



SMALL PAWS RESCUE

3316 S 72ND WEST AVE
TULSA, OK 74107

Team Leaders: Return Receipt Requested. Please let us know that you have read this and that you agree to implement this important policy.

Dear Team Leaders:

We sent a letter to you all back in October about biters and Small Paws' policy regarding dogs that show aggression. You can find that letter at the end of this one. Our Board of Trustees sincerely hopes that our volunteers understand the seriousness of this subject of dog aggression, as the very future of Small Paws hangs in the balance.

We were the last of the large rescue organizations to accept biters and try to rehab them. Now, because of our litigious society, we can no longer put our whole organization in danger, over the possibility of a dog bite lawsuit.

The cost of the average dog bite claim rose sharply, from roughly \$16,600 in 2002 to \$21,200 in 2005. Liability claims account for approximately 4 percent of homeowner's claims. Dog bite claims in 2005 accounted for about 15 percent of liability claims dollars paid under homeowner's insurance policies.

[III - Dog Bite Liability](#)

Also a sad fact of the dog bite story is the number of small children who are harmed by dogs in a wide variety of fact patterns. In 1997 the Personal Injury Verdict Reviews reported a number of dog bit cases in which settlement amounts vary: \$1,500 for dog bite with puncture wounds to the upper thigh, \$30,000 for dog bit causing laceration of the lip causing scarring, and \$100,000 for an attack by two pit bulls that bit a 10 year-old male causing facial scarring. One study suggest that over two-thirds of the incidents involved single bites with the next largest set being multiple bits, and the final category of injuries caused by being knocked down or thrown.

[Detailed Discussion of Dog Bite Laws](#)

We want to be here in the future for the thousands of Bichons yet to cross our doors. If any person were ever to be injured and if it ever ended up in a court room situation, a judge would ask us if we had any previous knowledge of a dog's aggression. If we did, we could be held civilly liable, as judges are holding rescue groups civilly liable in California.

Civil liability is potential responsibility for payment of damages or other court-enforcement in a lawsuit, as distinguished from criminal liability, which means open to punishment for a crime.

If you are a volunteer foster home for Small Paws, YOU personally could be held liable if your foster dog were to injure anyone.

Small Paws is unable to be insured for liability as we have over 800 foster homes across the country, and this insurance is available only for programs that have a central shelter. There is no one else who has ever done what SPR has done, on the scale that we have.

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For this reason, we absolutely must look for any signs of aggression, and remove those dogs from our adoption program before they are given the chance to injure anyone. When you report any signs of aggression, it does NOT mean that the dog will be euthanized. We have a few Humane Societies across the country that know how hard we work to rescue and place Bichons.

They understand that now that we have become so large, we may become the target of a potential law suit, and these groups are often willing to take some of these dogs and work with them.

Some of you have asked for clarification defining aggression. If you are picking up or fostering a Bichon for Small Paws, these are the things to watch for. These things also need to be immediately reported to the home office and to your Team Leader. In addition, if a dog is reportedly showing aggression in a shelter, we cannot take this dog into rescue with SPR. This is true even if we are told that the dog has "cage aggression" and is fine outside of a cage. We have been told this on numerous occasions in the past, only to find out it wasn't always true.

Aggression Definitions:

1. Human aggression:

- a. Any bites of human beings. (If a dog only shows aggression to one sex of humans or dogs, it still needs to be reported.)
- b. Any nips of human beings.
- c. Any snapping or attempted biting. (If a dog only shows aggression to a groomer, it still needs to be reported.)
- d. Growling when accompanied by snapping, nipping or biting.
- e. Lunging at human beings.
- f. Showing teeth to human beings. (This behavior may precede an actual bite.)

2. Food aggression:

- a. Food aggression is when a dog becomes aggressive protecting his food or treats. Food aggressive dogs can bite either human beings or other dogs. Both of these things need to be reported to us immediately.

3. Other dog aggression:

- a. If you see your foster dog going after one of your dogs, consistently, this is dog aggression.
- b. If one dog is ever hurt or injured by another, this is dog aggression and needs to be reported.
- c. If a dog shows aggression only while getting his favorite treats, it still needs to be reported.

4. Cage Aggression:

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- a. This is true even if we are told that the dog has "cage aggression" and is fine outside of a cage. We have been told this on numerous occasions in the past, only to find out it wasn't always true.

We have come dangerously close to being sued three times in the past year. None of these threatened suits were instigated by our own volunteers, but by outside parties, including a plumber, a medical health insurance company, and the non-custodial father of a child who was bitten in his Grandmother's foster home. As I said, one of these cases was from the medical insurer of a child who was injured by one of our foster dogs. That child's parent wrote the following letter, and asked that we share it with you.

Dear Robin,

I want to share with you my thoughts on what happened with my child after we took in a dog that showed minimal sign of aggression at the vet's office.

We found this little stray and he was so scared and needed medical attention. He seemed calm and sweet when we picked him up and nothing seemed amiss.

We took him to our vet's office for medical attention, shots, and whatever else he needed to allow him to come home with us.

When we went to take him home a couple of days later, the vet mentioned that the dog didn't seem to like men as he growled and snapped in his kennel when men approached, but he was fine with the girls.

We presumed that the little dog was frightened at the vet's office so our vet advised just to keep an eye out but felt it was safe to take the dog home.

Once home, the dog happily seemed to integrate with our dogs and was absolutely delightful.

I know, I know you told me to be careful. Now our 10 year old child is exceptional with animals and always has been. We advised our child of keeping distances and making sure not to unintentionally corner the dog.

Once that was all said and the better part of a day passed with the dog at our house, we felt it was safe for the dog to be in the same vicinity our child. We felt strongly that our child was quite savvy enough to keep distances, not corner the dog, keep hands away from his food, and let the little dog initiate the approach so he wouldn't feel threatened in any way.

The dog showed no signs of aggression whatsoever toward any of us and even wanted to cuddle with us when we sat on the couch. After another 24 hours or so we had a couple of instances where he snarled or snapped only at me when I was dealing with feeding him in the kennel.

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Surprisingly, all turned bad very quickly. Without warning the dog turned on my child jumping up and attacking her in the face, causing a puncture wound.

My child has health complications and the biggest concern was dealing with potential complications that a dog bite could cause.

There was no time to comfort our child from all that had transpired or ease any concerns with respect to dogs in general. We rushed down to the hospital and spent the better part of the day at the ER. When all was said and done, our personal bills totaled close to \$2000.00 for medical treatment. (Editor's Note: Not to mention what was covered by the health insurance company)

Robin, please tell anyone considering fostering or adopting an aggressive dog that it isn't worth it. I know myself and I know my child and never in my wildest dreams would I have imagined that something like this would happen.

We are so careful, our child was savvy and protective, but that doesn't matter because you just don't know an animal's history. They seem sweet and docile one moment and in the blink of an eye, I'm not kidding, it happens so quickly, next they can turn on you.

When a dog shows ANY, and I mean A-N-Y, signs of aggression that should be a HUGE red flag flashing "danger will Robinson, DANGER!", run, do not walk, away from any notion in your head that you might foster this dog, that it will be ok around you or that you and your family know how to protect yourself.

If you love your children, your grandchildren, and if you love dogs, do the loving thing and do not bring an animal into the house that puts him/her in a position to harm someone you love.

Do not set yourself up for a liability either! If a neighbor or family friend had been at our home and was the recipient of the bite, and not my child, we could have been sued.

As much as we love dogs, we have to be realistic and logical and fair to everyone, including the animal. It is unfair to put an animal in that position as well.

We are so fortunate that our child was able to recuperate without serious consequence. Another person may not be so lucky. I cannot stress enough how serious this matter is and I urge you to show this letter to anyone who might be considering taking in an animal that has shown a hint of aggression.

Please save them the grief that we went through, in addition to saving the financial expense. Robin, please for the sake of the hundreds of fluffs that Small Paws Rescue saves every year, and for the sake of all of your supporters and volunteers, please, please, please, I beg you and the Board to never put SPR legally at risk by taking in or placing an aggressive animal. It is not worth it! We we're lucky (if you can call it that) but the next person may not be.

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Sincerely, Andrea>

With regard to this issue, one of our Team Leaders, Joanne Raus, sent this to us.

<Subj: Dog bites and legal issues
Date: 11/4/2006 4:35:58 PM Central Standard Time
From: joanneraus@hotmail.com
To: pup3@aol.com

I spoke to my vet, Dr. Melissa Shapiro at length this afternoon about rescue liability due to dog bites. As you know, her daughter was mauled by a German Shepherd last summer who jumped a fence to get to her. The kid has permanent arm damage and mental trauma from this incident. She is a pianist! The attack was unprovoked by the child.

Melissa contacted a lawyer immediately. The dog was euthanized. The lawyer went after the foster home and the rescue organization. They settled out of court...because Melissa did not want to traumatize these people; just a slap on the wrist so that they knew never to let this occur again. She knew that the rescue had no money!

State laws differ across the country. In CT, state law allows an individual to sue the home where the dog is kept and anyone who places this dog into the home. That includes everyone involved within the rescue organization who knows about the dog and its issues. The rescue organization in this case denied any knowledge of prior biting from this dog. However, someone came forth and told the lawyer that the rescue organization knew full well that the dog hated kids and had priors biting issues.

Once we know a dog has bitten or tried to bite, we cannot place this dog through SPR.>

Finally, here are some links about dog bite liability. It is enough to curl your hair. Dog bites are the fastest growing type of personal injury lawsuits, today.

[DOG BITE LAW - LEGAL RIGHTS OF THE VICTIM](#)

[DOG BITE LAW - Buying, Selling, Rescuing and Adopting-Out Dogs](#)

[Dog bite lawsuits dog rescue - Google Search](#)

[Adopted dog bite lawsuits - Google Search](#)

[DOG BITE LAW - Index to Dog Bite Law Website](#)

[Interdog aggression can strike with deadly consequences - DVM](#)

For all of these reasons, we need to make sure that our Team Leaders pass this information onto on to each volunteer and that they understand the issue of aggressive dogs and how they pertain to Small Paws Rescue Inc.

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Please let me know if you have any questions we have not covered here.

Sincerely,
Robin Pressnall

Please re-read the following letter that was sent out to Team Leaders originally on October 5, 2006.

<To: Small Paws® Rescue Team Leaders
From: Small Paws® Rescue Board of Trustees

The Board of Trustees of Small Paws® Rescue Inc. held a special meeting (add date) to discuss an urgent matter. During the past 18 months, Small Paws has had numerous incidents of our rescues biting while in foster care. It is alarming that we do not learn of biting for long periods of time. In one instance, a rescue had bitten 17 times before we learned of it. The future of Small Paws is in jeopardy when we do not learn of each biting incident. Team Leaders must monitor their volunteers and advise them that if they do not report bites to you then they are negligent. As a leading rescue organization, we can easily be sued and forced out of business from just one dog bite. Frightening as it sounds, this has nearly happened twice. Stop a moment and consider the consequences. All that you have worked so hard for would be gone, and 200 to 250 Bichons would be left stranded in the system.

Biting is a real and immediate threat to our mission. The reporting of all bites does not mean we will euthanize a dog, but it carries considerable weight when considering placing the dog for adoption. When we find determine a dog is a biter or is showing aggressive tendencies, and is not suitable for adoption with SPR, we have several alternatives open to us. We have sent dogs to lifetime sanctuaries, to other smaller rescue groups, (who aren't likely to be targeted in a lawsuit for having "deep pockets"), and to local no-kill shelters. SPR sends funds for the care of these dogs if we have to turn a biter over to another organization. In all cases, the solution will be at the discretion of the SPR Directors or Board of Trustees. In the past years, there have been a very small number of dogs (under 10) we have regretfully had euthanized due to severe aggression. These were dog deemed to be dangerous to human beings and not considered placeable.

A short time before the concept of Team Leaders was put in place, our organization came close to going under due to rapid expansion and growing pains. The solution was the development of a leadership core of Team Leaders. Team Leaders must perform in a middle management role, and insure our reputation and future are protected and that all staff guidelines are followed closely. Guidelines and instructions that are passed to you are not casually conceived, but rather, are the results of legal council, experience, research, and the views of the Board of Trustees. SPR expects you to keep volunteers advised of procedures, and it is your responsibility to take any corrective action required. You may disagree with our position from time to time, but our instructions need to be carried out regardless. Afterwards, if you do disagree, discuss your concerns with Robin or Bonnie, or come to the Board of Trustees. As SPR leaders, your views will always be

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carefully considered. If you have a better mousetrap, we look forward to seeing it. We urge you to re-read this letter and to treat biting as a very serious matter.

Sincerely,

Robin and the Small Paws® Rescue Board of Trustees:

Robin Pressnall Executive Director

Donna Brown

Brant Cramer

Lynda DeHart

Bonnie Ferguson

Cindy Leigh

Dale Pressnall