

★ **Roll Call Number**

**Agenda Item Number**

41

.....  
August 8, 2011

**Date** .....

WHEREAS, Rusty Smith, 126 SE Jackson Avenue, filed an appeal before the City Council of the Hearing Officer's decision upholding the Chief Humane Officer's declaration of his dog as a Dangerous Animal; and

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

WHEREAS, Mr. Smith has been provided with the opportunity to address the City Council on his appeal; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa (Choose one of the two alternatives):

\_\_\_\_\_ Alternative One: That the order of the hearing officer be upheld and Mr. Smith's dog be declared a dangerous animal and order the dog destroyed in a humane manner under Des Moines Code §18-202(b).

MOVED BY \_\_\_\_\_ TO UPHOLD  
DECLARATION AND TO HUMANLY DESTROY THE  
ANIMAL.

\_\_\_\_\_ Alternative Two: That the order of the hearing officer be reversed and Mr. Smith's dog not be declared a dangerous animal.

MOVED BY \_\_\_\_\_ TO UPHOLD  
DECLARATION AND TO HUMANLY DESTROY THE  
ANIMAL.

FORM APPROVED: . MOVED BY \_\_\_\_\_ TO ADOPT

K. Massier  
Katharine J. Massier

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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 DANGEROUS ANIMAL**

**“ WHISKERS “**

**EXHIBIT A**      **Hearing Officer’s Decision**

**EXHIBIT B**      **City Exhibits**  
**Hearing Letter**  
**Animal Investigation Reports (1-29)**  
**Code Sections**

**EXHIBIT C**      **Appeal of Hearing Officer’s Decision**

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

**EXHIBIT A**



July 18, 2011

Rusty J. Smith  
126 E. Jackson Avenue  
Des Moines, IA 50315

**FILED**  
2011 JUL 19 PM 12:03  
CITY CLERK  
DES MOINES, IA

Subject: Dangerous Animal

Attached is the ruling from the City of Des Moines Hearing Officer, for the Administrative Hearing on July 18, 2011. Please read it carefully, so you are aware of the decision, any deadlines you might be required to comply with, as well as any other requirements you may be held to.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Rauh". The signature is fluid and cursive, with a large initial "D" and "R".

Diane Rauh  
City Clerk

DR:kh  
Enclosures



In the case at hand, the Animal Incident Investigation Report (DMPD case #11-21352/City Exhibits 2&3) reflects that at approximately 9:30 PM on July 4, 2011 Mr. Smith's dog, "Whiskers," lunged forward and bit the victim's index finger on her right hand leaving a small laceration. The record reflects that the victim was at the Phillips 66 gas station on the corner of E. 1<sup>st</sup> and Jackson Avenue in Des Moines, Polk County, Iowa when "Whiskers" bit her after she had held out her hand to allow the dog to sniff it. Mr. Smith argued that the gas station attendant had just given "Whiskers" a treat and the dog more than likely thought the victim, who was a friend of the gas station attendant, was going to take the treat from him. Mr. Smith testified that he had hooked the dog's leash onto the outside of the propane tank cage outside the gas station and that he had been standing outside having a smoke with the gas station attendant and the victim. Mr. Smith testified that he had not seen what transpired as he was standing behind the victim and the gas station attendant when the bite occurred.

Sergeant Raudabaugh testified that there had been an additional three separate and distinct bite incidents involving "Whiskers" within the past 12-months: (1) a June 13, 2011 incident in which Mr. Smith had brought "Whiskers" to a neighborhood convenience store where the dog jumped up on an adult victim causing an injury to the victim's chest after the victim had stuck out his hand for the dog to smell (DMPD case #11-18707 / City Exhibits 4-8); (2) a February 11, 2011 incident in which Mr. Smith had brought "Whiskers" into a Des Moines business where the dog bit an adult victim causing an injury to the victim's hand after the victim had put it out for the dog to smell (DMPD case #11-4291 / City Exhibits 9-16); and (3) a July 28, 2010 incident in which "Whiskers" bit an adult victim and would not let go, causing an injury to the victim who had been walking down the public sidewalk past the 126 SE Jackson Avenue property (DMPD case #10-24167 / City Exhibits 17-23). Sergeant Raudabaugh argued that given "Whiskers" exhibited vicious propensities during the four incidents, which resulted in injury to four distinct and separate adult victims during the past 12-months, that the Dangerous Animal declaration is justified under Section 18-196(1) of the Municipal Code. Furthermore, Sergeant Raudabaugh argues that is essential to uphold the Dangerous Animal declaration before "Whiskers" has the opportunity to injure a child.

Mr. Smith further testified that he has had "Whiskers" since he was a pup and that the dog is therapy for him because the dog lifts his spirits; however acknowledging that "Whiskers" is not a "service animal." Mr. Smith testified that "Whiskers" had been on a leash during all four incidents; noting during two of the incidents the leash was held by a friend/acquaintance and during the other two incidents the dog's leash was fastened to some inanimate object (e.g., propane tank cage at the neighborhood convenience store or yard leash at Mr. Smith's residence). Furthermore, Mr. Smith argued that the dog's yard leash came up to but did not extend onto the public sidewalk during the July 28, 2010 bite incident. However, in most cases the public right-of-way (ROW) extends in towards the residence of a property by at least a foot beyond the edge of the sidewalk thereby making it more likely that "Whiskers" was reaching into the public ROW when he bit the pedestrian who was walking past Mr. Smith's property on the public sidewalk.

Section 18-196 of the Municipal Code provides that an animal that exhibits vicious propensities in present or past conduct may be found to be a "Dangerous Animal." Section 18-196(1) of the Municipal Code provides that a Dangerous Animal declaration is justified if the animal in question has "bitten or clawed a person on two separate occasions within a 12-month period." Therefore, it is found reasonable for the City to declare "Whiskers" a "Dangerous Animal" due to vicious propensities exhibited by "Whiskers" during the four incidents noted above.

### **Decision and Order**

By a preponderance of all evidence in the record, the declaration by the Chief Humane Officer is upheld, and "Whiskers" the black and white colored male Siberian Husky breed dog (ARL# A11123192), owned by Rusty J. Smith, is found to be a "Dangerous Animal." Therefore, the Chief Humane Officer is ordered to destroy the dog in a humane manner as provided under section 18-202(b) of the Municipal Code. Furthermore, Rusty J. Smith is held liable and ordered to pay all impoundment and quarantine costs as provided under Section 18-202 of the Municipal Code, as well as any citation fines that may have been issued and remain unpaid in connection with DMPD cases 11-21352, 11-18707, 11-4291 and 10-24167.

### **Appeal Rights**

This order may be appealed to the City Council provided a written appeal is filed with the City Clerk's office within three days of receipt of this order.

This written ruling is hereby submitted on this 16<sup>th</sup> day of July, 2011 in Des Moines, Polk County, Iowa.



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Camille A. Valley  
Administrative Hearing Officer

**EXHIBIT B**

July 12, 2011

Mr. Rusty Smith  
126 SE Jackson Avenue  
Des Moines, Iowa



Dear Mr. Smith,

On July 4, 2011 your black and white colored male Siberian Husky breed dog, named "Whiskers," lunged forward and bit a woman's finger when she put her hand down to allow your dog to sniff, which resulted in an injury. This incident occurred while you and your dog were at a nearby convenience store. (2011-21352)

On June 13, 2011 your dog named "Whiskers" jumped up on a man when he stuck out his hand and bit the man's chest when the man jumped back, which resulted in an injury. This incident occurred at a nearby convenience store. (2011-18707)

On February 11, 2011 your dog named "Whiskers" attacked and bit a man's hand when he put his hand out for your dog to smell, which resulted in an injury. This incident occurred while you and your dog were at a business. (2011-4291)

On July 28, 2010 your dog named "Whiskers" bit a man's finger and would not let go when he extended his hand for the dog to sniff, which resulted in an injury. This incident occurred when the man walked on the sidewalk past your house and the dog's leash extended over the sidewalk and allowed the dog access to the sidewalk. (2011-24167)

Because your <sup>2010 -</sup> dog was involved in four bite incidents of four different people on four separate occasions within a 12 month period your dog is being declared a "Dangerous Animal," as defined by city ordinance 18-196.

An **Administrative Hearing** to review the "Dangerous Animal" declaration has been scheduled for **10:00 A.M. on Monday, July 18, 2010** in the City Council Chambers in the Des Moines City Hall at 400 Robert D. Ray Drive. Your dog will remain in impound pending a decision by the Hearing Officer.

If the "Dangerous Animal" declaration is upheld your dog may be ordered destroyed in a humane manner or you may be given the option to cause it to be destroyed in a humane manner, in accordance with city ordinance 18-202.

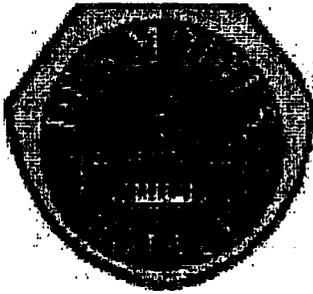
If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Sincerely,

  
Sergeant Scott Raudabaugh,  
Chief Humane Officer

cc: City Clerk's Office

1A



# Chief Humane Officer

## DOCUMENT SERVICE

DMPD Case number: 2011-21352

ARL number (if known): A11123192

Animal owner's name: RUSTY SMITH

Address: 126 SE JACKSON AV.

Location of service: same

Date and time served: 13 JULY 2011 0859

Official serving document (print name):  
Sgt. RAUNABALGH

Official's identification number: 4770

Type of document served:  Vicious dog letter  Dangerous

animal letter  Illegal animal letter  Hearing ruling letter

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

Name of person receiving document (*they print their name*):

Rusty J. Smith

Their signature: Rusty J. Smith  
KF JB ACO

2011 JUL -7 PM 6:26

# Animal Incident Investigation Report

Des Moines, Iowa

1. ARL case number: <b>00850813</b>		2. DMPD case number (if applicable): <b>11-21352</b>	
<b>Impounded or bite animal</b>		3. Victim's name (Last, First M.I.): <b>HAUGEN, KELLY N.</b> (Human victim or society)	
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL# <b>A11123192</b>		4. Race: <b>W</b>	5. Sex: <b>F</b>
33. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input checked="" type="checkbox"/>		6. Age:	7. Date of birth: <b>18-Feb-74</b>
34. Animal breed: <b>Siberian Husky "Whiskers"</b>		8. Ethnicity: <b>H</b> <input type="checkbox"/> <b>NH</b> <input checked="" type="checkbox"/>	9. Sobriety: Sob. <input checked="" type="checkbox"/> <b>H.B.D.</b> <input type="checkbox"/>
35. Animal color: <b>Black and white</b>		10. Residence address: <b>436 E Livingston Ave. 50315</b> (City and/or state if not Des Moines or Iowa)	
36. Animal fur length: Short <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number: <b>515-988-4052</b>	
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		12. Business or cellular phone number:	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)  M/C#:		13. Place of employment or school:	
39. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#: <b>2247</b>		14. Type and location of injury: <b>Dog bite - right index finger</b>	
39A. Date of vaccination:		15. Medical treatment: <b>Advised</b>	
39B. Date of vaccination expiration: <b>05-May-12</b>		16. Reporting person's name (Last, First M.I.): <b>Victim</b>	
39C. Veterinarian: <b>Afford A Care</b>		17. Race:	18. Sex:
40. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		19. Age:	20. Date of birth:
41. Other identifiers (Collar, tattoo, etc.): <b>Black nylon collar</b>		21. Ethnicity: <b>H</b> <input type="checkbox"/> <b>NH</b> <input type="checkbox"/>	22. Sobriety: Sob. <input type="checkbox"/> <b>H.B.D.</b> <input type="checkbox"/>
42. Confinement/quarantine location: <b>ARL ACCC</b>		23. Residence address: (City and/or state if not Des Moines or Iowa)	
43. Impounded or bite animal owner's name (Last, First M.I.): <b>SMITH, RUSTY</b>		24. Residence phone number:	
44. Residence address: <b>126 E Jackson 50315</b> (City and/or state if not Des Moines or Iowa)		25. Business or cellular phone number:	
45. Residence phone number: <b>515-423-5123</b>	46. Place of employment or school:		47. Business or cellular phone number:
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	48A. Date and time of notification: <b>05-Jul-11 2135 hrs</b>	48B. Person making notification: <b>WILSON, J/AR5</b>	48C. Means of notification: <b>Verbal</b>
49. Witness' name (Last, first): <b>BAKER, SHELLY</b>	50. Residence address: <b>1404 E Walnut St. 50316</b> (City and/or state if not Des Moines or Iowa)	51. Daytime or cellular phone number: <b>515-554-2219</b>	
52. Witness' name (Last, First):	53. Residence address: (City and/or state if not Des Moines or Iowa)	54. Daytime or cellular phone number:	
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>			
<b>Victim animal</b>		56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		58. Animal breed:	
59. Animal color:		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		62A. Date of vaccination:	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		62B. Date of vaccination expiration:	
65. Type and location of injury:		62C. Veterinarian:	
66. Medical treatment:		67. Confinement/quarantine location:	
68. Victim animal owner's name (Last, First M.I.):		69. Residence address: (City and/or state if not Des Moines or Iowa)	
70. Residence phone number:		71. Business or cellular phone number:	
72. Reporting official: <b>WILSON, J.</b> <i>Jh</i>		I.D. No. <b>AR5</b>	73. Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded
74. Copy/copies made by:		75. 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:	
76. Second reporting official:		I.D. No.	77. Supervisor approving report: <i>J. Colin AR-1</i>
78. Reviewed by: <i>AB</i>			

79. Page: <b>2 of 2</b>		<b>Animal Incident Investigation Report</b> Des Moines, Iowa				80. DMPD case number (if applicable): <b>11-21352</b>		
81. Suspect or offender <u>one</u> (1) name (Last, first Middle):					82. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	83. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	84. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
85. Race:	86. Sex:	87. Age:	88. Date of birth:	89. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	90. Height:	91. Weight:	92. Hair color:	93. Eye color:
94. Residence address: (City and/or state if not Des Moines or Iowa)								
95. Residence or alternate phone number:			96. Driver license number or social security number:			96A. State:	97. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
98. Citation number and crime:				99. Citation number and crime:				
100. Suspect or offender <u>two</u> (2) name (Last, First Middle):					101. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	102. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	103. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
104. Race:	105. Sex:	106. Age:	107. Date of birth:	108. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	109. Height:	110. Weight:	111. Hair color:	112. Eye color:
113. Residence address: (City and/or state if not Des Moines or Iowa)								
114. Residence or alternate phone number:			115. Driver license number or social security number:			115A. State:	116. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
117. Citation number and crime:				118. Citation number and crime:				
119. Narrative:								
<p>Reporting Officer WILSON, J./AR5 was dispatched to 436 E Livingston Ave. on 05-Jul-11 to investigate a report of a dog bite. On arrival to that address, R/O contacted the victim, HAUGEN, KELLY N. who related that she had been at the Phillips 66 gas station at the corner of e 1<sup>st</sup> and Jackson Ave on 04-Jul-11 at approximately 2130 hrs. While at that location, a friend of HAUGEN, named BAKER, SHELLY, who works at the business went to give a treat to a Siberian Husky, black and white in color, named "Whiskers" that is owned by SMITH, RUSTY who was at the business. BAKER went to give the dog a treat and HAUGEN accompanied her. As HAUGEN approached the dog, she put her hand down to allow the dog to sniff it. The dog lunged forward suddenly and bit HAUGEN on the index finger of the right hand, leaving a small laceration on the finger. The owner, who HAUGEN did not know but BAKER did, left at that time with the dog.</p> <p>R/O went to the business and contacted BAKER, who identified the owner of the above dog as SMITH, RUSTY and that he resided at 126 E Jackson Ave. BAKER mentioned to R/O that the dog "Whiskers" had bitten several times previous to this event. R/O contacted DMPD dispatch and they did not have any record of bite calls to that address, so R/O was unable to confirm whether or not any bites had been previously reported.</p> <p>R/O went to 126 E Jackson Ave. and there contacted SMITH who claimed that he was not aware of the bite incident on 04-Jul-11. R/O notified him that the bite had occurred and that the dog would need to be placed under quarantine. SMITH showed R/O proof of current rabies vaccination. R/O placed the dog under home quarantine at this time with plans to review any case files on this address on returning to ARL ACCC.</p> <p>R/O returned to ARL ACCC and picked up a "Netbook" between calls and ran a records check on SMITH and the address of 126 E Jackson Ave. R/O found a bite for the dog "Whiskers" under the name of SMITH, JAMES and DMPD case #10-24167 occurring 28-Jul-10. R/O also found 2 bites on the dog "Whiskers" under the name SMITH, RUSTY and DMPD case #11-4291 occurring on 11-Feb-11 and case # 11-18707 occurring on 13-Jun-11. As this was the fourth reported bite on this dog, R/O returned to 126 E Jackson Ave. and notified SMITH that the dog "Whiskers" was being impounded for quarantine due to the repeated bites. R/O had SMITH load the dog into the animal control vehicle. As R/O was preparing to leave, SMITH commented that he was going to go jump in the river and began walking in the direction of the SE 1<sup>st</sup> Ave. bridge over the Des Moines River. R/O contacted DMPD dispatch to send a cruiser and maintained visual contact with SMITH until a DMPD cruiser arrived and detained SMITH. R/O then returned to ARL ACCC with the dog "Whiskers"</p> <p>Hold dog "Whiskers" for quarantine through 14-Jul-11 after 2130 hrs.</p>								
						120. Date of this report: <b>05-Jul-11</b>		

# Animal Incident Investigation Report

Des Moines, Iowa

1. ARL case number: <b>00834133</b>		2. DMPD case number (if applicable): <b>11-18707</b>	
<b>Impounded or bite animal</b>		3. Victim's name (Last, First M.I.): <b>Peacock, Tanner</b> (Human victim or society)	
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL#:		4. Race: <b>W</b>	5. Sex: <b>M</b>
		6. Age: <b>18</b>	7. Date of birth: <b>12/31/1992</b>
		8. Ethnicity: <b>H</b> <input type="checkbox"/> <b>NH</b> <input checked="" type="checkbox"/>	9. Sobriety: Sob. <input checked="" type="checkbox"/> <b>H.B.D.</b> <input type="checkbox"/>
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/> : <b>"Whisker"</b>		10. Residence address: (City and/or state if not Des Moines or Iowa) <b>212 E Granger</b>	
34. Animal breed: <b>Husky</b>		11. Residence phone number: <b>515-288-7868</b>	12. Business or cellular phone number: <b>4</b>
35. Animal color: <b>Black/white</b>		13. Place of employment or school:	
36. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/> :		14. Type and location of injury: <b>3 minor Laceractions on Left side of chest</b>	
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		15. Medical treatment: <b>self</b>	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)  M/C#:		16. Reporting person's name (Last, First M.I.): <b>Victim</b>	
		17. Race:	18. Sex:
		19. Age:	20. Date of birth:
		21. Ethnicity: <b>H</b> <input type="checkbox"/> <b>NH</b> <input type="checkbox"/>	22. Sobriety: Sob. <input type="checkbox"/> <b>H.B.D.</b> <input type="checkbox"/>
39. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#: <b>2247</b>		23. Residence address: (City and/or state if not Des Moines or Iowa)	
39A. Date of vaccination: <b>05/05/2012</b>		24. Residence phone number:	
39B. Date of vaccination expiration: <b>05/05/2012</b>		25. Business or cellular phone number:	
39C. Veterinarian: <b>Afford A Care 280-5336</b>		26. Location of incident (address): <b>SE 1<sup>st</sup> &amp; Jackson</b> <b>50315</b>	
40. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		27. Location type: <b>Gas Station</b>	
41. Other identifiers (Collar, tattoo, etc.):		28. Date and time incident occurred: <b>13 June 11 1900</b>	29. Date and time incident reported: <b>14 June 11 1645</b>
42. Confinement/quarantine location: <b>Home Q/T</b>		30. Crime/incident type: <b>Animal: Bite - Dog</b>	
43. Impounded or bite animal owner's name (Last, First M.I.): <b>Smith, Rusty</b>		31. Classification:	
44. Residence address: (City and/or state if not Des Moines or Iowa) <b>126 E Jackson Ave</b>			
45. Residence phone number: <b>515-423-5123</b>	46. Place of employment or school:	47. Business or cellular phone number:	
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	48A. Date and time of notification: <b>14 June 11 1720</b>	48B. Person making notification: <b>D.Randall AR6</b>	48C. Means of notification: <b>In Person</b>
49. Witness' name (Last, first):	50. Residence address: (City and/or state if not Des Moines or Iowa)	51. Daytime or cellular phone number:	
52. Witness' name (Last, First):	53. Residence address: (City and/or state if not Des Moines or Iowa)	54. Daytime or cellular phone number:	
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>			
<b>Victim animal</b>		56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/> :		58. Animal breed:	
59. Animal color:		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/> :	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		62A. Date of vaccination:	
64 License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		62B. Date of vaccination expiration:	
65. Type and location of injury:		62C. Veterinarian:	
66. Medical treatment:		67. Confinement/quarantine location:	
68. Victim animal owner's name (Last, First M.I.):		69 Residence address: (City and/or state if not Des Moines or Iowa)	
70. Residence phone number:		71. Business or cellular phone number:	
72. Reporting official: <b>D.Randall</b> <i>[Signature]</i> I.D. No <b>AR6</b>	73. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	74. Copy/copies made by:	75. 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:
76. Second reporting official: <i>[Signature]</i> I.D. No:	77. Supervisor approving report: <b>J. Colin AR-1</b> I.D. No:	78. Reviewed by: <i>[Signature]</i>	

2011 JUN 16 PM 1:02

# Animal Incident Investigation Report

Des Moines, Iowa

80. DMPD case number (if applicable):  
11-18707

81. Suspect or offender <u>one</u> (1) name (Last, first Middle):				82. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		83. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		84. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
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85. Race:	86. Sex:	87. Age:	88. Date of birth:	89. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	90. Height:	91. Weight:	92. Hair color:	93. Eye color:
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94. Residence address: \_\_\_\_\_ (City and/or state if not Des Moines or Iowa)

95. Residence or alternate phone number:	96. Driver license number or social security number:	96A. State:	97. Sobriety: Sob. <input type="checkbox"/> H.B. <input type="checkbox"/>
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98. Citation number and crime:	99. Citation number and crime:
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100. Suspect or offender <u>two</u> (2) name (Last, First Middle):				101. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		102. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		103. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
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104. Race:	105. Sex:	106. Age:	107. Date of birth:	108. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	109. Height:	110. Weight:	111. Hair color:	112. Eye color:
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113. Residence address: \_\_\_\_\_ (City and/or state if not Des Moines or Iowa)

114. Residence or alternate phone number:	115. Driver license number or social security number:	115A. State:	116. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
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117. Citation number and crime:	118. Citation number and crime:
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119. Narrative:

**On this date, I went to 212 E Granger in reference to an animal bite. At this address, I spoke with Tanner Peacock (adult) and his father Chris Peacock. According to Tanner Peacock, he was visiting with a friend at the gas station on the corner of SE 1st and Jackson, and when he walked out and started to head home he came up to a male walking a black and white husky. According to Peacock, he stuck out his hand and the dog jumped up on him and sniffed his hand. When Peacock saw the dog was going to nip him, he jumped back, but was bitten just below his chest on the left side. The male told Peacock that the dog was current on rabies vacc. Peacock and his father then pointed out the address of 126 E Jackson as the home of the bite dog.**

**I went to that address and spoke with Rusty Smith. Smith claimed ownership of the dog, the was currently sleeping chained up on the porch. Smith provided the rabies tag, but did not have the vet information showing if the dog was current. I contacted Afford A Care by phone and confirmed the expiration date of the rabies vacc for the bite dog, named Whisker. I explained the rules for home Q/T to Smith and allowed this after speaking with him.**

**F/u on 06/23/2011 after 1900 to release the dog from Q/T.**

**Animal Incident Supplemental Report**  
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): <b>PEACOCK, TANNER</b>	2. Case number: <b>11-18707</b>
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3. Form used as a continuation of an Animal Incident Investigation Report: <input type="checkbox"/>	4. Date of this report: <b>15-Jun-11</b>	5. Date incident occurred: <b>13-Jun-11</b>
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6. Form used to report a follow-up investigation or additional information: <input checked="" type="checkbox"/>	7. Crime/incident type: <b>Animal: Bite/dog</b>	Changed: <input type="checkbox"/> Yes
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8. Page: <b>1</b> of <b>1</b>	9. If this report is a continuation of another report then indicate the box number(s) continued below:
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THIS DATE I WAS ADVISED BY AR1 COLVIN THAT THE HUSKY IN THIS BITE CASE, OWNED BY RUSTY SMITH, HAS BEEN INVOLVED IN A PREVIOUS BITE. HE ADVISED THAT HOME QUARANTINE WOULD NOT BE ALLOWED AND THE DOG MUST BE IMPOUNDED TO ARLCC FOR THE REMAINDER OF THE QUARANTINE PERIOD. I WENT TO 126 E JACKSON AND GOT NO ANSWER AT THE FRONT OR BACK DOOR. I LEFT A DOOR HANGER STATING IMMEDIATE CONTACT REQUIRED REGARDING THE HUSKY BITE DOG IN THIS CASE. CINDY ALLEY AR2

10. ARL reporter: <b>CINDY ALLEY AR2</b>	I.D. No.	11. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	12. Copy/copies made by:	13. 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: _____
14. Second ARL reporter:	I.D. No.	15. Supervisor approving report: <i>J. Colvin AR1</i>	I.D. No.	16. Reviewed by: <i>id</i>

20110615 11:23:58

**Animal Incident Supplemental Report**  
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): <b>Smith, Rusty</b>	2. Case number: <b>11-18707</b>
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3. Form used as a continuation of an Animal Incident Investigation Report: <input type="checkbox"/>	4. Date of this report: <b>19-Jun-11</b>	5. Date incident occurred: <b>13-Jun-11</b>
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6. Form used to report a follow-up investigation or additional information: <input checked="" type="checkbox"/>	7. Crime/incident type: <b>Animal: bite- dog</b>	Changed: <input type="checkbox"/> Yes
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8. Page: <b>1</b> of <b>1</b>	9. If this report is a continuation of another report then indicate the box number(s) continued below:
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On this date, I went to 126 E Jackson to speak with Rusty Smith in reference to this being the second bite from this dog, with the previous bite occurring 07/28/2010. There was no answer at the door so I left a door hanger advising to call an animal control officer to speak with him. Several hours later, I received a call back and went to the address again. Smith claimed he had attempted to call back the number from the last door hanger, but was not able to get a hold of anyone. Smith then claimed that the dog got out the front door and ran away. I told Smith I did have a hard time believing the dog coincidentally disappeared after he was informed it had to be impounded, so Smith walked me through his entire house. I did press further and asked Smith if he was harboring it at a friend's house, and Smith replied that he "wasn't looking for trouble" and "wants to find his dog more than I do." Smith stated he would contact DMPD dispatch if the dog reappeared. Smith also noted that he would like this dog at home because he was recently assaulted under case#11-18254 and the dog was the only thing that made him feel protected in his home. Smith also stated he has been, and will continue to ride his bike in the area to look for the dog. I did a patrol of the area, but was UTL on the dog.

2011 JUN 22 PM 5:57

10. ARL reporter: <b>D.Randall</b> <i>[Signature]</i>	I.D. No.	11. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	12. Copy/copies made by:	13. 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: _____
14. Second ARL reporter:	I.D. No.	15. Supervisor approving report: <i>[Signature]</i> AR-1	I.D. No.	16. Reviewed by: <i>[Signature]</i>

**Animal Incident Supplemental Report**  
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): <b>PEACOCK, TANNER</b>	2. Case number: <b>11-18707</b>
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3. Form used as a continuation of an Animal Incident Investigation Report: <input type="checkbox"/>	4. Date of this report: <b>24-Jun-11</b>	5. Date incident occurred: <b>13-Jun-11</b>
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6. Form used to report a follow-up investigation or additional information: <input checked="" type="checkbox"/>	7. Crime/incident type: <b>ANIMAL: BITE/DOG</b>	Change <input type="checkbox"/> Yes
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8. Page: 1 of 1	9. If this report is a continuation of another report then indicate the box number(s) continued below:
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THIS DATE I WENT TO 126 E JACKSON BEGINNING OF SHIFT 0715 HRS. AT THIS LOCATION I MET WITH SMITH, RUSTY ON HIS FRONT PORCH WITH HIS HUSKY DOG. I ASKED SMITH WHEN HE FOUND THE HUSKY. HE STATES HE FOUND IT OVER ON THE SOUTH SIDE A DAY OR TWO AGO AND HE HAS ATTEMPTED TO CALL THE OTHER OFFICER IN THIS CASE (AR6 RANDALL) WITHOUT SUCCESS. I VIEWED THE DOG AND THE DOG APPEARS TO BE HEALTHY. I ADVISED THAT THE QT PERIOD HAD EXPIRED AND THE DOG WAS RELEASED FROM QUARANTINE. I CALLED THE BITE VICTIM IN THIS CASE, TANNER PEACOCK. I ADVISED THAT I HAD VIEWED THE DOG THAT BIT HIM IN THIS CASE, THAT THE DOG APPEARED HEALTHY AND THE QT PERIOD HAD EXPIRED. CINDY ALLEY AR2

10. ARL reporter: <b>CINDY ALLEY AR2</b>	I.D. No.	11. Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input checked="" type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	12. Copy/copies made by:	13. 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: _____
14. Second ARL reporter:	I.D. No.	15. Supervisor approving report:	I.D. No.	16. Reviewed by: 

# Animal Incident Investigation Report FEB 11 PM 12:03

Des Moines, Iowa

1. ARL case number:  
**000745290**

2. DMPD case number (if applicable):  
**11-4291**

<b>Impounded or bite animal</b>		3. Victim's name (Last, First M.I.): <b>PINKERTON, NATHAN</b> (Human victim or society)	
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL#:		4. Race: <b>W</b>	5. Sex: <b>M</b>
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		6. Age: <b>47</b>	7. Date of birth: <b>06-16-1963</b>
34. Animal breed: <b>HUSKY</b>		8. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	9. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>
35. Animal color: <b>WHITE AND GRAY</b>		10. Residence address: <b>1101 CROCKER # 710</b> (City and/or state if not Des Moines or Iowa)	
36. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number: <b>897-8815</b>	
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>		12. Business or cellular phone number: <b>9</b>	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)  M/C#:		13. Place of employment or school:	
39. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:		14. Type and location of injury: <b>1 TOOTH PUNCTURE WITH TEAR</b>	
39A. Date of vaccination:		15. Medical treatment: <b>BROADLAWNS ER</b>	
39B. Date of vaccination expiration:		16. Reporting person's name (Last, First M.I.): <b>PINKERTON, NATHAN</b>	
39C. Veterinarian:		17. Race: <b>W</b>	18. Sex: <b>M</b>
40. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		19. Age: <b>47</b>	20. Date of birth: <b>06-16-1963</b>
41. Other identifiers (Collar, tattoo, etc.): <b>YES BUT UNSURE ON COLOR</b>		21. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	22. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>
42. Confinement/quarantine location:		23. Residence address: <b>1101 CROCKER #710</b> (City and/or state if not Des Moines or Iowa)	
43. Impounded or bite animal owner's name (Last, First M.I.):		24. Residence phone number: <b>897-8815</b>	
44. Residence address: (City and/or state if not Des Moines or Iowa)		25. Business or cellular phone number:	
45. Residence phone number:		26. Location of incident (address): <b>401 SW 8</b>	
46. Place of employment or school:		27. Location type: <b>UNITED COMMUNITY SERVICES 208-3860</b>	
47. Business or cellular phone number:		28. Date and time incident occurred: <b>11 FEB 11 0600</b>	
48. Animal owner notification: No <input type="checkbox"/> Yes <input type="checkbox"/>		29. Date and time incident reported: <b>11 FEB 11 1430</b>	
48A. Date and time of notification:		30. Crime/incident type: <b>ANIMAL BITE DOG</b>	
48B. Person making notification:		31. Classification:	
48C. Means of notification:		43. Impounded or bite animal owner's name (Last, First M.I.):	
49. Witness' name (Last, first):		44. Residence address: (City and/or state if not Des Moines or Iowa)	
50. Residence address: (City and/or state if not Des Moines or Iowa)		45. Residence phone number:	
51. Daytime or cellular phone number:		46. Place of employment or school:	
52. Witness' name (Last, First):		47. Business or cellular phone number:	
53. Residence address: (City and/or state if not Des Moines or Iowa)		48. Animal owner notification: No <input type="checkbox"/> Yes <input type="checkbox"/>	
54. Daytime or cellular phone number:		48A. Date and time of notification:	
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>		48B. Person making notification:	
56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:		48C. Means of notification:	
57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		49. Witness' name (Last, first):	
58. Animal breed:		50. Residence address: (City and/or state if not Des Moines or Iowa)	
59. Animal color:		51. Daytime or cellular phone number:	
60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		52. Witness' name (Last, First):	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		53. Residence address: (City and/or state if not Des Moines or Iowa)	
62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:		54. Daytime or cellular phone number:	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
65. Type and location of injury:		57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>	
66. Medical treatment:		58. Animal breed:	
67. Confinement/quarantine location:		59. Animal color:	
68. Victim animal owner's name (Last, First M.I.):		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
69. Residence address: (City and/or state if not Des Moines or Iowa)		61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>	
70. Residence phone number:		62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
71. Business or cellular phone number:		63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:	
72. Reporting official: <b>TINA UPDEGROVE AR5</b> <i>TU</i>		64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:	
73. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed		65. Type and location of injury:	
<input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded		66. Medical treatment:	
74. Copy/copies made by:		67. Confinement/quarantine location:	
75. 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: _____		68. Victim animal owner's name (Last, First M.I.):	
76. Second reporting official: <i>J. Colvin AR-1</i>		69. Residence address: (City and/or state if not Des Moines or Iowa)	
77. Supervisor approving report: <i>J. Colvin AR-1</i>		70. Residence phone number:	
78. Reviewed by: <i>JW</i>		71. Business or cellular phone number:	

## Animal Incident Investigation Report

Des Moines, Iowa

80. DMPD case number (if applicable):  
11-429181. Suspect or offender one (1) name (Last, first Middle):

82. Arrested:

No  Yes 

83. Warrant needed:

No  Yes 

84. Charges filed:

No  Yes 

85. Race:

86. Sex:

87. Age:

88. Date of birth:

89. Ethnicity:

H  NH 

90. Height:

91. Weight:

92. Hair color:

93. Eye color:

94. Residence address:

(City and/or state if not Des Moines or Iowa)

95. Residence or alternate phone number:

96. Driver license number or social security number:

96A. State:

97. Sobriety:

Sob.  H.B.D. 

98. Citation number and crime:

99. Citation number and crime:

100. Suspect or offender two (2) name (Last, First Middle):

101. Arrested:

No  Yes 

102. Warrant needed:

No  Yes 

103. Charges filed:

No  Yes 

104. Race:

105. Sex:

106. Age:

107. Date of birth:

108. Ethnicity:

H  NH 

109. Height:

110. Weight:

111. Hair color:

112. Eye color:

113. Residence address:

(City and/or state if not Des Moines or Iowa)

114. Residence or alternate phone number:

115. Driver license number or social security number:

115A. State:

116. Sobriety:

Sob.  H.B.D. 

117. Citation number and crime:

118. Citation number and crime:

119. Narrative:

R.O MET WITH R/P-VICTIM AT BROADLAWNS ER. PINKERTON STATED HE WAS GETTING HIS MEDICATION AT UNITED COMMUNITY SERVICES LOCATED AT 401 SW 8 ST. PINKERTON STATED HE HAS SEEN THE DOG AND ITS OWNER BEFORE AT THIS LOCATION AND THERE HAS NEVER BEEN A PROBLEM BEFORE. PINKERTON STATED LIKE ALWAYS HE PUT HIS HAND OUT FOR THE DOG TO SMELL HIM WHEN THE DOG ATTACKED HIS HAND CAUSING A ONE TOOTH PUNCTURE AND TOOTH SCRAPE. PINKERTON STATED HE DOES NOT KNOW THE OWNERS NAME JUST THAT HE COMES TO THE LOCATION TO GET HIS MEDICATION AS WELL. PINKERTON STATED THE OWNER WAS VERY SORRY AND SAID THE DOG WAS CURRENT WITH EVERYTHING. PINKERTON STATED HE WENT INTO THE BATHROOM THERE AND WHEN HE CAME BACK OUT THE OWNER AND DOG WERE GONE. PINKERTON STATED THAT UNITED COMMUNITY SERVICES WILL KNOW WHO THE OWNER TO THE DOG IS AND STATED TO CONTACT "SUE" THERE. I CALLED UNITED COMMUNITY SERVICES TO BE ADVISED SUE HAD LEFT FOR THE DAY AND THE OTHER PEOPLE THAT WERE WORKING WHEN THE BITE TOOK PLACE HAD ALSO LEFT FOR THE DAY, I SPOKE TO JENN WHO STATED SOME OF THE WORKERS WOULD BE THERE TOMORROW MORNING FROM 0600-0745 AND THEY MAY KNOW WHO THE OWNER OF THE HUSKY IS. I ADVISED THAT AN OFFICER WOULD CALL 02-12-11 AT OR CLOSE TO 0700-0730 FOR THAT INFORMATION.

120. Date of this report:  
11 FEB 11

2011 FEB 14 AM 11:58

**Animal Incident Supplemental Report**  
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.):

PINKERTON, NATHAN

2. Case number:

11-4291

3. Form used as a continuation of an Animal Incident Investigation Report:

4. Date of this report:

12-Feb-11

5. Date incident occurred:

11-Feb-11

6. Form used to report a follow-up investigation or additional information:

7. Crime/incident type:

DOG BITE

Changed:  Yes

8. Page: 1 of 1

9. If this report is a continuation of another report then indicate the box number(s) continued below:

IN ATTEMPTS TO SPEAK WITH "SUE", A WORKER AT THE PLACE OF INCIDENT THAT MAY HAVE KNOWLEDGE OF OWNER INFO, I CALLED THE NUMBER PROVIDED (WHICH WAS WROTE WRONG ON THE AIR, IT IS 280-3860) AND COULDN'T REACH ANYONE UNTIL ABOUT 0745. AT THAT TIME A MALE ANSWERED THE PHONE AND I EXPLAINED WHY I WAS CALLING AND HE SAID HE KNEW NOTHING OF THE INCIDENT OR A CLIENT WITH A HUSKY BUT TOOK ACCC CONTACT # & WOULD ASK AROUND AND GIVE US A CALL IF HE FOUND OUT ANYTHING AND THEN STATED THAT "SUE" WAS NOT IN ON THE WEEKEND TO HIS KNOWLEDGE AND PUT ME THROUGH TO HER VOICEMAIL. I LEFT A MESSAGE STATING WHAT HAPPENED AND TO GIVE ACCC A CALL WHEN SHE GETS THE MESSAGE.  
MORE FOLLOW UP NEEDED TO FIND BITE DOG.

10. Reporting official:  
L.ROBERTS *[Signature]* I.D. No. AR4

11. Status:  Open  Closed  Excep. Closed  
 Case file  Suspended  Unfounded

12. Copy/copies made by:

13. Referred to:  
 Animal Control  
 Detectives  PIO  
 Chief  OPS  
 Other: \_\_\_\_\_

14. Second reporting official: I.D. No.

15. Supervisor approving report: I.D. No.

16. Reviewed by:

*[Signature]* AR4

KW

# Animal Incident Investigation Report

Des Moines, Iowa

SOPP

1. ARL case number: <b>C00745290</b>		2. DMPD case number (if applicable): <b>11-4291</b>	
<b>Impounded or bite animal</b>			
3. Victim's name (Last, First M.I.): <b>PINKERTON, NATHAN</b> (Human victim or society)			
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL#:		4. Race: <b>W</b>	5. Sex: <b>M</b>
		6. Age: <b>47</b>	7. Date of birth: <b>06-16-1963</b>
		8. Ethnicity: <b>H</b> <input type="checkbox"/> <b>NH</b> <input checked="" type="checkbox"/>	9. Sobriety: <b>Sob.</b> <input checked="" type="checkbox"/> <b>H.B.D.</b> <input type="checkbox"/>
33. Animal type: <b>Cat</b> <input type="checkbox"/> <b>Dog</b> <input checked="" type="checkbox"/> <b>Other</b> <input type="checkbox"/> : <b>WHISKERS</b>		10. Residence address: <b>1101 CROCKER #710</b> (City and/or state if not Des Moines or Iowa)	
34. Animal breed: <b>HUSKY</b>		11. Residence phone number: <b>897-8815</b>	12. Business or cellular phone number:
35. Animal color: <b>B/W</b>		13. Place of employment or school:	
36. Animal fur length: <b>Short</b> <input type="checkbox"/> <b>Medium</b> <input checked="" type="checkbox"/> <b>Long</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/> :		14. Type and location of injury: <b>1 TOOTH PUNCTURE AND TEAR TO LEFT HAND</b>	
37. Animal sex: <b>Female</b> <input type="checkbox"/> <b>Spayed</b> <input type="checkbox"/> <b>Male</b> <input checked="" type="checkbox"/> <b>Neutered</b> <input type="checkbox"/> <b>Unknown</b> <input type="checkbox"/>		15. Medical treatment: <b>BROADLAWNS ER</b>	
38. Microchip: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)  M/C#:		16. Reporting person's name (Last, First M.I.): <b>SAME AS VICTIM</b>	
		17. Race:	18. Sex:
		19. Age:	20. Date of birth:
		21. Ethnicity: <b>H</b> <input type="checkbox"/> <b>NH</b> <input type="checkbox"/>	22. Sobriety: <b>Sob.</b> <input type="checkbox"/> <b>H.B.D.</b> <input type="checkbox"/>
39. Rabies tag: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> R/T#:		23. Residence address: (City and/or state if not Des Moines or Iowa)	
39A. Date of vaccination:		24. Residence phone number:	25. Business or cellular phone number:
39B. Date of vaccination expiration:			
39C. Veterinarian:		26. Location of incident (address): <b>401 SW 8</b>	
40. License: <b>No</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> Lic#: <b>WILL HAVE</b>		27. Location type: <b>UNITED COMMUNITY SERVICES</b>	
41. Other identifiers (Collar, tattoo, etc.):		28. Date and time incident occurred: <b>11 FEB 11 0600</b>	29. Date and time incident reported: <b>11 FEB 11 1430</b>
42. Confinement/quarantine location: <b>HOME</b>		30. Crime/incident type: <b>ANIMAL BITE-DOG</b>	
		31. Classification:	
43. Impounded or bite animal owner's name (Last, First M.I.): <b>SMITH, RUSTY</b>		44. Residence address: <b>126 E. JACKSON</b> (City and/or state if not Des Moines or Iowa)	
45. Residence phone number: <b>423-5123</b>	46. Place of employment or school:		47. Business or cellular phone number:
48. Animal owner notification: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/>	48A. Date and time of notification: <b>14 FEB 11 1326</b>	48B. Person making notification: <b>T. UPDEGROVE AR5</b>	48C. Means of notification: <b>IN PERSON</b>
49. Witness' name (Last, first):	50. Residence address: (City and/or state if not Des Moines or Iowa)	51. Daytime or cellular phone number:	
52. Witness' name (Last, First):	53. Residence address: (City and/or state if not Des Moines or Iowa)	54. Daytime or cellular phone number:	
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>			
<b>Victim animal</b>		56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
		57. Animal type: <b>Cat</b> <input type="checkbox"/> <b>Dog</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/> :	
58. Animal breed:	59. Animal color:	60. Animal fur length: <b>Short</b> <input type="checkbox"/> <b>Medium</b> <input type="checkbox"/> <b>Long</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/> :	
61. Animal sex: <b>Female</b> <input type="checkbox"/> <b>Spayed</b> <input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Neutered</b> <input type="checkbox"/> <b>Unknown</b> <input type="checkbox"/>		62. Rabies tag: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> R/T#:	
63. Microchip: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> M/C#:		62A. Date of vaccination:	
		62B. Date of vaccination expiration:	
64. License: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> Lic#:		62C. Veterinarian:	
65. Type and location of injury:		66. Medical treatment:	
67. Confinement/quarantine location:		68. Victim animal owner's name (Last, First M.I.):	
69. Residence address: (City and/or state if not Des Moines or Iowa)		70. Residence phone number:	71. Business or cellular phone number:
72. Reporting official: <b>TINA UPDEGROVE AR5</b> <i>TU</i>		I.D. No.	73. Status: <input checked="" type="checkbox"/> <b>Open</b> <input type="checkbox"/> <b>Closed</b> <input type="checkbox"/> <b>Excep. Closed</b> <input type="checkbox"/> <b>Case file</b> <input type="checkbox"/> <b>Suspended</b> <input type="checkbox"/> <b>Unfounded</b>
74. Copy/copies made by:		75. Referred to: <input checked="" type="checkbox"/> <b>Animal Control</b> <input type="checkbox"/> <b>Detectives</b> <input type="checkbox"/> <b>PIO</b> <input type="checkbox"/> <b>Chief</b> <input type="checkbox"/> <b>OPS</b> <input type="checkbox"/> <b>Other</b> _____	
76. Second reporting official:		I.D. No.	77. Supervisor approving report: <i>T. Updegrove AR5</i>
		I.D. No.	78. Reviewed by:

*4800*

# Animal Incident Investigation Report

Des Moines, Iowa

81. Suspect or offender <u>one</u> (1) name (Last, first Middle):				82. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		83. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		84. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
---	--	--	--	---	--	---	--	--	--

85. Race:	86. Sex:	87. Age:	88. Date of birth:	89. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	90. Height:	91. Weight:	92. Hair color:	93. Eye color:
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94. Residence address: (City and/or state if not Des Moines or Iowa)

95. Residence or alternate phone number:	96. Driver license number or social security number:	96A. State:	97. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
--	--	-------------	--

98. Citation number and crime:	99. Citation number and crime:
--------------------------------	--------------------------------

100. Suspect or offender <u>two</u> (2) name (Last, First Middle):				101. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		102. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		103. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
--	--	--	--	--	--	--	--	---	--

104. Race:	105. Sex:	106. Age:	107. Date of birth:	108. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	109. Height:	110. Weight:	111. Hair color:	112. Eye color:
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113. Residence address: (City and/or state if not Des Moines or Iowa)

114. Residence or alternate phone number:	115. Driver license number or social security number:	115A. State:	116. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
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117. Citation number and crime:	118. Citation number and crime:
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119. Narrative:

R.O RECEIVED A PHONE CALL FROM RUSTY SMITH SAYING HE OWNED THE DOG THAT BITE THE GENTLEMAN AT THE UCS. HE STATED HE HAD A CURRENT RABIES VACCINATION, I ADVISED THAT THE DOG COULD BE PLACED UNDER HOME Q/T. I ARRIVED A THE RESIDENCE TO RECOGNIZE IT AS POSSIBLEY BEING THE HOUSE OF A PREVIOUS BITE. I CONTACTED ARL CCC TO FIND THAT THE DOG HAD BITTEN LAST YEAR. THE DOG NAMED WHISKERS DOES HAVE A CURRENT RABIES VACCINATION.

I SPOKE TO AR1 COLVIN WHO WAS MADE AWARE THAT THIS IS THE DOGS 2ND BITE, I WAS ADVISED IF THE DOG WAS NOT IN THE SAME POSITION AS LAST YEAR AND I WAS COMFORTABLE WITH HOME QT THEN I COULD HOME Q.T THE DOG.

I SPOKE TO SMITH WHO STATED SINCE LAST YEAR THE DOG HAS BEEN AN INSIDE DOG, HE TAKES HIM OUT BACK NOW TO GO TO THE BATHROOM AND UNDERSTOOD THE RULES OF HOME RABIES Q/T. I THEN PLACED THE DOG UNDER HOME Q/T ALSO ADVISING SMITH THAT WHISKERS WOULD HAVE TO HAVE A LICENSE BY THE END OF Q/T ON 02/21/2011-HE STATED HE WOULD DO THIS.

I THEN CALLED VICTIM PINKERTON AND LEFT A V/M ADVISING THAT THE DOG DID HAVE A CURRENT RABIES VACCINATION.

Q/T RELEASE ON 02/21/11 0600HRS.

13

# ARL

## Animal Care and Control

14

### HOME QUARANTINE

**Animal Rescue League of Iowa, Inc.**  
1615 S.E. 14th Street  
Des Moines, Iowa 50320

**Telephone number: (515) 284-6905**  
**Dispatch telephone number: (515) 283-4811**  
**Facsimile telephone number: (515) 284-0008**

2/21/11

Animal Care and Control may, in accordance with city ordinance, allow a cat or dog to remain in home quarantine so long as the animal is confined and not in contact with the public or other animals. The animal cannot be left tied outside or in a fenced area without the direct supervision of an adult to ensure proper quarantine. **If the animal is not maintained in proper quarantine the animal shall be impounded and remain at the animal shelter for the remainder of the quarantine.**

The quarantine is ten (10) full days (twenty-four hour periods) from the date and time of the bite, however, if after the ten days Animal Care and Control has not released the animal from quarantine Animal Care and Control will need to be contacted as soon as possible by calling the Des Moines Police Dispatch at (515) 283-4811.

**If the animal becomes ill/sick or dies during quarantine Animal Care and Control will need to be contacted immediately by calling the Des Moines Police Dispatch at (515) 283-4811.**

Date and time of bite: 2/11/11 0600 a.m.  p.m.

Animal owner's name (print): Rusty Smith

DMPD case number: 11-4291

ACC's name and I.D. No.: Topdogrove AR5

2011 FEB 23 PM 12:33

**Animal Incident Supplemental Report**  
Des Moines, Iowa

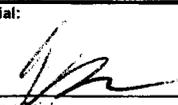
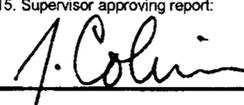
1. Human victim or reporting person or animal owner name (Last, First M.I.): pinkerton, nathan	2. Case number: 11-4291
---	----------------------------

3. Form used as a continuation of an Animal Incident Investigation Report: <input type="checkbox"/>	4. Date of this report: 21-Feb-11	5. Date Incident occurred: 11-Feb-11
---	--------------------------------------	---

6. Form used to report a follow-up investigation or additional information: <input checked="" type="checkbox"/>	7. Crime/incident type: animal bite	Changed:
---	--	----------

8. Page: 1 of 1	9. If this report is a continuation of another report then indicate the box number(s) continued below:
-----------------	--

I went to the bite dogs house viewed the bite dog it was healthy and released from qt. The dog owner still didn't have the dog up to date on city license and was given to 1 march to get the license or get citations. I called the victim and advice him of the qt release.

10. Reporting official: kris wilder  ar3	I.D. No.	11. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	12. Copy/copies made by:	13. 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: _____
14. Second reporting official:	I.D. No.	15. Supervisor approving report:  AR-1	I.D. No.	16. Reviewed by:

**Animal Incident Supplemental Report**  
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.):

PINKERTON, NATHEN

2. Case number:

11-4291

3. Form used as a continuation of an Animal Incident Investigation Report:

4. Date of this report:

2-Mar-11

5. Date incident occurred:

11-Feb-11

6. Form used to report a follow-up investigation or additional information:

7. Crime/incident type:

ANIMAL BITE DOG

Change:  Yes

8. Page: 1 of 1

9. If this report is a continuation of another report then indicate the box number(s) continued below:

I LOOKED ON THE CITY CLERCKS COMPUTER AND THE DOG WAS LICENSED UP TO DATIE #14269 2011

2011 MAR -3 PM 7:04

10. Reporting official:

KRIS WILDER



AR3

I.D. No.

11. Status:  Open  Closed  Excep. Closed

Case file  Suspended  Unfounded

12. Copy/copies made by:

13. Referred to:

Animal Control

Detectives  PIO

Chief  OPS

Other: \_\_\_\_\_

14. Second reporting official:

I.D. No.

15. Supervisor approving report:

I.D. No.

16. Reviewed by:

*J. Colvin* AR 4

*W*

Des Moines, Iowa

1. ARL case number: COOL48248

2. DMPD case number (if applicable): 10-24167

**Impounded or bite animal**

3. Victim's name (Last, First M.I.): ECKERMAN, CLINT (Human victim or society)

32. Impounded or bite animal ARL number:  
Impounded: No  Yes  ARL#: A11123192

4. Race: C 5. Sex: M 6. Age: 7. Date of birth: 8. Ethnicity:  NH  9. Sobriety:  Sob.  H.B.D.

33. Animal type:  
Cat  Dog  Other:

10. Residence address: (City and/or state if not Des Moines or Iowa)  
702 E. JACKSON

34. Animal breed:  
SIBERIAN HUSKY MIX

11. Residence phone number: 515 256-3275 12. Business or cellular phone number: 287-0303

35. Animal color:  
BLACK/WHITE W/BROWN EYES

13. Place of employment or school:  
NATURAL THERAPEUTICS

36. Animal fur length:  
Short  Medium  Long  Other:

14. Type and location of injury:  
LEFT MIDDLE FINGER

37. Animal sex:  
Female  Spayed  Male  Neutered  Unknown

15. Medical treatment:  
NONE SOUGHT

38. Microchip:  
No  Yes  (Records Personnel: Enter M/C# as a serial number)  
M/C#:

16. Reporting person's name (Last, First M.I.):  
SAME AS VICTIM

17. Race: 18. Sex: 19. Age: 20. Date of birth: 21. Ethnicity:  NH  22. Sobriety:  Sob.  H.B.D.

39. Rabies tag:  
No  Yes  R/T#:

23. Residence address: (City and/or state if not Des Moines or Iowa)

39A. Date of vaccination: 39B. Date of vaccination expiration:

24. Residence phone number: 25. Business or cellular phone number:

39C. Veterinarian:

26. Location of incident (address):  
126 JACKSON AVE

40. License:  
No  Yes  Lic#:

27. Location type:  
CITY SIDEWALK

41. Other identifiers (Collar, tattoo, etc.):

28. Date and time incident occurred: 28 JULY 2010 1430 29. Date and time incident reported: 29 JULY 2010 1021

42. Confinement/quarantine location:  
ARLCC

30. Crime/incident type:  
ANIMAL BITE 31. Classification:

43. Impounded or bite animal owner's name (Last, First M.I.):

44. Residence address: (City and/or state if not Des Moines or Iowa)  
126 JACKSON

45. Residence phone number: 46. Place of employment or school: 47. Business or cellular phone number:

48. Animal owner notification:  
No  Yes  48A. Date and time of notification: 29 JULY 2010 1430 48B. Person making notification: ARL 48C. Means of notification: DOOR HANGER

49. Witness' name (Last, first): 50. Residence address: (City and/or state if not Des Moines or Iowa) 51. Daytime or cellular phone number:

52. Witness' name (Last, First): 53. Residence address: (City and/or state if not Des Moines or Iowa) 54. Daytime or cellular phone number:

55. Investigative notifications and/or photographs taken:  
ARL Supervisor: No  Yes  Sergeant: No  Yes  Police Officer: No  Yes  Photographs taken by ARL or PO: No  Yes

**Victim animal**

56. Victim animal ARL number:  
Impounded: No  Yes  ARL#:

57. Animal type:  
Cat  Dog  Other

58. Animal breed: 59. Animal color: 60. Animal fur length:  
Short  Medium  Long  Other

61. Animal sex:  
Female  Spayed  Male  Neutered  Unknown

62. Rabies tag:  
No  Yes  R/T#:

63. Microchip:  
No  Yes  M/C#:

62A. Date of vaccination: 62B. Date of vaccination expiration:

64. License:  
No  Yes  Lic#:

62C. Veterinarian:

65. Type and location of injury: 66. Medical treatment:

67. Confinement/quarantine location: 68. Victim animal owner's name (Last, First M.I.):

69. Residence address: (City and/or state if not Des Moines or Iowa) 70. Residence phone number: 71. Business or cellular phone number:

72. Reporting official: STEVE SEXTON I.D. No. ARL 73. Status:  Open  Closed  Excep. Closed  Case file  Suspended  Unfounded

74. Copy/copies made by: 75. Referred to:  
 Animal Control  Detectives  PIO  Chief  OPS  Other:

76. Second reporting official: I.D. No. 77. Supervisor approving report: I.D. No. 78. Reviewed by: [Signature]

2010 JUL 30 PM 12:58

79. Page: 2 of 2

# Animal Incident Investigation Report

Des Moines, Iowa

80. DMPD case number (if applicable): 10-24167

81. Suspect or offender ona (1) name (Last, first Middle):  
82. Arrested: No  Yes  83. Warrant needed: No  Yes  84. Charges filed: No  Yes

85. Race: 86. Sex: 87. Age: 88. Date of birth: 89. Ethnicity: H  NH  90. Height: 91. Weight: 92. Hair color: 93. Eye color:

94. Residence address: (City and/or state if not Des Moines or Iowa)

95. Residence or alternate phone number: 96. Driver license number or social security number: 96A. State: 97. Sobriety: Sob.  H.B.D.

98. Citation number and crime: 99. Citation number and crime:

100. Suspect or offender two (2) name (Last, First Middle):  
101. Arrested: No  Yes  102. Warrant needed: No  Yes  103. Charges filed: No  Yes

104. Race: 105. Sex: 106. Age: 107. Date of birth: 108. Ethnicity: H  NH  109. Height: 110. Weight: 111. Hair color: 112. Eye color:

113. Residence address: (City and/or state if not Des Moines or Iowa)

114. Residence or alternate phone number: 115. Driver license number or social security number: 115A. State: 116. Sobriety: Sob.  H.B.D.

117. Citation number and crime: 118. Citation number and crime:

119. Narrative:  
VICTIM STATES THAT AS HE WAS WALKING PAST 126 JACKSON AVE., A BLACK/WHITE HUSKY DOG THAT WAS ON A LEASH THAT EXTENDED OVER THE SIDEWALK APPROACHED HIM. VICTIM EXTENDED HIS LEFT HAND FOR DOG TO SNIFF IT AT WHICH TIME DOG BIT VICTIMS LEFT MIDDLE FINGER AND WOULD NOT LET GO. VICTIM STATES THAT HE HAD TO PRY AT THE DOGS MOUTH WITH HIS RIGHT HAND TO GET THE DOG TO RELEASE HIM. VICTIM SUFFERED PUNCTURE WOUNDS, SWELLING, AND BRUISING AND HAD NOT YET SOUGHT MEDICAL ATTENTION AT THE TIME OF THIS REPORT. R/O VISITED HOME OF BITE DOG AND FOUND THE DOG LAYING UNDER THE FRONT STEPS OF RESIDENCE TIED WITH A CADLE THAT EXTENDED OVER THE SIDEWALK MORE THAN 5 FEET. DOG WAS IMPOUNDED TO ALCG AND PLACED IN 10 DAY QUARANTINE. DOOR HANGER LEFT FOR OWNERS. QUARANTINE ENDS 08-07-2010 AT 1430 HRS.

2010-24107

19

**CERTIFICATE OF VACCINATION**

**Date of Rabies Vaccination:** 4/16/2010  
**Next Rabies Vaccination On:** 4/16/2011

**Certificate No:** 0  
**Previous Rabies Vaccination:**

**VETERINARY CLINIC**  
Afford-A-Care Pet Hospital  
3003 S.E. 14th Street  
Des Moines, IA 50320  
515-280-5336

**OWNER OF ANIMAL**  
RUSTY SMITH  
126 E JACKSON  
Des Moines, IA 50315  
County:

This is to certify...

**THAT I HAVE VACCINATED AGAINST RABIES THE ANIMAL DESCRIBED BELOW.**

**Patient information...**

**PATIENT:** WHISKER  
**SPECIES:** Canine  
**SEX:** M

**TAG NO:** 13654  
**WEIGHT:** 54.00  
**AGE:** 3 years

**COLOR & MARKINGS...** Black and White  
**BREED...** Siberian Husky

Signed 

**SHERRIE PLEIS, D.V.M.**

**License:** 6766

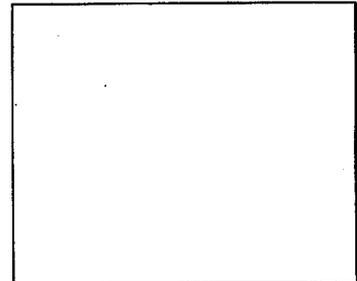
**Vaccinations done...**

4/16/2010 SP Rabies 1-Year, #13654 4/16/2011

**Rabies Vaccine Information...**

**MFG BY:** PFIZE  
**LOT EXP:** 3/26/11

**SER.NO:** SN S947580  
**ADM:** SQ



KE ACV

# Animal Incident Investigation Report

Des Moines, Iowa

SUPPLEMENTAL

1. ARL case number:		2. DMPD case number (if applicable): 10-24167	
3. Victim's name (Last, First M.I.): ECKHARTMAN, CLINT (Human victim or society)			
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL#:		4. Race: C	5. Sex: M
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		6. Age:	7. Date of birth:
34. Animal breed: SIBERIAN HUSKY MIX		8. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	9. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
35. Animal color: Black/white w/ brown eyes		10. Residence address: (City and/or state if not Des Moines or Iowa) 702 E. JACKSON	
36. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input checked="" type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number: 515 256-3275	12. Business or cellular phone number: 287-0303
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>		13. Place of employment or school:	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#:		14. Type and location of injury:	
39. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:		15. Medical treatment:	
39A. Date of vaccination:		39B. Date of vaccination expiration:	
39C. Veterinarian:		16. Reporting person's name (Last, First M.I.):	
40. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		17. Race:	18. Sex:
41. Other identifiers (Collar, tattoo, etc.):		19. Age:	20. Date of birth:
42. Confinement/quarantine location:		21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
43. Impounded or bite animal owner's name (Last, First M.I.): SMITH, RUSTY JAMES		23. Residence address: (City and/or state if not Des Moines or Iowa) 126 JACKSON	
44. Residence address: (City and/or state if not Des Moines or Iowa) 126 E. JACKSON		24. Residence phone number:	
45. Residence phone number: 554-4551		25. Business or cellular phone number:	
46. Place of employment or school:		26. Location of incident (address): CITY SIDEWALK	
47. Business or cellular phone number:		27. Location type:	
48. Animal owner notification: No <input type="checkbox"/> Yes <input type="checkbox"/>		28. Date and time incident occurred: 28 JULY 2010 1430	
48A. Date and time of notification:		29. Date and time incident reported: 29 JULY 2010 1021	
48B. Person making notification:		30. Crime/incident type: ANIMAL BITE	
48C. Means of notification:		31. Classification:	
49. Witness' name (Last, first):		50. Residence address: (City and/or state if not Des Moines or Iowa)	
50. Residence address: (City and/or state if not Des Moines or Iowa)		51. Daytime or cellular phone number:	
51. Daytime or cellular phone number:		52. Witness' name (Last, First):	
52. Witness' name (Last, First):		53. Residence address: (City and/or state if not Des Moines or Iowa)	
53. Residence address: (City and/or state if not Des Moines or Iowa)		54. Daytime or cellular phone number:	
54. Daytime or cellular phone number:		55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	
56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:		57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>	
58. Animal breed:		59. Animal color:	
60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>	
62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:		63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:	
62A. Date of vaccination:		62B. Date of vaccination expiration:	
62C. Veterinarian:		64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:	
65. Type and location of injury:		65. Medical treatment:	
67. Confinement/quarantine location:		68. Victim animal owner's name (Last, First M.I.):	
69. Residence address: (City and/or state if not Des Moines or Iowa)		70. Residence phone number:	
70. Residence phone number:		71. Business or cellular phone number:	
71. Business or cellular phone number:		72. Reporting official: STEVE SEKTON I.D. No. AAG	
72. Reporting official: STEVE SEKTON I.D. No. AAG		73. Status: <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	
73. Status: <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded		74. Copy/copies made by:	
74. Copy/copies made by:		75. 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:	
75. 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:		76. Supervisor approving report: I.D. No. RW	
76. Supervisor approving report: I.D. No. RW		77. Reviewed by:	
77. Reviewed by:		78. Second reporting official: I.D. No.	
78. Second reporting official: I.D. No.		79. Date and time of notification:	

20

7/29/10 5:58 PM

# Animal Incident Investigation Report

Des Moines, Iowa

10-24167

81. Suspect or offender one (1) name (Last, first Middle):

SMITH, RUSTY JAMES

82. Arrested:

No  Yes

83. Warrant needed:

No  Yes

84. Charges filed:

No  Yes

85. Race:

C

86. Sex:

M

87. Age:

88. Date of birth:

06-25-57

89. Ethnicity:

H  NH

90. Height:

6'1"

91. Weight:

156

92. Hair color:

BRN

93. Eye color:

BRN

94. Residence address:

126 E. JACKSON

(City and/or state if not Des Moines or Iowa)

95. Residence or alternate phone number:

554-4551

96. Driver license number or social security number:

482 72 6660

96A. State:

97. Sobriety:

Sob.  H.B.D.

98. Citation number and crime:

287146 DOG AT LARGE

99. Citation number and crime:

100. Suspect or offender two (2) name (Last, First Middle):

101. Arrested:

No  Yes

102. Warrant needed:

No  Yes

103. Charges filed:

No  Yes

104. Race:

105. Sex:

106. Age:

107. Date of birth:

108. Ethnicity:

H  NH

109. Height:

110. Weight:

111. Hair color:

112. Eye color:

113. Residence address:

(City and/or state if not Des Moines or Iowa)

114. Residence or alternate phone number:

115. Driver license number or social security number:

115A. State:

116. Sobriety:

Sob.  H.B.D.

117. Citation number and crime:

118. Citation number and crime:

119. Narrative:

DOG OWNER CAME INTO SHELTER THIS DATE TO PICKUP DOG FROM QUARANTINE. DOG WAS VIEWED BY R/O AND FOUND TO BE BEHAVING NORMALLY. OWNER CITED FOR DOG AT LARGE WITH A COURT DATE OF 08-23-2010 AT 1:00 P.M. VICTIM WAS ADVISED OF SUCCESSFUL O.I.T.

2010 AUG 17 PM 7:48

IOWA POLICE CITATION AND COMPLAINT  
Law Enforcement Agency

27

STATE OF IOWA   
COUNTY OF POLK   
COUNTY OF WARREN

No PC 287146

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. 10-24167  
 CITY OF DES MOINES A MUNICIPALITY, PLAINTIFF v.  
(IA0770300)

NAME: SMITH RUSTY JAMES  
Defendant Last First Middle

ADDRESS: 126 E. JACKSON  
Street

CITY: DES MOINES STATE: IOWA

BIRTH DATE: 06/25/57 Sex M Race C  
Mo. Day Yr.

Ht. 6'1" Wt. 156 Eyes BROWN Hair BROWN

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 07/28/10  a.m. 2:30  
Mo. Day Yr.  p.m.

Defendant did: OWN A DOG THAT WAS LEASHED TO A  
FRONT DECK ON THE HOUSE THAT ALLOWED DOG ACCESS  
TO THE CITY SIDEWALKS. DOG DID BITE A MAN  
WALKING ON SIDEWALK. OCCURRED AT 126 E. JACKSON  
DES MOINES, IOWA.

DATE: 08/06/10 *Steve Serjona ARLE*  
Mo. Day Yr. Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.

08/23/10  a.m.  p.m. 1:00  
Mo. Day Yr.

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

*Rusty Smith*  
Signature Defendant

I swear that the foregoing citation is true and correct.

*Steve Serjona ARLE*  
(Officer's Signature)

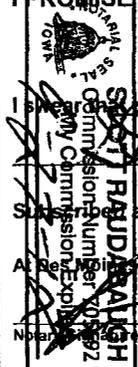
Subscribed and sworn to before me by *STEVE SERJONA*

At Des Moines, Iowa this 17 day of August, 2010

*Steve Serjona* Notary  
Notary 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



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

23

CITY OF DES MOINES

COURT CASE NO. \_\_\_\_\_

VS.

DMPD. CASE NO. 10-24167

RUSTY JAMES SMITH  
(DEFENDANT)

IA0770300

SOC. SEC. NO. ~~XXXXXXXXXX~~

126 E JACKSON  
(ADDRESS)

DATE OF BIRTH 06-25-57

DES MOINES, IOWA  
(CITY & STATE)

DESCRIPTION C M 6'1" 156  
RACE SEX HGT WGT  
Brown Brown  
EYES HAIR MARKS

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF: DOG AT LARGE

AT: 126 E JACKSON  
(ADDRESS OR LOCATION)

IN VIOLATION OF SECTION(S): 18.55

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 20 10. COMMITTED ON OR ABOUT  
THE 28 DAY OF JULY, 20 10 IN THE CITY OF DES MOINES, POLK COUNTY, IOWA

SIGNED AND SWORN TO ON THIS 17 DAY OF August, 20 10

Steve DeJohn ALG  
FILING COMPLAINANT

[Signature]  
(NOTARY 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: SUSPECT OWNS A DOG THAT WAS FOUND TIED ON A LEASH THAT ALLOWED THE DOG ACCESS TO CITY SIDEWALK IN FRONT OF HOUSE. DOG BIT A SIDEWALK PEDESTRIAN AS HE WALKED BY 126 E JACKSON. OCCURRED IN DES MOINES, POLK COUNTY, IOWA.

Steve DeJohn ALG  
SIGNATURE OF ARRESTING OFFICER NO.

08/08/10  
(DATE OF ARREST)

DATED: 08/17/10

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>CLINT ECKERMAN</u>	<u>702 E JACKSON</u>	<u>515 256-3275</u>	<u>287-0303</u>

BOND AMOUNT \$ \_\_\_\_\_ CASH ONLY ( ) CASH OR SURETY ( )  
OTHER CONDITIONS IMPOSED WITH BAIL: \_\_\_\_\_

(JUDGE, ASSOCIATE JUDGE OR MAGISTRATE)

**Sec. 18-196. - 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:

*Dangerous animal* means any animal, including a dog, except for an illegal animal per se, as listed in the definition of illegal animal, that has bitten or clawed a person while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that the animal:

- (1) Has bitten or clawed a person on two separate occasions within a 12-month period;
- (2) Did bite or claw once causing injuries above the shoulders of a person;
- (3) Could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or
- (4) Has attacked any domestic animal or fowl on three separate occasions within a 12-month period.

*Illegal animal* means:

- (1) Any animal which is not naturally tame or gentle and which is of a wild nature or disposition and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so.
- (2) Any animal declared to be illegal by the board of health or the city manager or his or her designee.
- (3) Any nondomesticated member of the order Carnivora which as an adult exceeds the weight of 20 pounds.
- (4) The following animals, which shall be deemed to be illegal animals per se:
  - a. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats.
  - b. Wolves, coyotes and foxes.
  - c. Badgers, wolverines, weasels, skunks and mink.
  - d. Raccoons.
  - e. Bears.
  - f. Monkeys and chimpanzees.
  - g. Bats.
  - h. Alligators, crocodiles and caimans.
  - i. Scorpions.
  - j. Snakes and reptiles that are venomous.
  - k. Snakes that are constrictors over six feet in length.
  - l. Gila monsters.
  - m. Opossums.
  - n. All apes, baboons and macaques.
  - o. Piranhas.

(C79, § 7-44; O.10,541; C85, § 7-44; O.10,886, 11,095; C91, § 7-44)

**Cross reference—** Definitions generally, § 1-2.

24

**Sec. 18-202. - Seizure, impoundment and disposition of dangerous animals.**

- 25
- (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 animal is a dangerous animal as defined in this article, may initiate proceedings to declare such animal a dangerous animal. A hearing on the matter shall be conducted by the city manager or his or her designee. The person owning, keeping, sheltering, or harboring the animal 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 animal in question and the basis for the allegation of dangerousness. The notice shall also set forth that if the animal is determined to be dangerous it may be ordered destroyed or the owner may be given the option to cause it to be destroyed. 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. A notice that a dog is a dangerous animal may include as an alternative an allegation that a dog is a vicious dog under sections 18-41 and 18-59 of this chapter, and the hearings shall proceed together under this section.
- (b) If, after hearing, the city manager or his or her designee determines that an animal is dangerous, the city manager or his or her designee shall either order the animal destroyed in a humane manner by the chief humane officer, or order the person owning, sheltering, harboring or keeping the animal to cause it to be destroyed in a humane manner. 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 animal is ordered to be destroyed by the chief humane officer such order shall be carried out after the appeal period in subsection (c) of this section has expired. If the animal is ordered to be destroyed by the owner, such order must be complied with within three days of its issuance, otherwise the city manager or his or her designee is authorized to seize and impound the animal. An animal 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, the city manager or his or her designee shall cause the animal to be destroyed in a humane manner.
- (c) The order to destroy a dangerous animal 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 to destroy the dangerous animal. 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.
- (d) 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 seven days of the receipt of notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the city manager or his or her designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. 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.
- (e) If the city council affirms the action of the city manager or his or her designee, the city council shall either order the animal destroyed by the chief humane officer, or order that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal shall cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to destroy. If the animal is ordered to be destroyed by the chief humane officer the order shall be effective on the fourth day after receipt of the order by the owner unless the county district court has been petitioned to review the order within the first three days after receipt. If the animal is ordered to be destroyed by the owner and such order is not appealed to the county district court and is not complied with within three days after receipt of the order by the owner, the chief humane officer or his or her designee is authorized to seize and impound such dangerous animal. An animal 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 council was issued has not petitioned the county district court for a review of the order, the city manager or his or her designee shall cause the animal to be destroyed in a humane manner.
- (f) 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 shall constitute a misdemeanor offense.
- (g) Any animal which is alleged to be dangerous and which 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 animal is determined to be dangerous. If the animal is not determined to be dangerous and was found at large, the owner shall only pay those costs attributable to the initial confinement and any required quarantine. If the animal is not determined to be dangerous and was not at large at the time of confinement, the owner shall only pay those costs attributable to any required quarantine.

(C79, § 7-50; O.10,541; C85, § 7-50; O.11,095; C91, § 7-50; O.13,854, 13,977, 14,462, 14,677)

72

**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.

*Service dog or service animal* means a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being or companionship do not constitute work or tasks for the purposes of this definition.

*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, 15,001)

*Cross reference*— 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 except as provided in section 18-66 of this chapter.
- (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 except as provided in section 18-66 of this chapter.
- (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 except as provided in section 18-66 of this chapter.
- (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, 14,951)

A large, stylized handwritten mark, possibly a signature or initials, is located on the right side of the page, overlapping the right border of the text box.

**EXHIBIT C**

7-20-2011  
41

J. King J. Smith, on this 20<sup>th</sup> day  
of July 2011 - wish to appeal the  
Administrative Hearing on July 18<sup>th</sup> 2011.  
The decision was pre-judice and  
it classified my pet Whiskey as  
Dangerous meaning: Dog running at large  
attacked unprovoked eat, eat, eat.

Please give ~~of~~ ample time so  
I may obtain an attorney! or find  
a home outside of city limits for Whiskey.

Sincerely with all ~~the~~ Respect

Rusty J. Smith

Rusty J. Smith  
126 E Jackson

DM IA 50315

FILED

2011 JUL 20 PM 12:02

CITY CLERK  
DES MOINES, IA

**EXHIBIT D**



July 22, 2011

Rusty J. Smith  
126 E. Jackson Avenue  
Des Moines, IA 50315

RE: Appeal of Dangerous Animal Declaration

This is to acknowledge your appeal of the Hearing Officer's decision regarding declaration of Whiskers as a "dangerous animal."

Your hearing before the City Council has been scheduled for Monday, August 8, 2011. The meeting starts at 4:30 p.m. **Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.** Parking is available on the streets surrounding City Hall. A copy of the Administrative Hearing transcript is enclosed.

If you have any questions regarding this matter, please contact me at 283-4209.

Sincerely,

A handwritten signature in cursive script that reads "Diane Rauh".

Diane Rauh  
City Clerk

DR:kh  
Enc.

cc: Assistant City Attorney  
Sgt Raudabaugh

ADMINISTRATIVE HEARING TRANSCRIPT

July 18, 2011

City v. Smith

Dangerous Animal

HEARING OFFICER CAMILLE VALLEY: Okay. Good morning. It is approximately 10:00 a.m. on Monday, July 18, 2011 and my name is Camille Valley and I'm the Administrative Hearing Officer. We are conducting this hearing this morning to review the City's declaration of a dangerous animal and will the City representative please come to the microphone. Clearly state your name and the title of your position with the City of Des Moines.

SERGEANT SCOTT RAUDABAUGH: Scott Raudabaugh. I'm a Sergeant with the Des Moines Police Department and assigned to Animal Control and as such by ordinance the Chief Humane Officer.

HEARING OFFICER CAMILLE VALLEY: Okay. Would you please raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

SERGEANT SCOTT RAUDABAUGH: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed and share with me the facts and circumstances of this case.

SERGEANT SCOTT RAUDABAUGH: I've got some documents here I'd like to submit for the record.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: I've got three sets here. I've got a copy for you. I've got a copy for myself and a copy I'll leave at the podium for Mr. Smith or he can take a look through it as we're talking about it if he chooses. He can return it to me when he's done. He can't just take it with him.

HEARING OFFICER CAMILLE VALLEY: It's for use during the hearing.

SERGEANT SCOTT RAUDABAUGH: Correct. If he chooses to. Yes Ma'am.

HEARING OFFICER CAMILLE VALLEY: Okay, thank you.

SERGEANT SCOTT RAUDABAUGH: May I approach?

HEARING OFFICER CAMILLE VALLEY: Yes.

SERGEANT SCOTT RAUDABAUGH: I'd like to just go through and describe the documents very briefly.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: I've numbered them 1-29. I'll just go through and mention the number and what it is. Number 1 is the dangerous animal declaration letter. What I've added here recently is what I label as 1A which is the document service letter in which I served that previous letter that I mentioned to Mr. Smith on the 13<sup>th</sup> of July.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Number 2 is a copy of Animal Incident Investigation Report with the Des Moines Police Department Case No. 11-21352 and page 3 is the second page of that.

HEARING OFFICER CAMILLE VALLEY: You mean Exhibit 4? You are referring to Exhibit numbers correct?

SERGEANT SCOTT RAUDABAUGH: Yes. I'm sorry.

HEARING OFFICER CAMILLE VALLEY: Okay. Because there are page numbers on those. I think that would keep it clearer for the record.

SERGEANT SCOTT RAUDABAUGH: You are absolutely right. The Exhibit that I numbered 2 is the initial report. Number 3 is the second page of that report. Exhibit number 4 a copy of animal incident investigation report with the Des Moines Police Department Case Number 11-18707 and that is in reference to a bite as well as that first one that I mentioned. Exhibit number 5 is page 2 of that report. Exhibit number 6 is a supplemental to that report 18707 as well as number 7 and 8 are supplemental reports to that animal bite report. Exhibit number 9 is a copy of animal incident investigation report with Des Moines Case 11-4291 and that also is an animal bite report. Exhibit number 10 is the second page of that report. Exhibit 11 is a supplemental to that report. Exhibit 12 and 13 is a supplemental animal incident investigation report for that report as a mentioned 11-4291. Exhibit 14 is basically a home quarantine adviser letter that is in the system so I included it as well. Exhibit 15 is a supplemental and exhibit 16 is a supplemental also. Exhibit 17 is a copy of an animal incident investigation report under Des Moines Case 2010-24167. At that point I just want to point out an error I made on the initial letter, that dangerous animal declaration letter. I made mention that it was 2011-24167, but it is actually 2010.

HEARING OFFICER CAMILLE VALLEY: That is paragraph 4. I've got a handwritten 2010. Okay. So noted.

SERGEANT SCOTT RAUDABAUGH: That is correct. Page 8, or I'm sorry, Exhibit 18 is the second page of that report 2010-24167. Exhibit 19 is a rabies vaccination certificate for Whiskers the dog who is registered to Mr. Rusty Smith in which the dog was vaccinated April 16, 2010.

Exhibit 20 and 21, that's a supplemental investigation report for that 2010-24167. Exhibits 22 and 23 are related to a dog at-large criminal citation issued to Mr. Smith under that 2010 case. Exhibit 24 is the City ordinance 18-196 that defines what a dangerous animal is. I'm just going to read through what I believe is applicable in this case. A dangerous animal means any animal, including a dog, except for an illegal animal per se, as listed in the definition of illegal animal, that has bitten or clawed a person while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that the animal has bitten or clawed a person on two separate occasions within a 12-month period for which we have in this situation. Also it could be argued it could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence.

HEARING OFFICER CAMILLE VALLEY: Is this from section 3?

SERGEANT SCOTT RAUDABAUGH: That is correct.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Mr. Smith might be able to elaborate either in support of or in contradiction of subsection 3. Exhibit 25 and 26. That is a copy of City ordinance 18-202. It talks about the seizure, impoundment and disposition of dangerous animals. If you uphold my declaration, that would outline the actions that are to be taken for the dog and so forth. I, also in there it provides an alternative if you chose to instead of having the dog be declared as a dangerous animal it could be a vicious dog. And so Exhibit 7, 27 rather, is a copy of City ordinance 18-41 which is the definition, various definitions, but it also has a vicious dog and what that is defined as.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: City ordinance 18-59, I've included that as well if you choose to change the declaration to vicious dog. That outlines the actions to be taken in regards to a vicious dog.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: I'll just briefly summarize the situations that occurred that led us to be here. On July 4, 2011, Rusty Smith's black and white colored male Siberian Husky breed dog named Whiskers lunged and bit a woman's finger when she put her hand down to allow the dog to sniff it. Mr. Smith and the woman were at a nearby convenience store nearby to Mr. Smith's residence. On June 13, 2011, Rusty Smith's dog named Whiskers jumped on a man and when he stuck his hand out he bit the man's chest as the man stepped or jumped back which resulted in an injury to the man as well as the injury on the first incident. Once again this was at a nearby convenience store nearby Mr. Smith's residence. On February 11, 2011, Mr. Smith's dog named Whiskers attacked and bit a man's hand when he put his hand down so the dog could smell. That again resulted in an injury. This incident occurred when Mr. Smith was with his dog at a nearby business, not the nearby convenience store but another business. On July 28, 2010, Mr. Smith's dog named Whiskers bit a man's finger and would not let go when he

extended his hand down for the dog to sniff as in the other cases. This incident occurred when the man was walking on the public sidewalk near Mr. Smith's residence and the chain allowed the dog to go out onto the sidewalk. In the report it mentions that the man had to pry the dog's mouth open to get his finger out. Within the 12-month period we've had four different bites. Yes in each of them the victim is extending their hand maybe to make the dog familiar with them so he wouldn't bite but in each case the dog does bite. I considered declaring the dog vicious but I'm afraid it wouldn't prevent yet another bite or maybe a worse bite than what has already occurred, uh, because with a vicious dog declaration, Mr. Smith, could take the dog to a convenience store or any business. Whether that business allows him to bring the dog in or not is a different issue. But he could take the dog to a business with the dog leashed and somebody could do the same thing that has already occurred four times. They could extend their hand to hopefully prevent a bite or, you know, they maybe should stay away from the dog but if Mr. Smith and his dog get near the person and they extend their hand to become familiar with the dog we could have a worse bite. I'm also concerned that we might have a child that won't know any better and it could end up being a facial wound. So that's the reason the dog was declared dangerous.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Thank you.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you. Mr. Smith, would you like to come to the microphone and clearly state your name for the record?

RUSTY SMITH: Yes ma'am. My name is Rusty J. Smith.

HEARING OFFICER CAMILLE VALLEY: Okay. Let me swear you in. Raise your right hand. Do you solemnly swear or affirm to tell the truth, the whole truth and nothing but the truth?

RUSTY SMITH: I do.

HEARING OFFICER CAMILLE VALLEY: Okay. You can share with me anything that is relevant.

RUSTY SMITH: Okay ma'am. First of all I did have some, most all of the people that were nipped at by my dog, uh, never once did the Sergeant mention that the dog was being given a treat when he was in the custody, or leash, he was being held by me by another person, a friend, a friend of mine and a friend of the dogs. I go into the USC, UCS clinic every day and there is a lady by the name Sue Alleman is the office manager and she adores the dog and she gives him a treat every day. And on this one particular day, uh, there was a, there were many people in the office and it got a little hectic and I, if anybody was to be put in jail or put to death it'd be me because I wasn't watching and I wasn't paying attention to what was going on.

HEARING OFFICER CAMILLE VALLEY: So the dog was on a leash.....

RUSTY SMITH: Yes it was.

HEARING OFFICER CAMILLE VALLEY: ....for all four instances?

RUSTY SMITH: All four instances, yes it was.

HEARING OFFICER CAMILLE VALLEY: And were you the one that was holding the leash at this one?

RUSTY SMITH: No I was not.

HEARING OFFICER CAMILLE VALLEY: Someone, a friend was holding the dog?

RUSTY SMITH: Yes it was.

HEARING OFFICER CAMILLE VALLEY: And the friend, but then you said that somebody at the clinic had actually offered a treat to the dog. Was that person bit?

RUSTY SMITH: Yes. That was the first one yes.

HEARING OFFICER CAMILLE VALLEY: Okay, but it says a man's finger and you said a woman. The first instance was a man's finger and he ended up with an injury.

RUSTY SMITH: Well, they got it kinda backwards. On July 4, February 11 is actually the first one on February 11, 2011 my dog attacked and bit the man's hand while I put his hand out for the dog to smell which resulted in injuries. What had happened was I took the dog into the clinic as I did all the time, every day, on a leash and I took her to Ms. Alleman's office. Ms. Alleman had a drawer that she keeps dog treats in because other dogs come in and get treats also. And on that particular day she gave my dog a treat and a man by the name of Nathan, I don't know his last name, did see the treat in the dog's mouth and he came to the dog and put his hand down and my dog had already had the treat in his mouth and he, my dog thought that he was trying to take the treat from him.

HEARING OFFICER CAMILLE VALLEY: Okay. So that's the February 11<sup>th</sup>?

RUSTY SMITH: That's February 11<sup>th</sup> one there. And it was a bite that needed some attention. It was a bite. It was a nip. Now I do have some information. I do have some information on nips and bites which there is quite a difference.

HEARING OFFICER CAMILLE VALLEY: Okay before we get into that that was February 11<sup>th</sup>.

RUSTY SMITH: That was February 11<sup>th</sup>.

HEARING OFFICER CAMILLE VALLEY: But we also have the first instance that Sergeant Raudabaugh happened to mention was this July 28, 2010. That's been almost a year ago. That was somebody, a man walking down a sidewalk.

RUSTY SMITH: He walked past my house and my dog's leash only reaches to the end of the step and the step, I wish I had a picture, it ends right at the City's sidewalk so the dog cannot go past the City sidewalk.

HEARING OFFICER CAMILLE VALLEY: But he can reach all the way to the City sidewalk.

RUSTY SMITH: He definitely can get to the City sidewalk. It could be he reached his neck out and I don't know what the kid was doing. I didn't witness it at all. I don't know if he provoked him or if it just scared my dog. That could have been a possibility. I'm not putting the blame on anybody. I don't know if he put his hand down.

HEARING OFFICER CAMILLE VALLEY: That's what it sounds like. It sounds like in every instance somebody extended their hand for him to smell which is the way.....

RUSTY SMITH: Well that's the way it is wrote down but in every instance there was a treat in the dog's mouth. A treat was being given to the dog.

HEARING OFFICER CAMILLE VALLEY: Other than the July 28, 2010 you said you didn't observe that one.

RUSTY SMITH: I didn't.

HEARING OFFICER CAMILLE VALLEY: Okay so then we're moving on then. We've got those two, your testimony on those so then February 11<sup>th</sup>.

RUSTY SMITH: February 11<sup>th</sup>.

HEARING OFFICER CAMILLE VALLEY: We already did. Okay we did that so now June 13, 2011 which was.....

RUSTY SMITH: Okay. Shelly is a good friend of mine. She's a store clerk. I was hoping she'd be here today, but she's not. She works nights so she could be sleeping in. But anyway I personally talked to this man last night. He didn't even know that he had gotten bit or got scratched or whatever it was. It wasn't nothing serious because Shelly and I were standing outside having a smoke and then we went inside because he was gonna come inside and somebody has to be in the store when a customer comes in. Somebody has to be in there. So Shelly and I went into the store and nothing was said. Nothing was said by the man. His name is Tan. He's a young guy probably in his early 20's.

HEARING OFFICER CAMILLE VALLEY: So you're saying that he was bit before you all went into the store.

RUSTY SMITH: Yes. And he didn't say a word about it. He didn't say a thing about it til, the only thing that he said about it is when he went home, took his shirt off and he mom said oh my

what has happened? How did you get scratched? There was blood. There was blood coming out like the dog didn't jump up on his chest viciously attacking him.

HEARING OFFICER CAMILLE VALLEY: So, so what caused him to bleed?

RUSTY SMITH: I don't know. I wasn't there and he never said. He never told us. He never even knew that he was. He never even knew that he was injured. And if he was here and Shelly was here today they would both say the same thing exactly. You know, you know, I'm telling the truth you know. He didn't say anything until his mother saw a scratch or whatever it was on his side. It wasn't a big bite into his chest as they, you know, it kinda looks like a good handprint on the man's chest when the man jumped back. That isn't how it happened at all. I mean, come on, he over-exaggerated the whole scene. We was walking into the store. We didn't see it. We don't know. We don't know. All I want to know is what about the ticket.

HEARING OFFICER CAMILLE VALLEY: Well, if you look at the police report cause the police responded. Sergeant Raudabaugh just entered into evidence each case so somebody, somebody filed a complained with the police department and the police investigated.

RUSTY SMITH: Yes.

HEARING OFFICER CAMILLE VALLEY: So if you'd look at the, the police investigation report for that June 13<sup>th</sup> event which was Exhibit 4 I believe.

RUSTY SMITH: Whatever. I don't know, you've got so many exhibits here. Yeah.

HEARING OFFICER CAMILLE VALLEY: Well that's why I said so, so you would take a moment and read through that cause it mentioned the officer went to 212 East Granger in reference to an animal bite and spoke with Tanner Peacock and his father Chris.

RUSTY SMTIH: It so happens, it just so happens that I was talking to the dog catcher when Tanner walked across the yard and I said there he is right there and he said shhhh, quiet, quiet, quiet. Like he didn't want to be like, I wasn't going to start trouble with him. I was just gonna, you know, maybe get his story from him while I was there and he was there. But then the dog catcher acted like he didn't want the both of us together, both of us collaborating.

HEARING OFFICER CAMILLE VALLEY: Well, they're trying to get, when they investigate they usually want to talk to each person individually to see what each person's perspective was with whatever happened. That's not a bad thing.

RUSTY SMITH: I understand that. Yes. That's not a bad thing. No.

HEARING OFFICER CAMILLE VALLEY: Okay so then that's the June 13<sup>th</sup>. Okay. Our most recent event was the July 4<sup>th</sup> event.

RUSTY SMITH: July 4<sup>th</sup>.

HEARING OFFICER CAMILLE VALLEY: And that's the City, if you look at the City's Exhibit.

RUSTY SMITH: Oh yes. This was Shelly's friend. This is Shelly's friend. Shelly came out to give him a treat. I had him hooked to the cylinders of propane gas. It's a big square tank and they have a padlock and it doesn't have a hook on mine. I hooked him on the lead, hooked him on that and I threw him a sausage, sometimes he's chomping on grass or whatever and so Shelly was giving him, I always trusted Shelly. Shelly knows how to handle the dogs. And from then on I don't know what happened.

HEARING OFFICER CAMILLE VALLEY: Okay and that, you just had said that you fastened the dog's leash, Whiskers' leash onto that propane tank area, right?

RUSTY SMITH: Yes.

HEARING OFFICER CAMILLE VALLEY: So at that point in time you weren't around him and nobody was really holding that leash. He was just fastened to the....

RUSTY SMITH: No, nobody was holding the leash. No ma'am. But Shelly was there with the dog.

HEARING OFFICER CAMILLE VALLEY: Okay we record this so you need, you need to speak into the microphone.

RUSTY SMITH: She was at that point in time nobody was holding the leash but he was sitting, waiting for Shelly to get him long sausages, to break off another piece and give it to him. And how that lady got around, I don't know how she got her finger, it was nipped.

HEARING OFFICER CAMILLE VALLEY: Okay, and, but you weren't around at that time, just Shelly was around.

RUSTY SMITH: Well, I was there, but their bodies were blocking, I couldn't see.

HEARING OFFICER CAMILLE VALLEY: So you were standing behind and they....

RUSTY SMITH: I was behind and I couldn't see. No.

HEARING OFFICER CAMILLE VALLEY: Okay. Okay.

RUSTY SMITH: Go ahead ma'am. I'm ready to talk to her and I do have some disabilities and currently get disability of course you know talking to the judge, you know it takes quite a while to happen and he has been a therapy dog for me. In fact I'm getting ready to go see the therapist now about it and you know when I get down I'm down and when he comes along he's there and he picks me up. I mean....

HEARING OFFICER CAMILLE VALLEY: Okay you say he's a therapy dog. So is he trained as a service animal?

RUSTY SMITH: Surface animal?

HEARING OFFICER CAMILLE VALLEY: Service, service animal.

RUSTY SMITH: Oh, no ma'am.

HEARING OFFICER CAMILLE VALLEY: Okay. But you are saying he lifts your spirits when you are not feeling....

RUSTY SMITH: Very much so.

HEARING OFFICER CAMILLE VALLEY: Okay. Alright, anything further?

RUSTY SMITH: The only thing, I mean I'm waiting for Uncle Sam and it sounds like Uncle Sam is cutting off everybody's checks so I guess I'm waiting nothing.

HEARING OFFICER CAMILLE VALLEY: Well there's nothing I can do about that.

RUSTY SMITH: Yeah I know that.

HEARING OFFICER CAMILLE VALLEY: Okay.

RUSTY SMITH: And as far as my dog, I mean that's all I've got in the world.

HEARING OFFICER CAMILLE VALLEY: Okay. Well I appreciate your testimony this morning. Do you have anything further you want to add?

RUSTY SMITH: I don't know of anything further.

HEARING OFFICER CAMILLE VALLEY: Raudabaugh, do you have anything further?

SERGEANT SCOTT RAUDABAUGH: No.

HEARING OFFICER CAMILLE VALLEY: Okay. What I do, I know nothing about these cases when I hear them so what I will do is deliberate on the declaration that the City has issued and develop a final written decision which I will submit to the City Clerk's Office and then Sergeant Raudabaugh will make sure you get a copy of that.

RUSTY SMITH: And the bill goes on?

HEARING OFFICER CAMILLE VALLEY: Pardon me.

RUSTY SMITH: .....and the \$12 a day, the bill goes on.

HEARING OFFICER CAMILLE VALLEY: Well that's why I usually try to get these, my decisions expedited as quickly as possible because I know that there's costs occurring so I'm very much am aware of that and try to be, respond appropriately. I thank you very much for your time and testimony this morning and this case is adjourned.

RUSTY SMITH: Thank you.

HEARING OFFICER CAMILLE VALLEY: Thank you.

I, Renae Lampkin, certify that I transcribed the minutes of the July 18, 2011 Administrative Hearing pertaining to a dangerous dog owned by Rusty Smith.

Renae Lampkin