

(8)

MARLA TAUSCHER
ATTORNEY AT LAW

August 26, 2016

BY HAND

PAW Committee Members
Los Angeles City Council

Date: 8/26/16
Submitted in PAW Committee
Council File No: 14-0681
Item No.: 8
Deputy: Adam R. Lid

Re: **Opposition to Proposed Amendments to LAMC §53.63**

Dear PAW Committee Members:

The proposed amendments to Los Angeles Municipal Code §53.63 will serve no purpose unless your goal is to unjustifiably kill more dogs in the City of Los Angeles. I have been practicing animal control law throughout Southern California since early 2009 and have represented dog (and other) animal owners in litigation and administrative hearings in several jurisdictions in the region, including a number of cases involving Los Angeles Department of Animals Services ("LAAS"). I have also consulted with animal shelter employees, volunteers and others regarding the policies and procedures of animal control agencies throughout the state.

The City of Los Angeles is among the most hostile cities for dog owners that I've encountered, particularly with respect to the policies and practices of LAAS. As it stands now, far too many dogs are consigned to death based on bogus administrative hearings, or what passes for administrative hearings, conducted by employees of LAAS. There are two "hearing examiners" who conduct administrative hearings related to dangerous dogs and barking dogs. Both of those individuals are animal control officers who have absolutely no education or training in the applicable laws or, more importantly, the constitutional requirements of due process in administrative hearings. They are long-term employees of LAAS, which means that they have thrived for years in an environment of lawlessness with zero accountability.

As a result, the hearings are nothing more than a kangaroo court. If the consequences weren't so severe, and animals' lives weren't at stake, the hearings would be laughable from a legal point of view. But they're not funny. They're sad, because nobody within LAAS cares about the egregious defects in the hearing process. "Management" doesn't care. The members of the Board of Animal Commissioners don't care. In fact, they contribute greatly to the killing of dogs by acting as a rubber stamp to LAAS, rather than an objective tribunal in appeal hearings.

from the death sentences that so frequently follow from the farcical administrative hearings. There isn't even a pretense of fairness in LAAS hearing procedures and the appeals process, even though LAAS and the Commission are aware of the issues.

The last thing the City of Los Angeles needs is to eliminate clear legal definitions in an ordinance and leave enforcement to the judgment of personnel who are not remotely qualified to interpret laws in the first place. Eliminating definitions of "excessive noise" from the existing ordinance will vest entirely too much discretion in people who are not competent to determine what is reasonable under the law even when terms are clearly defined.

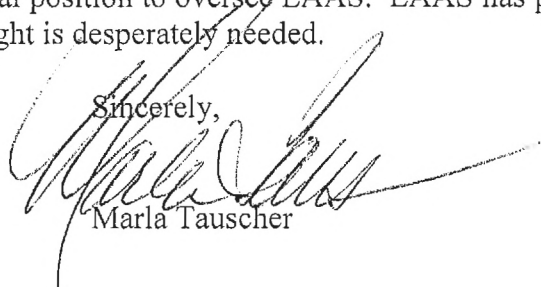
Any perceived problems with LAMC §53.63 do not stem from its content, but from its application. LAAS personnel have no regard for the existing procedures for handling complaints of barking dog noise, despite the fact that they are plainly set forth in the ordinance. They also have no idea how to handle evidence, or more to the point, a near complete lack of evidence in barking dog cases. All too often, the complaining party in an administrative hearing presents nothing more than an audio recording of a dog, it could be any dog, insisting that it is his/her neighbor's dog, that lasts less than 30 seconds. Regardless of what the dog owner says, the hearing examiner determines that it was, in fact, the dog in question. The "evidence" presented in LAAS hearings would be rejected in a real judicial proceeding on multiple grounds and would similarly be disregarded by LAAS hearing examiners if they knew what they were doing.

The actions of LAAS employees have devastating effects on residents of Los Angeles, especially where they are permitted to seize and kill people's animals without any regard for the rights of the owner. The net result of the glaring incompetence of LAAS personnel is far too many dead dogs. If your goal is to kill more dogs and to create an even more hostile environment for dog owners, then, by all means, amend the ordinance.

LAAS is one of the most lawless, out of control agencies within the City of Los Angeles. Its employees routinely abuse their authority basing their actions on personal animosities rather than actual facts. They target people they or their friends don't like and ignore egregious violations by others with whom they have personal relationships. If LAPD did even 1% of what LAAS employees do, people would be rioting in the streets of LA.

Currently I am representing plaintiffs in 4 lawsuits against the City of Los Angeles based entirely on the misconduct of LAAS personnel and their complete lack of respect for constitutional rights of animal owners, among other things. The only reason I don't have more lawsuits is a lack of resources, not a lack of legal grounds. If you really want to make changes that will positively impact animal owners and other residents of the City of Los Angeles, you will create an Inspector General position to oversee LAAS. LAAS has proven itself incapable of self-regulation and real oversight is desperately needed.

Sincerely,



Marla Tauscher