



Legislation Details (With Text)

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**Title:** Ordinance amending the City Code at Title One: Administrative; Article III: Organization; Chapter 116 - Public Safety; by adding a new section at § 116.04 creating a care fund for post duty law enforcement canines.

**Sponsors:** Darlene M. Harris

**Indexes:** PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

**Code sections:**

**Attachments:** 1. 2014-0861.docx, 2. 2014-0861 VERSION 2.docx

Date	Ver.	Action By	Action	Result
10/31/2014	2	Mayor	Signed by the Mayor	
10/28/2014	2	City Council	AMENDED	Pass
10/28/2014	2	City Council	Passed Finally, As Amended	Pass
10/22/2014	1	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
10/15/2014	1	Standing Committees	Held in Committee	Pass
10/7/2014	1	City Council	Read and referred	

Ordinance amending the City Code at Title One: Administrative; Article III: Organization; Chapter 116 - Public Safety; by adding a new section at § 116.04 creating a care fund for post duty law enforcement canines.

**Whereas,** the City of Pittsburgh has long employed the use of highly trained canines (“K-9”) to assist personnel within the Department of Public Safety and the Bureau of Police in all manners of public safety functions including, but not limited to, apprehension of criminal suspects, locating lost persons, detecting explosives or illicit contraband, crowd control, and enhancing community relations; and,

**Whereas,** the average law enforcement K-9 work life ranges from one to nine years of age, and following retirement, the K-9 usually lives with its police officer handler for the rest of its life; and,

**Whereas,** police officer K-9 handlers assume all costs related to the care of the law enforcement K-9 after they have been retired from active duty; and,

**Whereas,** the City of Pittsburgh recognizes that there are expenses incurred for the care of the retired police K-9s. As such, the City recognizes its obligation to provide for a level of care for post duty police K-9s and, that the police officer handler should not be solely required to take on the obligation to humanely care for this valuable city asset.

**Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1. The City Code is hereby amended at Title One: Administrative; Article III: Organization; Chapter 116 - Public Safety; by adding a new section at § 116.04 creating a care fund for post duty law enforcement canines.**

#### **§ 116.04 Police Canine Post Duty Care Fund**

##### **Intent of Council**

It is the intent of the Council to provide for the care of the post duty police K-9. Both police K-9s and their police officer handlers provide a valuable and important function within the Bureau of Police.

The average work life of a police K-9 ranges from about one year to about nine years of age. The average life expectancy of a German Shepard, the most commonly utilized breed for police K-9 work, is about 11 years of age.

Upon the retirement of a police K-9 from active duty, it is common practice for the police officer handler to assume the responsibility for caring for the post duty police K-9. This care includes feeding, grooming and veterinary services, which places an undue financial burden upon the police officer K-9 handler.

To address these issues of care for post duty Pittsburgh Police K-9s, the Council finds it to be reasonable and appropriate to provide for certain costs associated with caring for post duty Pittsburgh police K-9s.

Council's intent is to insure that 1) the appropriate level of post duty police K-9 care is provided for and, 2) the police officer handler is fairly compensated for the post duty police K-9 care.

#### **§ 116.05 DEFINITIONS**

**(a) Police Canine** - a canine used in law enforcement work under the control of a police officer, corrections officer, parole and probation officer, or youth correction officer. Police canines are commonly referred to as "K-9." The terms "police canine" and "K-9", for purposes of this ordinance, are one and the same.

**(b) Post Duty Police Canine** - a police canine that has been retired from active police duty.

#### **§ 116.06 INCLUSION OF A POST DUTY POLICE CANINE ("K-9") CARE LINE ITEM IN THE CITY OPERATING BUDGET**

In each annual operating budget, beginning in 2015, the office of the Mayor shall provide for a line item for post duty K-9 care in the Department of Public Safety's annual appropriation, in order to provide for a sufficient amount of funds to cover post duty K-9 care compensation to the police officer providing post duty K-9 care.

**§ 116.07 TRANSFER OF OWNERSHIP OF POLICE CANINE**

- (a) Upon the retirement of a police K-9, the K-9's police officer handler shall have the option of taking possession and ownership of the post duty canine.
  
- (b) If the police officer handler opts to take possession of the post duty police K-9, the Department of Public Safety shall provide the police officer with a written record of the transfer of this City property to the police officer. The record of said transfer of ownership shall be retained by the Department of Public Safety for ten (10) years.
  - (1) In taking the possession of the post duty police K-9, the officer shall agree to be solely responsible for the control and care of the post duty K-9.
  - (2) The police officer shall release the city from any future liability related to the behavior or actions of the post duty K-9.
  - (3) If the police officer handler should decline to take possession of the post duty K-9, the option of taking possession shall be made available to any police officer who is, or has been a qualified police K-9 handler.
  - (4) If no police officer, who is or has been a qualified police K-9 handler, opts to take possession of the post duty K-9, the animal shall be placed in an appropriate facility for adoption.

**§ 116.08 POLICE OFFICERS & SURVIVING SPOUSES ELIGIBLE FOR POST DUTY CANINE CARE COMPENSATION**

- (a) Those eligible for post duty police canine care compensation shall be:
  - (1) An active duty Pittsburgh police officer, who has been the handler of the post duty police K-9 and/or any police officer handler of a police K-9.
  - (2) In the event that an active duty Pittsburgh police officer, who cares for a post duty police K-9, retires, resigns or is otherwise suspended from active duty, post duty police K-9 care compensation shall continue without interruption.
  - (3) In the event that a Pittsburgh police officer K-9 handler, active or retired, is no longer able to care for the post duty police canine for any reason, any active duty Pittsburgh police officer K-9 handler may assume the ownership of the post duty K-9. The successor officer shall be eligible for post duty K-9 care compensation.
    - (a) In the event of a death of a police officer K-9 handler, the spouse of the deceased officer shall have the right to assume ownership of the post duty canine and receive post duty K-9 care compensation. The spouse shall file the appropriate paperwork with the Department of Public Safety to document the surviving spouse's ownership.

(4) In the event that the ownership of a post duty police K-9 is transferred to any other person who is not an active-duty or retired Pittsburgh police officer K-9 handler, compensation for post duty care shall be terminated upon the date of the said transfer of ownership.

(5) Any police officer receiving post duty K-9 care compensation shall be a resident of either the City of Pittsburgh or a municipality within Allegheny County.

### § 116.9 NOTICE OF CHANGE OF OWNERSHIP OR DEATH OF POST DUTY K-9

The Police officer owner, or their representative, of any post duty police K-9 shall provide written notice of any change in ownership or the death of the post duty K-9 to the Director of Public Safety or the Director's designated representative.

### § 116.10 COMPENSATION FOR EXPENSES

The post duty K-9 care funds provided are not considered to be an earned wage or to be treated as other income. This compensation is considered to be reimbursement, in whole or in part, for the care of the post duty police K-9.

- (a) Annual post duty canine care compensation shall not exceed Five Hundred Dollars (\$500.00) in any given year. Every two (2) years after the enactment of this **Ordinance**, the total amount of compensation shall be recalculated by the Department of Public Safety, based upon the United States Department of Labor's, Bureau of Labor Statistics, Consumer Price Index for Pittsburgh. The percentage of increase/decrease in the Pittsburgh CPI shall be the percent of the increase/decrease in compensation.
- (b) A single, annual payment shall be made to the police officer who provides care for the post duty police K-9.
- (c) The annual payment shall be made no earlier than February 1 and, no later than April 1 of any given year.
  - (1) If compensation is provided for less than one (1) year, a pro-rated amount of compensation shall be calculated on a per-day basis.
  - (2) Any police officers eligible for such compensation must keep the post duty K-9 at their primary residence.
  - (3) Compensation of any pro-rated time of ownership will be provided up to the date of termination of ownership or death of the K-9.

### § 116.11 VETERINARY CARE

Post duty canines shall be permitted to be treated, at the city's expense, at a facility where City of Pittsburgh active duty police K-9 veterinary services are routinely provided. Veterinary care shall provide for an annual physical, vaccinations, and treatment for injury or illness.

- (a) If the post duty K-9 is treated at any other veterinary facility, the cost of veterinary care is not eligible

for reimbursement.

**(b) The cost of veterinary care shall not exceed Two Hundred Dollars (\$200.00) in any given calendar year.**

**§ 116.12 DOG LICENSE**

Post duty K-9's shall be provided with a dog license free of charge from the City of Pittsburgh.

**§ 116.13 ADMINISTRATION**

The Director of the Department of Public Safety is hereby authorized to promulgate any forms and/or initiate appropriate procedures required to implement and administer the post duty K-9 Care Program.