

Date October 13, 2008

PUBLIC HEARING ON APPEAL OF
DANGEROUS ANIMAL DECLARATION

WHEREAS, Robert Gourd, 1214 East Walker, owns a dog declared dangerous by Des Moines Chief Humane Officer, Sgt. Scott Raudabaugh; and

WHEREAS, the declaration was upheld by the Administrative Hearing Officer following Mr. Gourd's appeal of this declaration; and

WHEREAS, Mr. Gourd requested an opportunity to address the City Council on the declaration; and

WHEREAS, Mr. Gourd has been provided with the opportunity to address the City Council on the matter of his appeal of the administrative hearing officer; NOW, THEREFORE,

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

_____ Alternative One: That the administrative hearing officer's ruling be upheld.

MOVED BY _____ TO UPHOLD DECLARATION.

_____ Alternative Two: That the administrative hearing officer's finding be reversed.

MOVED BY _____ TO REVERSE DECLARATION.

FORM APPROVED: .

K. Massier

Katharine Massier
Assistant City Attorney

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

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

Bella

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

EXHIBIT B **Appeal from Mr. Gourd**

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

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

September 25, 2008

Robert Gourd
1214 Walker Street
Des Moines IA 50316

RE: Administrative Hearing – Declaration of Dangerous Dog

Dear Mr. Gourd:

At your request, the City of Des Moines scheduled an Administrative Hearing on September 23, 2008, at 1:00 p.m. regarding the declaration of your brindle and white female (spayed) Pit Bull dog named Bella, to be a “dangerous dog” by Sergeant Scott Raudabaugh, Chief Humane Officer for the City of Des Moines Animal Control Unit.

Sergeant Raudabaugh entered the following documents into evidence:

- City Exhibit A – Letter dated September 18, 2008 stating Dangerous Animal Declaration and providing Hearing date and time
- City Exhibit B – Service Document dated September 19, 2008
- City Exhibit C – Picture of Robert Gourd’s dog, Bella
- City Exhibit D – Municipal Code Section 18-41 Definitions (Vicious Animal)
- City Exhibit E – Municipal Code Section 18-56 Confinement of Vicious Dog
- City Exhibit F – Municipal Code Section 18-55 Running At Large
- City Exhibit G – Municipal Code Section 18-196 Definitions (Dangerous Animal)
- City Exhibit H – Municipal Code Section 18-203 Immediate Seizure or Destruction of Animals
- City Exhibit I – Municipal Code Section 18-202 Seizure, Impound and Disposition of Dangerous Animals
- City Exhibit J – Animal Incident Investigation Report Case #08-32691
- City Exhibit K – Police Citation Nos. 283053 and 283054
- City Exhibit L – Complaint and Probable Cause Statement
- City Exhibit M – Supplemental Animal Incident Investigation Report Case #08-32691
- City Exhibit N – Animal History Report dated July 22, 2008
- City Exhibit O – Supplemental Report Case #08-32691
- City Exhibit P – Animal Incident Supplement Report Case #08-32691
- City Exhibit Q – Animal License Form
- City Exhibit R – Confirmation of Insurance
- City Exhibit S – Regulations (Blue Form) For Owning a Vicious/Dangerous Animal



DIANE RAUH
CITY CLERK
CITY HALL-2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4209
FAX (515) 237-1645
www.dmgov.org

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ALL-AMERICAN CITY
1949, 1976, 1981,
2003

Robert Gourd
September 25, 2008
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- City Exhibit T – Animal Incident Investigation Report Case #08-25348
- City Exhibit U – Supplemental Report Case #08-25348
- City Exhibit V – Animal Incident Investigation Report Case #08-25348
- City Exhibit W – Vicious Dog Breed Declaration Letter dated July 23, 2008, Case #08-25348
- City Exhibit X – Document Service Form dated July 26, 2008, Case #08-25348
- City Exhibit Y – Supplemental Report dated July 28, 2008, Case #08-25348
- City Exhibit Z – Invoice from Hubbell Animal Hospital

Sergeant Raudabaugh testified that Robert Gourd's dog, Bella, bit an individual on July 16, 2008 and was served with a vicious dog declaration letter on July 26, 2008. Mr. Gourd was allowed to reclaim his dog after getting the proper dog license and insurance. Mr. Gourd signed what is referred to as a "blue form" (City Exhibit S), agreeing to properly confine or leash his dog.

On September 7, 2008, Mr. Gourd's dog, Bella, was running at large when it charged and bit a neighbor who was standing in the alley behind his house. The bite caused injury to the neighbor's leg, and Bella was impounded. After being brought into the Animal Control office, it was determined Bella had been impounded for a bite on July 16, 2008 when a person tried to pet the dog. The person who was bitten said he had permission to pet the dog, but a lady living at the residence where Mr. Gourd lives said permission was not given. In both cases, the dog got free and bit the people on their legs.

After the first bite on July 16, 2008, Mr. Gourd was given the benefit of doubt as to whether the person bit had permission to pet the dog. Sergeant Raudabaugh said he had hoped there would be no further incidents with this dog. Sergeant Raudabaugh said that unfortunately, on September 7, 2008, Mr. Gourd's dog was involved in a second bite while running at large.

Sergeant Raudabaugh said that after the July 16, 2008 bite, Bella was examined by the City Veterinarian and it was determined Mr. Gourd's dog exhibited characteristics of a vicious dog. A Vicious Dog Declaration Letter was issued (City Exhibit W).

Following the second bite, Sergeant Raudabaugh said it was necessary to declare Robert Gourd's dog, Bella, to be a dangerous animal, and a Dangerous Declaration Letter was issued (City Exhibit A).



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Robert Gourd of 1214 Walker Street and owner of Bella, stated he was not present at the first bite, but his brother's fiancée, Joann, was present. Mr. Gourd said the kids from the halfway house taunt his dogs all the time. Mr. Gourd said Joann told him one of the kids asked if he could pet Bella. Mr. Gourd said that even though the kid was told "no," he apparently tried to pet Bella anyway.

Mr. Gourd said at the time of the second incident he was outside in the front yard and it happened in the back yard. Mr. Gourd said he admits he did not have Bella confined like she is supposed to be, but he was not going to be outside very long. Mr. Gourd said he was talking to his ex girlfriend and he saw something in the back yard and went to see what was happening. Mr. Gourd said he saw a kid walking back to the halfway house and he was yelling, "You need to keep your dog on a leash. I'm going to call the cops." Mr. Gourd said he did not know the kid had been bitten.

I asked Mr. Gourd if the first incident happened inside or outside. Mr. Gourd said Joann had her on a leash but Bella broke loose. I asked Mr. Gourd if his dog had been licensed before the first bite and he said no. Mr. Gourd said he works about 60 hours a week and had not had time to get the license. Mr. Gourd said Bella is about a year and a half old and he has had her since she was about six weeks old. I asked Mr. Gourd if his other dog is licensed and he said it is not, but he is going to get the license soon.

Joann Brown, fiancée of Robert Gould's brother, stated that both incidents took place with kids from the halfway house. Ms. Brown said she told the first person not to pet the dog, but he tried to anyway. Ms. Brown said the other dog is a six month old black lab.

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

- Robert Gourd's dog, Bella, is a "vicious" animal as defined by Municipal Code Section 18-41 (1), (2), (3) (7)
- Robert Gourd's dog, Bella, is a "dangerous" animal as defined by Municipal Code Section 18-196 (1), (3)
- Robert Gourd failed to confine his dog, Bella, as defined by Municipal Code Section 18-56 and per his signature on the "blue form" (City Exhibit S)



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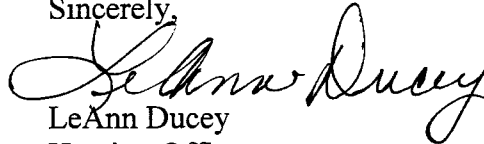
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- Robert Gourd's dog, Bella, was running-at-large (Municipal Code Section 18-55) at the time of the bite on September 7, 2008 (Case #08-32691)
- Robert Gourd failed to have proper licensing for his Pit Bull breed dog, Bella, until after the first bite on July 16, 2008
- Robert Gourd's dog, Bella, meets the standards of Municipal Code Section 18-203

Additionally, I am ordering Robert Gourd's dog, Bella, to be destroyed in a humane manner by the Chief Humane Officer of the City of Des Moines. If you disagree with this decision, you have three (3) days to appeal the decision to the City Council. The appeal must be made in writing to the City Clerk's Office, and state the reason for the appeal. If you have any questions regarding the appeal or compliance procedure, please contact Animal Control at 248-6051.

Sincerely,



LeAnn Ducey
Hearing Officer

Enclosures

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



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A

September 18, 2008

Mr. Robert Gourd
1214 Walker Street
Des Moines, Iowa

Mr. Robert Gourd:

On September 7, 2008 your brindle and white colored Pit Bull breed dog, named "Bella," was running at-large when it charged and bit a neighbor that was standing in the alley behind his house, the bite caused injury to his leg. Subsequently your dog was impounded for quarantine at the animal shelter. (2008-32691)

Previously on July 16, 2008 the same dog bit another person when the person tried to pet the dog. At that time the person that was bit claimed to have permission to pet the dog but your mother claimed he was told he could not pet the dog. That bite caused injury to the person's leg also. Subsequently the dog was impounded for quarantine at the animal shelter. (2008-25348)

On July 22, 2008 the City Veterinarian evaluated your dog and determined that it exhibits predominate characteristics of a "Vicious Dog," defined by city ordinance as a Staffordshire Terrier or an American Pit Bull Terrier or an American Staffordshire Terrier or a dog which has the appearance and characteristics of being predominately of those breeds.

Because your dog is defined as a vicious dog and was not properly confined or leashed, in accordance with the vicious dog ordinance, and was involved in an unprovoked bite, as well as a second bite of a similar nature, it is being declared a "Dangerous Animal," in accordance with the dangerous animal ordinance.

An Administrative Hearing to review the "Dangerous Animal" declaration has been scheduled for **1:00 P.M. on Tuesday, September 23, 2008 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 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



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

ALL-AMERICA CITY 1949, 1976, 1981

B



Animal Control

DOCUMENT SERVICE

Case number: 2008 - 32691

ARL number (If known): A05533144

Animal owner's name: ROBERT GOUZUS

Address: 1214 WALKER ST.

Location of service: SAMIE

Name of person receiving document (print):

DAVID GOUZUS JR (BROTHER)

Their signature: X

Date and time served: 9/19/08 1652

Animal Control Officer serving document (print):

Blanchard

Animal Control Officer's identification number: 7232

Type of document served: Vicious dog letter Dangerous

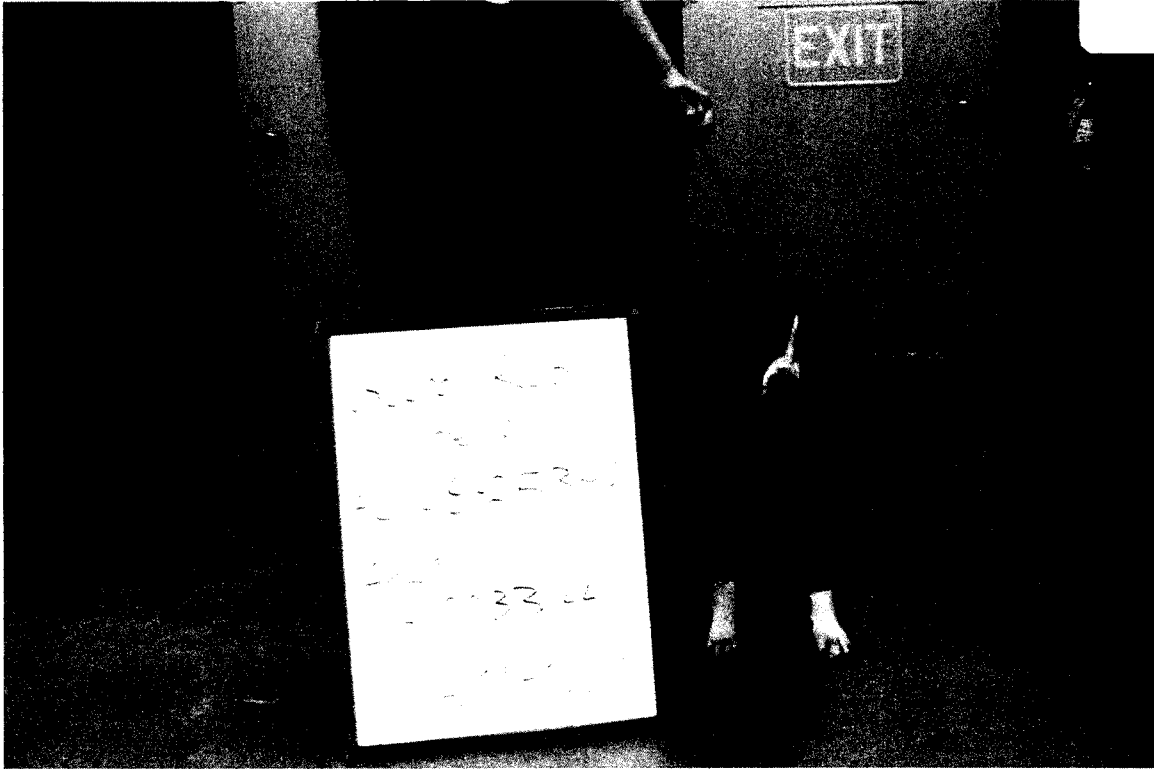
animal letter Illegal animal letter Hearing ruling letter

City Council decision letter Other: _____

KIF ACU

2008 SEP 22 PM 4:55

C



D

Sec. 18-41. Definitions.

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

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

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

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

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

Vicious dog means:

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

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

Cross references: Definitions generally, § 1-2.

Sec. 18-56. Confinement of vicious dogs.

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

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

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

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

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

(f) Violation of this section is a misdemeanor.

(C85, § 7-27.01; O.11,095, 11,558; C91, § 7-27.01)

F

Sec. 18-55. Running at large.

- (a) A dog, properly licensed as required by law, shall not be deemed at large if:
- (1) The dog is on the premises of the owner or a person given charge of the dog by the owner and is either:
 - a. Restrained on those premises by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow a dog to go beyond the owner's real property line; or
 - b. At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the dog by the owner. At no time shall the dog be more than six feet from such person.
 - (2) The dog is off the premises of the owner and is:
 - a. On a leash, cord, or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the dog; or
 - b. Properly restrained within a motor vehicle.
 - (3) The dog is properly housed in a veterinary hospital or registered kennel.
 - (4) The owner and the dog are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization.
 - (5) The dog and the owner are actively engaged in a generally recognized dog obedience training program or training for a generally recognized kennel club event, provided:
 - a. The dog is in the actual physical presence of the owner or trainer at all times;
 - b. The owner or trainer is at no time more than 50 feet from the dog;
 - c. The dog is immediately obedient to the commands of the owner or trainer; and
 - d. The owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the dog.
- (b) A dog shall be deemed to be at large if it is not properly licensed or if it is not housed, restrained or controlled in one of the methods set forth in subsection (a) of this section.
- (c) Notwithstanding any other section of this article, any dog shall be deemed at large at any time when attacking persons, domestic animals, destroying property, or on a public school ground except when under restraint as set out in subsection (a)(2) of this section. Furthermore, any female dog in heat shall be deemed at large at any time except:
- (1) When housed in a building which is completely enclosed;
 - (2) When housed in a veterinary hospital or registered kennel; or
 - (3) When on the premises of the owner, provided the area on which such dog is located is:
 - a. Completely enclosed in a locked, enclosed fence, pen or other structure having a height of at least six feet; such fence, pen or structure must have secure sides which are imbedded into the ground, if the bottom of the structure is not integrally connected to the structure; or

- b. If the fence, pen or structure is less than six feet in height, it must have a secure top in addition to securely imbedded sides as described in subsection (c) (3)a of this section.

Nothing in this subsection, however, shall be construed as prohibiting any owner of a female dog in heat from walking such dog with a leash, cord, chain or other similar restraint not more than six feet in length or from transporting such dog within a motor vehicle.

- (d) No owner of any dog shall permit such dog to be at large at any time.

(C42, §§ 114-5, 114-6, 114-9; O.5385, 5506; C54, §§ 5-19, 5-20; O.6002, 6234; C62, §§ 5-19, 5-20; O.7499; C75, § 7-27; O.9098, 9376; C79, C85, § 7-27; O.10,855, 10,867, 10,886, 11,095; C91, § 7-27; O.11,807)

CITY
EXHIBIT

G

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 references: Definitions generally, § 1-2.

CITY
EXHIBIT

H

Sec. 18-203. Immediate seizure or destruction of animals.

Any animal found at large which displays dangerous tendencies, or which is an illegal animal, or which has been previously declared vicious or is vicious by breed according to article II, section 18-41 (6), (7), (8), or (9) of this chapter and has bitten without provocation a person or a domestic animal while such vicious dog was not properly confined or leashed may be processed as a dangerous animal under section 18-202 of this article, and the animal may be immediately seized anywhere within the city unless the animal is so dangerous that it cannot safely be apprehended, in which case the chief humane officer, his or her designee, or any police officer is authorized to destroy it immediately.

(C85, § 7-51; O.11,095; C91, § 7-51; O.14,415, 14,462)

I

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)

J

Animal Incident Investigation Report
Des Moines, Iowa Police Department

32. District: <u>2</u>		33. Beat:		1. Impounded animal AHR/ARL number:		2. DMPD case number: <u>08-38691</u>	
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/> : <u>"Belki"</u>				3. Victim's name (Last, First M.I.): <u>Knapp, Anthony</u> (Human victim or society)			
35. Animal breed: <u>Pitbull</u>		36. Animal color: <u>Brown Brindle</u>		4. Race: <u>WM</u> 5. Sex: <u>M</u> 6. Age: <u>18</u> 7. Date of birth: <u>7/2/90</u>		8. Ethnicity: <u>H</u> <input type="checkbox"/> <u>NH</u> <input checked="" type="checkbox"/> 9. Sobriety: <u>Sob.</u> <input checked="" type="checkbox"/> <u>H.B.D.</u> <input type="checkbox"/>	
37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>				10. Residence address: (City and/or state if not Des Moines or Iowa) <u>1219 Buchanan</u>			
38. Animal sex: Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		39. Microchip: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#: <u>UNK</u>		11. Residence phone number: <u>N/A</u>		12. Business or cellular phone number: <u>729-0048</u>	
40. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> RT#:				13. Place of employment or school: <u>N/A</u>			
40A. Date of vaccination:		40B. Date of vaccination expiration:		14. Type and location of injury: <u>2 punctures to @ calf</u>		15. Medical treatment: <u>NONE</u>	
40C. Veterinarian: <u>UNK</u>				16. Reporting person's name (Last, First M.I.): <u>Knapp, Anthony</u>			
41. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: <u>UNK</u>		42. Other identifiers (Collar, tattoo, etc.): <u>UNK</u>		17. Race: <u>WM</u> 18. Sex: <u>M</u> 19. Age: <u>18</u> 20. Date of birth: <u>7/2/90</u>		21. Ethnicity: <u>H</u> <input type="checkbox"/> <u>NH</u> <input checked="" type="checkbox"/> 22. Sobriety: <u>Sob.</u> <input checked="" type="checkbox"/> <u>H.B.D.</u> <input type="checkbox"/>	
43. Confinement/quarantine location: <u>UNK</u>				23. Residence address: (City and/or state if not Des Moines or Iowa) <u>1219 Buchanan</u>		24. Residence phone number: <u>N/A</u>	
44. Impounded or bite animal owner's name (Last, First M.I.): <u>Gourd, Robert Glen</u>		45. Residence address: (City and/or state if not Des Moines or Iowa) <u>1214 Walker</u>		25. Business or cellular phone number: <u>729-0048</u>		26. Location of incident (address): <u>1219 Buchanan</u>	
46. Residence phone number: <u>N/A</u>		47. Place of employment or school: <u>N/A</u>		27. Location type: <u>Residential</u>		28. Date and time incident occurred: <u>Sept 08 1055</u>	
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> # <u>29</u>		49A. Date and time of notification:		49B. Person making notification: <u>#73</u>		29. Date and time incident reported: <u>7 Sept 08 1055</u>	
49C. Means of notification: <u>Personal</u>		50. Witness' name (Last, first): <u>N</u>		51. Residence address: (City and/or state if not Des Moines or Iowa)		52. Daytime or cellular phone number:	
53. Witness' name (Last, First):		54. Residence address: (City and/or state if not Des Moines or Iowa)		55. Daytime or cellular phone number:		30. Crime/incident type: <u>Animal Bite - Dog</u>	
56. Investigative notifications and/or photographs taken: Detective: No <input type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>				31. Classification:		57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:	
58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		59. Animal breed:		60. Animal color:		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
62. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> RT#:		64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		63A. Date of vaccination:	
65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		66. Type and location of injury:		67. Medical treatment:		63B. Date of vaccination expiration:	
68. Confinement/quarantine location:				69. Victim animal owner's name (Last, First M.I.):			
70. Residence address: (City and/or state if not Des Moines or Iowa)		71. Residence phone number:		72. Business or cellular phone number:		73. Reporting officer: <u>J. Baum</u> I.D. No. <u>7333</u>	
74. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed		75. Copy/copies made by:		76. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:		77. Second officer: <u>[Signature]</u> I.D. No. <u>9187</u>	
78. Supervisor approving report:		79. Reviewed by: <u>[Signature]</u>					

80. Page: 2 of 2

Animal Incident Investigation Report

Des Moines, Iowa Police Department

81. DMPD case number: 08-32691

82. Suspect or offender one (1) name (Last, first Middle): Goard, Robert Glen 83. Arrested: No Yes 84. Warrant needed: No Yes 85. Charges filed: No Yes

86. Race: W 87. Sex: M 88. Age: A 89. Date of birth: 4/14/82 90. Ethnicity: H NH 91. Height: 72 in 92. Weight: unc 93. Hair color: Brn 94. Eye color: Green

95. Residence address: 1214 Walker (City and/or state if not Des Moines or Iowa)

96. Residence or alternate phone number: 724-0048 97. Driver license number or social security number: DL# 28300317 97A. State: IA 98. Sobriety: Sob. H.B.D.

99. Citation number and crime: PC# 100. Citation number and crime: PC#
Vicious dog at large 18-57 283053 Improper confinement 18-56 283053

101. Suspect or offender two (2) name (Last, first Middle): 102. Arrested: No Yes 103. Warrant needed: No Yes 104. Charges filed: No Yes

105. Race: 106. Sex: 107. Age: 108. Date of birth: 109. Ethnicity: H NH 110. Height: 111. Weight: 112. Hair color: 113. Eye color:

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

115. Residence or alternate phone number: 116. Driver license number or social security number: 116A. State: 117. Sobriety: Sob. H.B.D.

118. Citation number and crime: A 119. Citation number and crime:

120. Narrative:
Tripped to 1219 Buchanan reference on animal bite upon arrival spoke to Knapp. Knapp said he was standing in alley behind his house when the pitbull from across the alley got loose from chain, charged him and bit him causing punctures to right calf. Card and case number given, pt explained. Knapp said dogs name is Bella, a brown pitbull from 1214 Walker. Then drove to 1214 Walker and spoke to dog owner Goard. Goard admitted his dog was out running at large and had got off her chain. I explained bite situation and quarantine. Card and case number given. I wrote citation for vicious dog at large and improper confinement. I advised Goard he had to find dog to turn over for qt or he would be cited for failure to quarantine.
More follow-up needed to locate and quarantine bite dog.

121. Date of this report: 7 Sept 08

