



DANGEROUS DOG – PROSECUTOR’S CHECK LIST

Copyright 2020, AnimalLawSource.org

DOG OWNER

- May charge multiple people if the dog was owned or cared by more than one person. For example, spouses can own the same dog. Depends on the incident on who to charge – dog escaping an enclosure can warrant more than one owner to be charged. Dog being walked by one person, may warrant one person to be charged.
- Check previous records, GCIC (In Georgia). Check county records of dog owner’s residence during the life the dog.
- Who cared, fed, and controlled the dog?
- Who is the parent or guardian of child who may have controlled the dog at time of attack?
- How long did dog owner own or harbor the dog?
- Did dog owner know the history of the dog prior to possessing dog?
- After classification notice, did owner comply with all requirements timely?
- Did owner pay cost for impound, care and housing?
- Did owner pay victim’s cost?
- Does Dog Owner and victim know each other prior to incident?
- Should dog owner know or should have know the propensity that his dog is aggressive?
- Basics: age, sex, education, and occupation of dog owner.
- Any violation zoning laws. Are they operating a kennel or dog training facility?
- Was owner using dog for protection or as a guard dog?
- Did owner provide any training for the dog – what type of training, where was dog trained, how long, certificates?
- Was owner benefiting (economically or for any reason) related to the dog? (Breeder, trainer, etc.)
- Did dog owner use his dogs to intimidate others?
- Did owner intentionally “sic” the dog on someone?
- Did dog owner provide a proper enclosure, shelter, food, socialization and care for the dog.

- Did dog owner chain the dog (how often, how long)
- Any calls on owner for dog at-large, neglect, cruelty, animal fighting? Any convictions?
- Who was in charge of feeding and allowing dog in and out of enclosure?
- LOCATION**
- Who came to the scene? Create witness list and interview.
- Did dog have proper housing and shelter?
- Could someone place their hands through the fence?
- How was gate secured?
- Evidence of warning signs of a dangerous dog at the premises which incident took place?
- Was it a public or private place?
- Was victim an invited guest or allowed to be on premises?
- How many animals on premises?
- DOG & EVIDENCE**
- Review the evidence checklist
- WHERE IS DOG AFTER ATTACK?**
- Euthanized, back with owner, 3rd party?
- Why won’t the dog ever be rehomed? Too much liability.
- Was dog trained to repair temperament?
- WAS DOG CLASSIFIED APPROPRIATELY?**
- A dog that bites multiple people in one attack should be classified a vicious dog. Multiple puncture wounds would be considered “serious injury” therefore a vicious dog classification.
- Is this the second time dog has attacked or bitten or posed a threat to a person or public? If so, vicious classification may be warranted.
- DISPATCH**
- Did dispatch send First Responders to correct location?
- Any issues with dispatch?

- In fatalities or severe injury, was the appropriate team of experts sent to scene to collect evidence?
- Was the scene secured and taped off?
- INJURY**
- Location of injury matters
- Damage to skin, flesh
- Scarring that needs revisions
- Scarring can lead to:
 - Loss of limb or organ
 - Exposure to diseases – rabies – and “Fear” of the exposure
 - Infections
 - Brain Injury
 - Inability to have normal activity – walk, talk, see, sex, etc.
 - Inability to have children
 - Disfigurement & Scars
 - Chronic Pain
 - Pain from the accident
 - Pain from medical treatment
 - Pain from healing
 - Pain from touching scars
 - Numbness and tingling from scars, and crush injuries.
 - Neuropathy
- Functional, such as:**
 - Speech or sight are affected
 - Tendons are torn
 - Bones never healing properly
 - Rods in bones – forever compromised
 - Tear duct system does not work properly – lack of moisture
- EMOTIONAL INJURY**
- Permanent Mental Injury - Post Traumatic Stress Disorder
- Mental Anguish
- Shame
- Mortification
- Shock and impact
- Worry
- Fear of extent of injury
- Anxiety - think about how the victim will deal with it every day at every age
- Embarrassment
- Humiliation
- Post-traumatic Stress Disorder
- Children bullied in school because they look different

- Hedonic damages - the loss of enjoyment of life or lost intangible value of life. Hedonic studies are applied to calculate for the value of a human life.
- ASSOCIATED INJURY**
- Provable loss of income
- Discrimination, there can be a loss of specific earnings and a loss of earning capacity.
- Children with facial scars have a higher percent of dropout rate than others and some view people with scars as criminals, brawlers, someone who deserved it.
- Treatment costs (OTC, Special items, co-pays, deductibles, time)
- Nonprescription drugs and ointments
- Makeup and cosmetics.
- Wigs
- Glasses
- VICTIM:**
- Photos/videos of victim.
- Depending on the age of victim, decide how you will tell the victim’s account of the incident step-by-step. Discuss sounds, sights, smells, taste, temperature, and overall feeling of the entire event. Tell the victim’s story beginning with the victim’s life before the incident and then after.
- Using family and friends, they can tell the victim’s story.
- Evidence of pain and suffering shown by photos of the bites or injuries due to the attack.
- Cost of initial medical treatment and procedures shown by obtaining medical records and bills.
- Evidence of permanent scarring shown by photos taken one year after the attack.
- Cost of future surgical revision as explained by a plastic surgeon in his narrative report.
- Description of permanent scarring as explained by a plastic surgeon in his narrative report.
- Psychological damages as noted in a psychologist's report, if applicable.
- A physical or even mental injury that restricts a personal injury victim's job or activities for the remainder of the victim's life.
- Is the pain or suffering expected to last for the rest of the victim’s life.
- Always ask for compensation for every day of the rest of the victim’s life and detail what it must be like for the him/her to deal

with the suffering their injuries will bring every single day for the rest of their lives.

PHOTOS/VIDEOS

- Photos of scene
- Dog (up close, far back, whole body (top, side, bottom) blood stains, teeth, nails.
- Dog's enclosure including gate or door. If escaped, then pictures of area in which dog escaped.
- Pictures taken before the accident, showing how the victim looked before being injured.
- Pictures taken right after the attack will graphically show the severity of the injuries and implicitly suggest the pain and suffering of the victim.
- Photos taken at the hospital will show the severity of the injuries and will demonstrate what was done during the surgery.
- Photos taken by the plastic surgeon will show the same.
- Photos made during the recovery will help to describe how painful the healing process was.
- If an image originally was recorded on film, then the attorney should have either the negative or 4 prints. If an image originally was recorded digitally, then the attorney should have a copy of the original file that came from the camera. "Original" means not reduced in any way, not converted to a different format, not cropped, not altered in any way. The best format is .tif and the second best, but more common, is .jpg.

DOCUMENTS/ITEMS FOR PROSECUTION

- 911 tape
- Animal control department records. Police department records.
- Veterinary records
- Animal shelter records
- Investigation details are listed on Bite Investigation Report, Use it
- What was the scale on dog bite assessment?
- If severe attack, or multiple dogs biting – bite level of 4 or over – police, arrest, state violation. Or if owner is belligerent, repeat offender, has known his dog(s) is aggressive, consider state charges
- Collect evidence, EMTs & medical folks keep clothing, look for body parts. List of all people coming to scene
- Keep dog alive if possible, for assessment and more samples,
- Do not wash dog until ready to collect samples.
- Investigator should go to ER, interview, collect evidence. Ask for medical or surgery photos
- Post office notices that the dogs (or any of them) are dangerous and mail will not be delivered.

- Complaints to homeowner's association.
- Any complaint sent directly to dog owner from a neighbor or via letter.
- Complaints to private patrol company or security company.
- Records of veterinarians and staff.
- Lawsuits pertaining to injuries inflicted by the dogs (or any of them).
- Records of action taken to obtain a court determination, or administrative determination, that the dogs (or any of them) were dangerous, vicious, or overly aggressive toward people.
- Insurance company communications pertaining to prior claims against dog owner based on dog-inflicted injuries.
- Kennel records where dogs (or any of them) were boarded.
- Registration with the American Kennel Club or the like
- Receipts and credit card statements for payment for food, shelter, toys, cages, veterinary care, boarding, registration, licensing, training, consultation with behaviorist.
- Apparatus used for the dog (leashes, muzzles, collars, training items)
- Necropsy of dog (refrigerate, don't freeze carcass, DNA samples of blood on fur, saliva in jaw, DNA from nails -victim and dog- jaw cast)
- Bite measurements and bite cast of dog's jaws
- Victim's clothing – preferably before being washed
- Blood stain items
- Any petitions signed neighbors related to dog
- If dog was involved in dog fighting, look for old scar marks indicating fighting. Punitive damage possibility. See dog fighting check list on www.animallawsource.org
- Advertisements for kennels/dogs
- Diagram for property from all angles, (whole in fence, bad latch), video and photos
- Drones to search for dog if needed
- "Best in Show"/"Best Game Dog" awards/trophies
- Breeding papers (pedigrees, bloodlines)
- Bullets/wadding/shell casings -in case dog was shot
- Cages/crates
- Collars/Leashes/harnesses
- INTERVIEW WITNESSES**
- Neighbors
- Responding police officer and/or animal control

- Emergency Medical Technician (EMT)
- Emergency Room personnel
- Treating nurse and doctors
- Friends and relatives
- Prosecutor
- Veterinarian & staff – look at records
- Breeder of the dogs. Trainer of the dogs (obedience, agility, protection, service, and aggression).
- Behaviorist consulted in connection with the dogs.
- Former owners of the dogs.
- Mail carriers who deliver mail to the residence of the dogs, including the supervisors.
- UPS deliverymen who pick up and deliver packages to the residence of the dogs.
- Gas company workers who provided services at the residence of the dogs.
- Water company workers who provided services at the residence of the dogs.
- Electrical company workers who provided services at the residence of the dogs.
- Telephone company workers who provided services at the residence of the dogs.
- Heating and plumbing company workers who provided services at the residence of the dogs.
- Gardeners who provided services at the residence of the dogs and each adjacent residence north, west, east and south.
- Tree trimmers who provided services at the residence of the dogs and each adjacent residence north, west, east and south.
- Neighbors on each side of the residence of the dogs, behind the residence (on the next block), and across the street.
- Maid.
- Babysitter.
- Pet sitter or dog sitter.
- Dog walker.
- Kennel where the dogs were boarded.
- Homeowners association. There may be numerous complaints on record about these dogs.
- Police officers, especially patrol officers.
- Private patrol officers, security guards and employees of security company, including supervisors.
- Animal hospital and staff.
- Animal emergency facility and staff.

- Dog groomer.
- Other people who walk dogs in the same neighborhood or the local park or dog park
- EXPERTS & KEY WITNESSES**
- First Responders, included EMTs, Police, Animal Control Officer
- Dog bite expert
- Forensic expert
- Veterinarian
- Emergency room frontline providers
- Hospital providers if person was admitted
- Medical doctor if victim did not go to hospital or urgent care
- Board-certified plastic surgeon, permanency of the disfigurement, procedures, and costs to minimize it
- Psychologist who specializes in disfigurement & PTSD
- Treating psychologist or counselor
- Supervisors or colleagues, to establish the loss of income,
- Shelter staff who saw the dog during quarantine.
- CPA who is also an economist and can testify about hedonic damages, quantify the monetary losses of the past and future, and reduce the future losses to present value.
- Life Care Expert, many accident victims who have suffered a catastrophic injury need what is call a life care plan expert.
- PROTECT CHILDREN IN NEIGHBORHOOD**
- Is this a neighborhood with lots of children? A subdivision? Where is the bus stop in relation to attack?
- Notify parents in the neighborhood about the attack so they can take precautions.
- INFORMATION TO PROVIDE TO VICTIM**
- Get insurance information from dog owner & provide to victim
- Call the insurance company to see if it is valid
- Note, that a victim may never get civil remedies
- Prosecutors should always ask for restitution in criminal case
- Stay in touch with victim – future injuries?
- PREPARE FOR POSSIBLE DEFENSES**
- Self-defense - must be imminent in GA
- Mere animal trespassing is not grounds for killing/injuring an animal
- On your report indicate if victim had to run away in order to be safe from imminent danger?
- Did victim go inside a home or vehicle, close the door, get a gun and come back to shoot dog?

- Was the dog shot in the back? Was the dog shot on victim's property?
- Provocation?
- If child victim, was provocation legitimate?
- Did child understand trespass?
- LONG TERM OR INDIRECT INJURIES**
- Dog and cat bites can cause serious infections.
- Rabies from a Dog Attack or Bite. Did victim undergo a series of rabies shots? Where did victim seek treatment, how often, cost?
- Was victim running away from attack and then injured? hit by car or fell because of running away from attacking dog
- CHARGES TO CONSIDER**
- RDOL
- No Rabies
- Dog at Large, aka Unrestrained Animals
- No tags/identification
- Public nuisance/vicious
- Attacking without provocation
- Violation of Zoning or Health Ordinance
- Operating kennel without license
- Child endangerment
- Reckless Conduct (can be used for various scenarios – e.g. dog posing a threat to public or used to harass or intimidate another)
- Criminal Negligence
- Conspiracy
- Assault/Battery (animal used to intentionally harm a person)
- Manslaughter
- Murder (animal is used as a murder weapon)
- LOCAL ORDINANCE CHARGES
- Local ordinances**
- Dogs at Large or Repeat Offenders
- Dog at Large
- No tag
- No Rabies
- Nuisance
- Tethering Violation
- JURY**
- Explain why dogs bite - They do not bite because of having once bitten on a prior occasion which is what the Georgia law supports. They bite because of factors such as heredity, poor socialization, lack of attention from owner, poor training, and poor health, or because of abuse, or neglect such as being kept chained.

- Priors acts of aggression do not have to be reported to authorities. You may find those by interviewing neighbors
- Neighbors are great source to talk about victim and dog owner
- Parents are a must, but you may get jurors through stories from victims' siblings, friends, teachers and classmates.