



<http://www.dfg.ca.gov/news/issues/publicsafety.html>

CA DFG Public Safety Wildlife Guidelines 2072

Consistent with Section 1801 of the Fish and Game Code, these Public Safety Wildlife Guidelines provide procedures to address public safety wildlife problems. Mountain lions, black bears, deer, coyotes, and large exotic carnivores which have threatened or attacked humans are wildlife classified as public safety problems.

Department employees may deploy less-than-lethal ammunition or devices to assist in alleviating a wildlife incident as determined by the employee. If a Department law enforcement officer deploys such methods it is the officer's responsibility to ensure any firearm used is unloaded with the less-than-lethal ammunition, checked and reloaded with the proper ammunition for that firearm. When there are multiple officers on an incident, at least one other officer if readily available, should assist the primary officer in ensuring firearms are checked and loaded with the proper ammunition.

Specifically related to Public Safety Mountain Lions, the following is the Department's legal interpretation of FGC Sections 4800 and 4801:

Section 4800(c) provides that a person taking or injuring a mountain lion (activity otherwise prohibited) is not guilty of a violation of law "if the individual was acting in self defense or in defense of others." Therefore, a peace officer may kill or injure a mountain lion when the officer is confronted with a situation in which in the officer's judgment the lion poses an emergency threat to public safety. The language in 4800(c) would be rendered meaningless if it were interpreted to mean that local officers could kill lions in defense of members of the public, even in emergencies, only after consulting with and securing authorization from the Department.

Section 4801 provides that the Department may take lions that constitute an "imminent" threat to public safety or that we may authorize local agencies with public safety responsibilities to do so. This provision applies to situations in which the lion has been judged to be a threat to the safety of the public but there is no immediate emergency which requires urgent action to protect the public. When there is time to seek assistance or authorization from the Department in order to take a lion which poses a threat to public safety, the local agency should do so. When, however, officers are confronted with emergent circumstances requiring immediate action to protect either themselves or members of the public, the officers have innate power and authorization under section 4800(c) to kill or injure mountain lions.

Pursuant to FGC Section 4800(c), an individual that takes or injures a mountain lion while acting in self-defense or in defense of others is not guilty of a violation of Section 4800.

Public safety wildlife incidents are classified into three types:

- **A. Type Green (sighting)**
A report (confirmed or unconfirmed) of an observation that is perceived by the public to be a public safety wildlife problem. The mere presence of the wildlife species does not in itself constitute a threat.
- **B. Type Yellow (threat)**
A report where the presence of the public safety wildlife is confirmed by a field investigation and the responding person (law enforcement officer or Department employee) perceives the animal to be an imminent threat to public health or safety. Imminent threat means there is a likelihood of human injury based on the totality of the circumstances.
- **C. Type Red (attack)**
An attack by a public safety wildlife species on a human resulting in physical contact, injury, or death.

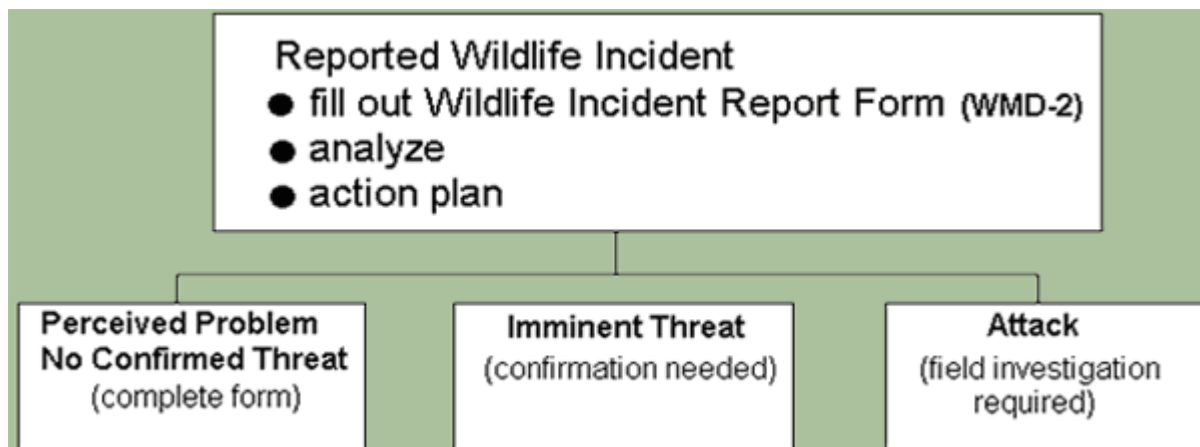
These guidelines are not intended to address orphaned, injured, or sick wildlife which have not threatened public safety. To achieve the intent of these guidelines, the following procedures shall be used.

I. Wildlife Incident Report Form

Fill out a Wildlife Incident Report Form (WMD-2) for all reports of public safety wildlife incidents. The nature of the report will determine the response or investigative action to the public safety problem. For those reports which require a follow-up field investigation, the Wildlife Incident Report Form will be completed by the field investigator. All completed Wildlife Incident Report Forms shall be forwarded through the regional offices to the Chief, Wildlife Branch (WB) and the Chief of Enforcement.

II. Response to Public Safety Wildlife Problems

The steps in responding to a public safety wildlife incident are diagramed below:



Any reported imminent threats or attacks on humans by wildlife will require a follow-up field investigation.

If a public safety wildlife species is outside its natural habitat or in an area where it could become a public safety problem, and if approved by the Deputy Director for the Wildlife and Fisheries Division (WFD), it may be captured using restraint techniques approved by the Wildlife Investigations Laboratory (WIL). The disposition of the captured wildlife may be coordinated with WIL. Public safety wildlife species confirmed by Department field staff to pose an imminent threat to public safety shall not be relocated for release. The Department of Fish and Game will utilize reasonable means to take a public safety animal. However, when reasonable means to take the animal have been attempted, and the imminent threat no longer exists, the Department shall reassess the public safety status of the animal.

A. Type Green (sighting)

If the investigator determines that no imminent threat to public safety exists, the incident is considered a Type Green. The appropriate action may include providing wildlife behavior information and mailing public educational materials to the reporting party.

B. Type Yellow (threat)

Once the field investigator finds evidence of the public safety wildlife and perceives the animal to be an imminent threat to public health or safety, the incident is considered a Type Yellow. In the event of threat to public safety, any Department employee responding to a reported public safety incident may take whatever action is deemed necessary within the scope of the employee's authority to protect public safety. When evidence shows that a wild animal is an imminent threat to public safety, that wild animal shall be humanely euthanized (shot, killed, dispatched, destroyed, etc.).

For Type Yellow incidents the following steps should be taken:

1. Initiate the Incident Command System. The Incident Commander (IC) consults with the regional manager, assistant chief or designee to decide on the notification process on a case-by-case basis. Full notification includes: the field investigator's supervisor, the appropriate regional manager and assistant chief, the Deputy Director, WFD, Chief, of Enforcement, Chief, WB, WIL, Wildlife Forensics Lab (WFL), the designated regional information officer, and the local law enforcement agency.
2. Notify the appropriate Dispatch Center. Dispatch shall notify the above-mentioned personnel.
3. Secure the scene as appropriate. Take all practical steps to preserve potential evidence. The IC holds initial responsibility and authority over the scene, locating the animal, its resultant carcass, and any other physical evidence from the attack. The IC will ensure proper transfer and disposition of all physical evidence.
4. In most situations, it is important to locate the offending animal as soon as practical. WIL may be of assistance. The services of USDA, Wildlife Services (WS) can be arranged by the regional manager, assistant chief or designee contacting the local WS District Supervisor. If possible, avoid shooting the animal in the head to preserve evidence.
5. If an animal is killed, the IC will decide on the notification process and notify Sacramento Dispatch if appropriate. Use clean protective gloves while handling the carcass. Place the carcass inside a protective durable body bag (avoid dragging the carcass, if possible).

C. Type Red (attack)

In the event of an attack, the responding Department employee may take any action necessary that is within the scope of the employee's authority to protect public safety. When evidence shows that a wild animal has made an unprovoked attack on a human, that wild animal shall be humanely euthanized (shot, killed, dispatched, destroyed, etc.).

For Type Red incidents the following steps should be taken:

1. Ensure proper medical aid for the victim. Identify the victim (obtain the following, but not limited to: name, address, phone number).
2. Notify the appropriate Dispatch Center. Dispatch shall notify the field investigator's supervisor, the appropriate regional manager and assistant chief, the Deputy Director, WFD, Chief of Enforcement, Chief, WB, WIL, WFL, the designated regional information officer, and the local law enforcement agency.
3. Initiate the Incident Command System. If a human death has occurred, an Enforcement Branch supervisor or specialist will respond to the Incident Command Post and assume the IC responsibilities. The IC holds initial responsibility and authority over the scene, locating the animal, its resultant carcass, and any other physical evidence from the attack. The IC will ensure proper transfer and disposition of all physical evidence.
4. Secure the area as needed. Treat the area as a crime scene. In order to expedite the capture of the offending animal and preserve as much on-scene evidence as possible, the area of the incident must be secured immediately by the initial responding officer. The area should be excluded from public access by use of flagging tape or similar tape (e.g., "Do Not Enter") utilized at crime scenes by local law enforcement agencies. One entry and exit port should be established. Only essential authorized personnel should be permitted in the excluded area. A second area outside the area of the incident should be established as the command post.
5. In cases involving a human death, WFL personnel will direct the gathering of evidence. Secure items such as clothing, tents, sleeping bags, objects used for defense during the attack, objects chewed on by the animal, or any other materials which may possess the attacking animal's saliva, hair, or blood.
6. If the victim is alive, advise the attending medical personnel about the Carnivore Attack-Victim Sampling Kit for collecting possible animal saliva stains or hair that might still be on the victim. If the victim is dead, advise the medical examiner of this evidence need. This sampling kit may be obtained from the WFL.
7. It is essential to locate the offending animal as soon as practical. WIL may be of assistance. The services of WS can be arranged by the regional manager, assistant chief or designee contacting the local WS District Supervisor. If possible, avoid shooting the animal in the head to preserve evidence.
8. If an animal is killed, the IC will notify the appropriate Dispatch Center. Treat the carcass as evidence. Use clean protective gloves and (if possible) a face mask while handling the carcass. Be guided by the need to protect the animal's external body from: loss of bloodstains or other such physical evidence originating from the victim; contamination by the animal's own blood; and contamination by the human handler's hair, sweat, saliva, skin cells, etc. Tape paper bags over the head and paws, then tape plastic bags over the paper bags. Plug wounds with tight gauze to minimize contamination of the animal with its own blood. Place the carcass inside a protective durable body bag (avoid dragging the carcass, if possible).

9. WFL will receive from the IC and/or directly obtain all pertinent physical evidence concerning the primary questions of authenticity of the attack and identity of the offending animal. WFL has first access and authority over the carcass after the IC. WFL will immediately contact and coordinate with the county health department the acquisition of appropriate samples for rabies testing. Once WFL has secured the necessary forensic samples, they will then release authority over the carcass to WIL for disease studies.
10. An independent diagnostic laboratory approved by WIL will conduct necropsy and disease studies on the carcass. The WIL will retain primary authority over this aspect of the carcass.

D. Responsibilities of WIL

WIL investigates wildlife disease problems statewide and provides information on the occurrence of both enzootic and epizootic disease in wildlife populations. Specimens involved in suspected disease problems are submitted to WIL for necropsy and disease studies. Most animals killed for public safety reasons will be necropsied to assess the status of health and whether the presence of disease may have caused the aggressive and/or unusual behavior.

Type Yellow public safety animals killed may be necropsied by WIL or an independent diagnostic laboratory approved by WIL. Contact WIL immediately after a public safety animal is killed to determine where it will be necropsied. Arrangements are to be made directly with WIL prior to submission of the carcass to any laboratory.

Type Red public safety animals killed will be necropsied by an independent diagnostic laboratory approved by WIL. Contact WIL prior to submission of the carcass to any laboratory to allow the Department veterinarian to discuss the disease testing requirements with the attending pathologist. A disease testing protocol has been developed for use with Type Red public safety wildlife.

E. Responsibilities of WFL

WFL has the statewide responsibility to receive, collect, examine and analyze physical evidence, issue reports on evidence findings, and testify in court as to those results. WFL's primary function in public safety incidents is to verify or refute the authenticity of the purported attack and to corroborate or refute the involvement of the suspected offending animal.

Type Yellow public safety animals killed may be examined by WFL personnel. The examination of the carcass will be coordinated with WIL.

All **Type Red** public safety animals killed must be examined by WFL personnel or a qualified person approved by WFL supervisor using specific procedures established by WFL.

If a human death occurs, coordination of the autopsy between the proper officials and WFL is important so that WFL personnel can be present during the autopsy for appropriate sampling and examination. In the event of human injury, it is important for WFL to gather any relevant physical evidence that may corroborate the authenticity of a wildlife attack, prior to the treatment of injuries, if practical. If not practical, directions for sampling may be given over the

telephone to the emergency room doctor by WFL

F. **Media Contact**

Public safety wildlife incidents attract significant media attention. Issues regarding site access, information dissemination, the public's safety, carcass viewing and requests to survey the scene can be handled by a designated employee. Each region and the Chief of Enforcement shall designate an employee with necessary ICS training to respond as a regional information officer to public safety wildlife incidents.

Type Yellow public safety wildlife incidents may require the notification of a designated employee previously approved by the regional manager, assistant chief or designee to assist the IC in responding to the media and disseminating information. The IC has the authority to decide if the designated employee should be dispatched to the site.

All **Type Red** public safety wildlife incidents require that a designated employee, previously approved by the regional manager, assistant chief or designee, shall be called to the scene to assist the IC in responding to the media and disseminating information, is called to the scene.

The Department will develop and provide training for designated employees to serve as information officers for public safety wildlife incidents.