

.....
Date
 December 5, 2011

WHEREAS, James Pratt, 5626 Douglas Avenue, # 216, 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. Pratt requested an opportunity to address the City Council regarding his appeal; and

WHEREAS, Mr. Pratt 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. Pratt'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 HUMANELY DESTROY THE
 ANIMAL.

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

MOVED BY _____ TO REVERSE THE
 DECLARATION AND DECLARE THE ANIMAL NOT
 DANGEROUS.

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				

MOTION CARRIED APPROVED

 Mayor

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.

 City Clerk

EXHIBITS FOR DANGEROUS ANIMAL

“KLOE”

EXHIBIT A **Hearing Officer’s Decision
(City Exhibits 1-29)**

**Animal Investigation Reports
Code Sections**

EXHIBIT B **James Pratt’s Exhibits
(Exhibits 1-8)**

EXHIBIT C **Appeal from James Pratt**

EXHIBIT D **Letter to James Pratt
(Setting date of Appeal to Council)**

EXHIBIT E **Hearing Transcript**

EXHIBIT A

EX. A
39



November 14, 2011

James Pratt
5626 Douglas Avenue, #216
Des Moines, IA 50310

Subject: Dangerous Animal

Attached is the ruling from the City of Des Moines Hearing Officer, for the Administrative Hearing on November 7, 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 that reads "Diane Rauh". The signature is fluid and cursive, with a long horizontal stroke at the end.

Diane Rauh
City Clerk

DR:kh
Attach

City of Des Moines, Iowa
November 7, 2011 Administrative Hearing

In re:

JAMES PRATT,
Respondent

DECISION AND ORDER
AND
NOTICE OF APPEAL RIGHTS

James Pratt, owner of a black and white colored female Pit Bull breed dog named "Chloe" (ARL# A14146270), appeared in his own behalf. Sergeant Scott Raudabaugh, the Chief Humane Officer with the City of Des Moines Police Department (the "DMPD"), appeared on behalf of the City of Des Moines, Iowa (the "City").

Procedural History

At approximately 12:10 AM on September 26, 2011, DMPD Police Officer Wing sustained a dog bite to the left inner thigh from a black and white colored female Pit Bull breed dog while responding to a "domestic" at 5626 Douglas Avenue, Des Moines, Polk County, Iowa; an extended stay motel room occupied by James Pratt (City Exhibits 18-19). On September 26, 2011, Mr. Pratt's dog "Chloe" was impounded and placed in quarantine with ARL CCC. On September 27, 2011, a Veterinarian examined "Chloe" and found the dog to have "predominant Pit Bull physical characteristics" (City Exhibit 23). On September 27, 2011, the City's Chief Humane Officer declared "Chloe" to be a "Vicious Dog," as defined under Section 18-41 of the City of Des Moines Municipal Code (the "Municipal Code") (City Exhibit 24). At approximately 8:49 AM on September 30, 2011, the DMPD slid a "Vicious Dog" declaration letter under the door of room 216 at the Douglas Avenue extended stay motel; where Mr. Pratt was known to be residing. The declaration letter notified Mr. Pratt that: (1) his dog "Chloe" was impounded at the animal shelter; (2) the dog was identified as over 6-months old and a vicious dog breed as defined under Section 18-41 of the Municipal Code; (3) he may reclaim the dog after properly licensing it as a "Vicious Dog" with the City Clerk's Office, which included agreeing to properly confine/leash it; (4) if his dog is found unlicensed or not properly confined/leashed two times it may be destroyed in a humane manner in accordance with Sections 18-57&58 of the Municipal Code; and (5) he had a right to appeal the "Vicious Dog" declaration provided his request was filed with the City Clerk's Office within three business days of receiving the notice of the "Vicious Dog" declaration (City Exhibits 24&25). The record is void of any evidence that Mr. Pratt filed an appeal with the City Clerk's Office to dispute the "Vicious Dog" declaration. At approximately 1:00 PM on October 12, 2011, the DMPD personally served Mr. Pratt with a copy of the "Vicious Dog" declaration letter; with Mr. Pratt's signature obtained on the receipt of service form (City Exhibit 26). On October 12, 2011 Mr. Pratt signed the "Vicious Dog" Compliance Form and filed it with the City Clerk's Office (City Exhibit 27).

At approximately 3:23 PM on October 25, 2011, the DMPD responded to a report of dog bite/domestic disturbance in the parking lot of an extended stay motel located at 5626 Douglas Avenue, Des Moines, Polk County, Iowa; in which three adults and a black and red Yorkie dog were bite victims. On October 25, 2011, "Chloe" was impounded because the dog was found to have bitten at least two adults and killed the Yorkie during the dog bite/domestic disturbance. On October 31, 2011, the Veterinary Diagnostic Laboratory at Iowa State University issued results from rabies testing and a necropsy on the victim dog; noting the dog tested negative for the

rabies virus and the dog had died from trauma, jugular laceration and hemorrhage from multiple bite wounds (City Exhibits 8-10). On November 3, 2011, DMPD contacted Mr. Pratt's Mother, who had sustained a bite injury, informing her that the victim dog had tested negative for rabies; an unsuccessful attempt was made to inform the victim dog's owner. On November 4, 2011, ARL CCC, at the request by DMPD, informed the victim dog owner that her dog tested negative for the rabies virus (City Exhibit 12). On November 3, 2011, the DMPD Chief Humane Officer declared "Chloe" (a/k/a "Cloe") a "Dangerous Animal" as defined under Section 18-196 of the Municipal Code (City Exhibit 1). On November 3, 2011, DMPD slid a copy a Notice form and the declaration letter under the door of room 216 at the Douglas Avenue extended stay motel; where Mr. Pratt was known to be staying (City Exhibit 2). The Notice informed Mr. Pratt that: (1) the City was declaring his dog "Chloe" to be a "Dangerous Animal" because the dog was involved in bite incidents of a person on two separate occasions within a 12-month period, as specified under Section 18-196 of the Municipal Code; (2) an administrative hearing to review the "Dangerous Animal" declaration had been scheduled for 10:00 AM on November 7th; (3) if the "Dangerous Animal" declaration is upheld "Chloe" may be destroyed in a humane manner as provided under Section 18-202 of the Municipal Code; and (4) "Chloe" will remain in impound pending the decision of the Administrative Hearing Officer. The administrative hearing was so conducted.

Discussion

Sergeant Raudabaugh argued Mr. Pratt's dog "Chloe" is a "Dangerous Animal" as defined under Section 18-196(1) of the Municipal Code because of the dog's vicious behavior during two recent occasions. Sergeant Raudabaugh testified that "Chloe" was found to be the bite dog during an incident on September 26, 2011 and again on October 25, 2011. Sergeant Raudabaugh testified that during the first incident, a Police Officer was bitten on the inner left thigh, which caused a puncture wound and tooth scrapes (DMPD Case# 11-31528). Sergeant Raudabaugh offered evidence into the record that the Officer had responded to a "Domestic" in room 216 of the Douglas Avenue extended stay motel (City Exhibit 18-19). Sergeant Raudabaugh testified that Mr. Pratt was identified as "Chloe's" owner and that the dog was on a leash in the room and under the control of an Ashley Martinez. Sergeant Raudabaugh testified that Ms. Martinez had been instructed to keep the dog away from the Police Officers; but the dog could not be controlled and it ran at the victim Officer, biting and breaking the skin of his inner left thigh (City Exhibits 20-21).

Sergeant Raudabaugh testified that during the most recent incident, on October 25, 2011, "Chloe" was being walked on a leash held by Mr. Pratt's Mother in the parking lot of the Douglas Avenue extended stay motel. Sergeant Raudabaugh testified that "Chloe" attacked a Yorkie dog, which had come up and was sniffing it; "Chloe" grabbed it in its jaw, repeatedly shook it and would not release it (DMPD case# 11-35116) (City Exhibit 6-7). Sergeant Raudabaugh testified that the record reflects that Mr. Pratt's Mother was punching "Chloe" in the head trying to get the dog off of the Yorkie dog (City Exhibit 15a). Sergeant Raudabaugh testified that an adult male, who resides at a neighboring property, responded to the yelling and screaming by jumping the property line fence and attempting to get "Chloe's" jaw open in order to release the victim dog (City Exhibit 16-17). Sergeant Raudabaugh testified that the male adult neighbor sustained a tear and bleeding on his right ring finger (DMPD case# 11-35118). Sergeant Raudabaugh testified that the victim dog's female adult owner also sustained injuries in her attempt to free her dog (City Exhibits 13-15a). Sergeant Raudabaugh testified that "Chloe" bit into and tore the victim dog's female adult owner's left pant leg; causing a one inch tooth scrape across her left knee (DMPD case# 11-35117). Sergeant Raudabaugh testified that the record also reflects that Mr. Pratt's Mother sustained multiple punctures from a dog bite on her right

hand; which were sustained while trying to get "Chloe" to release the Yorkie (DMPD case# 11-35116) (City Exhibits 6-7).

Mr. Pratt and various members of his family all argued during the November 7, 2011 administrative hearing that "Chloe" is a very loving and gentle dog and the perfect pet; noting that they would not have the dog around their young daughter if that were not the case. Mr. Pratt offered eight photos of "Chloe" into the record that show the dog in a calm state. However, Mr. Pratt's Mother, Bonnie Kennedy acknowledged during her testimony that she could not control "Chloe" during the October 25, 2011 incident; admitting that she had punched "Chloe" in the head in an attempt to get the dog to release its grip on the Yorkie. Both Mr. Pratt and Ms. Kennedy, argued that "Chloe" is just territorial and that it is understandable for it or any dog to react in such a manner when another dog or person invades its territory. However, such behavior by an animal is unacceptable and dangerous to the public safety.

Mr. Pratt also seemed to argue that his dog is being unfairly targeted based on its breed. However, the issue is whether it is reasonable for the City to declare "Chloe" a "Dangerous Animal" under Section 18-196 of the Municipal Code, which provides in pertinent part:

Dangerous animal means any animal, including a dog . . . 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; [or]
- (3) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence.

As can be noted, the DMPD "Dangerous Animal" declaration does not take into consideration a dog's breed but instead focuses on whether the dog has exhibited vicious propensities in present and past conduct.

Therefore the first query is whether "Chloe" has bitten or clawed a person on two separate occasions within a 12-month period, as delineated in Section 18-196(1) of the Municipal Code. The record reflects that "Chloe" bit a DMPD Police Officer on his left inner thigh causing a puncture wound and tooth scrapes while responding to a "domestic" in Mr. Pratt's room at the Douglas Avenue extended stay motel on September 26, 2011 (DMPD case# 11-31528). The record also reflects that 29-days later "Chloe" bit and caused injuries to at least two adults who were responding to "Chloe's" deathly attack of a Yorkie dog that had come up to sniff "Chloe" on October 25, 2011 (DMPD case #11-35117 & #11-35118). Therefore, it is found reasonable for the City to declare "Chloe" a "Dangerous Animal" under Section 18-196(1) of the Municipal Code.

In the alternative, this case may also be considered under Section 18-196(3), which calls for determining whether "Chloe" could not be controlled or restrained by the owner at the time of the attack(s) to prevent the occurrence. The record reflects that during the September 26, 2011 incident, a Ms. Martinez was in Mr. Pratt's room at the extended stay motel on Douglas Avenue and that she was holding "Chloe" on a leash. The record reflects that DMPD Officers had responded to the "domestic" in Mr. Pratt's room and they had informed Ms. Martinez to keep "Chloe" away from them. The record reflects that Ms. Martinez could not control "Chloe" which allowed the dog to come at one of the Officers and bite him causing an injury to his inner left thigh.

Furthermore, Ms. Kennedy did not dispute that a Yorkie had come up to sniff "Chloe" and she was unable to control "Chloe's" reaction to the Yorkie's presence while she had control of the dog's leash during their walk in the parking lot of the Douglas Avenue extended stay motel on October 25, 2011. Ms. Kennedy even acknowledged during her testimony that she kept punching "Chloe" in the head in an attempt to get the dog to release its grip on the Yorkie; which further indicates that she did not have control of the dog as required by Section 18-196(3) of the Municipal Code.

For clarification purposes, "controlled or restrained by the owner," as noted under Section 18-196(3) of the Municipal Code, shall be deemed to be when the dog is on leash and under the actual physical control of a person eighteen (18) years of age or older who appears to be acting on behalf of the owner. In the case at hand, the record reflects that both persons who had control of "Chloe's" leash, on each occasion were adults (City Exhibit 20— Ms. Kennedy's son's DOB as 8/12/81 & Martinez's DOB as 12/1/84). Given one of these adults is Mr. Pratt's Mother and the other a female in his room at the Douglas Avenue extended stay motel, it is reasonable to consider them both agents of Chloe's owner, Mr. Pratt. Therefore, it is found reasonable to find that the bite dog's owner did not control or restrain "Chloe" in order to prevent the bite incidents in September and October; therefore it is found reasonable for the City to declare "Chloe" a "Dangerous Animal" under Section 18-196(3) of the Municipal Code.

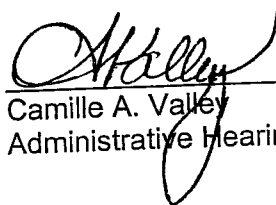
Decision and Order

By a preponderance of all evidence in the record, the declaration by the Chief Humane Officer is upheld, and "Chloe" the black and white colored female Pit Bull breed dog (ARL# A14146270), owned by James Pratt, 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, James Pratt 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 11-31528, 11-35116, 11-35117 and 11-35118.

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 14th day of November, 2011 in Des Moines, Polk County, Iowa.



Camille A. Valley
Administrative Hearing Officer

DES MOINES POLICE DEPARTMENT #25 E. FIRST, DES MOINES IA 50309-4891

Judy A. Bradshaw
Chief of Police

Richard Singleton
Major, Administrative Services Bureau



FAX

Date: 11/15/11

Number of pages including cover sheet: 02

To: "KAREN"

Phone: _____

Fax phone: (515) 237-1645

CC: _____

From: DES MOINES POLICE

LARRY W. GILMORE 4972

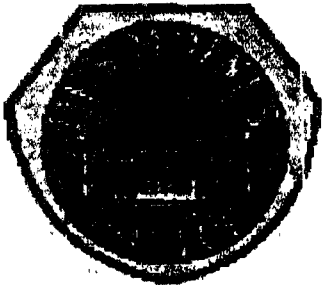
Phone: _____

Fax phone: 515/237-1874

REMARKS: Urgent For your review Reply ASAP Please comment

DOCUMENT SERVICE - JAMES PRATT

Ex. A



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 11-35116, 11-35118, 11-35128, 11-35117

ARI number (if known): A14146270

Animal owner's name: JAMES PRATT

Address: 10 MAPLE # 240 NEVADA FOWA 50201

Location of service: 10 MAPLE # 240 NEVADA IOWA 50201

Date and time served: 11/14/11 1625 HRS

Official serving document (print name):
LARRY G. GILMORE

Official's identification number: 4972

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):
James Pratt 441-9004 cell

Their signature: James Pratt
EF ACVA

Ex. A
City Exhibit
1

November 3, 2011

Mr. James Pratt
5626 Douglas Avenue # 216
Des Moines, Iowa



Dear Mr. Pratt,

On October 25, 2011 while in the apartment complex parking lot your black and white colored female pit bull breed dog, named "Cloe," bit and killed another dog when the dog went up to your dog and was sniffing your dog. Your dog was impounded for quarantine at the city animal shelter. (2011-35116)

During that bite incident your dog bit the owner of the other dog while she was trying to assist her dog, which resulted in a scrape injury to her leg. (2011-35117)

Also during that bite incident a neighbor tried to help by trying to pry open your dog's mouth and one of the dog's teeth caught his finger and tore the skin. (2011-35118)

On September 26, 2011 while at your apartment your dog pulled away from the person holding it and your dog bit a police officer that was there handling another problem, which resulted in a puncture wound and scrapes to his leg. Your dog was impounded for quarantine at the city animal shelter. (2011-31528)

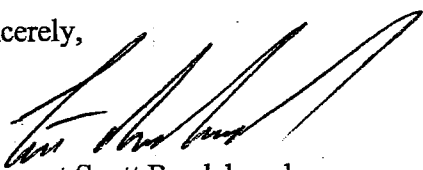
Because your dog was involved in bite incidents of a person on two separate occasions within a 12 month period your dog is being declared a "Dangerous Animal," as defined by city ordinance 18-196.

An **Administrative Hearing** to review the "Dangerous Animal" declaration has been scheduled for **10:00 A.M. on Monday, November 7, 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.

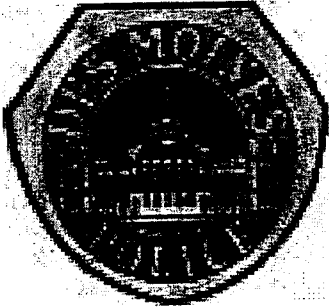
If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Sincerely,


Sergeant Scott Raudabaugh,
Chief Humane Officer

cc: City Clerk's Office

2



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 2011-35110

ARL number (if known): _____

Animal owner's name: JAMES PRATT

Address: 5020 DOUGLAS AV. #210

Location of service: SAME

Date and time served: 03 NOV 11 1020

Official serving document (print name):
Sgt. RAUL ABALHA

Official's identification number: 4770

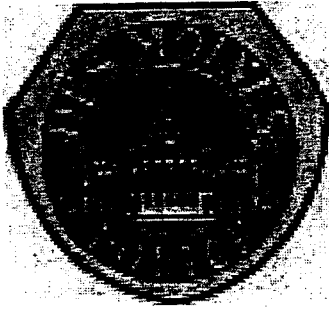
Type of document served: Vicious dog letter Dangerous

animal letter Illegal animal letter Hearing ruling letter

City Council decision letter Other: _____

Name of person receiving document (they print their name):
SLID UNDER DOOR AND INTO

Their signature: X APARTMENT
KE ACU



Chief Humane Officer

3

DOCUMENT SERVICE

DMPD Case number: 2011-35110

ARL number (if known): _____

Animal owner's name: JAMES PRATT

Address: 5020 DOUGLAS AV. #710

Location of service: ANIMAL SHELTER

Date and time served: 04 NOV 11 1249

Official serving document (print name):
SGT. RAND ABRAHAM

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):

James Pratt

Their signature: X James Pratt

KEF ACU

4

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.

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

- (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)

Animal Incident Investigation Report

Des Moines, Iowa

* CONNECT TO 11-35117 *
35118

6

1. ARL case number: C00944859		2. DMPD case number (if applicable): 11-35116	
Impounded or bite animal		3. Victim's name (Last, First M.I.): KENNEDY, BONNIE <small>(Human victim or society)</small>	
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL#: A14372050		4. Race: W	5. Sex: F
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/> CLOE A144070		6. Age:	7. Date of birth:
34. Animal breed: PITBULL		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: BLACK WITH WHITE		10. Residence address: 5626 DOUGLAS <small>(City and/or state if not Des Moines or Iowa)</small>	
36. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number: 326-4978	
37. Animal sex: Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		12. Business or cellular phone number:	
38. Microchip: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> <small>(Records Personnel: Enter M/C# as a serial number)</small> M/C#: 0A125A690B		13. Place of employment or school:	
39. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#: NOT DISPLAYED		14. Type and location of injury: RIGHT HAND MULTIPLE PUNCTURES	
39A. Date of vaccination:		15. Medical treatment: ADVISED	
39B. Date of vaccination expiration:		16. Reporting person's name (Last, First M.I.): SMITH, GLENALE	
39C. Veterinarian:		17. Race: B	18. Sex: F
40. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#: NOT DISPLAYED		19. Age: 04/08/1958	20. Date of birth: 04/08/1958
41. Other identifiers (Collar, tattoo, etc.): BLUE NYLON		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: ARL CCC		23. Residence address: 5626 DOUGLAS # 202 <small>(City and/or state if not Des Moines or Iowa)</small>	
43. Impounded or bite animal owner's name (Last, First M.I.): KENNEDY, BONNIE OR PRATT, JAMES		24. Residence phone number: 278-1601	
44. Residence address: 5626 DOUGLAS #216 <small>(City and/or state if not Des Moines or Iowa)</small>		25. Business or cellular phone number:	
45. Residence phone number: 326-4978		26. Location of incident (address): 5626 DOUGLAS	
46. Place of employment or school:		27. Location type: PARKING LOT	
47. Business or cellular phone number:		28. Date and time incident occurred: 25 OCT 11 1510	
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		29. Date and time incident reported: 25 OCT 11 1523	
48A. Date and time of notification: 25 OCT 11 1544		30. Crime/incident type: ANIMAL BITE-DOG	
48B. Person making notification: T. UPDEGROVE AR6		31. Classification:	
48C. Means of notification: IN PERSON/NOTICE		49. Witness' name (Last, first):	
49. Witness' name (Last, first):		50. Residence address: <small>(City and/or state if not Des Moines or Iowa)</small>	
50. Residence address: <small>(City and/or state if not Des Moines or Iowa)</small>		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: <small>(City and/or state if not Des Moines or Iowa)</small>	
53. Residence address: <small>(City and/or state if not Des Moines or Iowa)</small>		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 type="checkbox"/> Yes <input checked="" type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	
Victim animal		56. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL#:		57. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
58. Animal breed: YORKI		58. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
59. Animal color: BLACK AND RED		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
61. Animal sex: Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		62. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
63. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> M/C#:		62A. Date of vaccination:	
64. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		62B. Date of vaccination expiration:	
65. Type and location of injury: PUNCTURES TO ABDOMEN		62C. Veterinarian:	
66. Medical treatment: DOA		67. Confinement/quarantine location: ARL CCC	
67. Confinement/quarantine location: ARL CCC		68. Victim animal owner's name (Last, First M.I.): SMITH, GLENALE	
69. Residence address: 5626 DOUGLAS #202 <small>(City and/or state if not Des Moines or Iowa)</small>		70. Residence phone number: 278-1601	
70. Residence phone number: 278-1601		71. Business or cellular phone number:	
72. Reporting official: T. UPDEGROVE AR6		74. Copy/copies made by:	
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		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:		77. Supervisor approving report: A. Colin AR-1	
77. Supervisor approving report: A. Colin AR-1		78. Reviewed by: BS	

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Animal Incident Investigation Report

Des Moines, Iowa

79. Page: 2 of 2

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:

THIS R/O WAS CALLED TO ASSIST THE POLICE ON A DOG BITE/DOMESTIC DISTURBANCE. WHEN I ARRIVED I MET WITH DMPD OFFICERS LICHT # 5117 & QUANG #5061. IT WAS ADVISED THAT KENNEDY, BONNIE WHO RESIDES IN ROOM # 216 WAS IN THE BACK PARKING AREA OF THE HOTEL WALKING HER DOG CLOE, A FEMALE BLACK WITH WHITE PITBULL. THIS DOG WAS ON A LEASH AT THE TIME OF THE OCCURANCE. WHILE WALKING HER DOG, SMITH, GLENALE WHO RESIDES IN ROOM # 202 WAS ALSO OUTSIDE WALKING HER TWO DOGS OFF LEASH. SMITH'S SMALL YORKI DOG WENT UP TO KENNEDY'S DOG CLOE SNIFFING HER, THAT IS WHEN CLOE TURNED AND ATTACKED THE YORKI. SMITHS DOG WAS KILLED DURNING THE ATTACK, I FOUND THE DOG TO HAVE A POOL OF BLOOD UNDER HER WHEN REMOVING THE BODY. I DID NOT EXAMINE THE BODY ANY FURTHER DUE TO THE ELEVATED SCENE. SMITHS DOG WAS IMPOUNDED AT THAT TIME. KENNEDY STATED WHILE SHE WAS TRYING TO GET CLOE TO RELEASE THE YORKI FROM HER MOUTH THE YORKI BIT KENNEDY ON HER RIGHT HAND CAUSING MULTIPLE PUNCTURES. KENNEDY'S RIGHT HAND WAS COVERED IN BLOOD. SMITH CLAIMS THAT CLOE BIT KENNEDY IN THE ATTACK AND HER DOG DID NOT BIT AS CLOE HAD THE YORKI'S HEAD IN HER MOUTH AND CLOE ALSO BIT TWO ADDITIONAL PEOPLE DURNING THE INCIDENT, SEE CASE # 11-35117 & 11-35118. HOWEVER I ASKED SMITH IF HER DOG HAD A CURRENT RABIES VACCINATION, SHE INDICATED THE DOG DID HOWEVER UNDER A REMICK, ANN'S NAME WITH STARCH ANIMAL CLINIC. I CONTACTED STARCH HOWEVER THEY DO NOT HAVE A YORKI TYPE DOG REGISTERED TO A REMICK OR A SMITH. I ADVISED KENNEDY THAT THE DOG WOULD BE TESTED FOR RABIES AS A RABIES VACCINATION COULD NOT BE PROVEN, SHE WAS ALSO ADVISED TO SEEK MEDICAL ATTENTION FOR HER HAND.

CLOE JUST GOT OUT OF IMPOUND FOR RABIES Q/T HOWEVER DUE TO THE CIRCUMSTANCES THE DOG WAS IMPOUNDED FOR RABIES Q/T, BOTH DOGS WERE THEN TRANSPORTED TO ARL CCC.

Q/T RELEASE ON 11/04/11

NEED RABIES TESTING ON THE YORKI WITH POSSIBLE NECROPSY

120. Date of this report:
25 OCT 11

