To: Members of Council  
From: Mayor David E. Weiss  
      Police Chief Wayne Hudson  
      William M. Ondrey Gruber, Director of Law  
Cc: Jeri E. Chaikin, CAO  
Date: December 14, 2023  
Re: Amending Section 141.07 of the Codified Ordinances Regarding the Sale of Police Dogs

This is a request to Council to amend Section 141.07 of the City’s Codified Ordinances regarding the sale of Police dogs to enable the transfer of ownership of a City K-9 to a former City Police Officer even when a Police K-9 is still in service if the City is provided sufficient compensation to cover the City’s costs of obtaining a replacement K-9 and having the dog and handler officer properly trained.

Section 141.07 of the ordinances was adopted by Council in 2019, with the intent to follow Ohio Revised Code Section 9.62, which was enacted in 1998, to allow a K-9 Police Officer to purchase their canine for $1.00 if the “Dog is injured in the line of duty, becomes disabled and is unfit for duty, or grows too old to be fit for duty…”

Neither the City’s ordinance nor State law grant authority to the City, its Mayor or Police Chief, to give or sell a Police Dog in active service to its handler who leaves the City’s Police Department, rather City and State law specifically provide that a “Police officer who leaves the City's canine unit while the Police Dog assigned to the officer is still fit for duty forfeits the right to purchase the animal under this section.”

A canine officer in the City’s Police Department recently resigned from the Department and, despite the officer having understood and agreed at the time he became a canine officer that the canine would remain with the City if he left City employment prior to the dog being retired from duty pursuant to Section 141.07, he nevertheless has asked to be granted ownership of the canine for which he was the trained handler, including by offering to purchase the canine.

The Police Chief has recommended that Council amend the City’s ordinance to grant the authority to the City to sell or transfer a canine to a departing officer even if the dog is still fit for duty as long as the City is provided sufficient consideration to compensate the City for the cost of purchasing a replacement Dog, and training the Dog and a Police officer handler, and all associated costs, as determined by the Chief of Police and Finance Director of the City.

The City’s initial denial of the request of the officer to take ownership or purchase the canine was due to the commitment the officer had made when he became a canine officer, and the law in the City and State of Ohio. Further, it was due to the Police Chief’s and City’s fiscal responsibility to protect the interests of the City’s taxpayers and duty to follow the law and policies of the City for handling City assets such as a highly trained and valuable service canine.

The public reaction to the City’s decision has included many racist, unwarranted, false, and defamatory comments, including threats, in emails, phone messages and social media posts, and particularly many personal
racist attacks against the City’s Police Chief and other City staff and officials. The Mayor, on behalf of all City staff and officials, unequivocally condemns such expressions of hate which are wrong and hurtful, and have no place in a civilized society. Any accusations toward the Police Chief or other City staff or officials that they acted with spite, in retaliation or out of any animus are false and without merit.

Council is asked to amend Section 141.07 as set forth in the accompanying ordinance. It is requested that Council enact the ordinance on first reading and as an emergency.
Amending Section 141.07 of the Administrative Code of the Codified Ordinances of the City regarding the sale of Police dogs, and declaring an emergency.

WHEREAS, Section 141.07 was enacted in Ordinance 19-61, on June 24, 2019; and

WHEREAS, Section 141.07 was adopted by Council in 2019, with the intent to follow Ohio Revised Code Section 9.62, which was enacted in 1998, to allow a K-9 Police Officer to purchase their canine for $1.00 if the "Dog is injured in the line of duty, becomes disabled and is unfit for duty, or grows too old to be fit for duty..."; and

WHEREAS, neither the City's ordinance nor State law grant authority to the City, its Mayor or Police Chief, to give or sell a Police Dog in active service to its handler who leaves the City's Police Department, rather City and State law specifically provide that a "Police officer who leaves the City's canine unit while the Police Dog assigned to the officer is still fit for duty forfeits the right to purchase the animal under this section"; and

WHEREAS, a canine officer in the City's Police Department has recently resigned from the Department and, despite the officer having understood and agreed at the time he became a canine officer that the canine would remain with the City if he left City employment prior to the dog being retired from duty pursuant to Section 141.07, he nevertheless has asked to be granted ownership of the canine for which he was the trained handler, including by offering to purchase the canine; and

WHEREAS, the Police Chief has recommended that this Council amend the City's ordinance to grant the authority to the City to sell or transfer the canine to the officer as long as the City is provided sufficient consideration to compensate the City for the cost of purchasing a replacement Dog, and training the Dog and a Police officer handler, and all associated costs, as determined by the Chief of Police and Finance Director of the City; and

WHEREAS, the City’s denial of the request of the officer to take ownership or purchase the canine was due to the commitment the officer had made when he became a canine officer, and the law in the City and State of Ohio, and further it was due to the Police Chief’s and City’s fiscal responsibility to protect the interests of the City’s taxpayers and duty to follow the law and policies of the City for handling City assets such as a highly trained and valuable service canine.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Section 141.07 of the Administrative Code of the Codified Ordinances of the City of Shaker Heights as heretofore in effect is hereby repealed.
Section 2. Section 141.07 of the Administrative Code of the Codified Ordinances of the City of Shaker Heights is hereby amended and enacted, as follows:

141.07 SALE OF POLICE DOGS.
(a) As used in this section, "Police Dog" shall mean a dog that has been trained, and may be used, to assist the City's Police officers in the performance of their official duties.

(b) Upon the retirement of a City-owned Police Dog, or if a Police Dog is injured in the line of duty, becomes disabled and is unfit for duty, or grows too old to be fit for duty, the City's Police officer handler at the time of the Police Dog's retirement shall have the first chance to purchase the dog for one dollar ($1.00). The officer who purchases a dog under this section shall assume all responsibility for the dog thereafter.

(c) If an officer chooses not to purchase a Police Dog as authorized by this Section, the disposition of the dog shall be as determined by the Chief of Police and Finance Director of the City.

(d) A City Police officer who leaves the City's canine unit while the Police Dog assigned to the officer is still fit for duty forfeits the right to purchase the animal under this section, except as provided in subsection (e) herein.

(e) A City Police officer who leaves the City's canine unit while the Police Dog assigned to the officer is still fit for duty may be permitted to purchase or arrange for the purchase of the Dog by providing sufficient consideration to compensate the City for the cost of purchasing a replacement Dog, and training the Dog and a Police officer handler, and all associated costs, as determined by the Chief of Police and Finance Director of the City.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City and further, that this amendment will allow the resolution of the request by the former City Police Officer to be granted ownership of the City’s canine for which he served as handler, and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted

Approved this _____ day of _________, 2023.

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DAVID E. WEISS, Mayor

Attest:

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JERI E. CHAIKIN
Clerk of Council

Coun23/1218PoliceDogs