

Date November 24, 2008

PUBLIC HEARING ON APPEAL OF VICIOUS ANIMAL DECLARATION

WHEREAS, Robert Latshaw, 1243 E. 13th Street, 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. Latshaw requested an opportunity to address the City Council regarding his appeal; and,

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

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

Alternative One: That the administrative hearing officer's ruling be upheld and Mr. Latshaw's dog be declared a vicious.

MOVED BY \_\_\_\_\_ TO UPHOLD DECLARATION

Alternative Two: That the order of the administrative hearing officer be reversed.

MOVED BY \_\_\_\_\_ TO REVERSE DECLARATION.

FORM APPROVED:

Katharine Massier
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk



**EXHIBITS FOR VICIOUS ANIMAL  
PATCH**

**EXHIBIT A**    **Hearing Officer's Decision  
(City Exhibits A-P)**

**EXHIBIT B**    **Appeal from Mr. Latshaw**

**EXHIBIT C**    **Letter to Mr. Latshaw  
(Setting Date for appeal to Council)**

**EXHIBIT D**    **Letter and Administrative Hearing Transcript  
to Mr. Latshaw**



November 4, 2008

Robert Latshaw  
1243 E 13<sup>th</sup> Street  
Des Moines IA 50316

RE: Administrative Hearing – Declaration of Vicious Dog

Dear Mr. Latshaw:

At your request the City of Des Moines scheduled an Administrative Hearing on October 27, 2008, at 1:00 p.m. regarding the declaration of your American Bulldog, Patch, 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 – Municipal Code Sec 18-41 Definitions (Vicious Dog)
- City Exhibit B – Municipal Code Sec 18-59 Seizure, Impoundment and Disposition of Vicious Dogs
- City Exhibit C – Letter dated October 21, 2008 providing date and time of Administrative Hearing
- City Exhibit D – Letter to Robert Latshaw dated October 20, 2008, declaring his dog, Patch, to be a vicious dog
- City Exhibit E – Document Service dated October 20, 2008
- City Exhibit F – Request from Robert Latshaw for Administrative Hearing for Vicious Dog Declaration
- City Exhibit G – Case Investigation Report, Case #20080028133
- City Exhibit H – Supplemental Report on Case #08-38133, dated October 17, 2008
- City Exhibit I – Supplemental Report on Case #08-38133/08-38135, dated October 17, 2008
- City Exhibit J – Supplemental Report on Case #08-38133 dated October 17, 2008
- City Exhibit K – Animal Incident Investigation Report, Case #08-38133, dated October 17, 2008
- City Exhibit L – Animal Incident Investigation Report, Case #08-22639
- City Exhibit M – Supplemental Report, Case #08-22639, dated July 7, 2008
- City Exhibit N – Animal Incident Investigation Report, Case #08-22639, dated July 8, 2008
- City Exhibit O – Iowa Police Citation and Complaint, Case #283127
- City Exhibit P – Complaint & Probable Cause Statement, Case #08-22639



DIANE RAUH  
CITY CLERK  
CITY HALL-2ND FLOOR  
400 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309-1891  
(515) 283-4209  
FAX (515) 237-1645  
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ALL-AMERICAN CITY  
1949, 1976, 1981,  
2003

Robert Latshaw  
November 3, 2008  
Page Two

Sergeant Raudabaugh submitted City Exhibits A through P into evidence and said City Exhibit A, Municipal Code Section 18-41 (1), (2) and (3), apply in this case. Sergeant Raudabaugh said that on October 17, 2008, Robert Latshaw's white and brindle colored American Bulldog, Patch, was running-at-large when it attacked and bit a Police Officer who was attempting to arrest an individual that also resides at 1243 East 13<sup>th</sup> Street. Sergeant Raudabaugh stated that while attempting to make the arrest, the individual told Mr. Latshaw's dog to "bite him" and "get him," which the dog did. Sergeant Raudabaugh said the Police Officer did not sustain any injuries because the dog bit his boots, but he was attacked nonetheless. The dog was impounded and taken to the Animal Shelter.

Sergeant Raudabaugh said that on June 26, 2008, Mr. Latshaw's dog was running-at-large when it attacked and bit another dog being walked by its owner, resulting in an injury to the other dog. Mr. Latshaw's dog was wearing a collar, but it did not display a City pet license or a rabies tag. Subsequently, the dog was impounded for quarantine.

Sergeant Raudabaugh said that because of the two attacks, coupled with the fact Mr. Latshaw's dog snarled, growled and lunged at him while he was observing the dog at Animal Control, he felt it was appropriate to declare the dog to be a "vicious dog." This declaration does not keep Mr. Latshaw from getting the dog back, but it requires him to provide liability insurance and to license the dog as such; along with properly confining and leashing the dog.

Senior Police Officer Stewart Barnes stated he responded to the scene where there were numerous officers because of the chase of the individual and the bite to the Police Officer. Senior Police Officer Barnes said upon his arrival, the dog was being taken into the house by Mr. Latshaw and that Mr. Latshaw was very helpful in getting the dog into the Animal Control truck. Senior Police Officer Barnes said he was concerned about a comment Mr. Latshaw made about the dog not liking people very well, plus the fact Mr. Latshaw had to use his body and his walker to keep his dog from getting outside the house while the Officer was talking to him.

Robert Latshaw attended the Hearing and said he does not think his dog is vicious and that the dog sleeps with him. Mr. Latshaw said his dog was not trying to attack the Police Officer, but instead was trying to pull the Officer off the man being chased. Mr. Latshaw said he did not hear the man give any commands to the dog because he was too busy trying to get the dog back on the porch. Mr. Latshaw said in the first incident, one of the gates was not



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Robert Latshaw  
November 4, 2008  
Page Three

latched and the dog got out. Mr. Latshaw said he did not see a leash on the other dog.

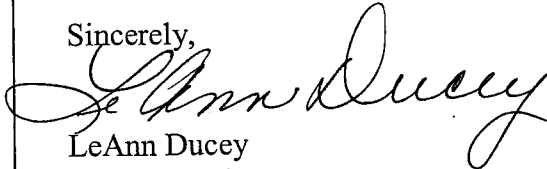
Janet Latshaw, mother of Robert Latshaw, said she doesn't think Patch is vicious because she plays with him. Ms. Latshaw was not there at the time of either incident.

I am upholding Sergeant Raudabaugh's declaration of Robert Latshaw's dog, Patch, to be a "vicious dog." The reasons for this determination are as follows:

- Mr. Latshaw's dog, Patch, is a "vicious" dog as defined by Section 18-41 (1), (2), (3)
- Mr. Latshaw's dog, Patch, has bitten on two separate occasions:  
June 26, 2008, bite to another dog  
October 17, 2008, bite to a Police Officer
- Mr. Latshaw's dog, Patch, was running-at-large at the time of the above-referenced incidents
- Mr. Latshaw failed to control or restrain his dog at the time of the attacks
- Mr. Latshaw did not have a current rabies vaccination or current dog license at the time of the first bite

If you disagree with this decision, you have three (3) days to appeal the decision to the City Council. The appeal must be made in writing to the City Clerk's Office, and state the reason for the appeal. If you have any questions regarding the appeal or compliance procedure, please contact Animal Control at 248-6051.

Sincerely,



LeAnn Ducey  
Hearing Officer

Enclosures

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



DIANE RAUH  
CITY CLERK  
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CITY  
EXHIBIT

A

**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.



B

**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)

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2008 - 38133  
2008 - 22639

October 21, 2008

CITY  
EXHIBIT

C

Mr. Robert Latshaw  
1243 E. 13<sup>th</sup> Street  
Des Moines, IA 50316

Re: Administrative Hearing- Vicious Dog

A hearing has been set for **Monday, October 27, 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 18-59 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 Rauh  
City Clerk

DR/kh

Enclosure

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



DIANE RAUH  
CITY CLERK  
CITY HALL-2ND FLOOR  
400 ROBERT D. RAY DRIVE  
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CITY  
EXHIBIT

D

October 20, 2008

Mr. Robert Latshaw  
1243 East 13<sup>th</sup> Street  
Des Moines, Iowa

Mr. Latshaw,

On October 17, 2008 your white and brindle colored American Bulldog, named "Patch," was running at-large when it attacked and bit a police officer who was attempting to arrest an individual that also resides at 1243 East 13<sup>th</sup> Street. During the attack the individual resisted arrest and also told your dog to "bite him" and "get him," which your dog did. The police officer did not sustain bite injuries because the dog bit the Police Officer's boots. During the investigation of the incident your dog was impounded and brought to the animal shelter. (2008-38133)



ANIMAL CONTROL  
POLICE DEPARTMENT  
1615 S.E. 14TH STREET  
DES MOINES, IOWA 50320-1010  
(515) 242-2720

ALL-AMERICA CITY 1949, 1976, 1981

On June 26, 2008 your dog, "Patch," was also running at-large when it attacked and bit another dog while being walked by its owner. That bite resulted in injury to the other dog. At that time your dog was wearing a collar but was not displaying a city pet license or a rabies vaccination tag. Subsequently your dog was impounded for quarantine at the animal shelter. (2008-22639)

At the animal shelter I stood by the kennel that your dog, "Patch," is being kept in and your dog growled, showed his teeth and at one point lunged towards the kennel gate.

Because of your dog's behavior it is being declared a "Vicious Dog," as defined by city ordinance 18-41. You may reclaim your dog by properly licensing it as a vicious dog with the City Clerk's Office and properly confining/leashing it as a vicious dog, however, if your dog is found unlicensed as a vicious dog in the City of Des Moines twice it 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) business 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.

Sincerely,

Sergeant Scott Raudabaugh,  
Chief Humane Officer

cc: City Clerk's Office



E



# Animal Control

## DOCUMENT SERVICE

Case number: 2008 - 38133

ARL number (If known): \_\_\_\_\_

Animal owner's name: ROBERT CATSHAW

Address: 1243 EAST 13TH ST.

Location of service: \_\_\_\_\_

Name of person receiving document (print):

Robert (Bob) Latchaw

Their signature: X Bob Latchaw

Date and time served: 20 OCT 08 1400

Animal Control Officer serving document (print):

M. Bauer

Animal Control Officer's identification number: 7227

Type of document served:  Vicious dog letter  Dangerous

animal letter  Illegal animal letter  Hearing ruling letter

City Council decision letter  Other: \_\_\_\_\_

KF ACU

2008-OCT-21 PM 5:32

TO WHOM IT MAY CONCERN

FILED  
DEC 21 PM 3:33  
CLERK  
DES MOINES IOWA

on Oct. 17, 2008 the letter I reviewed says my dog was at large. (That's not true) I woke up because my dog was barking at me so loudly

I took to the kitchen door to let him out. There are 2 doors and they are always locked. That day however only one was locked. Kim must have NOT locked one. I opened the door and Kim was wrestling with an officer in my own yard. I never left my yard I opened one door and my dog hit the other door. Because he

(1)

Thought his friend was in trouble  
He was a bit biting he was  
Trying ~~someone~~ away from  
pull someone away from his  
friend. He wasn't listening to  
me, so I put my hand through  
a window and out my  
hand. There was a lot of officers  
and finally searched him. Back  
on the bench and finally I took  
him back inside and finally I took  
him. Not ~~one~~ one time did he ever  
leave the yard.

Sincerely  
Bob Letshaw

**CASE INVESTIGATION REPORT**  
DES MOINES, IOWA POLICE DEPARTMENT

Connect to 08-38135

40

**ARREST**

DOMESTIC ABUSE  HATE/BIAS  LEOKA

17. DISTRICT <b>2</b>			18. BEAT <b>23</b>			19. REP. AREA			1. NAME (LAST, FIRST, MIDDLE) <b>Aldrich, Kim Eugene</b>			2. CASE NUMBER <b>20080028133</b>			
20. OCCUPATION <b>Unknown</b>			21. HOURS OF EMPLOY. <b>Unknown</b>			22. SOBRIETY <b>Unknown</b>			3. ADDRESS <b>1261 E 13<sup>th</sup> Street, Des Moines</b>			4. RES. PHONE <b>Unknown</b>			
23. DESCRIBE LOCATION OF OFFENSE OR TYPE OF PREMISE <b>Street, Yard</b>									7. R/S/A - D.O.B. - ETHNIC <b>WM52 01Aug56 H <input type="checkbox"/> NH <input checked="" type="checkbox"/></b>			8. LOCATION OF OFFENSE (ADDRESS) <b>1261 E 13<sup>th</sup> Street</b>			
24. VEHICLE USED BY SUSPECTS <b>257TDT IA 09</b>			9. REPORTING PERSON <b>King, Ryan</b>			10. RES. PHONE <b>WM25</b>			5. PLACE OF EMPLOYMENT OR SCHOOL <b>Unknown</b>			6. BUS. PHONE <b>Unknown</b>			
COLOR <b>Sil</b>			YEAR <b>2000</b>			MAKE <b>Jeep</b>			MODEL <b>Cherokee</b>			BODY <b>SUV</b>			
IDENTIFYING CHARACTERISTICS OF VEHICLE <b>1J4GW48S6YC315948</b>									11. REPORTING PERSON'S ADDRESS <b>DMPD, 25 E 1<sup>st</sup> Street, Des Moines</b>			12. BUS. PHONE <b>271-4670</b>			
CODE: V-VICTIM (OTHER THAN IN BLOCK #1) AND SHOW SEX RACE, AGE, W-WITNESS; P-PARENT OR GUARDIAN.									13. DATE AND TIME OCCURRED <b>17Oct08 1526 Hrs</b>			14. DATE AND TIME REPORTED <b>17Oct08 1726 Hrs</b>			
25. NAME									15. CRIME <b>Assault on PO Causing Injury</b>			16. CLASSIFICATION			
26.									CODE			RESIDENCE ADDRESS			
27.									CITY			RES. PHONE			
28. NOTIFICATIONS: INVESTIGATOR'S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									IDENTIFICATION UNIT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			OFFICER CASE INVEST. PHOTOGRAPHS <input type="checkbox"/> YES <input type="checkbox"/> NO			
P & R I O N P J E U R R T I Y E S	29. TOOL OR WEAPON USED <b>N/A</b>			30. METHOD USED <b>N/A</b>			31. POINT OF ENTRY <b>N/A</b>			32. VICTIM'S VEHICLE <b>N/A</b>			33. LICENSE NO. STATE/YEAR <b>N/A</b>		
	33. TYPE PROPERTY TAKEN <b>ITEM 63</b>			34. TOTAL VALUE <b>ITEM 63</b>			35. LOCATION OF VICTIM'S PROPERTY <b>N/A</b>			36. DEGREE OF INJURY AND VICTIM'S CONDITION <b>N/A</b>			39. TRANSPORTED BY <b>N/A</b>		
37. TYPE OF INJURY AND LOCATION ON BODY <b>N/A</b>									38. HOSPITAL <b>N/A</b>			39. TRANSPORTED BY <b>N/A</b>			
W D O O R C T U L M E E S N S T S	40. COLOR OF DOC. <b>N/A</b>			41. TYPE OF DOC. <b>N/A</b>			42. DATE OF DOC. <b>N/A</b>			43. DOCUMENT NO. <b>N/A</b>			44. FIRM NAME OF DOCUMENT <b>N/A</b>		
	45. NAME AND NO OF BANK <b>N/A</b>			46. MADE PAYABLE TO <b>N/A</b>			47. SIGNATURE ON FACE <b>N/A</b>			48. REASON NOT HONORED <b>N/A</b>			49. TYPE OF PROPERTY OR SERVICES OBTAINED <b>N/A</b>		
D A O B M U E S E T I C	51. DO YOU HAVE A CURRENT NO CONTACT ORDER? YES <input type="checkbox"/> NO <input type="checkbox"/>			52. HAS THE SUSPECT BEEN CHARGED WITH DOMESTIC ASSAULT ON THE VICTIM OR OTHERS IN THE PAST? YES <input type="checkbox"/> NO <input type="checkbox"/>			53. NOTICE OF ABUSED PERSON RIGHTS GIVEN? YES <input type="checkbox"/> NO <input type="checkbox"/> I REQUEST A NO CONTACT ORDER:			SIGNATURE OF VICTIM					

2008 OCT 18 AM 4:32

**15 Assault on Police Officer with Intent to Cause Serious Injury (Use of Aggressive Dog) Attempting to Disarm Police Officer of weapon (Service Weapon) Disarming Police Officer of weapon (OC Spray) Interference w/ Official Acts of Police Officer Causing Injury OMVLUS Fleeing to Elude Police Officer Speeding (35 MPH in 25 MPH Zone) Failure to Obey Traffic Control Device (Right Turn Only sign) Failure to Have Insurance Defective Rear Lamp**

**Officer Ryan King (5043) was operating stationary radar at the 1100 block of East Buchanan Avenue; he was in a police uniform and operating a marked police patrol vehicle. King observed the suspect (Aldrich) traveling east on Buchanan. King locked Aldrich's speed at 35 MPH in a 25 MPH zone. When Aldrich reached East 12<sup>th</sup> and Buchanan, he cut short a left turn to go north on East 12<sup>th</sup>.**

CITY EXHIBIT  
**G**

54. REPORTING OFFICER <b>lhde, Ben</b>		NO. <b>5018</b>		55. STATUS (CHECK ONE) <input type="checkbox"/> SUSPENDED <input type="checkbox"/> OPEN <input type="checkbox"/> EX. CLD. <input checked="" type="checkbox"/> CLOSED		57. REPRODUCED BY NO.		58. REVIEWER <b>th</b>		60. UNIT REFERRED TO: <input checked="" type="checkbox"/> CID <input type="checkbox"/> S <input type="checkbox"/> VNCS <input type="checkbox"/> CHIEF <input checked="" type="checkbox"/> IA <input type="checkbox"/> PIO <input type="checkbox"/> CO. ATT. <input type="checkbox"/> OTHER	
2ND OFFICER		NO.		56. SUPERVISOR APPROVING		NO.		59. UCR DISPOSITION		<b>Russ, CF, M</b>	



**SUSPECT/PROPERTY INFORMATION**  
DES MOINES, IOWA POLICE DEPARTMENT

61. CASE NUMBER  
**20080038133**

62. **NOTE SUSPECT PECULIARITIES**  
HAIR/STYLE, LENGHT; FACIAL FEATURES; SCARS, MARKS, TATTOOS; BUILD/MUSCULAR, SHORT, TALL THIN, FAT, ETC.

SUS	NAME/ALIAS	R/S/A	D.O.B.	HT.	WT.	HAIR	EYES
1	<b>Alrich, Kim Eugene</b>	<b>WM</b>	<b>Unk</b>	<b>Unk</b>	<b>Unk</b>	<b>Unk</b>	<b>Unk</b>
	ADDRESS <b>Unknown</b>	PHONE NO. <b>Unknown</b>		ARRESTED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
		ETHNIC H <input type="checkbox"/> NH <input type="checkbox"/>		WARRANT NEEDED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
				CHARGES FILED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
2							
	ADDRESS	PHONE NO.		ARRESTED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
		ETHNIC H <input type="checkbox"/> NH <input type="checkbox"/>		WARRANT NEEDED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
				CHARGES FILED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
3							
	ADDRESS	PHONE NO.		ARRESTED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
		ETHNIC H <input type="checkbox"/> NH <input type="checkbox"/>		WARRANT NEEDED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
				CHARGES FILED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
4							
	ADDRESS	PHONE NO.		ARRESTED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
		ETHNIC H <input type="checkbox"/> NH <input type="checkbox"/>		WARRANT NEEDED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
				CHARGES FILED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	

63. **PROPERTY DESCRIPTION**

QTY	ARTICLE	BRAND	MODEL	SERIAL NO.	MISC. DESCRIPTION: COLOR, SIZE, INSCRIPTIONS, CALIBRE, ETC.	VALUE

64. **Arrested** **CASE SCREENING**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| YES                      | NO                       |   |
| <input type="checkbox"/> | <input type="checkbox"/> | 1. DOES THE NATURE OF THE OFFENSE POSE A SERIOUS THREAT OF HARM OR IMJURY TO AN INDIVIDUAL OR TO THE COMMUNITY? (ITEM 15)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. WAS THE VICTIM SERIOUSLY INJURED? (ITEM 36)  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. WAS THERE A WITNESS TO THE OFFENSE? (ITEM 25)  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. CAN A SUSPECT EITHER BE NAMED, LOCATED, IDENTIFIED, OR AN IDENTIFIABLE DESCRIPTION BE PROVIDED? (ITEM 62)  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. CAN A SUSPECT VEHICLE EITHER BE IDENTIFIED, OR AN IDENTIFIABLE DESCRIPTION BE PROVIDED? (ITEM 24 OR 32)  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. IS THERE A REASONABLE EXPECTATION THAT PHYSICAL EVIDENCE CAN BE OBTAINED? (ITEM 28)  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. WAS IDENTIFIABLE PROPERTY TAKEN? (ITEM 63)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. WAS THERE A SUBSTANTIAL LOSS OF PROPERTY? (ITEM 63)  |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. WERE CERTAIN EVENTS OR ACTIONS IN THE OFFENSE DISTINCTIVE OR UNUSUAL AND/OR RELATED TO OTHER OFFENSES? (ITEMS 29, 30 AND 31)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. IS THERE REASON TO BELIEVE THAT THE CRIME IS SUCH THAT PUBLIC INTEREST AND SUPPORT OR FUTHER INVESTIGATION MAY PRODUCE MORE INVESTIGATIVE LEADS, AND MAY RESULT IN SOLVING THE CRIME? |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. WAS THE OFFENSE, OTHER THAN DOMESTIC ABUSE, A SIMPLE MISDEMEANOR THAT OCCURRED IN THE OFFICER'S PRESENCE? (ITEM 15)   |

**IF ALL OF THESE ITEMS ARE ANSWERED NO, THE REPORTING OFFICER WILL SUSPEND THE CASE**  
**THE VICTIM WILL BE INFORMED BY THE REPORTING OFFICER THAT THE CASE IS BEING SUSPENDED**  
**AND NO FUTHER ACTION WILL BE TAKEN UNLESS FURTHER LEADS ARE PRODUCED.**

REPORTING OFFICER <b>Ihde, Ben</b>	IDENT. NO. <b>5018</b>	DATE <b>17Oct08</b>	<b>SUSPENDED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></b>
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<b>SUPPLEMENTAL REPORT</b> Des Moines Iowa Police Department		1. Complainant, Driver #1, Victim, etc. <b>Aldrich, Kim Eugene</b>	2. Arrest No. N/A	3. Case No. <b>20080028133</b>
<input checked="" type="checkbox"/> Form used as Continuation Sheet for Current Report		4. Date this Report <b>17Oct08</b>	5. Date Original Occurrence <b>17Oct08</b>	
<input type="checkbox"/> Form used to Report Follow-up or Supplemental Information	Officer Case Invest Photos <input type="checkbox"/> Yes Taken by:	6. Correct offense or Incident Classification Changed <input type="checkbox"/> Yes <b>Assault on PO Causing Injury</b>		
7. Kind of Report Continued <input 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 type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in narrative)		
9. Page No. <b>3 of 3 pages</b>	10. Traffic Citation No. N/A	11. Value of Property Recovered and Type \$		

ITEM NO

In doing so, he failed to make a right turn in the circle turn-around. Present was a "right turn only" sign. When Aldrich came to a stop at East 12th and Fremont, King noticed that the left (driver's side) brake light was not operable. King activated his emergency lights as they were approaching University Avenue. While at University Avenue, Aldrich waited until just before a Channel 5 News van, traveling east, reached the intersection. Then, Aldrich quickly pulled out in front of the van and fled, traveling east on University Avenue. King chased after Aldrich, using his lights and siren. Aldrich turned north into an alley between East 13th Street and York Street. With King following, Aldrich drove to the right, into a yard to get around vehicles that were stopped in an alley. Aldrich then came to a stop behind 1261 E 13th Street and exited his vehicle. King stopped behind Aldrich's vehicle and chased after him, ordering him to stop. Aldrich attempted to run to the rear entrance of the house but was grabbed by King who brought him down to the ground. While King and Aldrich were struggling, King drew his O.C. spray and sprayed Aldrich in the face. While doing this, a resident at this location let a large dog out of the house who started towards King and Aldrich. While King's attention was drawn towards the dog, Aldrich knocked the O.C. spray out of King's hand and it fell to the ground. Aldrich started for the O.C. spray while King was still struggling with him and attempting to avoid the dog. During this struggle, Aldrich was yelling commands to the dog. Aldrich was yelling "bite him", "help me", and "get him" to the dog. Aldrich was able to grab King's O.C. spray and sprayed King in the face. King and Aldrich continued to struggle and King felt Aldrich use both of his hands to grab King's service weapon. Using both hands, Aldrich was attempting to release the gun from King's holster. King rolled onto his side, with his gun pressed against the ground, to keep from Aldrich getting the gun and still attempting to keep hold of Aldrich. During this struggle, Aldrich punched at King, kicked him, and continued to struggle to free himself from King's hold. During this struggle, the dog was also biting at Officer King. Additional Officers arrived, removed Aldrich from atop Officer King and took Aldrich into custody.

54. REPORTING OFFICER <b>lhde, Ben</b>		NO. <b>5018</b>	55. STATUS (CHECK ONE) <input type="checkbox"/> SUSPENDED <input type="checkbox"/> OPEN <input type="checkbox"/> EX. CLD. <input checked="" type="checkbox"/> CLOSED		13. DATE/TIME TYPED NO.	REPRODUCED NO.
2ND OFFICER		NO.	56. SUPERVISOR APPROVING		NO.	17. UNIT REFERRED TO:
					19. REVIEWER	NO.

SUPPLEMENTAL REPORT  
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee <b>ALDRICH, KIM EUGENE</b>	2. Arrest No.	3. Case No. <b>08-38133</b>
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<input type="checkbox"/> Form used as Continuation Sheet for Current Report	4. Date this Report <b>17 OCT 08</b>	5. Date Original Occurrence <b>17 OCT 08</b>
<input checked="" type="checkbox"/> Form used to Report Follow up Investigation or Supplemental Information	Officer Case Invest. Photos Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Correct offense or Incident Classification Changed <input type="checkbox"/> Yes <b>ASSAULT ON PO / INJURY</b>
7. Kind of Report Continued <input type="checkbox"/> Witness Statement	Taken by	8. Multiple Clear Up? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in na)
<input checked="" type="checkbox"/> Follow up or Supplemental or Prosecution	<input type="checkbox"/> Offense	
<input type="checkbox"/> Traffic Accident	<input type="checkbox"/> Arrest	
9. Page No. <b>1 of 3</b>	10. Traffic Citation No.	11. Value of Property Recovered and Type <b>\$</b>

CITY EXHIBIT  
**H**

INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE

Under narrative, record your activity and all developments in the case including property recovered, names and arrest numbers of any persons arrested, disposition of recovered property and inventory number. Recommend to reviewer UCR disposition. Indicate "Item Number Continued" at left, if any.

report. Describe and record value of any classification change. Clearly show status and to reviewer UCR disposition.

ITEM NO. AT 1523 HOURS OFFICER KING WENT OUT WITH A CHASE. I WAS FIRST TO FIND OFFICER KING'S CAR IN THE ALLEY BEHIND 1243 E 13TH. I ASKED 4 JUVENILES WHERE THE OFFICER WAS AND THEY WOULD NOT ANSWER ME. I OBSERVED A BLUE LINCOLN NAVIGATOR IN THE ALLEY AND A TAN JEEP GRAND CHEROKEE PULLED INTO THE DRIVEWAY OF 1243 E 13TH. I RAN ALONG THE NORTH SIDE OF THE GARAGE AND A LARGE WHITE DOG CAME AFTER ME. I YELLED AS THE DOG AND DROPPED MY GUN. AS I CAME AROUND THE GARAGE I OBSERVED OFFICER KING AND THE SUSPECT ON THE GROUND ON THE WEST SIDE OF THE GARAGE. I HOLSTERS MY GUN. THE SUSPECT WAS ON TOP OF OFFICER KING WHO WAS LAYING ON THE GROUND. THE SUSPECT WAS HUNCHED OVER OFFICER KING SITTING ON HIS KNEES. I PUT MY HAND ON THE BACK OF THE SUSPECT'S HEAD AND PUSHED HIM OFF TO THE SIDE OF OFFICER KING. AT THAT THE LARGE DOG CHARGED AT ME AGAIN. I DROPPED MY GUN AND OBSERVED A WHITE MALE ON

2008 OCT 18 4:57

14. Reporting Officer <b>VANDERWALT, J</b> No. <b>5084</b>	15. Status (check one) <input type="checkbox"/> Ex. Closed <input type="checkbox"/> Closed <input type="checkbox"/> Suspended <input type="checkbox"/> Open	13. Date/Time Typed No.	Reproduced No.
Second Officer	Supervisor Approving	17. Unit Referred To: <b>602, IA, DC</b>	18. UCR Disposition
		19. Reviewer <b>ttt</b>	No.

