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**Investigating Animal Bites & Attacks**

*Hannah Fisher, BOAH*

 **BOAH** Indiana State Board of Animal Health

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- Definitions & Terminology
- History & Prevalence
- Rabies Overview
- Reports & Official Indiana Animal Bite Form
- Relevant Laws
- Dunbar Dog Bite Scale
- Resources & Final Notes

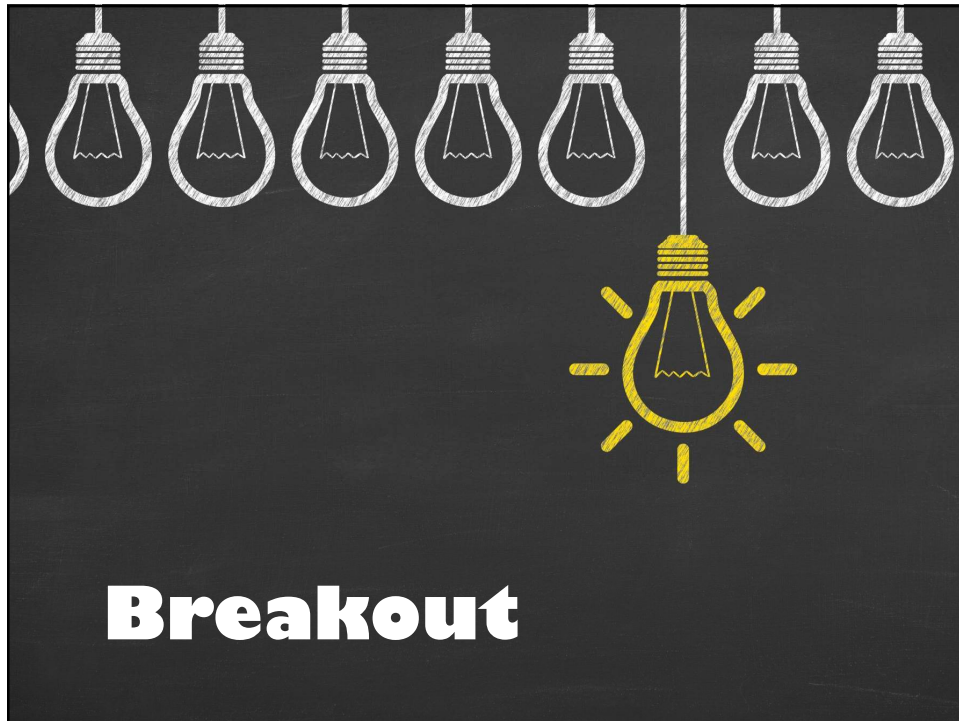


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# Definitions & Terminology



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### Working in small groups:

- Create a definition for each of the following phrases (as it pertains to animal bite/attack investigations):
  - Aggressive
  - Serious bodily injury
  - Provoked



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- Value-laden term
- “Aggression” etymology:
  - ad: toward
  - gradi: proceed, walk
- Continuous state or isolated
- Gray area



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**TITLE 35. Criminal Law and Procedure**  
**ARTICLE 31.5. DEFINITIONS**  
**CHAPTER 2. Definitions**  
**35-31.5-2-292. "Serious bodily injury"**

**Universal Citation:** IN Code § 35-31.5-2-292 (2017)

IC 35-31.5-2-292 "Serious bodily injury"

Sec. 292. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes:

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(25) The term "[serious bodily injury](#)" means bodily injury which involves—

(A) a substantial risk of death;

(B) protracted and obvious disfigurement; or

(C) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

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(v. t)  
/prəˈvʊk/ - [pro·voke]

# provoke

*To call forth; to call into being or action; esp., to incense to action, a faculty or passion, as love, hate, or ambition; hence, commonly, to incite, as a person, to action by a challenge, by taunts, or by defiance; to exasperate; to*

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provoked

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### Working together as a class:

- Create a definition for each of the following phrases (as it pertains to animal bite/attack investigations):
  - Aggressive
  - Serious bodily injury
  - Provoked



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## Ordinance Review

- Do you know what your ordinance says?
- What types of frustrations do you have with yours?
- What key words are defined?
- How do you wish yours was different?



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## History & Prevalence of Animal Bites & Rabies



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## Indiana History

- Until the early 1960s, most Indiana rabies cases were dogs, cats, and humans bitten by dogs/cats
- Vaccination requirements and animal control programs established
- 1960s-1988: Skunks
- ★ • 1988-current: Bats
- ★ • Last positive dog: 1989
- Last positive cat: 1984



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## Prevalence

- Half as likely to die from a dog bite as from lightning strike
- Global rabies impact estimated cost: \$8.6 billion/yr
  - World Health Organization



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## Reports & Official Indiana Animal Bite Form



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**What is the *(initial)* top priority  
when responding to a bite call ?**

**★ < CONTAINMENT OF THE ANIMAL >**

EMS can address the wounds.  
You can obtain the information later.



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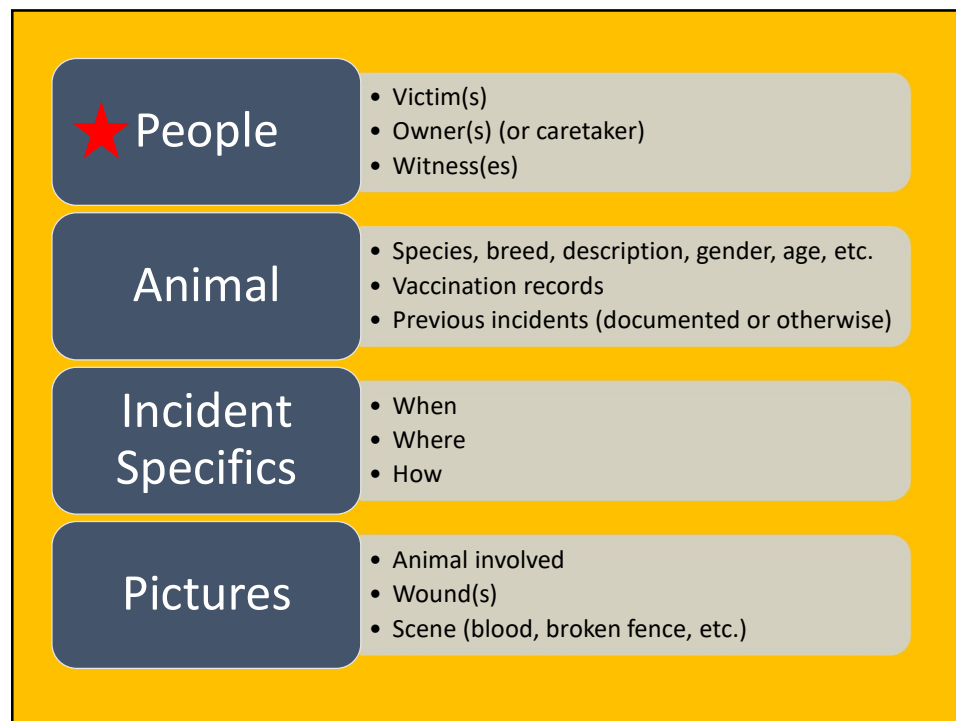


## Documenting the Scene

- TAKE THE PICTURES. ALL OF THE PICTURES.
  - You will only have one opportunity to document things as they were.
- Pictures should include, at minimum:
  - Animal involved (for identification)
  - Blood on animal involved
  - Wounds
  - Scene
  - Containment measures of animal, if any



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[www.in.gov/rabies/report-an-animal-bite/](http://www.in.gov/rabies/report-an-animal-bite/)



**Official Indiana Animal Bites Report**  
Indiana State Department of Health  
State Form 14072 (R3/4-04)

Incident Location Address _____ County _____ Exposure Date ____/____/____ Reported Date _____ Reported Time _____ Release Date _____	Reported by (name) _____ Reported by (phone) _____ Received by (name) _____	Reporting Agency Case Number _____ Reporting Agency _____ Bite Classification (see reverse side of this page to classify) _____ Incident <input type="checkbox"/> On <input checked="" type="checkbox"/> Off Property Victim Type (circle 2) Human    Animal    /    Juvenile    Adult
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VICTIM INFORMATION	OWNER INFORMATION
<b>Person bitten</b> (if animal victim, use this space for animal victim's owner): Last Name _____	<b>Owner of Animal:</b> Last                      First                      Mid.                      Date of Birth Street Address                      City                      Zip                      Sex

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**Animal Bite Classification System – Proper Use**

Bites are classified alphanumerically. The alpha designation indicates the victim, geographic location, and if the animal has bitten previously. The numeric designation indicates severity with (1) the least severe and (5) the most severe.

<u>Section I – Victim</u>	<u>Section II – Confined/Stray</u>	<u>Section III – Repeat Biter</u>	<u>Section IV – Bite Severity</u>
H = Human	C = Confined at the time of the bite	R = Repeat biter, previous information on file	1. Minor Scratch
D = Other animal (domestic)	S = Stray, roaming, off property, or not legally restrained	O = No previous bites	2. Minor, punctures 4 or less
W = Other animal			3. Moderate, punctures
			4. Severe, punctures (4 or more) deep may include crushing or tears from shaking
			5. Death

Example: H/C/R/3 = A bite to a human; the animal was legally confined at the time of the bite; the animal has bitten previously, and this is a bite of moderate severity.

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**State Department of Health required information (must be completed):**

**Species (fill in the correct biting species):**

Bat       Dog       Hamster       Raccoon  
 Cattle       Ferret       Horse       Rat  
 Cat       Fox       Mouse       Squirrel  
 Chipmunk       Gerbil       Rabbit       Other

\_\_\_\_\_

If Other, specify

**Did the animal exhibit any of the following:**

Convulsions     Aggression     Inability to eat/drink  
 Excessive salivation     Paralysis     Depression

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Rabies and Your Pet | American V X +

avma.org/resources/public-health/rabies-and-your-pet#:~:text=Animals%20with%20rabies%20may%20show,may%20also%20be%20uncharacteristically%20

**What are the signs of rabies in animals?**

Once the rabies virus enters the body, it travels along the nerves to the brain. **Animals with rabies may show a variety of signs, including fearfulness, aggression, excessive drooling, difficulty swallowing, staggering, paralysis and seizures. Aggressive behavior is common, but rabid animals may also be uncharacteristically affectionate.** Horses and livestock with rabies also may exhibit depression, self mutilation, or increased sensitivity to light. Rabid wild animals may lose their natural fear of humans, and display unusual behavior; for example, an animal that is usually only seen at night may be seen wandering in the daytime.

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**Circumstances:**

- Animal confined (indoors, penned, tethered, or on leash)
- Animal not confined (stray, roaming, etc.)
- Wild Animal     Provoked     Unprovoked
- Unknown     Other

**Action taken with animal:**

- No Action
- Escaped/not found
- Pet quarantined (see dates above)  
(dog, cat, ferret only)
- Body destroyed
- Head sent to ISDH Lab
- Other
- Unknown

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# Relevant Laws

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<p><b>Rabies Vaccination:</b> <b>IC 35-46-3-1</b></p>	<p><b>Off Property:</b> ★ <b>IC 15-20-1-4</b></p>
<p><b>Hybrid/Coydog:</b> <b>IC 15-20-1-5</b></p>	<p><b>Civil Liability:</b> <b>IC 15-20-1-3</b></p>

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## IC 35-46-3-1 (Rabies vx)

Sec. 1. A person who knowingly or intentionally harbors a dog that is over the age of six (6) months ★ and not immunized against rabies commits harboring a non-immunized dog, a Class C infraction. However, the offense is a Class B misdemeanor if the dog causes bodily injury by biting a person

- Document how you know the dog to be >6 months old
- Document how you know the dog to be not immunized



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## IC 15-20-1-4 (Off Property)

Sec. 4. (a) Except as provided in subsection (b), the owner of a dog commits a Class C misdemeanor if:

- Fails to restrain dog, dog enters someone else's property, dog bites/attacks

(b) The offense under subsection (a) is:

- Enhanced: previous convictions, SBI, death



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## IC 15-20-1-5 (Hybrid/Coydog)

(a) Definition:

- Parent A: wolf or coyote  
Parent B: another animal
- Parent A: offspring of wolf or coyote/another animal  
Parent B: another animal

(b) Requirements: Secure enclosure (or reasonable control)

- Roofed or has sides at least 6 feet tall and constructed in such a manner that the type of animal contained within the pen cannot reasonably be expected to escape



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## IC 15-20-1-5, *cont.*

(c) Subject to subsection (d), an owner of a wolf hybrid or coydog commits a Class B misdemeanor if the owner recklessly, knowingly, or intentionally fails to comply with subsection (b) and:

- Fails to restrain animal, animal enters someone else's property, animal damages livestock or personal property

(d) The offense under subsection (c) is:

- Enhanced: previous convictions, SBI, death



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## IC 15-20-1-3 (Civil Liability)

Sec. 3. (a) The owner of the dog is liable for all damages suffered by the person bitten if a dog, without provocation, bites a person:

- Who is acting peaceably and legally permitted to be there

(b) The owner of a dog described in subsection (a) is liable for damages even if:

- No previous incidents or the owner has no knowledge of prior vicious behavior by the dog



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<p><b>Dogs &amp; Livestock:</b> <b>IC 15-20-2</b></p>	<p><b>Destruction:</b> <b>IC 35-46-3-5</b></p>
<p><b>Veterinary Records</b> <b>IC 25-38.1-4-5.5</b></p>	<p><b>Police Dogs:</b> <b>IC 15-20-1-6</b></p>

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## IC 15-20-2 (Dogs & Livestock)

### IC 15-20-2-1

- Sec. 1. If a dog kills or injures any livestock...the owner or harbinger of the dog is liable to the owner of the livestock for all damages sustained, including reasonable attorney's fees and court costs

### IC 15-20-2-2

- Sec. 2. A person who observes a dog in the act of killing or injuring livestock may kill the dog if the person has the consent of the person in possession of the real estate on which the dog is found



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## IC 35-46-3-5 (Destruction)

(10) Destruction of a vertebrate animal that is:

- (A) endangering, harassing, or threatening livestock or a domestic animal; or
- (B) destroying or damaging a person's property

★ (15) Humane destruction of an animal that the person owns



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## IC 25-38.1-4-5.5 (Vet Records)

★ (e) An animal's veterinary medical records and medical condition must be furnished within five (5) business days without written client authorization under the following circumstances:

- (5) As a part of an animal cruelty report and associated applicable records that are part of an abuse investigation by law enforcement or a governmental agency
- (6) To a law enforcement agency as part of a criminal investigation



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## IC 15-20-1-6 (Police Dogs)

Sec. 6. An owner of a dog is exempt under section 4 of this chapter if the dog commits an act described in section 4 of this chapter during the period that the dog is owned by:

- (1) the United States;
- (2) an agency of the United States; or
- (3) a governmental entity (as defined in IC 34-6-2-49); and the dog is engaged in assisting the owner or the owner's agent in the performance of law enforcement or military duties



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## Administrative Rabies Laws

### IC 15-17-6

- Ability to declare quarantine requirement *for rabies outbreaks, not for a bite/attack investigation*

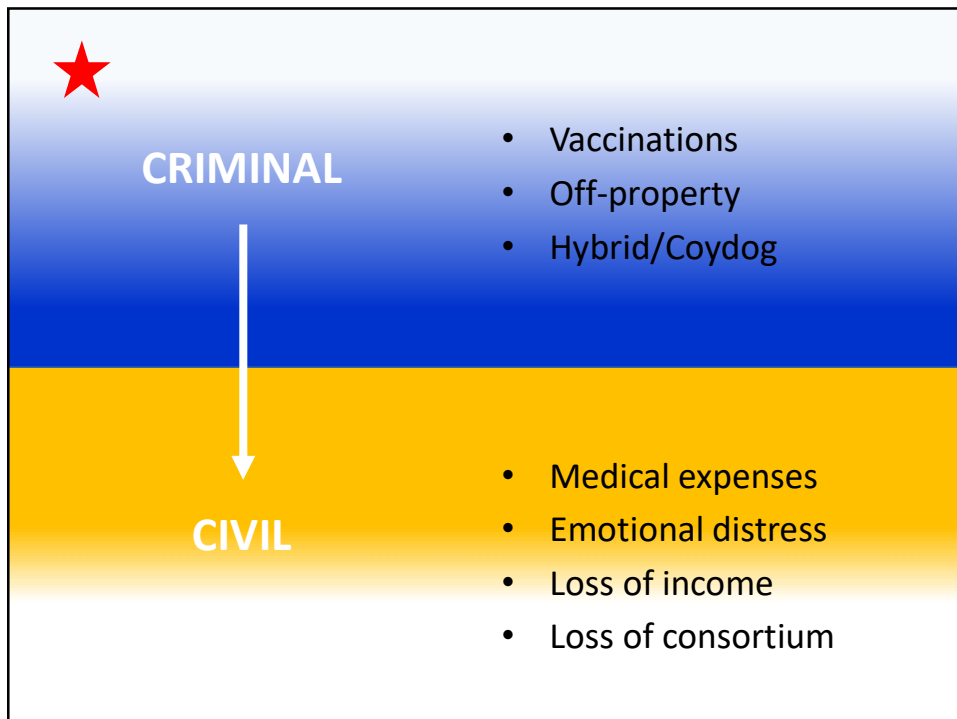
15-17-6-1	Rabies vaccination records
15-17-6-2	Quarantine declaration
15-17-6-3	Vaccination order
15-17-6-4	Notice of vaccine order; duties of county health officer and sheriff
15-17-6-5	Impounding area
15-17-6-6	State veterinarian assistance to local health officers
15-17-6-7	Impoundment, release, and disposition of animals
15-17-6-8	Expenses of impoundment
15-17-6-9	Requirements for animals in quarantine area
15-17-6-10	Loose animals; impoundment or destruction; notice; costs
15-17-6-11	Authority of state veterinarian and local health officer; confinement and destruction of animals; investigation
15-17-6-12	Emergency order; nonexpiration
15-17-6-13	Cooperation
15-17-6-14	Local ordinances



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## (Dr. Ian) Dunbar Dog Bite Scale



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## Levels 2-5

- **Level 2:** Skin-contact by teeth; no punctures
- **Level 3:** one to four punctures from single bite, not deeper than half the length of canine tooth
- **Level 4:** one to four punctures from a single bite, at least one deeper than half the length of canine tooth
- **Level 5:** multiple bites, multiple-attack



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## Levels 1 and 6

- **Level 1:** obnoxious or aggressive behavior but no skin-contact by *teeth*
- **Level 6:** death



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**Rate these bites...**

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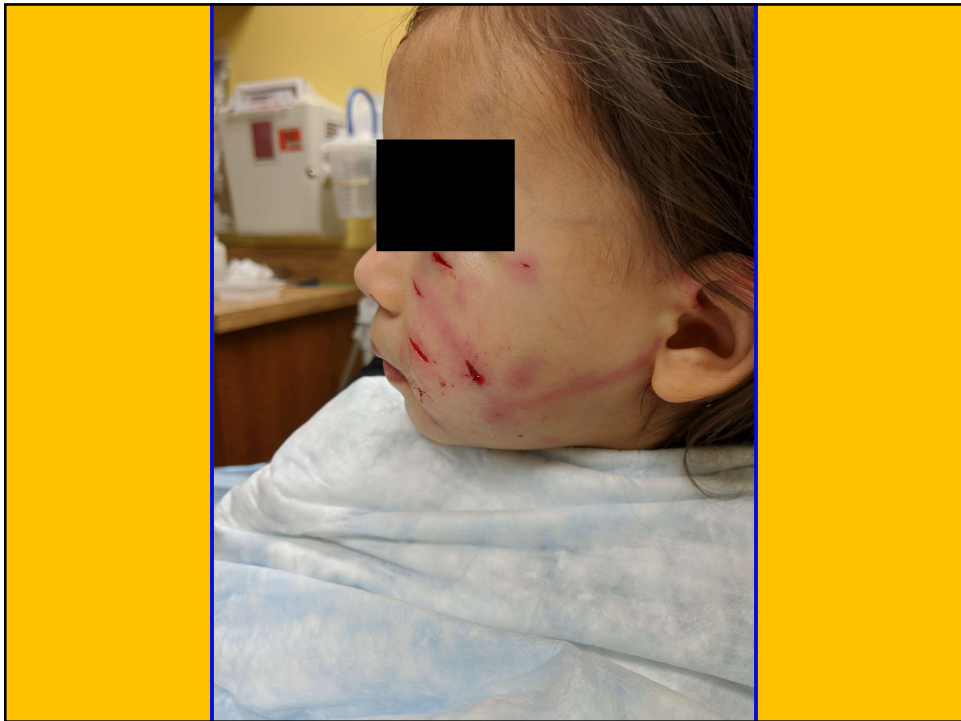
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# Resources & Final Notes

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## ★ Contacting CPS/DCS ?

ALBION – The German shepherd/pitbull/Labrador mix named Loki had bitten three children under the age of 9, its owner allegedly admitted to police, between Dec. 9, 2021, and Jan. 3, 2022.

On March 1, that same dog bit a 4-year-old girl in the face in their LaOtto home. The bite was so severe, the girl's teeth were visible in the hole in her cheek. She had to be rushed to Parkview Regional Medical Center for emergency surgery.

The girl has since been released from the hospital.

On Monday, the owner of the dog, Joseph A. Loy, 33, of LaOtto, was arrested at 10:08 a.m. by Noble County police on a warrant charging neglect of a dependent resulting in serious bodily injury, a Level 3 felony; neglect of a dependent, a Level 6 felony; and harboring a non-immunized dog, a Class B misdemeanor.

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The screenshot shows the PassportHealth website. At the top, there is a navigation bar with the PassportHealth logo, a 25th Anniversary badge, and contact information: "Questions? Call 1-888-986-8868 or email us". A "Back to PassportHealth" link is also present. Below the navigation bar is a menu with links for Home, Onsite Flu Clinics, COVID-19 Services, Occupational Vaccine Services, Other Solutions, and Vaccinations. The main content area features a large image of a veterinarian smiling next to a small dog. A text box overlaid on the image says: "We're here to help. Call us at 1-888-986-8868 or send us an email". Below the image, the heading "Rabies Vaccination" is displayed.

### Will I Need A Rabies Booster Shot?

The timing for rabies boosters varies based on the type of rabies vaccine you are receiving.

- Pre-Exposure – Within 7 days of the first injection
- Post-Exposure – 3 days after the first injection, 7 days after and 14 days after

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## Davis v. Evansville

- Davis (juvenile) was attacked by a dog when he was outside with a friend and her dog
- Witness recognized attacking dog to be the dog she had reported to Evansville AC multiple times for being loose/vicious; AC did drive-by
- A dog with the same name/breed had bitten another juvenile ~6 months prior and had been held by AC but unconfirmed to be the same dog
- Davis sued claiming failure to act/breach of duty



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## Davis v. Evansville, *cont.*

- Trial court ruled ACOs had “law enforcement immunity” under Indiana Torts Claim Act
- Court of Appeals reversed
- Reversed and remanded: ACOs did have “law enforcement immunity”



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