

**TALKING POINTS**  
**MARCH 9, 2024 DOG ATTACK, PARK HILL**

- Animal Services' Mission Statement is to "ensure the **health, safety, and welfare** of the domestic animals and **the people we serve** through public education, **enforcement of applicable laws**, and the humane care and rehoming of impounded and sheltered animals."
- On March 9, 2024, between 5:15 p.m. and 5:30 p.m., there was a dog attack by the dog known as "STAR". The attack occurred at 400 Worcester, Cambria.
  - It resulted in another dog being killed.
  - It resulted in the dog's owner being bitten, amputating a 1/3 of an index finger.
- Eric Anderson, Animal Services Manager, represented orally, and in writing, on several occasions and to several different individuals that the dog STAR did not have a history of prior attacks. **Eric Anderson's statements are patently false.**
  - Contrary to the statements by Eric Anderson, Animal Services Manager, the dog "STAR" has a prior history of attacks.
  - Some of these attacks were documented by Animal Services in a document dated November 14, 2023.
- In the California Food & Agriculture Code, Division 14, Chapter 9, **Section 31601**, the California Legislature "finds and declares" that "Potentially dangerous and vicious dogs have become a serious and widespread threat to the safety and welfare of citizens of this state. In recent years, they have assaulted without provocation and seriously injured numerous individuals, particularly children, and have killed numerous dogs."
  - **Section 31601** also states that there needs to be "regulation and control of vicious and potentially dangerous dogs ... to deal with the **threat to public health and safety posed by vicious and potentially dangerous dogs.**"
  - **Section 31603** defines a "vicious dog" as "Any dog that, when unprovoked, in an aggressive manner, inflicts injury on or kills a human being."
  - **Section 31604** defines a "severe injury" as "any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery."
- Notwithstanding that the dog STAR has a prior history of attacking other dogs and that STAR killed another dog and caused severe injury as defined by Section 31604 of the California Food & Agriculture, **Animal Services has failed in its duties to enforce applicable laws**, such as **Section 31621** of the California Food & Agriculture Code, which mandates a hearing when a dog exhibits dangerous and vicious behavior.
- **Section 31645** of the California Food & Agriculture Code states, "A dog determined to be a vicious dog may be destroyed by the animal control department when it is found, after proceedings conducted under Article 2 (commencing with Section 31621), that the release of the dog would create a significant threat to the public health, safety, and welfare.
- Eric Anderson, Animal Services Manager, has:
  - Elected to ignore California State Statute **31621** of the California Food & Agriculture Code;
  - Misrepresented this dog's numerous prior instances of attacks and vicious behavior; and
  - Intentionally or unintentionally misclassified the dog STAR as a "lab/mix" when in fact Animal Services' records show it as a Pit Bull.

**San Luis Obispo Animal Services  
Public Information Release  
Activity Record**

Activity Number : A23-082863

**Sequence 1 MUNI CODE/MENACE8**

Activity Address : 1462 14TH ST

Activity Comment : dog has broken through shared fence at least three times- once injuring her dog- none reported Broke through fence once again last Thursday- officer to go under menacing and aggressive ordinance- no priors

**Caller Information:**

SALLY BUDD  
1456 14TH ST  
LOS OSOS CA 93402

**Owner Information:**

CINDY LEIGHTON  
400 WORCESTER DR  
CAMBRIA CA 93428  
(805) 503-0402

Officer : CULLEN  
Call Date : 11/14/23 09:24 AM  
Dispatch Date : 11/14/23 11:00 AM  
Working Date : 11/14/23 12:10 PM  
Complete Date : 11/14/23 12:15 PM

**Result Codes:**

Education Provided

### **§ 31621. Hearing on declaration of dog as potentially dangerous or vicious**

If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the chief officer of the public animal shelter or animal control department, or the chief officer's immediate supervisor, or the head of the local law enforcement agency, or the agency head's designee, shall petition the superior court of the county in which the dog is owned or kept for a hearing for the purpose of determining whether or not the dog should be declared potentially dangerous or vicious. A proceeding under this section is a limited civil case. A city or county may establish an administrative hearing procedure to hear and dispose of petitions filed pursuant to this chapter. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The chief officer of the public animal shelter or animal control department or head of the local law enforcement agency shall notify the owner or keeper of the dog that a hearing will be held by the superior court or the hearing entity, as the case may be, at which time the owner or keeper of the dog may present evidence as to why the dog should not be declared potentially dangerous or vicious. The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held promptly within no less than five working days nor more than 10 working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public. The court may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. A jury shall not be available. The court may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and make other orders authorized by this chapter.

#### Credits

(Added by Stats.1989, c. 761, § 1. Amended by Stats.1998, c. 931 (S.B.2139), § 168, eff. Sept. 28, 1998; Stats.2002, c. 784 (S.B.1316), § 119; Stats.2019, c. 7 (A.B.1553), § 7, eff. Jan. 1, 2020.)

### **§ 31622. Determination and orders; notice; compliance; appeal**

(a) After the hearing conducted pursuant to Section 31621, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first-class mail postage prepaid by the court or hearing entity. If a determination is made that the dog is potentially dangerous or vicious, the owner or keeper of the dog shall comply with Article 3 (commencing with Section 31641) in accordance with a time schedule established by the chief officer of the public animal shelter or animal control department or the head of the local law enforcement agency, but in no case more than 30 days after the date of the determination or 35 days if notice of the determination is

mailed to the owner or keeper of the dog. If the petitioner or the owner or keeper of the dog contests the determination, they may, within five days of the receipt of the notice of determination, appeal the decision of the court or hearing entity of original jurisdiction. The fee for filing an appeal, payable to the clerk of the court, is as provided in subdivision (b) of Section 70626 of the Government Code. If the original hearing held pursuant to Section 31621 was before a hearing entity other than a court of the jurisdiction, appeal shall be to the superior court. If the original hearing was held in the superior court, appeal shall be to the superior court before a judge other than the judge who originally heard the petition. The petitioner or the owner or keeper of the dog shall serve personally or by first-class mail, postage prepaid, notice of the appeal upon the other party.

(b) The court hearing the appeal shall conduct a hearing de novo, without a jury, and make its own determination as to potential danger and viciousness and make other orders authorized by this chapter, based upon the evidence presented. The hearing shall be conducted in the same manner and within the time periods set forth in Section 31621 and subdivision (a). The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The issue shall be decided upon the preponderance of the evidence. If the court rules the dog to be potentially dangerous or vicious, the court may establish a time schedule to ensure compliance with this chapter, but in no case more than 30 days subsequent to the date of the court's determination or 35 days if the service of the judgment is by first-class mail.

#### Credits

(Added by Stats.1989, c. 761, § 1. Amended by Stats.1998, c. 931 (S.B.2139), § 169, eff. Sept. 28, 1998; Stats.2002, c. 784 (S.B.1316), § 120; Stats.2005, c. 75 (A.B.145), § 46, eff. July 19, 2005, operative Jan. 1, 2006; Stats.2019, c. 7 (A.B.1553), § 8, eff. Jan. 1, 2020.)

#### **§ 31623. Failure of owner or keeper to appear; decision**

The court or hearing entity of original jurisdiction or the court hearing the appeal may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing.

#### CREDIT(S)

(Added by Stats.1989, c. 761, § 1.)

#### **§ 31624. Finality of determination**