whose
24 wife got bit, you know, he made it the most clear
25 that the laws are in place.

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 And, basically, what I'm trying to say
3 is that I wouldn't want to see anything
4 breed-specific. I do not own rottweiler, I do not
5 own a pit bull, I own a boxer, you know, and
6 sometimes maybe there's no --

7 COUNCILMAN ORTIZ: I own a terrier.

8 COUNCILMAN RIZZO: They're not born
9 mean.

10 MR. HARVEY: Well, you know, some
11 animals have a nature and they are bred a certain
12 way. There are bad breeders and there are bad
13 handlers. But the point is, these are people
14 problems, every one of these. And the laws that
15 are in place right now, if they can get enforced,
16 this won't be a problem.

17 COUNCILMAN ORTIZ: I think we
18 understand that.

19 MR. HARVEY: Okay. And that's all -- I
20 wanted to make sure because, like you said
21 earlier, first it's this one, then it's that one,
22 then it's this one, then it's that one.

23 So that's all I wanted to -- that's why
24 I came down here today.

25 COUNCILMAN RIZZO: Thanks for taking

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803

2 the time.

3 MR. HARVEY: Thank you.

4 COUNCILWOMAN MILLER: And, you know,
5 none of this was breed-specific, but it is animal
6 control, and we know it's all on the owners, but I
7 think that we do need to educate the public more
8 about consequences if you don't comply with a
9 certain amount of laws.

10 MR. HARVEY: Definitely. And the laws,
11 you know, if more laws got put into place, the
12 only people they'd be hurting are the people that
13 really obey the law, because the people who aren't
14 obeying the law would still get these breeds and
15 still break the law, the leash laws and, you know,
16 how they confine their animal.

17 COUNCILMAN ORTIZ: Okay, thank you very
18 much.

19 COUNCILWOMAN MILLER: Thank you.

20 COUNCILMAN ORTIZ: Thank you very much.

21 Is there anyone else here who would
22 like to testify?

23 (No response.)

24 COUNCILMAN ORTIZ: If not, then the
25 Joint Council Committees on Public Health & Human

1 HEALTH, HUMAN SVCS. & SAFETY - RES. 970803
2 Services and Public Safety on Resolution No.
3 970803 stands in recess until the call of the
4 Chair.

5 (Adjourned at 4:04 p.m.)

6 - - -

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1

2

C E R T I F I C A T E

3

4

5

6

7

8

9

10

11

12

13

RE: JOINT COUNCIL COMMITTEES ON
PUBLIC HEALTH & HUMAN SERVICES AND SAFETY
RESOLUTION NO. 970803

15

16

17

18

19

20

21

22

23

24

25

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter