

City's Dangerous Dog Law Ruled Unconstitutional

A judge rules that the ordinance in Spokane, Wash., violates a dog owner's constitutional rights.

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A judge in Spokane, Wash., ruled last week that the city's dangerous dog ordinance is unconstitutional because it denies a dog owner's right to due process, according to the Spokesman Review.

The city's dangerous dog law allows animal control officers to confiscate dogs that they believe are dangerous, based on probable cause or as the result of an investigation. After formally issuing a dangerous dog declaration, the designation stays unless the owner can prove otherwise.

The ruling was spurred from a woman whose dogs were picked up after animal control officials believed they killed a neighborhood cat. She claims it wasn't her dogs, and says her dogs were taken in because they are black and tan – the same color as the dogs who were seen attacking the cat.

The judge ruled that the city violated her rights by seizing her dogs – with the intention of euthanizing them or slapping her with severe housing and care restrictions – without providing her the opportunity to cross-examine witness allegations.

After the judge's ruling, her dogs were returned to her.

Spokane's dangerous dog law passed last June, but the ruling may force the city council to reexamine the ordinance and implement changes that allow dogs the presumption of innocence.

Other cities and states around the county have implemented, or begun to implement, similar dangerous dog laws, which could be affected by the judge's ruling.