

# IRVINE POLICE DEPARTMENT

IRVINE POLICE DEPARTMENT • ONE CIVIC CENTER PLAZA  
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MICHAEL BERKOW  
CHIEF OF POLICE

## BARKING DOG NUISANCE PROCEDURE

1. When an Officer receives a barking dog nuisance call, the following procedure should be followed:
  - A. The assigned Animal Services Officer is encouraged to contact the reporting party and obtain the disturbance information first hand. This step, however, should not permit undue delay in the handling of the call. Person to person contact may actually occur after the actual date of the complaint.
  - B. The Officer will respond to the location and advise the animal owner/custodian of the complaint. Their input regarding the concern can be attained at that time. The animal owner will be asked to take any necessary corrective action to avoid further complaints from neighbors. The Officer will also take this opportunity to ensure compliance with the animal licensing and rabies requirements. Additionally, a request to contact our Department and verify they did comply should be made.
  - C. The Officer also shall send a letter to the reporting party detailing their responsibility in filing future complaints, going to mediation, or ultimately court.
  - D. If the barking dog nuisance was not given to the Officer by dispatch, it will be the Officer's responsibility to enter all the information into the CAD system.
2. The reporting party should then wait a reasonable period of time (7-10 days) to allow the owner to take corrective action. If after 7-10 days, the problem continues, they should contact Animal Control and lodge a second complaint. Contact should be made through our general service line, (714) 724-7092.
3. Upon receipt of the second complaint, the nuisance complaint Officer will mail a formal warning letter to the animal owner. Additionally, a file will be formed in the Animal Control office consisting of a Nuisance Information Form and copies of all complaints filed to date.

4. Upon receipt of a third complaint, the next step would be the completion of a criminal/formal complaint. If Animal Control has received a minimum of three complaints and the nuisance was not improved, the complaining party will be mailed a "Request for Formal/Criminal Complaint" package. The reporting party must be an immediate resident or neighbor of the nuisance dog. A non-resident landlord or housing official, who is not an immediate resident of the noise nuisance residence, will not be permitted to sign or become involved in this complaint process. The reporting party will be provided with questionnaires which must be completed and signed by at least one other direct resident of the nuisance residence. All residents involved must be willing to affirm the allegations of the nuisance animal at the address indicated on the complaint form. These questionnaires, along with the Request for Criminal/Formal Complaint form, must be returned within thirty (30) days of the receipt of the package by the main reporting party.

The nuisance complaint Officer will send a final formal warning letter to the animal owner informing them of the pending criminal/formal complaint.

5. The entire complaint package will be reviewed by the nuisance complaint Officer. The package should include, but not be limited to, the following:
  1. A signed request for Criminal/Formal Complaint form.
  2. All questionnaires completed by immediate residents who can directly attest to the alleged disturbance.

**NOTE:** No set number of questionnaires is required to pursue professional mediation. However, nuisance cases may be denied criminally due to a lack of sufficient support and/or evidence. In most cases, the District Attorney would like to see six or more residents who can attest to the nuisance(s). This is not an absolute mandate.
  3. A map identifying the location of the complaining parties and the alleged noise nuisance residence.
  4. A nuisance complaint declaration log.
  5. Animal Control history regarding this complaint.
  6. Copy of the dog's current license and rabies inoculation information.
  7. Any other information and/or evidence concerning the reported nuisance.
6. Once it has been established that the complaint package is completed in full and attempts have been made to contact the animal owner a minimum of three times, the package will likely be processed for mediation. The animal owner, reporting

party, and immediate neighbors who signed questionnaires must be willing to enter into the resolution process on a voluntary basis. Should the reporting party and/or immediate neighbors be unwilling to participate in the mediation process, the complaint will be dismissed and no further action will be taken by this Department.

7. Should the animal owner fail or refuse to participate with the resolution process, the entire complaint, including all Animal Control records, the complaint package, and any relevant available mediation documentation will be forwarded to the Orange County District Attorney for approval/denial of court action.
8. Should the Orange County District Attorney, or his/her designee, refuse to file the case, the complaining party is to be notified and informed of the following recommended alternatives in resolving their complaint:
  1. Work with the animal owner in an effort to resolve the problem.
  2. File a civil action lawsuit against the animal owner.
  3. Pursue the matter through their homeowners' association.
9. If the District Attorney chooses to file the case for court action, all involved parties will be notified and expected to appear for testifying as requested. All decisions of the court shall be final.