

Public Agencies Not Liable for Dog Bite Injuries Before a Potentially Aggressive Dog Is Officially Declared Dangerous

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A County was not liable for injuries arising out of a dog bite, allegedly caused by an aggressive dog previously reported to County animal control, because state law does not create a mandatory duty to act on such reports. The County had not yet completed its investigation into the potentially aggressive dog and made a final determination that it posed a threat to public safety when the dog bite incident occurred.

In 2021, while on the dog owner's property, the plaintiff was attacked by two pit bulls, and suffered severe injuries. The dog owner had been contacted by Humboldt County animal control officers on prior occasions for his dogs being loose in the neighborhood, unvaccinated, and unlicensed. One of the dogs involved had previously bitten someone. The plaintiff argued the County was liable for the dog attack because she claimed animal control officers had a mandatory duty to hold an aggressive animal hearing, quarantine the aggressive, unvaccinated dogs, and/or prohibit the dog owner from possessing dogs after the previous dog bite incident.

In *Danielson v. County of Humboldt*, the California Court of Appeal held that the County was not liable for the plaintiff's injuries because County animal control officers had no mandatory duties to act under applicable County and State laws. Instead, officers were required to use their own judgment to determine whether a dog is potentially dangerous, and would have been required to hold a hearing only after they made that determination following an investigation. In this case, no animal control officer determined the dogs involved were potentially dangerous before the attack. Therefore, no mandatory duty was at issue and the court found the County was not liable to plaintiff.

For more information on dangerous animal issues, please contact **Marian Slocum** or **Nick Ghirelli**, or **your RWG attorney**.

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