

Date July 14, 2008

PUBLIC HEARING ON VICIOUS
ANIMAL APPEAL OF JOSHUA GREEN

WHEREAS, Joshua Green, 2525 County Line Road, Lot #247, filed an application for appeal before the City Council of the City Hearing Officer's decision upholding the Chief Humane Officer's declaration of his dog as a vicious animal; and,

WHEREAS, Mr. Green requested an opportunity to address the City Council regarding his appeal; and,

WHEREAS, Mr. Green has been provided with the opportunity to address the City Council on the matter of his appeal; and,

WHEREAS, the dog falls under the definition of vicious dog as contained in Section 18-41 of the Des Moines City Code relating to vicious dogs; NOW THEREFORE,

BE IT RESOLVED (Choose one of the two alternatives):

Alternative One: That the order of the Hearing Officer be upheld and Mr. Green's dog be declared vicious.

MOVED BY _____ TO UPHOLD DECLARATION

Alternative Two: That the order of the Hearing Officer be reversed and Mr. Green's dog not be declared vicious.

MOVED BY _____ TO REVERSE DECLARATION

FORM APPROVED:

K. Massier
Katharine Massier
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED	APPROVED			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

ATTACHMENT (1)

Transcript of Hearing

ADMINISTRATIVE HEARING TRANSCRIPT

Wednesday, June 4, 2008

City v. Green

Vicious Dog

HEARING OFFICER LEANN DUCEY: Good afternoon. My name is LeAnn Ducey and I'm an Administrative Hearing Officer. It is 1:00 p.m. on June 4, 2008 and we are conducting an administrative hearing on a vicious dog declaration. The appellant is Joshua Green. When I call you to give testimony today please come up to the podium, speak into the microphone and state your full name and address for the record. You will then be sworn in. This is an informal hearing and to that matter the hearing is now open. Would the representative from the City please come forward, identify yourself and present any information you have pertaining to this hearing.

SERGEANT SCOTT RAUDABAUGH: My name is Scott Raudabaugh. I'm the police sergeant assigned to the animal patrol unit as the supervisor and by City ordinance and I'm in the role of the Chief Humane Officer for the City of Des Moines, Iowa.

DUCEY: Please raise your right hand. Do you Sergeant Raudabaugh, swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

RAUDABAUGH: Yes.

DUCEY: Go ahead.

RAUDABAUGH: I'd like to start off by, uh, submitting some documents for the record.

DUCEY: Okay.

RAUDABAUGH: I've got, two sets of the same copies of various documents relative to this. A copy for myself to work from. A copy that anybody wishes to look at and I'll leave it on the podium here.

DUCEY: Okay.

RAUDABAUGH: And then a copy to submit to you.

DUCEY: Okay. I'll mark this as City Exhibit A. Thank you.

RAUDABAUGH: I also have uh three sets of the same photographs taken by the Des Moines Police Department Identification Technician. One is in black and white and one's in color and when I printed the color ones they didn't turn out so well, but, uh, they're an accurate representation.

DUCEY: Okay.

RAUDABAUGH: And like I said there are two sets here and I'm going to submit them to you.

DUCEY: Okay.

RAUDABAUGH: And certainly if anybody wishes to look at them.

DUCEY: Okay. Do you want to leave one set on the podium just in case they do want to look at it?

RAUDABAUGH: I would rather have you look at both sets.

DUCEY: Oh, they're not the same pictures?

RAUDABAUGH: They are the same pictures.

DUCEY: Okay. I'll mark these as City Exhibit B.

RAUDABAUGH: And last but not least, uh, Mr. Green came to the animal shelter and presented me with three photographs showing his, his dog. I'll let him describe what they are, but for the record I'll submit them since they are in my possession.

DUCEY: Okay.

RAUDABAUGH: And then you can look at them and if necessary keep them for the record or give them back to me. I have no need for them.

DUCEY: Okay. I'll mark those as City Exhibit C.

RAUDABAUGH: I'd like to briefly go through the set of documents presented.

DUCEY: Okay.

RAUDABAUGH: The first page is a letter from Mr. Green regarding the hearing. The second page is a document service form related to that matter. The third page is a vicious dog letter in which the dog is declared vicious that was authored by me and signed by me as well. The document behind that is a document service letter in which the vicious dog letter was served to Mr. Green on his property. Behind that is a copy of the animal bite reports and then various criminal documents that charge Mr. Green with dog at-large and no City dog license. Behind that paperwork is a series of photographs taken by the police department identification technician. This supplemental report in here indicated that he did in fact take the pictures. Behind that is a copy of a rabies certificate that was faxed. I'm not sure if it was faxed by the Animal Rescue League or Animal Control, none the less it was a rabies certificate from All Creatures Small Animal, All Creatures Small Animal Hospital. It is a rabies certificate for Mr. Green's Labrador Retriever. Behind that is a miscellaneous, I will call it miscellaneous supplemental note that was in regards to Mr. Green calling about his dog. The next supplemental is merely that the dog was quarantined. Even though the dog is still at the animal shelter it is released from official quarantine because it didn't exhibit signs of rabies during that 10-day quarantine period. Behind that are copies of various City ordinances relative to what we are covering today. Primarily definitions, 18-41, vicious dog and I'm going to read through that.

Vicious dog means any dog which has attacked a human being or domestic animal one or more times, without provocation; any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; any dog that snaps, bites, or manifests a disposition to snap or bite. And the others really aren't relative to this. There's no indication that the dog is trained to bite or attack and it is not, it does not exhibit enough characteristics of a pit bull breed, but certainly does fit the first three portions of the vicious dog definition. Behind that is Section 18-59 that talks about seizure, impoundment and disposition of vicious dogs. I'm not going to read through it, but is relative to what we're doing here. If the dog, if my vicious dog declarations have held, certainly the provisions of 18-44 as far as licensing as a vicious dog apply and I'm going to review that and 18-58 talks about unlicensed vicious dogs and that they're always on a license after the vicious dog declaration is upheld and the dog is licensed as a vicious dog and it is probably the second time the license would have happened. Section 18-56 talks about confinement of a vicious dog and the requirements for such. 18-57 talks about what happens if the vicious dog is not properly confined. On May 16, 2008, Joshua Green's yellow Labrador Retriever named Chase was running loose when it went next door and attacked and bit Carla Howard as she exited her car. The dog bit Ms. Howard on the hand, the arm and the leg which resulted in transportation of her by Des Moines Fire Medics to Methodist Hospital. When you take a look at the photographs, you'll see that the injuries are certainly larger than just a few puncture wounds. In fact there's significant tissue damage. Ms. Howard is here today and she can elaborate a little bit more on the actual bite incident and possibly on her injuries. At this point that's all I have to present.

DUCEY: Okay, thank you. Ms. Howard. Will you come up please? Please state your name and address:

CARLA HOWARD: Carla Ann Howard, 2525 County Line Road, #245.

DUCEY: #245?

CARLA HOWARD: Yes.

DUCEY: If you could speak please we are recording this.

HOWARD: Okay.

DUCEY: If you will raise your right hand. Do you Carla Ann Howard swear or affirm the testimony you are about to give is truth, the whole truth and nothing but the truth?

HOWARD: Yes.

DUCEY: Okay. Tell me why you're here today.

HOWARD: I was walking, after walking from my home to my car the dog came at me from the right.

DUCEY: Can you tell me what happened?

HOWARD: Uh, yes. He bit me on the right hand first, let go and then grabbed my right forearm. When he let go he grabbed my blouse and ripped it and then went and bit me on the left knee.

DUCEY: Okay. Uhm, can you tell me the circumstances under which was the dog running, what was, when did you first notice the dog?

HOWARD: I first noticed the dog when he started to come after me. Come after me rather. Uhm, I didn't like that he was loose at the time.

DUCEY: Had you noticed this dog before?

HOWARD: Yes.

DUCEY: Okay. Is it normally on the chain or have you seen it once before?

HOWARD: Yes, on the chain.

DUCEY: Has the dog ever made any motions like it wanted to attack you or anything?

HOWARD: No. He has barked at me before.

DUCEY: Okay. Can you tell me the extent of your injuries? You said it was to the right hand, right forearm, your blouse was ripped and your left knee?

HOWARD: Uh, yes.

DUCEY: Did you require stitches?

HOWARD: 29 stitches. 29 stitches. There were 5 in my left knee and 4 in my hands and actually my forearm.

DUCEY: Do you have anything else to present today?

HOWARD: Nope, that's all.

DUCEY: Okay. Thank you very much. Joshua Green. Please state your name and address for the record.

JOSHUA D. GREEN: Joshua D. Green, 2525 County Line Road, Lot 247.

DUCEY: Please raise your right hand. Do you Joshua D. Green swear or affirm the testimony you are about to give is truth, the whole truth and nothing but the truth?

GREEN: Yes ma'am.

DUCEY: Did you witness the attack?

GREEN: No I didn't, I was in the shower actually.

DUCEY: Alright. What do you have to discuss today?

GREEN: I'm bringing him out to Tracey, Iowa. My uncle owns like 20 acres out there. I'm gonna lock him up to a doghouse out there until I can find a better, a new house basically. I just can't afford the vicious dog insurance. I know he messed up, but he's three years old, he's never bitten anyone before. He's great with kids. I don't have actual photographs, I have them on my phone and my friend's phone I brought with me, just Chase playing with numerous kids. That's really all I got to say.

DUCEY: Okay. So what you're saying is that if he's not declared a vicious dog you would be taking him out of the City. Correct?

GREEN: Yeah. I can't have him at the trailer court. The trailer court already said I couldn't have him. I have to put him out there until I can find a better, a new house basically.

DUCEY: So this is only a temporary solution?

GREEN: What do you mean?

DUCEY: This Tracey, Iowa.

GREEN: Yes, it's temporary, until I can—he can stay out there as long as he wants. My uncle owns a lot of land out there and its fine. But I'll be trying to get a house as soon as possible.

DUCEY: So then you will be bringing the dog back into the City.

GREEN: Possibly. Depending on where I move. I'm probably moving to Osceola because I have some land out there that I'm going to buy so that's still country. I want to start building my house.

DUCEY: But there is a possibility

GREEN: There's a possibility.

DUCEY: You would have the dog back in Des Moines.

GREEN: There's a possibility, if he's not declared vicious, yeah.

DUCEY: If I did declare the dog vicious then you would have to have insurance.

GREEN: Yeah.

DUCEY: And you're telling me you're not capable of getting the insurance.

GREEN: The best company I found for it is \$1300 for six months. That's outrageous

DUCEY: Is that because the dog has had a bite.

GREEN: Bite in the--they say the last year. So obviously it's been more recent than a year so

DUCEY: I guess I'm not fully understanding you. You want to bring the dog back into the City limits and you would have to have insurance. But you're telling me you couldn't afford the insurance.

GREEN: Okay. To get him out you have to have that insurance, to get him out of the Animal Shelter

DUCEY: To license the dog, if it was declared vicious.

GREEN: Yeah, if it was declared vicious.

DUCEY: That's what I'm talking about, and if it was declared vicious then you would have to have the insurance. Sgt. Raudabaugh, could you please come up the microphone, you can stay there. Am I correct in the understanding that in order to get the dog out of Animal Control it has to have current license, correct?

RAUDABAUGH: That is correct. Whether it's involved in a bite or not, before it leave, any dog or cat leaves the Shelter it has to have a current license. In this particular case the dog has already been declared vicious and him to reclaim it it has to have insurance to license a dog, not only as a conventional dog, so to speak, but as a vicious dog. He could have done that pending the hearing even, if my recollection serves me correct, pending the hearing he could have agreed to license it as a vicious dog and done so and confined it as a vicious dog and done so and could have had the dog, could have, my error, if a little slightly different circumstances had the dog not been in the Animal Shelter but been declared vicious he could have kept it at home if he'd have done all of those things. But in this case it was impounded for quarantine at the Shelter because of the bite and thus he can't get it back until he licenses it as a vicious dog.

DUCEY: Okay.

RAUDABAUGH: Does that make sense?

DUCEY: Yes. Okay. I just want to make sure I'm really clear on this because this is very important to me. So if I declare the dog vicious he has to get the insurance and the license before it can be released. Correct? Even if he is going to immediately take it out of the City he still has to have a license, correct? And in order to get the license, if it's vicious he has to have the insurance?

RAUDABAUGH: Yes. The dog has already been declared vicious. If you uphold my declaration, for him to get the dog back he has to get the insurance period. The provision to remove a vicious dog from the City of Des Moines was removed from City ordinance last year. Unfortunately many vicious dog owners didn't actually comply with what they agreed to comply with and so that provision was removed, now anyone who has a vicious dog has to license it as such or essentially the dog is euthanized.

DUCEY: Okay. So Mr. Green I just want you to completely understand that should I uphold Sgt. Raudabaugh's declaration of the dog being vicious, in order for you to get the dog out, whether to keep it here in the City limits or take it to Tracey, Iowa or whatever, you would have to have the insurance.

GREEN: Yeah, I read that

DUCEY: And you are telling me that you would not be able to do that.

GREEN: I can't afford that insurance, I just can't.

DUCEY: Okay. Does anyone else have anything to present today? Okay. I'm not going to make a decision. I was given quite a bit of information today. I do want to review the tape and I want to thoroughly review the information. I take this very seriously before I make any kind of a declaration. Today is Wednesday, I will try to have the ruling done by tomorrow, but I am not here on Friday so if I don't have it done tomorrow it would be Monday and my guess is that it will probably be Monday because, like I said, I take this very seriously and I have a lot to review. So I'm going to do that before I make a ruling. Upon receipt of that ruling and it will be in written form and it will be hand-delivered to you. Should you disagree you can file an appeal to the City Council and there will be information in that letter about what you need to do in order to do that. Do you have any questions?

GREEN: Can I show you the pictures, do you want to see them?

DUCEY: Yes.

GREEN: (Inaudible)

DUCEY: That's okay.

GREEN: I had a bunch of people text me the pictures.

DUCEY: I do have some pictures, I think in your request there were some pictures with your son or something.

GREEN: (Inaudible)

DUCEY: Do I need to do, it automatically does it. Okay. Is he Lab Retriever?

GREEN: Yes.

DUCEY: How long have you had the dog?

GREEN: I've had him about two years, eight months. I got him, he was just 5 months old when I got him.

DUCEY: Do you have a second dog?

GREEN: Yes. I already had to get rid of one dog. I haven't had him very long, so its not that big of a deal as Chase, but he went to a good home.

DUCEY: Okay. Thank you very much.

GREEN: This one of actually my little nephew riding Chase around the room.

DUCEY: Is that your nephew or your son?

GREEN: That's my girlfriend's boy, soon to be my son, he's only been around Chase for 2 months. He could do anything to that dog.

DUCEY: Thank you very much. I've told you what's going to happen and I appreciate you coming in and like I said I take this very seriously so I will review everything thoroughly. Thank you everyone.

I, Connie Noah, certify that I transcribed the minutes of the June 4, 2008 Administrative Hearing pertaining to a vicious dog owned by Joshua D. Green. .

Connie Noah

ATTACHMENT (2)

Des Moines Animal Control Photos



ABFO No. 2

1 mm

2

3

4

5

1 cm

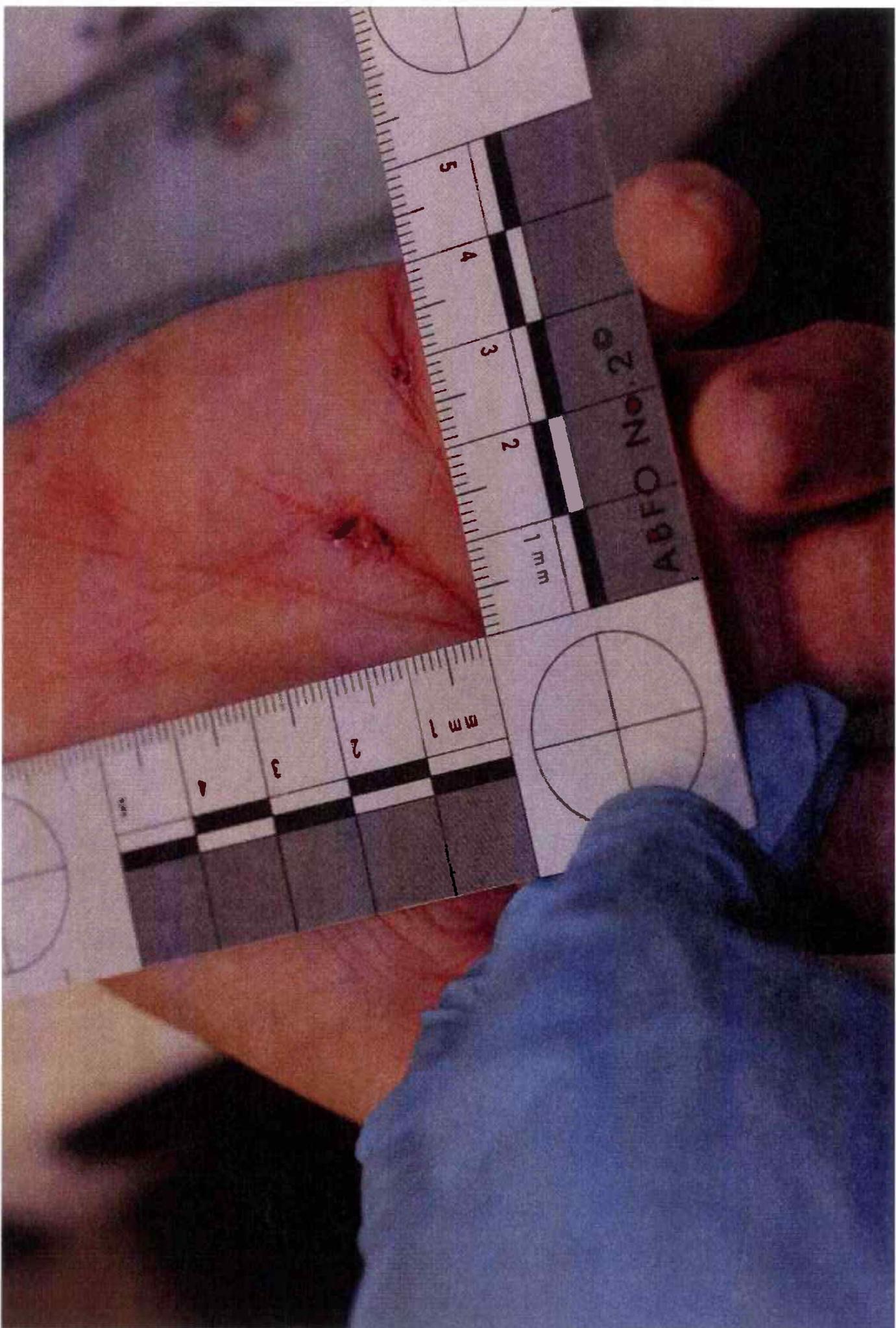
2

3

4

5











ABFO No. 20

1 mm

mm 1

5

4

3

2

5

4

3

2



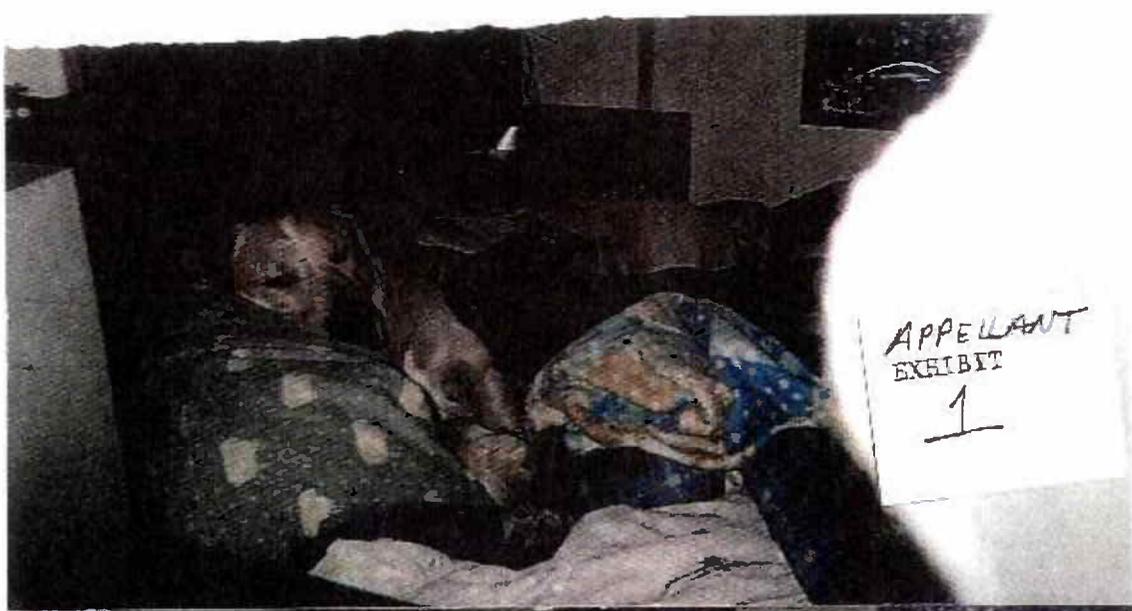






ATTACHMENT (3)

Appellant Photos



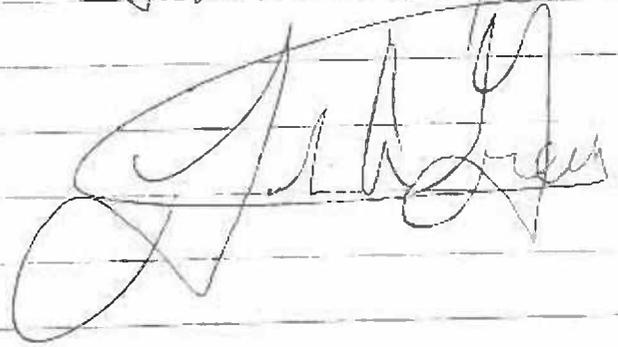
ATTACHMENT (4)

Appeal Letter from Mr. Green

I'm appealing the victim's
Dog Charge that was
upheld at the last hearing
Simply because I'd like to
bring some witness in
to show you how Chase
is when he has been off
the leash before and I
have found insurance for him
So I'll be getting him
out either way but Chase
Does not desire to be labeled
As stated he's an awesome
pet an amazing friend
and loyal and smart I
know he has made one
mistake but I feel that
isn't enough to condemn him
to a life of bad dog label
I hope you can look into
the case file and see
the same things I have
Simply look at the different
statements the victim gave
one at the hospital and
one at the stum

happen to be completed
different sorry for say but
I'm not sure to believe
a fair any questions
contact me at 515-287-4161
or cell 515-210-0091

Thank you

A handwritten signature in cursive script, appearing to read "J. A. Jones". The signature is written in dark ink on lined paper.

ATTACHMENT (5)

Ruling from Administrative Hearing Officer

June 11, 2008

Joshua Green
2525 SW County Line Rd #247
Des Moines IA 50320

RE: Administrative Hearing – Declaration of Vicious Dog

Dear Mr. Green:

The City of Des Moines scheduled an Administrative Hearing on June 4, 2008 at 1:00 p.m. regarding the declaration of your yellow Labrador Retriever named Chase, to be a “vicious dog” by Sergeant Scott Raudabaugh, Chief Humane Officer for the City of Des Moines Animal Control Unit.

Sergeant Raudabaugh entered the following documents into evidence:

- City Exhibit A – Letter dated May 29, 2008 to Joshua Green notifying him of the date and time of the Administrative Hearing.
- City Exhibit B – Document Service
- City Exhibit C – Letter dated May 23, 2008 declaring Joshua Green’s dog to be a “vicious dog”
- City Exhibit D – Document Service
- City Exhibit E – Animal Incident Investigation Report (2 pages), dated May 16, 2008
- City Exhibit F - Iowa Police Citation and Complaint
- City Exhibit G – Complaint and Probable Cause Statement
- City Exhibit H – Iowa Police Citation and Complaint
- City Exhibit I – Complaint and Probable Cause Statement
- City Exhibit J – Supplemental Report Dated May 16, 2008
- City Exhibit K – Rabies Certificate
- City Exhibit L – Supplemental Report dated May 21, 2008
- City Exhibit M – Supplemental Report Dated May 27, 2008
- City Exhibit N – Municipal Code Sec. 18-41 Definitions
- City Exhibit O – Municipal Code Sec. 18-59 Seizure, Impoundment and Disposition of Vicious Dogs (2 pages)
- City Exhibit P – Municipal Code Sec. 18-44 License Application; Form
- City Exhibit Q – Municipal Code Sec. 18-58 Unlicensed Vicious Dogs
- City Exhibit R – Municipal Code Sec. 18-56 Confinement of Vicious Dog
- City Exhibit S – Municipal Code Sec. 18-57 Vicious Dogs Not Properly Confined/Leashed

Sergeant Raudabaugh also submitted City Exhibit T, pictures taken of injuries to bite victim (7 pages of pictures in black and white and color). Sergeant



DIANE RAUH
CITY CLERK
CITY HALL-2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50300-1891
(515) 283-4200
FAX (515) 287-1645
www.dmpa.org

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1849, 1976, 1981,
2003

Joshua Green
June 11, 2008
Page Two

Raudabaugh said Mr. Green came into the Animal Shelter with three photographs showing his dog, Chase (referenced in Joshua Green's testimony).

Sergeant Raudabaugh stated that Sec 18-41 (1), (2), and (3) Definitions apply in this case. Sergeant Raudabaugh said if his "vicious dog" declaration is upheld, Sections 18-59, 18-44, and 18-58 will apply. Section 18-56 deals with how a "vicious dog" must be confined, and Section 18-57 describes the procedures if a "vicious dog" is not properly confined.

Sergeant Raudabaugh said on May 16, 2008, Joshua Green's Labrador Retriever was running loose when it attacked and bit Carla Howard, next door neighbor to Mr. Green, as she exited her car. Ms. Howard was bit on the right hand, right forearm and left knee. Ms. Howard was transported by Fire Medics to Methodist Hospital. Sergeant Raudabaugh said Ms. Howard had significant tissue damage.

Carla Howard testified that she was walking from her home to her car when Mr. Green's dog came at her growling. Ms. Howard stated that the dog bit her right hand first, let go and grabbed her right forearm, let go, ripped her blouse, and then bit her on her left knee. Ms. Howard had four stitches to her right hand, 20 stitches to her right forearm and five stitches to her left knee. Ms. Howard said she did not realize at first that the dog was not tied up, as it is normally on a chain.

Joshua Green said he was in the shower and did not witness the attack. Mr. Green said if his dog is not declared "vicious," he will take the dog to his uncle's home in Tracy, Iowa, as the trailer court where he currently lives said the dog cannot return. Mr. Green said he would possibly bring the dog back to Des Moines if he moved to another residence. Mr. Green said the only insurance he could find would be \$1,300 for six months, and he cannot afford this amount. Mr. Green submitted three pictures of his dog, Chase, and these were entered into evidence as Appellant Exhibit 1.

Sergeant Raudabaugh stated that if his "vicious dog" declaration is upheld, in order for Mr. Green to reclaim his dog, he would have to have a 2008 City of Des Moines dog license, and in order to get the license, Mr. Green has to have \$100,000 in liability insurance on his dog.

Following a review of testimony and evidence provided at the June 4, 2008, it is my decision to uphold the declaration of Sergeant Raudabaugh and declare



DIANE RAUH
CITY CLERK
CITY HALL-2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1561
(515) 283-4209
FAX (515) 237-1845
www.ci.mo.org

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2005

Joshua Green
June 11, 2008
Page Three

your yellow Labrador Retriever named Chase to be a "vicious dog". The reasons for this determination are as follows:

- Mr. Green's dog is a "vicious dog" as defined by Section 18-41:
 - (1) Any dog which has attacked a human being or domestic animal one or more times, without provocation;
 - (2) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - (3) Any dog that snaps, bites or manifests a disposition to snap or bite
- Mr. Green failed to have his dog under control at the time of the attack.
- Mr. Green's dog did not have a current City license.

If you disagree with this decision, you have three (3) days within which to appeal this decision to the City Council. The appeal must be made in writing to the City Clerk's Office and should state the reason for the appeal. If you have any questions regarding the appeal or compliance procedures, please contact Animal Control through Police Dispatch at 283-4811.

Sincerely,



LeAnn Ducey
Hearing Officer

Enclosures

Cc: Diane Rauh, City Clerk
Police Chief Bradshaw
Sergeant Scott Raudabaugh



DIANE RAUH
CITY CLERK
CITY HALL-2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4209
FAX (515) 287-1545
www.ci.desmoines.org

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1948, 1976, 1981
2003

ATTACHMENT (6)

Exhibits Entered at Hearing

2008 MAY 30 PM 5:59

2008-17148

59

CITY
EXHIBIT

A

May 29, 2008

Mr. Joshua Greer
2525 SW County Line Road #247
Des Moines, IA 50316

Re: Administrative Hearing- Vicious Dog

A hearing has been set for **Wednesday, June 4, 2008** in the City Council Chambers, south end of the second floor, City Hall, 400 Robert D. Ray Drive, at 1:00 P.M.

Parking is available on the streets surrounding City Hall--you will need change to pay the parking meters. Please alert the City Clerk's Office when you arrive.

Pursuant to Section 18-202 of the Municipal Code, (copy enclosed), you will be given an opportunity to be heard at the hearing.

If you have questions in this regard, please call.

Sincerely,



Diane Rauli
City Clerk

DR/kh

Enclosure

cc: Hearing Officer
Legal Assistant
Assistant City Attorney
Staff Notification
File

KF ACU



DIANE RAULI
CITY CLERK
CITY HALL, 2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50319
(515) 281-4200
FAX (515) 281-1925
WWW.DESMOINES.IA

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BUSINESS LICENSES

ALL AMERICAN CITY
1240 1270 1001
2100

B



Animal Control

DOCUMENT SERVICE

Case number: 2008-17148

ARL number (If known): _____

Animal owner's name: JOSHUA GREEN

Address: 2525 SW COUNTY LINK RD. #247

Location of service: SAME

Name of person receiving document (print):

ALLISON BOLDER (GIRL FRIEND)

Their signature: X Allison Bolder

Date and time served: 5, 31, 08 11:07

Animal Control Officer serving document (print):

K. LEMON

Animal Control Officer's identification number: 7017

Type of document served: Vicious dog letter Dangerous

animal letter Illegal animal letter Hearing ruling letter

City Council decision letter Other: VICIOUS DOG

APPEAL HEARING DATE LETTER.

KF AGU

2008-17148

59

CITY EXHIBIT

C

May 23, 2008

Mr. Joshua Green
2525 SW County Line Road # 247
Des Moines, Iowa

Dear Mr. Green

On May 16, 2008 your yellow colored Labrador Retriever breed dog, named Chase, was running at-large when it went to 2525 SW County Line Road # 245 and attacked and bit a woman as she exited her car, resulting in multiple and significant bite wounds. Subsequently your dog was impounded for quarantine at the animal shelter.

Because of your dog's behavior, that caused multiple and significant wounds to a human victim, your dog is being declared a "Vicious Dog," as defined by city ordinance 18-41.

You may reclaim your dog by properly licensing the dog as a vicious dog with the City Clerk's Office and properly confining/leashing the dog as a vicious dog, however, if the dog is ever found unlicensed in the City of Des Moines the dog will be destroyed in a humane manner. Also if your dog is found not properly confined/leashed more than twice it will be destroyed in a humane manner.

You may appeal this declaration by filing a written appeal within three (3) days with the City Clerk's Office in City Hall at 400 Robert D. Ray Drive in Des Moines, Iowa, however, during an appeal your dog will remain in impound at the animal shelter.

If you do nothing your dog will be destroyed in a humane manner.

If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Respectfully,

Sergeant Scott Raudabaugh,
Chief Humane Officer

cc: City Clerk's Office



ANIMAL CONTROL
POLICE DEPARTMENT
1615 S.E. 14TH ST. HEET
DES MOINES, IOWA 50320-1070
(515) 242-6722

ALL-AMERICA CITY 1989 #676 1983

KF RCU

D



Animal Control

DOCUMENT SERVICE

Case number: 2008-17148

ARL number (If known): _____

Animal owner's name: JOSHUA GREEN

Address: 2525 SW COUNTY CIRCLE RD # 247

Location of service: SAME

Name of person receiving document (print):

Charlene Hurley

Their signature: X _____

Date and time served: 23 May 08 7:39pm

Animal Control Officer serving document (print):

Triston M. Bauer

Animal Control Officer's identification number: 7233

Type of document served: Vicious dog letter Dangerous animal letter Illegal animal letter Hearing ruling letter City Council decision letter Other: _____

EXHIBIT 27 P. 6: 27

AC M KF

Animal Incident Investigation Report
Des Moines, Iowa Police Department

2008 MAY 20 PM 3:02

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Bates C
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32. District: S		33. Beat:		1. Impounded animal AHR/ARL number:		2. DMPD case number: 1002 08-17148	
Impounded or bite animal				3. Victim's name (Last, First M.I.): Howard, Carla (Human victim or society)			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		4. Race: W F		5. Sex: A		6. Age: UNK	
35. Animal breed: Lab X "Chase" (ARL) city		7. Date of birth:		8. Ethnicity: HO NH		9. Sobriety: Sob, E	
36. Animal color: yellow		10. Residence address: 2525 County Line # 245 (City and/or state if not Des Moines or Iowa)				E	
37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number: N/A		12. Business or cellular phone number: 953-4587			
38. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		13. Place of employment or school: N/A				14. Type and location of injury: @ forearm/Hand @ knee S	
39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#:		15. Medical treatment: Methodist room E				16. Reporting person's name (Last, First M.I.): Howard, Carla	
40. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> RT#: UNK		17. Race: W F		18. Sex: A		19. Age: UNK	
40A. Date of vaccination: UNK		20. Date of birth: UNK		21. Ethnicity: HO NH		22. Sobriety: Sob, H.B.D.	
40B. Date of vaccination expiration: UNK		23. Residence address: 2525 County Line # 245 (City and/or state if not Des Moines or Iowa)				24. Residence phone number: N/A	
40C. Veterinarian: All Creatures Vet 961-7882		25. Business or cellular phone number: 953-4587				26. Location of incident (address): 2525 County Line # 245	
41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		27. Location type: Residential				28. Date and time incident occurred: 16 May 08 1645	
42. Other identifiers (Collar, tattoo, etc.): Collar		29. Date and time incident reported: 16 May 08 1724				30. Crime/incident type: Animal Bite: Dog	
43. Confinement/quarantine location: ISD # 2		31. Classification:				32. Date and time incident reported: 16 May 08 1724	
44. Impounded or bite animal owner's name (Last, First M.I.): Green, Joshua Dean		45. Residence address: 2525 County Line # 247 (City and/or state if not Des Moines or Iowa)				46. Business or cellular phone number: N/A	
46. Residence phone number: 210-0091		47. Place of employment or school: N/A		48. Business or cellular phone number: N/A		49. Means of notification: Personal	
49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> # 29		49A. Date and time of notification:		49B. Person making notification: # 73		49C. Means of notification: Personal	
50. Witness name (Last, first): N/A		51. Residence address: (City and/or state if not Des Moines or Iowa)		52. Daytime or cellular phone number:		53. Witness name (Last, first): A	
53. Witness name (Last, first): A		54. Residence address: (City and/or state if not Des Moines or Iowa)		55. Daytime or cellular phone number:		56. Investigative notifications and/or photographs taken: Detective: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	
Victim animal		57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:		58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		59. Animal breed:	
60. Animal color:		61. Animal fur length: Short: <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		62. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> RT#:	
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		66. Date of vaccination:		67. Date of vaccination expiration:	
66. Date of vaccination:		67. Date of vaccination expiration:		68. Veterinarian:		69. Victim animal owner's name (Last, First M.I.):	
69. Victim animal owner's name (Last, First M.I.):		70. Residence address: (City and/or state if not Des Moines or Iowa)		71. Residence phone number:		72. Business or cellular phone number:	
73. Reporting officer: T. Bauer 7233		74. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed		75. Copy/copies made by:		76. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:	
77. Second officer:		78. Supervisor approving report:		79. Reviewed by:		80. Other:	

80. Page: 2 of 2		Animal Incident Investigation Report Des Moines, Iowa Police Department				81. DMPD case number: 08-17148		
82. Suspect or offender (1) name (Last, First Middle): Green, Joshua Dean					83. Arrested: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	84. Warrant needed: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	85. Charges filed: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	
86. Race: W	87. Sex: M	88. Age: A	88. Date of birth: 7/3/87	90. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	91. Height: 6'0"	92. Weight: 170	93. Hair color: Brn	94. Eye color: Blue
95. Residence address: 2525 Countyline #247 (City and/or state if not Des Moines or Iowa)								
96. Residence or alternate phone number: 210-0091			97. Driver license number or social security number: ID#590V73887			97A. State: IA	98. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
99. Citation number and crime: Dog at Large 1855 DC# 283164				100. Citation number and crime: City Lic. Reg. 18-42 DC# 283165				
101. Suspect or offender (2) name (Last, First Middle): N/A					102. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	103. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	104. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
105. Race:	106. Sex:	107. Age:	108. Date of birth:	109. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	110. Height:	111. Weight:	112. Hair color:	113. Eye color:
114. Residence address: (City and/or state if not Des Moines or Iowa)								
115. Residence or alternate phone number:			116. Driver license number or social security number:			115A. State:	117. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
118. Citation number and crime: N/A				119. Citation number and crime:				
120. Narrative: <p>Called to Methodist reference on animal bite. Upon arrival spoke to victim Howard who said she was getting out of her car and was going to go inside, when the dog from Lot #247 was loose, ran after and attacked her. Dog caused several severe punctures; approx. seven punctures and tears to Howard's right forearm, few punctures and tears to right hand and five punctures to left knee. Hospital was still cleaning wounds while I was there. It was explained to Howard, card and case number given. Called Ident to hospital to take pictures of wounds on victim. Then drove to bite dog's home. Upon arrival spoke with bite dog owner Green who was waiting outside with bite dog. Green stated dog is current on rabies but that he couldn't find the proof. He called the vet and vet said they would fax rabies info. I explained why I was going to impound dog, it was explained and card and case number were given. Citations were issued for dog at large and delinquency on BOOB city license. Green admitted he had no city license. Green stated he had dog on a smaller chain due to the long chain hurting dogs back and that the dog broke the smaller chain. Green offered to give me dogs muzzle that was used on dog at groomers but I declined. Green was advised to call Sgt. Baudelouge in the morning if he had any questions. Impounded bite dog for quarantine at shelter.</p>								
121. Date of this report: 11 May 08								

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

CITY
EXHIBIT

59

F

STATE OF IOWA
COUNTY OF POLK
COUNTY OF WARREN

N^o PC 283164

CITY OF DES MOINES

Docket No. _____

IN THE COURT AT POLK COUNTY COURTHOUSE, 5TH & MULBERRY, DES MOINES, IOWA 50309
 WARREN COUNTY COURTHOUSE, 115 NORTH HOWARD, INDIANOLA, IOWA 50125

THE STATE OF IOWA

Agency Case No. 28-17148
A MUNICIPALITY, PLAINTIFF v.

CITY OF DES MOINES
(IA0770300)

NAME: Green Joshua Dean
Defendant Last First Middle

ADDRESS: 2525 County Line #247
Street

CITY: Des Moines STATE: IA

BIRTH DATE: 7/3/87 Sex M Race W
Mo. Day Yr.

Ht. 6'9" Wt. 190 Eyes Haz Hair Brn

The Defendant is accused of the crime of Dog at Large

In violation of: _____, Iowa Code, 20 or 18-55, Local Ordinance

for that on or about 5/16/08 a.m. 445
Mo. Day Yr. p.m.

Defendant did: not have dog properly confined to property resulting in dog at large ending in an animal bite.
ID# 59017887

DATE: 5/16/08 T. Bauer 7233
Mo. Day Yr. Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.

5/17/08 a.m. p.m. 1:15
Mo. Day Yr.

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE

[Signature]
I swear that the foregoing citation is true and correct.
T. Bauer
(Officer's Signature)

Subscribed and sworn to before me by T. Bauer

At Des Moines, Iowa this 16 day of May 20 08

[Signature] Notary
Notary Public (Seal Expires _____) Magistrate Clerk District Court

805.5 Failure to appear. Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars or by imprisonment in the County jail not exceeding thirty days.

COURT

G

IN THE IOWA DISTRICT COURT FOR POLK COUNTY
COMPLAINT AND PROBABLE CAUSE STATEMENT

CITY OF DES MOINES

COURT CASE NO. _____

VS.

DMPD. CASE NO. 08-17148

Joshua Dean Green
(DEFENDANT)

IA0770300

SOC. SEC. NO. DL# 5910VV 7887

2525 County Line #247
(ADDRESS)

DATE OF BIRTH 7/3/07

Des Moines IA
(CITY & STATE)

DESCRIPTION W M 6'9 160
RACE SEX HGT WGT

Haz Brn
EYES HAIR MARKS

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF: City License Required

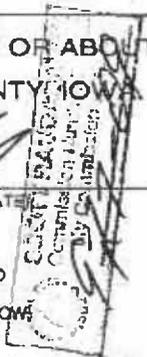
AT: 2525 County Line #247
(ADDRESS OR LOCATION)

IN VIOLATION OF SECTION(S): 18-42

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 2008 COMMITTED ON OR ABOUT
THE 16 DAY OF May, 2008 IN THE CITY OF DES MOINES, POLK COUNTY IOWA
SIGNED AND SWORN TO ON THIS 16 DAY OF May, 2008

T. Bauer
FILING COMPLAINANT

(NO JURY PUBLIC, ASSOCIATE JUDGE OR MAGISTRATE)



BASIS OF PROBABLE CAUSE

- THE DEFENDANT WAS:
- CAUGHT IN THE ACT
 - IDENTIFIED BY PRINTS
 - NAMED BY WITNESSES
 - HAD PROPERTY ASSOCIATED WITH CRIME
 - ARRESTED FOLLOWING INVESTIGATION
 - WEAPON INVOLVED CRIME

- IDENTIFIED IN PERSON
- CONFESSED TO CRIME
- ACCUSED BY CO-DEFENDANT
- VICTIM INJURED

- IDENTIFIED BY PHOTO
- ARRESTED AT SCENE
- OTHER (SPECIFY BELOW)
- PROPERTY / MONEY TAKEN

VALUE OF PROPERTY TAKEN \$ _____ DAMAGE EST. VALUE \$ _____

OTHER FACTS IMPORTANT TO PROBABLE CAUSE AND BAIL: defendant did not have 2008 city license on dog muzzled in animal bite.

T. Bauer 7233
SIGNATURE OF ARRESTING OFFICER NO.

5.16.08
(DATE OF ARREST)

DATED: 5.16.08

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>T. Bauer</u>	<u>76155E14</u>		<u>248-6053</u>

BOND AMOUNT \$ _____ CASH ONLY () CASH OR SURETY ()

OTHER CONDITIONS IMPOSED WITH BAIL: _____

(JUDGE, ASSOCIATE JUDGE OR MAGISTRATE)

2008 MAY 19 PM 3:41

A 59

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

STATE OF IOWA
COUNTY OF POLK
COUNTY OF WARREN

N^o PC 283165

CITY OF DES MOINES

Docket No. _____

THE COURT AT POLK COUNTY COURTHOUSE, 5TH & MULBERRY, DES MOINES, IOWA 50309
 WARREN COUNTY COURTHOUSE, 115 NORTH HOWARD, INDIANOLA, IOWA 50125

THE STATE OF IOWA

Agency Case No. 08-17148
A MUNICIPALITY, PLAINTIFF v.

CITY OF DES MOINES
(IA070300)

NAME: Green Joshua Dean
Defendant: Last First Middle

ADDRESS: 2525 County Line # 247
Street

CITY: Des Moines STATE: IA

BIRTH DATE: 7/3/87 Sex M Race W
Mo. Day Yr.

Ht. 6'9" Wt. 165 Eyes Haz Hair Brn

The Defendant is accused of the crime of City License Req.

In violation of: _____, Iowa Code, 20 or B-42, Local Ordinance,

for that on or about 5/16/08 a.m. 445
Mo. Day Yr. p.m.

Defendant did: not have current 2008 city license on dog involved in animal bite.

#590VV7887

DATE: 5/16/08 [Signature] 7233
Mo. Day Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.
7/17/08 a.m. p.m. 1:15
Mo. Day Yr.

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE.

[Signature]
Signature Defendant

I swear that the foregoing citation is true and correct.

[Signature]
(Officer's Signature)

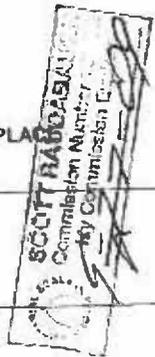
Subscribed and sworn to before me by [Signature]

At Des Moines, Iowa this 16 day of May, 2008

[Signature] Judge [Signature] Clerk District Court

805.5 Failure to appear. Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars or by imprisonment in the County jail not exceeding thirty days.

COURT



IN THE IOWA DISTRICT COURT FOR POLK COUNTY
COMPLAINT AND PROBABLE CAUSE STATEMENT

CITY
EXHIBIT

59

I

CITY OF DES MOINES

COURT CASE NO. _____

VS.

DMPD. CASE NO. 08-17148

Joshua Dean Green
(DEFENDANT)

IA0770300

SOC. SEC. NO. IA#590VV 7887

2525 Countyline RD # 247
(ADDRESS)

DATE OF BIRTH 7/3/87

Des Moines IA
(CITY & STATE)

DESCRIPTION W M 69in unk
RACE SEX HGT WGT

Az Brn
EYES HAIR MARKS

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF: Dog at large

AT: 2525 Countyline lots 247 to 245
(ADDRESS OR LOCATION)

IN VIOLATION OF SECTION(S): 18-55

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 2008 COMMITTED ON OR
THE 16 DAY OF May, 2008 IN THE CITY OF DES MOINES, POLK COUNTY,
SIGNED AND SWORN TO ON THIS 16 DAY OF May, 2008.

T. Bauer
FILING COMPLAINANT

(JUDGE, ASSOCIATE JUDGE OR MAGISTRATE)



- THE DEFENDANT WAS:
- CAUGHT IN THE ACT
 - IDENTIFIED BY PRINTS
 - NAMED BY WITNESSES
 - HAD PROPERTY ASSOCIATED WITH CRIME
 - ARRESTED FOLLOWING INVESTIGATION
 - WEAPON INVOLVED CRIME

BASIS OF PROBABLE CAUSE

- IDENTIFIED IN PERSON
- CONFESSED TO CRIME
- ACCUSED BY CO-DEFENDANT
- IDENTIFIED BY PHOTO
- ARRESTED AT SCENE
- OTHER (SPECIFY BELOW)
- VICTIM INJURED
- PROPERTY / MONEY TAKEN

VALUE OF PROPERTY TAKEN \$ _____

DAMAGE EST. VALUE \$ _____

OTHER FACTS IMPORTANT TO PROBABLE CAUSE AND BAIL: defendant did not have dog properly confined to property resulting in dog at large ending in an animal bite

2008 MAY 19 PM 3:41

T. Bauer 7233
SIGNATURE OF ARRESTING OFFICER NO.

5/16/08
(DATE OF ARREST)

DATED: 5/16/08

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>T. Bauer</u>	<u>1655614</u>		<u>248-6053</u>

BOND AMOUNT \$ _____ CASH ONLY () CASH OR SURETY ()

OTHER CONDITIONS IMPOSED WITH BAIL: _____

(JUDGE, ASSOCIATE JUDGE OR MAGISTRATE)

SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee Howard, Karla	2. Arrest No. N/A	3. Case No. 08-17148
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5

<input type="checkbox"/> Form used as Continuation Sheet for Current Report	4. Date this Report 05-16-08	5. Date Original Occurrence 05-16-08
<input checked="" type="checkbox"/> Form used to Report Followup Investigation or Supplemental Information	6. Correct offense or Incident Classification Dog Bite Changed <input type="checkbox"/> Yes	
7. Kind of Report Continued <input type="checkbox"/> Witness Statement <input type="checkbox"/> Followup or Supplemental or Prosecution <input checked="" type="checkbox"/> Traffic Accident	8. Multiple Clear Up? <input type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in narrative)	
9. Page No. 1 of 1	10. Traffic Citation No.	11. Value of Property Recovered and Type \$ none recovered

INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE
Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and inventory number. Recommend to supervisor case status and to reviewer UCR disposition. Indicate "Item Number Continued" at left, if any.

Item No. On 05-16-08 at 1754 hours, I was dispatched to Iowa Methodist Medical Center E.R. Room 4 in reference to a dog bite. I arrived at 1802 hours.
Upon my arrival, I met with the victim, Karla Howard. She resides at 2525 County Line Lot 245. Today she came home and stepped out of her vehicle to walk into her house when her next door neighbor's dog attacked her unprovoked. She said the yellow Labrador retriever bit her 2-3 times on the arm and leg.
The dog resides at lot 247 and is owned by Josh and Charlene, last name unknown.
The victim sustained the following injuries which I documented with digital photography, scaled and un-scaled:

- 1- A tear on the inside of the right knee
- 2- A area of puncture wounds on the lower right outer arm
- 3- Two lacerations on the lower right inner arm
- 4- A tear on the top of the right hand
- 5- A puncture wound on the inside of the right hand

No further action taken. Trip completed at 1812 hours.

14. Reporting Officer No. M. Clemens 566		15. Status (check one) <input type="checkbox"/> Suspended <input type="checkbox"/> Open <input checked="" type="checkbox"/> Ex Closed <input type="checkbox"/> Closed	13. Date/Time Typed No.	Reproduced No.
17. Unit Referred To: ACU		18. UCR Disposition		
Second Officer No.	Supervisor Approving No. A	19. Reviewer No. JP		

59

All Creatures Small Animal Hospital
2300 West 2nd Ave.
Indianola, IA 50125
(515) 961-7882

2008-17148

CITY
EXHIBIT

K

Rabies Certificate

Client ID: 7115
Client Name: Josh Green
Address: 2575 County Line Rd.
Des Moines, IA 50321

Phone: (515)210-0091

Patient ID: 7115
Patient Name: Chase
Species: CANINE
Breed: MIXED
Sex: Neuter
Color:
Markings:
Birthday: 02/13/2005
Weight: 73.00 pounds on 6/2/2007

Tag Number: 0645
Lot Number: 8606670
Producer: Defensor 3
K / MLV: Killed Virus

Vaccination Date: 6/2/2007
Expiration Date: 6/2/2010

Staff Name: Camille Telleen DVM
License Number: 5917

2008 MAY 19 PM 3:08

RFACU

2008-

SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee HOWARD CARLA		2. Arrest No. NIA	3. Case No. 17148
<input type="checkbox"/> Form used as Continuation Sheet for Current Report		4. Date this Report 21 MAY 08	5. Date Original Occurrence 16 MAY 08
<input checked="" type="checkbox"/> Form used to Report Follow up Investigation or Supplemental Information		6. Correct offense or incident Classification ANIMAL BITE - DOG Changed <input type="checkbox"/> Yes	
7. Kind of Report Continued <input type="checkbox"/> Follow up or Supplemental or Prosecution <input type="checkbox"/> Traffic Accident		8. Multiple Clear Up? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in narrative)	
9. Page No. 1 of 1	10. Traffic Citation No. NIA	11. Value of Property Recovered and Type \$ NIA	

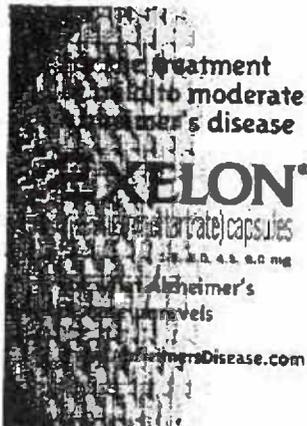
CITY EXHIBIT

INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE

Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record value property recovered, names and arrest numbers of any persons arrested. Explain any offense classification change. Clarity of disposition of recovered property and inventory number. Recommend to supervisor case status and to reviewer UCR disposition. Indicate "Item Number Continued" at left, if any.

ITEM NO.

I CALLED JOSH GREEN AT 210-0091 AND TOLD HIM THAT I WAS NOT ALLOWING HOME QUARANTINE AND I WAS WAITING FOR THE PHOTOGRAPHS TO DETERMINE IF ANYTHING ELSE WAS GOING TO BE DONE.



DATE 5/19/08	TIME 12:40	AM/PM PM
DR Sgt R	<input type="checkbox"/> Returned Your Call	
NAME Josh Green	<input type="checkbox"/> Will Call Again	
PHONE 515-210-0091	<input checked="" type="checkbox"/> Please Call	
FAX ()	<input type="checkbox"/> File Pulled	
MESSAGE Regarding case # 08-17148 at yellow lab able to Home or?	<input type="checkbox"/> Urgent	

OFFICE USE ONLY

14. Reporting Officer S. ZADKIN / 4770		15. Status (check one) <input type="checkbox"/> Suspended <input type="checkbox"/> Open <input type="checkbox"/> Ex. Closed <input checked="" type="checkbox"/> Closed		13. Date/Time Typed No.	Reproduced No.
17. Unit Referred To: ACU		18. UCR Disposition		19. Reviewer [Signature]	
14. Reporting Officer NIA		Supervisor Approving [Signature]		19. Reviewer [Signature]	

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SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee
Howard, Carla

2. Arrest No.
N/A

3. Case No.
08-17148

<input type="checkbox"/> Form used as Continuation Sheet for Current Report	4. Date this Report 27 May 2008	5. Date Original Occurrence 16 May 2008
<input checked="" type="checkbox"/> Form used to Report Follow-up Investigation or Supplemental Information	6. Correct offense or Incident Classification Animal bite/dog Changed <input type="checkbox"/> Yes	
7. Kind of Report Continued <input checked="" type="checkbox"/> Follow-up or Supplemental or Prosecution <input type="checkbox"/> Traffic Accident	<input type="checkbox"/> Witness Statement <input type="checkbox"/> Offense <input type="checkbox"/> Arrest	8. Multiple Clear Up? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in narrative)
9. Page No. 1 of 1	10. Traffic Citation No. N/A	11. Value of Property Recovered and Type \$N/A

INSTRUCTIONS FOR FOLLOW-UP OR SUPPLEMENTAL USAGE

Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and inventory number. Recommend to supervisor case status and to reviewer: UCR disposition. Indicate "Item Number Continued" at left, if any.

Item No.
6

The dog involved in the bite to Howard is still apparently healthy and without the signs or symptoms of the rabies virus. The dog has been declared "Vicious" and will only be released to it's owner when they license it as such. Owner was in this date to find out what needed to be done to reclaim the dog.

The victim was notified by telephone message at 953-4587.

CITY
EXHIBIT

M

THIS WILL CLOSE THIS CASE.

2008 MAY 27 PM 6:23

14. Reporting Officer Susan R. Stropes		No. 7219	15. Status (check one) <input type="checkbox"/> Suspended <input type="checkbox"/> Open <input type="checkbox"/> Ex. Closed <input checked="" type="checkbox"/> Closed	17. Unit Referred To:	18. UCR Disposition
Second Officer		No.	Supervisor Approving	No.	19. Reviewer



Sec. 18-41. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of police means the legally designated chief of the police department or a designated representative.

Director of public health means the county health center director or a designated representative acting in behalf of the city.

Dog means and includes both male and female animals of the canine species.

Owner means any person owning, keeping or harboring a dog.

Vicious dog means:

- (1) Any dog which has attacked a human being or domestic animal one or more times, without provocation;
- (2) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (3) Any dog that snaps, bites, or manifests a disposition to snap or bite;
- (4) Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
- (5) Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States;
- (6) Staffordshire terrier breed of dog;
- (7) The American pit bull terrier breed of dog;
- (8) The American Staffordshire terrier breed of dog; or
- (9) Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier.

(C42, §§ 114-6, 114-9; O.5385, 5506; C54, § 5-19; O.6002; C62, § 5-19; C75, § 7-13; O.9097; C79, § 7-13; O.9828; C85, § 7-13; O.11,095; C91, § 7-13; O.11,914)

Cross references: Definitions generally, § 1-2.

Sec. 18-59. Seizure, impoundment and disposition of vicious dogs.

- (a) The chief humane officer or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined in this article, may declare such dog a vicious dog by delivering a written notice of declaration to the owner. The notice shall include a description of the dog and the basis for the declaration of viciousness. The notice shall also set forth that the owner shall be required to license and confine the dog as required by this article. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service.
- (b) The person owning, keeping, sheltering, or harboring the dog in question may contest the declaration of viciousness by filing a written request with the city clerk within three business days of the receipt of the chief humane officer's declaration. If at this time the owner agrees to confine the dog pursuant to section 18-56 of this chapter and submits to the clerk proof of insurance as described in section 18-44, the dog shall not be impounded pending appeal. Failure to file a request for hearing shall constitute a waiver of any right to contest the declaration of the chief humane officer, and the chief humane officer or his or her designee shall be authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the owner has not licensed and shown ability to confine the dog as required by this article the chief humane officer or his or her designee shall cause the dog to be destroyed.
- (c) The person owning, keeping, sheltering, or harboring the dog in question shall be given not less than 72 hours' written notice of the time and place of the hearing. The notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that, if the determination of the chief humane officer is upheld, the owner shall be required to license and confine the dog as required by this article. The notice shall be served in the same manner as the declaration notice.
- (d) If, after hearing, the city manager or his or her designee upholds the determination of the chief humane officer that the dog is a vicious dog or is a vicious dog held in violation of this article, as set out in the notice of hearing, the city manager or his or her designee shall order the person owning, sheltering, harboring or keeping the animal to permanently license and confine the dog as required by this article. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the city manager or his or her designee is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the order of the city manager or his or her designee was issued has not appealed such order to the city council or has not complied with the order, the city manager or his or her designee shall cause the dog to be destroyed.
- (e) The order to license and confine a vicious dog issued by the city manager or his or her designee may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the city manager or his or her designee.
- (f) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within 20 days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing the city council may affirm or reverse the order of the city manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the city manager or his or her designee, the arguments of the parties or their representatives, any additional evidence which was not

available at the time of the hearing before the city manager or his or her designee, and any other information the city council deems necessary.

(g) If the city council affirms the action of the city manager or his or her designee, the city council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog shall license and confine the dog as required by this article. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection (a) of this section. If the original order of the city manager or his or her designee is not appealed and is not complied with within three days or the order of the city council after appeal is not complied with within three days of its issuance, the chief humane officer or his or her designee is authorized to seize and impound such vicious dog. A dog so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the decision and order of the city manager or his or her designee or the city council was issued has not petitioned the county district court for a review of the order or has not complied with the order, the city manager or his or her designee shall cause the dog to be destroyed in a humane manner.

(h) Failure to comply with an order of the city manager or his or her designee issued pursuant to this section and not appealed or of the city council after appeal is a misdemeanor.

(i) Any dog that is alleged to be vicious and that is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If the dog is not determined to be vicious, the owner shall only pay those costs attributable to initial confinement prior to notice or costs of any required quarantine.

(j) All vicious dogs shall have an identification microchip implant placed under the dogs skin. Prior to the release of a vicious dog from the animal shelter the owner shall pay the fee in the amount set in the schedule of fees adopted by the city council by resolution for the microchip identification procedure. If a contractor microchips a dog pursuant to this section, the contractor shall retain the fee.

(C85, § 7-27.04; O.11,095, 11,401; C91, § 7-27.04; O.13,320, 13,854, 14,462, 14,677)

Sec. 18-44. License application; form.

(a) The owner of a dog for which a license is required shall, on or before January 1 each year, apply to the city clerk, his or her designee, or any business in Des Moines approved by the city clerk, for a license for each dog owned by him or her.

(b) Such application for a license may be made after January 1 and at any time for a dog which has come into the possession or ownership of the applicant or which has reached the age of six months after January 1.

(c) Any business in Des Moines that is approved by the city clerk to sell animal licenses may charge an additional service fee in the amount set in the schedule of fees adopted by the city council by resolution. This subsection does not apply to dogs defined as vicious under section 18-41 of this article, nor to applications for transfer of ownership of a dog under section 18-48 of this article, nor to applications for transfer of a license from one city or county to the City of Des Moines under section 18-49 of this article.

For purposes of determining whether a dog is vicious by breed as defined under section 18-41 of this article the opinion of the city veterinarian or a veterinarian who is an agent or employee of a contractor will control.

(d) The owner of any dog defined as vicious under section 18-41 of this article shall comply with section 18-56 of this article at the time an application for license is made under this section.

(e) Such application shall be in writing on blanks provided by the city clerk or his or her designee and shall state the breed, sex, age, color, and name of the dog and the address, phone number, and signature of the owner. Such application shall also state the date of the most recent rabies vaccination and the date the dog shall be revaccinated.

(f) An application to license a vicious dog must include, in addition to the information required in subsection (d) of this section, presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents, in the keeping or owning of such vicious dog. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days subsequent to the determination that a dog is vicious, however, if after 30 days a certificate of insurance or a policy has not been submitted, the dog shall be deemed unlicensed and subject to sections 18-58 and 18-59, as applicable.

(C62, §§ 5-33, 5-34, 5-35; O 8439; C75, C79, C85, § 7-16; O 10,867, 11,095, 11,403, 11,558; C91, § 7-16; O 11,914, 13,320, 13,378, 14,155, 14,415, 14,462)

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Sec. 18-58. Unlicensed vicious dogs.

All unlicensed vicious dogs shall be deemed illegal animals and shall be destroyed. This section shall not apply to a dog which, upon initial notice to its owner, the owner agrees to properly license and confine or to a dog for which a hearing has been requested under this article to determine if it is vicious until there has been a final decision on the question raised at hearing at which time the owner may, if the dog is found vicious, properly license and confine the dog.

(C85, § 7-27.03; O.11,095; C91, § 7-27.03; O.14,677)

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Sec. 18-56. Confinement of vicious dogs.

(a) All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure.

(b) All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined dog.

(c) All structures erected to house vicious dogs must comply with all city zoning and building regulations. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

(d) No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the dog and the leash are under the actual physical control of a person 18 years of age or older.

(e) Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

(f) Violation of this section is a misdemeanor.

(C85, § 7-27.01; O.11.095, 11,558; C91, § 7-27.01)



Sec. 18-57. Vicious dogs not properly confined/leashed.

A vicious dog which is found more than twice not to be confined or leashed as required by this article shall be required to be destroyed.

(C85, § 7-27.02; O.11,095; C91, § 7-27.02; O.14,415, 14,677)

