

37

December 3, 2007

Date..... PUBLIC HEARING ON DANGEROUS  
ANIMAL APPEAL OF MONICA SANCHEZ

WHEREAS, Monica Sanchez, 2917 Franklin Avenue, Des Moines, Iowa, filed an application for appeal before the City Council of the City Hearing Officer's decision upholding the Chief Humane Officer's declaration of her dog as a dangerous animal; and

WHEREAS, Ms. Sanchez requested an opportunity to address the City Council regarding her appeal; and

WHEREAS, Ms. Sanchez has been provided with the opportunity to address the City Council on the matter of her appeal; NOW, THEREFORE,

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

Alternative One: That the order of the hearing officer be upheld and Ms. Sanchez's dog be declared a dangerous animal and that it be humanely destroyed.

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

Alternative Two: That the order of the hearing officer be reversed and Ms. Sanchez's dog not be declared dangerous.

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

FORM APPROVED: .

K. Massier  
Katharine Massier  
Assistant City Attorney

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

31

November 26, 2007

Monica Sanchez  
2917 Franklin Avenue  
Des Moines, IA 50310

Dear Ms. Sanchez:

This is to acknowledge your written request of November 21, 2007, requesting an appeal before the City Council of the Hearing Officer's decision regarding declaration of Suki as a "dangerous animal."

Your hearing has been scheduled for the City Council Meeting on December 3, 2007. The meeting starts at 4:30 p.m. Enclosed is a copy of the Administrative Hearing transcript.

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

Sincerely,



Diane Rauh  
City Clerk

DR:kh

cc: Hearing Officer  
Assistant City Attorney  
Sgt. Scott Raudabaugh-Animal Control  
Chief Bradshaw



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](http://www.dmgov.org)

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ALL-AMERICAN CITY  
1949, 1976, 1981,  
2003

November 5, 2007

Monica Sanchez  
2917 Franklin Avenue  
Des Moines, IA 50310

Re: Administrative Hearing- Dangerous Dog

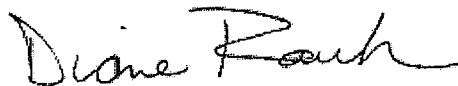
A hearing has been set for **Thursday, November 8, 2007** in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive**, at **3:00 P.M.**

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

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

If you have questions in this regard, please call.

Sincerely,



Diane Rauh  
City Clerk

DR/kh

Enclosure

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



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CITY CLERK  
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November 15, 2007

Monica Sanchez  
2917 Franklin Avenue  
Des Moines IA 50310

RE: Administrative Hearing – Declaration of Dangerous Animal

Dear Ms. Sanchez:

The City of Des Moines scheduled an Administrative Hearing on November 8, 2007 at 3:00 p.m. regarding the declaration of your brown and white female, Pit Bull, (Suki) to be a “dangerous animal” 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 to Monica Sanchez from Sergeant Scott Raudabaugh, dated November 2, 2007, declaring her Pit Bull dog to be a “Dangerous Animal.”
- City Exhibit B – Proof of Service of Dangerous Animal Letter dated November 3, 2007.
- City Exhibit C – Vicious Dog Breed Declaration Letter dated November 2, 2007, signed by Sergeant Scott Raudabaugh. (At time of issue, it was unknown that dog had previously been declared vicious.)
- City Exhibit D – Document Service Form dated November 2, 2007.
- City Exhibit E – Animal Incident Investigation Report, case 07-42845 (5 pages).
- City Exhibit F – Animal History Report, originally dated February 20, 2007, Case 07-6339, updated November 1, 2007, Case 07-42845.
- City Exhibit G – Animal Incident Report 07-42845 (2 pages).
- City Exhibit H – Police and Court Citation papers (6 pages).
- City Exhibit I – City of Des Moines pet licensing information (3 pages).
- City Exhibit J – Animal Incident Investigation Report of February 19, 2007, 07-6339 (2 pages). (It was originally thought this dog belonged to Katie Grimes, but it is now known dog belongs to Monica Sanchez.)



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Monica Sanchez  
November 15, 2007  
Page Two



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- City Exhibit K – Animal History Report 07-6339 dated February 20, 2007 incident.
- City Exhibit L – Document Service Form and Vicious Dog Declaration Letter dated February 20, 2007 (2 pages).
- City Exhibit M – Reclamation Document of February 20, 2007.
- City Exhibit N – Municipal Code Section 18-41 Definitions.
- City Exhibit O – Municipal Code Section 18-56 Confinement of Vicious Animals.
- City Exhibit P – Municipal Code Section 18-55 Running At Large (2 pages).
- City Exhibit Q – Municipal Code Section 18-196 Definitions (Dangerous Animal).
- City Exhibit R – Municipal Code Section 18-203 Immediate Seizure or Destruction of Animals.
- City Exhibit S – Municipal Code Section 18-202 Seizure, Impoundment and Disposition of Dangerous Animals (2 pages).

Sergeant Raudabaugh read Des Moines Municipal Code Section 18-203 into the record, stressing the first part of this section: "Any animal found at large which displays dangerous tendencies...". Sergeant Raudabaugh said in this incident, there was not a bite to a person or domestic animal. Section 18-203 continues: "...while such vicious dog was not properly confined or leashed...."

Sergeant Raudabaugh stated that on November 1, 2007, Monica Sanchez's brown and white Pit Bull was running at large when it attacked a neighbor who was in her own yard. The neighbor avoided injury because the dog bit a book she was holding. An Animal Control Officer was dispatched and when the Animal Control Officer arrived, Ms. Sanchez's dog was still running at large, and was not displaying a City pet license or a rabies vaccination tag. Ms. Sanchez's white poodle was also running at large and not displaying a City pet license or a rabies vaccination tag. Both of Ms. Sanchez's dogs were impounded and taken to the Animal Shelter.

City Veterinarian, Gregg Berry, observed Ms. Sanchez's dog and was visually able to determine it was a Pit Bull breed dog; however the dog was too aggressive for staff to scan to see if it had been micro chipped. Sometime later, after the dog had calmed down, they were able to scan the dog and determine it had previously been evaluated and a microchip had been implanted. Sergeant Raudabaugh said that on November 2, 2007, he walked into the kennel area to observe Ms. Sanchez's dog, and upon approaching the

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Monica Sanchez  
November 15, 2007  
Page Three

kennel, the dog immediately growled, showed its teeth and lunged at the kennel gate. Sergeant Raudabaugh said he had no doubt the dog would have bitten him had the gate been open.

Sergeant Raudabaugh referenced an incident on February 19, 2007, in which an Animal Control Officer was sent to this same area on a complaint of a problem with a Pit Bull breed dog running at large. Ms. Sanchez's dog had returned to its residence by the time the Animal Control Officer arrived. The dog was found to be unlicensed, was impounded and taken to the Animal Shelter. A vicious dog letter was then served on Katie Grimes, as it was thought the dog belonged to her. On or about February 20, 2007, Monica Sanchez presented herself as the dog's owner, and provided proof of insurance and a current rabies vaccination. Ms. Sanchez's dog was licensed, the appropriate fees were paid and Ms. Sanchez was allowed to reclaim her dog. Monica Sanchez recently told Sergeant Raudabaugh that Ms. Grimes is a relative who lives in the same household.

Following the impoundment of her dog in February of this year, Monica Sanchez agreed to properly confine her dog. Due to Ms. Sanchez's continued failure to comply with City regulations for owning a vicious dog, and the attack on a neighbor, Sergeant Raudabaugh declared her dog to be a dangerous animal.

Monica Sanchez attended the Hearing and stated she bought her dog in Texas and did not know it was illegal to have a Pit Bull in Des Moines. Ms. Sanchez said after the dog was picked up the first time (February 19, 2007), she was told about the requirements for owning a Pit Bull in the City limits. She said she knew the dog had to be licensed, but had not done it. Ms. Sanchez said when the dog was picked up on November 1, 2007, she was working late and her sister and her sister's children had come over to her home. Ms. Sanchez said one of the children must have opened the basement door and the dog got out. Ms. Sanchez said her dog did not have its tags on because three days earlier her dog was tied up outside and was attacked by a raccoon. During the attack, some blood got on her dog's collar, so she removed it and had forgotten to put it back on.

Ms. Sanchez said if her dog were a vicious dog, it would not have bitten the book, but would have attacked her neighbor. Ms. Sanchez said she thinks the neighbor probably had her dog outside and Ms. Sanchez's dog went after the neighbor's dog. To prevent her dog from being bitten, Ms. Sanchez thinks the neighbor hit her dog with the book. Ms. Sanchez said she sometimes ties her



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2003

Monica Sanchez  
November 15, 2007  
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dog up outside, but on these occasions, she is usually with her dog. Ms. Sanchez was informed her dog cannot be tied up to an inanimate object, and if it is on a leash, someone 18 or older must have control of the leash; otherwise, the dog has to be in a fenced area or inside the home. This information was contained on the blue sheet Ms. Sanchez signed when she licensed her dog. Ms. Sanchez was also told that it is not illegal to have a Pit Bull in Des Moines, but there are certain requirements for keeping a Pit Bull in the City limits. Ms. Sanchez said she would like to take her dog back to Texas when she gets the opportunity.

I am ruling that the Pit Bull dog named Suki and owned by Monica Sanchez, is a dangerous dog. The reasons for this determination are as follows:

- Ms. Sanchez's dog is a "vicious" dog as defined by Section 18-41.
- Ms. Sanchez's dog is a "dangerous" dog as defined by Section 18-196.
- Ms. Sanchez failed to properly confine her dog as required in Sec. 18-56.
- Ms. Sanchez is not a responsible pet owner due to her failure to meet the requirements of owning a "vicious" animal.
- Ms. Sanchez's dog attacked without provocation.

Unlike most dangerous animal declarations that appear before me, Ms. Sanchez's dog did not bite a human or a domestic animal. Ms. Sanchez's dog was picked up by Animal Control on two occasions for running at large. By Ms. Sanchez's own testimony, she was not following the regulations which were verbally explained to her and on a document Ms. Sanchez signed at the time she applied for a City dog license. The most disturbing aspect of this case is the extreme aggression displayed by Ms. Sanchez's dog, as provided by Sergeant Raudabaugh's testimony and the Animal Investigation Reports submitted as exhibits.

I am further ruling that Monica Sanchez's Pit Bull dog, Suki, be destroyed in a humane manner by the Chief Humane Officer.

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



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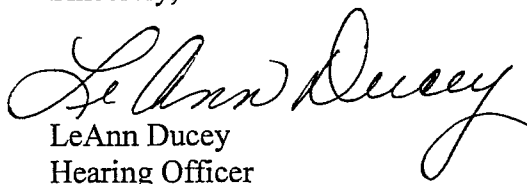
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Monica Sanchez  
November 15, 2007  
Page Five

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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2007-42845

42845

City  
EXHIBIT  
A

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November 2, 2007

Ms. Monica Sanchez  
2917 Franklin Avenue  
Des Moines, Iowa

Ms. Sanchez,

On November 1, 2007 your brown and white colored Pit Bull breed dog named "Suki" was running at-large when it attacked a neighbor that was in her yard, the neighbor avoided injury because your dog bit a book that she was holding.

When the Animal Control Officer arrived to investigate your dog was still running at-large, not displaying a city pet license tag or a rabies vaccination tag. Also, your white colored Poodle breed dog named "Jordan" was running at-large, not displaying a city pet license tag or a rabies vaccination tag. Both of your dogs were impounded and brought to the animal shelter.

On November 2, 2007 I entered the dog kennel area and observed you dog, it growled immediately, showed its teeth and then lunged against the kennel gate.

Previously on February 19, 2007 the same Pit Bull breed dog was running at-large and unlicensed, it was impounded and brought to the animal shelter. At that time 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.

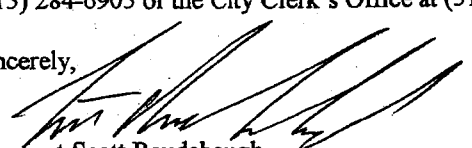
Because your Pit Bull breed dog is defined as a vicious dog and was not properly confined or leashed, in accordance with the vicious dog ordinance, and was involved in an unprovoked attack it is being declared a "Dangerous Animal," in accordance with the dangerous animal ordinance.

An Administrative Hearing to review the "Dangerous Animal" declaration has been scheduled for 3:00 P.M. on Thursday, November 8, 2007 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

KF KCU



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

ALL-AMERICA CITY 1949, 1976, 1991

2007 NOV -5 PM 5:43

37

Copy  
EXHIBIT  
B



## Animal Control

DOCUMENT SERVICE

07-42845

Case number: 2007-42845

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

Animal owner's name: MONICA SANCHEZ

Address: 2917 FRANKLIN AV.

Name of person receiving document: Monica Sanchez

Their signature: X M Sanchez

Date and time served: 03 Nov 2007 1645 hrs.

Animal Control Officer serving document: Dales

Animal Control Officer's identification number: 7229

Type of document served: DANGEROUS ANIMAL

LETTER

KF  
ACU

2007-42845

37

Vicious Dog Breed Declaration Letter  
(Over Six Months Old)

City  
EXHIBIT  
C

10/02/07

(Date)

HUGO FERNANDEZ

(Dog owner's name)

2911 FRANKLIN AVE. 50310

(Owner's address)

DES MOINES, IA

(City, state & zip code)



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

ALL-AMERICA CITY 1949, 1976, 1981

Your dog was impounded and is at the animal shelter. Your dog was evaluated and determined to be over six months old and a vicious dog breed, defined by city ordinance as a Staffordshire Terrier, an American Pit Bull Terrier, an American Staffordshire Terrier or any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or an American Staffordshire Terrier.

Because of that determination your dog is being declared to be a "Vicious Dog."

You may reclaim your dog by properly licensing it as a vicious dog with the City Clerk's Office and securely confining/leashing it as a vicious dog, however, if your dog is found unlicensed as a vicious dog in the City of Des Moines it will be destroyed in a humane manner.

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

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

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

Sincerely,

Sergeant Scott Raudabaugh,  
Chief Humane Officer

cc: City Clerk's Office

Case number:	2007-42845
Dog's name:	"Suki"
Dog's color(s):	BROWN/WHITE
Dog's sex:	female <input checked="" type="checkbox"/> male <input type="checkbox"/>
ARL number:	A03776348

KFACU

2007 NOV -5 PM 5:42

City  
EXHIBIT 37  
B



# Animal Control

## DOCUMENT SERVICE

Case number: 2007-42845

ARL number (If known): A03776348

Animal owner's name: FERNANDEZ, HUGO

Address: 2937 FRANKLIN ST., DSM.

Name of person receiving document: LUIS SANCHEZ  
(SON)

Their signature: X Luis Sanchez

Date and time served: 11, 2, 07 15:15

Animal Control Officer serving document: KEVIN LEMON

Animal Control Officer's identification number: 7217

Type of document served: VICIOUS DOG BREED DECLARATION  
LETTER (OVER SIX MONTHS OLD)

KEF ALL

# Animal Incident Investigation Report

Des Moines, Iowa Police Department

2007 NOV -5 PM 4:49

1 of 5

31

32. District: <u>1</u>		33. Beat: <u>03</u>		1. Impounded animal AHR/ARL number:		2. DMPD case number: <u>07-42845</u>	
3. Victim's name (Last, First M.I.): <u>Society</u> (Human victim or society)				4. Race: 5. Sex: 6. Age: 7. Date of birth:			
8. Ethnicity: <u>H</u> <input type="checkbox"/> <u>NH</u> <input type="checkbox"/> 9. Sobriety: <u>Sob.</u> <input type="checkbox"/> <u>H.B.D.</u> <input type="checkbox"/>				10. Residence address: (City and/or state if not Des Moines or Iowa)			
11. Residence phone number:				12. Business or cellular phone:			
13. Place of employment or school:				14. Type and location of injury:			
15. Medical treatment:				16. Reporting person's name (Last, First M.I.): <u>Scott, Aaron</u>			
17. Race: <u>W</u> 18. Sex: <u>M</u> 19. Age: <u>UNK</u> 20. Date of birth:				21. Ethnicity: <u>H</u> <input type="checkbox"/> <u>NH</u> <input type="checkbox"/> 22. Sobriety: <u>Sob.</u> <input type="checkbox"/> <u>H.B.D.</u> <input type="checkbox"/>			
23. Residence address: <u>2931 Franklin</u>				24. Residence phone number: <u>277-0805</u>			
25. Business or cellular phone number: <u>(C) 554-2478</u>				26. Location of incident (address): <u>2931 Franklin</u>			
27. Location type: <u>Residential</u>				28. Date and time incident occurred: <u>01 Nov. 07 1445</u>			
29. Date and time incident reported: <u>11/02/07</u>				30. Crime/incident type: <u>Visious Dog At Large</u>			
31. Classification:				32. Impounded or bite animal owner's name (Last, First M.I.): <u>Fernandez, Hugo; Sanchez, Monica</u>			
33. Residence address: <u>UNK</u>				34. Place of employment or school: <u>UNK</u>			
35. Business or cellular phone number: <u>UNK</u>				36. Animal owner notification: <u>01 Nov 07 1450</u>			
37. Date and time of notification: <u>1450</u>				38. Person making notification: <u>Bales 7229</u>			
39. Means of notification: <u>DMPD/AC card</u>				40. Witness' name (Last, First): <u>Jones, Becky</u>			
41. Residence address: <u>2931 Franklin</u>				42. Daytime or cellular phone number: <u>277-0805</u>			
43. Residence address: (City and/or state if not Des Moines or Iowa)				44. Daytime or cellular phone number:			
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"/>							
Victim animal				57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:			
58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>				59. Animal breed:			
60. Animal color:				61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>			
62. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>				63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:			
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:				65. Date of vaccination: 66. Date of vaccination expiration:			
67. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:				68. Veterinarian:			
69. Type and location of injury:				70. Medical treatment:			
71. Confinement/quarantine location:				72. Victim animal owner's name (Last, First M.I.):			
73. Residence address: (City and/or state if not Des Moines or Iowa)				74. Residence phone number:			
75. Business or cellular phone number:				76. Reporting officer: <u>Bales 7229</u>			
77. 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				78. Copy/copies made by:			
79. Supervising approving report: <u>[Signature]</u>				80. Referred to: <input type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:			

EXHIBIT E

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80. Page: <u>2 of 5</u>		<b>Animal Incident Investigation Report</b> Des Moines, Iowa Police Department			81. DMPD case number: <u>07-42845</u>					
82. Suspect or offender <u>one</u> (1) name (Last, first Middle):					83. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		84. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		85. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
86. Race:	87. Sex:	88. Age:	89. Date of birth:	90. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	91. Height:	92. Weight:	93. Hair color:	94. Eye color:		
95. Residence address: (City and/or state if not Des Moines or Iowa)										
96. Residence or alternate phone number:				97. Driver license number or social security number:				97A. State:		98. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
99. Citation number and crime:					100. Citation number and crime:					
101. Suspect or offender <u>two</u> (2) name (Last, First Middle):					102. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		103. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		104. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
105. Race:	106. Sex:	107. Age:	108. Date of birth:	109. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	110. Height:	111. Weight:	112. Hair color:	113. Eye color:		
114. Residence address: (City and/or state if not Des Moines or Iowa)										
115. Residence or alternate phone number:				116. Driver license number or social security number:				116A. State:		117. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
118. Citation number and crime:					119. Citation number and crime:					
120. Narrative:										
<p>Tripped to 2931 Franklin and spoke with Aaron Scott and Becky Jones. Becky was outside in the front yard when the neighbors (2917 Franklin) pit bull broke free from the cable she was tied to and ran into Becky's yard. The dog jumped at Becky biting a book she was holding in her arm. The book had a bit tear in it. Both Aaron and Becky stated the pit bull has broken free before and came after them and their dog.</p> <p>Went to 2917 Franklin. I saw the brown and white pit bull standing in the drive way and a poodle mix on the front porch. As I approached the pit bull charged at me. I used my catch pole to defend my self. The dog finally backed away allowing me to carefully approach the front door. I knocked on the door and a 14-year old male came to the door. Prior to reaching the front door, I called</p>										
										121. Date of this report: <u>01 Nov 07</u>

# Animal Incident Investigation Report

Des Moines, Iowa Police Department

3 of 5 31

32. District:		33. Beat: <b>13</b>		1. Impounded animal AHR/ARL number:		2. DMPD case number: <b>07-42845</b>	
<b>Impounded or bite animal</b> 34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input "jordan"="" :="" <="" td="" type="checkbox"/> <td colspan="4">3. Victim's name (Last, First M.I.): <b>Society</b> (Human victim or society)</td>				3. Victim's name (Last, First M.I.): <b>Society</b> (Human victim or society)			
35. Animal breed: <b>Poodle X</b>		36. Animal color: <b>White/Cream</b>		4. Race:		5. Sex:	
37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		38. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		6. Age:		7. Date of birth:	
39. Microchip: <b>UNK</b> (Records Personnel: Enter M/C# as a serial number)		40. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:		8. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		9. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
40A. Date of vaccination:		40B. Date of vaccination expiration:		10. Residence address: <b>N/A</b> (City and/or state if not Des Moines or Iowa)		11. Residence phone number:	
40C. Veterinarian:		41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		12. Business or cellular phone number:		13. Place of employment or school:	
42. Other identifiers (Collar, tattoo, etc.): <b>Red Collar (flea)</b>		43. Confinement/quarantine location: <b>1615 SE 14th Garage</b>		14. Type and location of injury: <b>A</b>		15. Medical treatment:	
44. Impounded or bite animal owner's name (Last, First M.I.): <b>Fernandez, Hugo; Sanchez, Monica</b>		45. Residence address: <b>2917 Franklin</b> (City and/or state if not Des Moines or Iowa)		16. Reporting person's name (Last, First M.I.): <b>Observer 2</b>		17. Race:	
46. Residence phone number: <b>UNK</b>		47. Place of employment or school: <b>UNK</b>		18. Sex:		19. Age:	
49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		49A. Date and time of notification: <b>01 Nov 07 1650</b>		20. Date of birth: <b>01 Nov 07</b>		21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	
50. Witness' name (Last, first):		51. Residence address: <b>2917 Franklin</b> (City and/or state if not Des Moines or Iowa)		22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>		23. Residence address: <b>N/A</b> (City and/or state if not Des Moines or Iowa)	
53. Witness' name (Last, First):		54. Residence address: <b>N/A</b> (City and/or state if not Des Moines or Iowa)		24. Residence phone number: <b>A</b>		25. Business or cellular phone number:	
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"/>				26. Location of incident (address): <b>2917 Franklin</b>			
<b>Victim animal</b>		57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:		27. Location type: <b>Residential</b>		28. Date and time incident occurred: <b>01 Nov. 07 1625</b>	
59. Animal breed:		60. Animal color:		29. Date and time incident reported: <b>01 Nov 07</b>		30. Crime/incident type: <b>Dog At Large</b>	
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"/> R/T#:		31. Classification:		32. Date and time incident reported:	
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		33. Date and time incident reported:		34. Date and time incident reported:	
66. Type and location of injury:		67. Medical treatment:		35. Date and time incident reported:		36. Date and time incident reported:	
68. Confinement/quarantine location:		69. Victim animal owner's name (Last, First M.I.):		37. Date and time incident reported:		38. Date and time incident reported:	
70. Residence address: <b>N/A</b> (City and/or state if not Des Moines or Iowa)		71. Residence phone number:		39. Date and time incident reported:		40. Date and time incident reported:	
73. Reporting officer: <b>Bales 7229</b> I.D. No.		74. Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed <input checked="" type="checkbox"/> Excep. Closed		75. Copy/copies made by:		76. Referred to: <input checked="" type="checkbox"/> Animal Control	
77. Second officer:		78. Supervisor approving report: <b>[Signature]</b> I.D. No.		79. Reviewed by: <b>[Signature]</b>		76. Referred to: <input type="checkbox"/> Detectives <input type="checkbox"/> PIO	
						76. Referred to: <input type="checkbox"/> Chief <input type="checkbox"/> OPS	
						76. Referred to: <input type="checkbox"/> Other:	

31

80. Page: <u>4 of 5</u>		<b>Animal Incident Investigation Report</b> Des Moines, Iowa Police Department				81. DMPD case number: <u>07-42845</u>	
82. Suspect or offender <u>one</u> (1) name (Last, first Middle):						83. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	
86. Race:		87. Sex:		88. Age:		85. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
89. Date of birth:		90. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		91. Height:		92. Weight:	
93. Hair color:		94. Eye color:		95. Residence address: (City and/or state if not Des Moines or Iowa)			
96. Residence or alternate phone number:		97. Driver license number or social security number:		97A. State:		98. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
99. Citation number and crime:		100. Citation number and crime:		101. Suspect or offender <u>two</u> (2) name (Last, First Middle):		102. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	
103. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		104. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>		105. Race:		106. Sex:	
107. Age:		108. Date of birth:		109. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		110. Height:	
111. Weight:		112. Hair color:		113. Eye color:		114. Residence address: (City and/or state if not Des Moines or Iowa)	
115. Residence or alternate phone number:		116. Driver license number or social security number:		116A. State:		117. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
118. Citation number and crime:		119. Citation number and crime:		120. Narrative: <p>for assistance from another Animal Control Officer, Blanchard.</p> <p>When I asked the male to put the dogs on my truck, he refused. I asked if his parents were home. He stated they were not. Again I advised him to put the dogs on my truck. Both dogs were not confined and had no city licenses or rabies tags displayed. He refused. I called for police assistance. When Officer Catron arrived, the juvenile became more cooperative. The young gentleman's younger sister arrived home and put the poodle mix on the truck. The 14 year-old male finally put the pit bull on the truck a case number was given to the sister to give to her parents.</p> <p>Please issue citations for the following violations:</p>			
121. Date of this report: <u>01 Nov. 07</u>							



**SUPPLEMENTAL REPORT**  
Des Moines Iowa Police Department

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

Society

2. Arrest No.

3. Case No.

07-42845

☒ Form used as Continuation Sheet for Current Report

4. Date this Report

01 Nov 07

5. Date Original Occurrence

01 Nov 07

☐ Form used to Report Follow up Investigation or Supplemental Information

Officer Case Invest.

Photos Yes ☐ No ☐

Taken by

6. Correct offense or Incident Classification

Changed ☐ Yes

Vicious Dog At Large

7. Kind of Report Continued

☐ Witness Statement

☐ Follow up or Supplemental or Prosecution

☐ Offense

☐ Traffic Accident

☐ Arrest

8. Multiple Clear Up?

☒ Yes (list other case numbers in narrative)

9. Page No.

5 of 5

10. Traffic Citation No.

11. Value of Property Recovered and Type

\$

**INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE**

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

ITEM NO.

18:57 Vicious Dog At Large

18:56 Improper confinement of a vicious dog

18:10 Damage Done by Animals

18:45 Failure to Display X 2

18:55 Dog At Large (poodle)

OFFICE USE ONLY

14. Reporting Officer

No.

Bales 7229

Second Officer

No.

15. Status (check one) ☐ Suspended ☐ Open

☒ Ex. Closed ☐ Closed

Supervisor Approving

No.

[Signature]

13. Date/Time Typed No.

Reproduced No.

17. Unit Referred To:

1ACV

18. UCR Disposition

19. Reviewer

No.

2007 NOV -5 PM 4:45

1150K

2007-42845

Sanchez, Monica

ARL# 155219

PTO 2/20/07



483F292653

CITY OF DES MOINES  
ANIMAL CONTROL UNIT

DATE: 2-20-07

REFERENCE: ANIMAL HISTORY REPORT #

07-6539

Picked up 11/1/07  
AC# 07-42845  
ARL# A03776348

City  
EXHIBIT

TO WHOM IT MAY CONCERN:

I have examined this dog and found it to have the predominant characteristics of the American Staffordshire Terrier breed. This decision is based on the following physical features of the dog:

HEAD: ☒ MEDIUM LENGTH  
☒ DEEP TROUGH  
☒ BROAD SKULL  
☒ PRONOUNCED CHEEK MUSCLES

MUZZLE: ☒ MEDIUM LENGTH  
☒ JAWS WELL DEFINED  
☒ BLACK NOSE

BACK: ☒ FAIRLY SHORT  
☒ SLIGHT SLOPING FROM WITHERS TO RUMP

BODY: ☒ WELL SPRUNG RIBS  
☒ FORELEGS SET RATHER FAR APART  
☒ CHEST DEEP AND BROAD

LEGS: ☒ STRAIGHT FRONT LEGS  
☒ HINDQUARTERS WELL MUSCLED  
☒ MODERATE SIZE FEET

COLOR: brown w/ white blaze  
muzzle, ventral neck & chest

COMMENTS: all 4 feet  
- diamond on dorsal neck  
- female  
- scar on right elbow  
- ears cropped

SHOULDERS: ☒ STRONG  
☒ MUSCULAR  
NECK: ☒ HEAVY  
☒ SLIGHTLY ARCHED  
☒ TAPERS FROM BACK OF SKULL TO SHOULDERS

TAIL: ☒ LOW SET  
☒ TAPERS TO FINE POINT  
☒ NOT CURLED OVER BACK

COAT: ☒ SHORT  
☒ CLOSE  
☒ GLOSSY

EYES: ☒ DARK AND ROUND  
☒ LOW DOWN IN SKULL  
☒ SET FAR APART

SIZE: 21 1/2 INCHES AT SHOULDERS  
46 LBS.

Angela Berry, DVM

# Animal Incident Investigation Report

Des Moines, Iowa Police Department

2007 NOV 15 PM 5:44 CIR \*

31

32. District: <u>1</u>		33. Beat: <u>03</u>		1. Impounded animal AHR/ARL number:		2. DMPD case number: <u>07-42845</u>	
34. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>				3. Victim's name (Last, First M.I.): <u>Society</u> (Human victim or society)			
35. Animal breed:				4. Race:		5. Sex:	
36. Animal color:				6. Age:		7. Date of birth:	
37. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>				8. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		9. City: <u>City</u>	
38. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>				10. Residence address: (City and/or state if not Des Moines or Iowa)			
39. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)				11. Residence phone number:			
M/C#:				12. Business or cellular phone:			
40. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:				13. Place of employment or school:			
40A. Date of vaccination:				14. Type and location of injury:			
40B. Date of vaccination expiration:				15. Medical treatment:			
40C. Veterinarian:				16. Reporting person's name (Last, First M.I.): <u>DALES, DONNA SUE</u>			
41. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:				17. Race:		18. Sex:	
42. Other identifiers (Collar, tattoo, etc.):				19. Age:		20. Date of birth:	
43. Confinement/quarantine location:				21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		22. Society: Soc. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
44. Impounded or bite animal owner's name (Last, First M.I.): <u>SEE BACK</u>				23. Residence address: (City and/or state if not Des Moines or Iowa) <u>DMPD - ACU</u>			
45. Residence phone number:				24. Residence phone number:			
46. Place of employment or school:				25. Business or cellular phone number: <u>248-6054</u>			
47. Date and time of notification:				26. Location of incident (address): <u>2900 BLOCK FRANKLIN</u>			
48. Person making notification:				27. Location type: <u>RESIDENCE</u>			
49. Means of notification:				28. Date and time incident occurred: <u>11/1/07 1445</u>		29. Date and time incident reported: <u>11/1/07 1445</u>	
50. Witness' name (Last, first):				30. Crime/incident type: <u>VICIOUS DOG INCIDENT</u>		31. Classification:	
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:				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"/>			
Victim animal		57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:		58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		59. Animal breed:	
60. Animal color:		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		62. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		65. Date of vaccination:		66. Date of vaccination expiration:		67. Veterinarian:	
68. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		69. Type and location of injury:		70. Medical treatment:		71. Confinement/quarantine location:	
72. Residence address: (City and/or state if not Des Moines or Iowa)		73. Residence phone number:		74. Business or cellular phone number:		75. Reporting officer: <u>Susank, Shripa</u> 7219	
76. Status: <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed		77. Copy/copies made by:		78. Referred to: <input type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:		79. Supervisor approving report: <u>Tom</u> 4770	
79. Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded		80. Reviewed by: <u>AB</u>		81. I.D. No.:		82. I.D. No.:	

EXHIBIT



2007 NOV -5 PM 5:48

City  
EXHIBIT 31

006 020m 0181-41

IOWA POLICE CITATION AND COMPLAINT  
Law Enforcement Agency

STATE OF IOWA ☐  
COUNTY OF POLK ☐  
COUNTY OF WARREN ☐

Nº PC 275533

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. 07-42845  
A MUNICIPALITY, PLAINTIFF v.

☒ CITY OF DES MOINES

NAME: SAUCHEZ, MONICA  
Defendant Last First Middle

ADDRESS: 2917 FRANKLIN AVE  
Street

CITY: DES MOINES STATE: IOWA

BIRTH DATE: 01/19/72 Sex F Race H

Ht. 62" Mo. Day Year Wt. UNK Eyes BRO Hair BLK

The Defendant is accused of the crime of VICIOUS DOG, AT LARGE

In violation of: § \_\_\_\_\_, Iowa Code, 2018-57, Local Ordinance,

for that on or about 11/01/07 at 2:15 p.m.

Defendant did: OWN A PITBULL, BROUGHT FEMALE,

PICKED UP UNCONFINED 2200 BLOCK OF

FRANKLIN WITH NO TAGS DISPLAYED.

IA DL #113 BB9352

DATE: 11/2/07 Officer's Signature I.D. No. 7219

Mo. Day Year

REPORT TO THE ABOVE NAMED COURT ON

12/4/07 at 9:15 a.m. ☒ a.m. ☐ p.m.

Mo. Day Year

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

Signature Defendant

Signature Officer

(To be signed by Officer at time of filing with court)

Subscribed and sworn to before me by SUSAN R STROPE 7219

This 2 day of Nov, 2007

Magistrate Clerk District Court

Failure to appear. Any person who willfully fails to appear in court

as specified by the citation shall be guilty of a simple misdemeanor and upon

conviction shall be punished by a fine of not more than one hundred dollars

or by imprisonment in the county jail not exceeding thirty days.

COURT

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

CITY OF DES MOINES

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

VS.

DMPD. CASE NO. 07-42845

MONICA SANCHEZ

(DEFENDANT)

IA0770300

SOC. SEC. NO. DL# 113BB9352

2917 FRANKLIN AVE

(ADDRESS)

DATE OF BIRTH 1/19/72

DES MOINES, IA 50310

(CITY & STATE)

DESCRIPTION H F 62" NA

RACE SEX HGT WGT

BLD BLK

EYES HAIR MARKS

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

AT: 2900 BLK FRANKLIN, DES MOINES, IA  
(ADDRESS OR LOCATION)

IN VIOLATION OF SECTION(S): 18-57

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 20 07. COMMITTED ON OR ABOUT  
THE 1 DAY OF NOVEMBER, 2007 IN THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SIGNED AND SWORN TO ON THIS 2 DAY OF NOVEMBER, 2007

Susan R. Strope 7219  
FILING COMPLAINANT

(NOTARY PUBLIC, 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: OWNER CITED WHEN SHE CAME TO CLAIM  
THE TWO DOGS IMPOUNDED IN THIS CASE PICKED UP RUNNING DOGS  
2900 BLK FRANKLIN.

Susan R. Strope 7219  
SIGNATURE OF ARRESTING OFFICER NO.

11, 2, 07  
(DATE OF ARREST)

DATED: 11, 02, 07

WITNESS INFORMATION

NAME ADDRESS  
DALES, D AC 7229 DMPD-ACU  
STROPE, S AC 7219 DMPD-ACU

HM PHONE

WK PHONE

248-6054  
248-6054

BOND AMOUNT \$ \_\_\_\_\_

CASH ONLY ( )

CASH OR SURETY ( )

OTHER CONDITIONS IMPOSED WITH BAIL: \_\_\_\_\_

(JUDGE, ASSOCIATE JUDGE OR MAGISTRATE)



37

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

CITY OF DES MOINES

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

VS.

DMPD. CASE NO. 07-42845

MONICA SANDHEZ

IA0770300

SOC. SEC. NO. DL# 113 BB 9352

2917 FRANKLIN

DATE OF BIRTH 1/19/72

DES MOINES, IA

DESCRIPTION H F 62" NA

(CITY & STATE)

RACE SEX HGT WGT  
BRD BLK  
EYES HAIR MARKS

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF: FAILURE TO DISPLAY CITY DOG LICENSE (2 COUNTS)

AT: 2900 BLK FRANKLIN, DES MOINES, IA  
(ADDRESS OR LOCATION)

IN VIOLATION OF SECTION(S): 18-45

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 2007. COMMITTED ON OR ABOUT THE 1 DAY OF NOVEMBER, 2007 IN THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SIGNED AND SWORN TO ON THIS 2 DAY OF NOVEMBER, 2007

DANIEL R. JONES 7219 FILING COMPLAINANT [Signature] JUDICIAL 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: OWNER CITED WHEN THEY CAME TO CLAIM THE TWO DOGS INVOLVED IN THIS CASE RUNNING LOOSE 2900 BLK FRANKLIN.

DANIEL R. JONES 7219 SIGNATURE OF ARRESTING OFFICER NO. 11.2.07 (DATE OF ARREST)

DATED: 11.02.07

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>BALES, D</u>	<u>AC 7229</u>	<u>DMPD-ACU</u>	<u>248-6054</u>
<u>GROBS, S.</u>	<u>AC 7219</u>	<u>DMPD-ACU</u>	<u>248-6054</u>

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

OTHER CONDITIONS IMPOSED WITH BAIL: \_\_\_\_\_

(JUDGE, ASSOCIATE JUDGE OR MAGISTRATE)

DMPD (88-362)

WHITE • COURT FILE

YELLOW • CITY ATTORNEY

PINK • DEFENDANT OR DEFENDANT ATTORNEY



2007 NOV -5 PM 5:49

37

006 020m 0181-41

IOWA POLICE CITATION AND COMPLAINT  
Law Enforcement Agency

STATE OF IOWA ☐  
COUNTY OF POLK ☐  
COUNTY OF WARREN ☐

N<sup>o</sup> PC 275534

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. 07-42845  
A MUNICIPALITY, PLAINTIFF v.

☒ CITY OF DES MOINES  
(IA0720300)  
NAME: SANCHEZ, MONICA

Defendant First Middle

ADDRESS: 2917 FRANKLIN AVE

CITY: DES MOINES STATE: IOWA

BIRTH DATE: 01/19/72 Sex F Race H

Ht. 62" Mo. 1A Year 18 Eyes BRN Hair BLK

The Defendant is accused of the crime of DOG AT LARGE

in violation of: § \_\_\_\_\_, Iowa Code, 2018-55, Local Ordinance,

for that on or about 11/02/07 at 2:45 a.m.

Defendant did: OWN A MALE POODLE MIX TYPE  
DOG FOUND RUNNING, LOSS 2900 BLK  
FRANKLIN.

IA D# 113889352

DATE: 11/2/07 Officer's Signature [Signature] I.D. No. 7219

REPORT TO THE ABOVE NAMED COURT ON

12/4/07 at 9:15 ☒ a.m. ☐ p.m.

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

[Signature]  
Signature Defendant

Officer's Signature [Signature]  
(To be signed by Officer at time of filing with court)

Subscribed and sworn to before me by SAN R STROPS 7219

7 day of NOV, 2007

[Signature] 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

31

CITY OF DES MOINES

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

VS.

DMPD. CASE NO. 07-42845

MONICA SANCHEZ  
(DEFENDANT)  
2917 FRANKLIN AVE  
(ADDRESS)  
DES MOINES, IA  
(CITY & STATE)

IA0770300

SOC. SEC. NO. DL# 113 88 9352

DATE OF BIRTH 1/19/72

DESCRIPTION H F 62" NA  
RACE SEX HGT WGT  
BRO BLK  
EYES HAIR MARKS

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

AT: 2900 BLOCK FRANKLIN AVE., DES MOINES, IOWA  
(ADDRESS OR LOCATION)

IN VIOLATION OF SECTION(S): 18-55

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 20 07. COMMITTED ON OR ABOUT

THE 1 DAY OF NOVEMBER, 20 07 IN THE CITY OF DES MOINES, POLK COUNTY, IOWA

SIGNED AND SWORN TO ON THIS 2 DAY OF NOVEMBER, 20 07

Shawn D. Stropes 7219  
FILING COMPLAINANT (NOTARY PUBLIC, ASSOCIATE JUDGE OR MAGISTRATE)

BASIS OF PROBABLE CAUSE

- THE DEFENDANT WAS:
- |  |  |   |
|--|--|---|
| <input type="checkbox"/> CAUGHT IN THE ACT                             | <input type="checkbox"/> IDENTIFIED IN PERSON          | <input type="checkbox"/> IDENTIFIED BY PHOTO    |
| <input type="checkbox"/> IDENTIFIED BY PRINTS                          | <input checked="" type="checkbox"/> CONFESSED TO CRIME | <input type="checkbox"/> ARRESTED AT SCENE      |
| <input type="checkbox"/> NAMED BY WITNESSES                            | <input type="checkbox"/> ACCUSED BY CO-DEFENDANT       | <input type="checkbox"/> OTHER (SPECIFY BELOW)  |
| <input checked="" type="checkbox"/> HAD PROPERTY ASSOCIATED WITH CRIME |  |   |
| <input type="checkbox"/> ARRESTED FOLLOWING INVESTIGATION              | <input type="checkbox"/> VICTIM INJURED                | <input type="checkbox"/> PROPERTY / MONEY TAKEN |
| <input type="checkbox"/> WEAPON INVOLVED CRIME                         |  |   |

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

OTHER FACTS IMPORTANT TO PROBABLE CAUSE AND BAIL

OWNER CITED WHEN SHE CLAIMED DOG OUT OF CONTROL. DOGS PICKED UP  
2900 BLK FRANKLIN RUNNING W/ NO TAGS.

Shawn D. Stropes 7219 11.2.07  
SIGNATURE OF ARRESTING OFFICER NO. (DATE OF ARREST)

DATED: 11.2.07

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>BALES, D. AC 7229</u>		<u>DMPD-ACU</u>	<u>248-6045</u>
<u>STROPE, S AC 7219</u>		<u>DMPD-ACU</u>	<u>248 6054</u>

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

OTHER CONDITIONS IMPOSED WITH BAIL: \_\_\_\_\_

(JUDGE, ASSOCIATE JUDGE OR MAGISTRATE)

DMPD (88-362)

WHITE • COURT FILE

YELLOW • CITY ATTORNEY

PINK • DEFENDANT OR DEFENDANT ATTORNEY



31

2007-42845

City  
EXHIBIT

1

Regulations regarding Animals defined as Vicious under City of Des Moines Municipal Code:

Licensing Procedure

1. Provide current rabies certificate.
2. Provide written proof of spaying/neutering, if applicable, to qualify for a reduced fee.
3. Provide certificate of insurance, policy declaration or current homeowner's/renter's policy page, providing personal liability insurance coverage, with a minimum liability amount of \$100,000. If a certificate of insurance or policy is not immediately available, a binder indicating the above coverage may be accepted for up to thirty days.
4. Provide a letter from the applicant's insurance agent, on the agency's letterhead, stating that the insured's vicious dog, by name, is specifically covered by the policy in force. Such letter must be provided annually when the policy is renewed.

Compliance Form

I, Monica Sanchez, agree to license my dog,  
Name and Address  
Suki - Pit bull, in accordance with City of Des Moines Municipal Code.  
Name and Breed

In complying with the Ordinance I agree to: (Please read and initial each of the following items)

- ☒ A. Keep my dog in the house at all times unless the dog is securely leashed with a leash no longer than six (6) feet in length and under the actual physical control of a person eighteen (18) years of age or older.
- ☒ B. Keep my dog securely enclosed and locked in a pen or kennel having 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. All pens or kennels 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.
- ☒ C. Keep \$100,000 liability coverage protecting against animal bites in effect at all times, and I understand that failure to do so will result in the license being suspended and the animal will be impounded.

1. Name of insurance agency: State Farm Ins.
2. Name of agent: Staci Agent's Phone: 224-9498

Display the current City license and rabies tag on the dog at all times.

These requirements are subject to inspection by Des Moines Animal Control Officers.

FILED

2007 FEB 21 PM 4:43

CITY CLERK  
DES MOINES, IOWA

M. Sanchez  
Signature

2-20-07  
Date

Everything is good per Joan  
11/2/07

K  
H  
ACW

37



## STATE FARM INSURANCE COMPANIES

State Farm Fire and Casualty Company

P.O. Box 52542  
Lincoln, NE 68501-2542

T-06- 3832-F180 FH

SANCHEZ, MONICA &  
FERNANDEZ, HUGO  
2917 FRANKLIN AVE  
DES MOINES IA 50310-5452

Location: Same as Mailing Address

Loss Settlement Provisions (See Policy)  
A1 Replacement Cost - Similar Construction  
B1 Limited Replacement Cost - Coverage B

## Forms, Options, and Endorsements

Homeowners Pol  
Increase Dwlg up to \$19,380  
Ordinance/Law 10%/ \$9,690  
Amendatory Endorsement  
Policy Endorsement  
Fungus (Including Mold) Excl  
Motor Vehicle Endorsement  
Jewelry and Furs \$1,500/\$2,500FP-7955  
OPT ID  
OPT OL  
FE-7267  
FE-5320  
FE-5398  
FE-5452  
OPT JF*Good till June 2008**per Josh A State Farm*

## RENEWAL CERTIFICATE

POLICY NUMBER	15-CH-1105-4
Homeowners Policy JUN 16 2005 to JUN 16 2006	
DATE DUE	PLEASE PAY THIS AMOUNT
TO BE PAID BY MORTGAGEE	

## Coverages and Limits

## Section I

A Dwelling	Up To	\$96,900
Dwelling Extension		9,690
B Personal Property		72,675
C Loss of Use		Actual Loss Sustained

## Deductibles - Section I

All Losses	500
------------	-----

## Section II

L Personal Liability	\$300,000
Damage to Property of Others	500
M Medical Payments to Others (Each Person)	3,000

Annual Premium	\$562.00
----------------	----------

## Premium Reductions

Your premium has already been reduced by the following:	
Claim Record Discount	92.00

Inflation Coverage Index: 178.9

The State Farm replacement cost is an estimated replacement cost based on general information about your home. It is developed from models that use cost of construction materials and labor rates for like homes in the area. The actual cost to replace your home may be significantly different. State Farm does not guarantee that this figure will represent the actual cost to replace your home. You are responsible for selecting the appropriate amount of coverage and you may obtain an appraisal or contractor estimate which State Farm will consider and accept, if reasonable. Higher coverage amounts may be selected and will result in higher premiums.

*Thanks for letting us serve you. We appreciate our long term customers.*

Agent KIM HINKLE  
Telephone (515) 224-9498

Prepared MAY 02 2005

29 3255 0339

See reverse side for important information.  
Please keep this part for your record.

37

City of Des Moines  
Office of the City Clerk  
PO Box 10326  
Des Moines, IA 50306-0326



Please check here if you have changes to any information below.

HUGO A FERNANDEZ  
2917 FRANKLIN AVE  
DES MOINES, IA 50310-5452

Location: 2917 FRANKLIN AVE  
Project: ZOO2005-00843

Phone: Not Listed

**2007 CITY OF DES MOINES ANIMAL LICENSE**  
*License due January 1, \$50 penalty added to each license after March 31*  
**DON'T WAIT - APPLY TODAY**

2/20/07  
SD

Name	Species	Breed	Gender	Tag #	Date	License #	Amount	Office Use
ZOO2005-00843								
JORDAN	Dog	POODLE	Female	383	04/04/2008	35 <sup>00</sup>	15697	
LOCO	Dog	ROTTMIX	Male	450	10/11/2005	dec 2005		

Suki Dog pitbull Female 0055 2/20/07 2/20/10 35<sup>00</sup> 15098

Animal Incident Investigation Report  
Des Moines, Iowa Police Department

2007 FEB 19 PM 5:00

City 31  
EXHIBIT  
5

32. District: 1		33. Beat: 04		1. Impounded animal AHR/ARL number:		2. DMPD case number: 07-6339	
<b>Impounded or bite animal</b>				3. Victim's name (Last, First M.I.): N			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		35. Animal breed: Pitbull		4. Race:		5. Sex:	
36. Animal color: brown/white		37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/> : "Suki"		6. Age:		7. Date of birth:	
38. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#:		8. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		9. Sobriety: Sob. <input type="checkbox"/>	
40. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:		40A. Date of vaccination:		40B. Date of vaccination expiration:		10. Residence address: (List city and/or state if not Des Moines or Iowa)	
40C. Veterinarian:		41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		42. Other identifiers (Collar, tattoo, etc.): none		11. Residence phone number:	
43. Confinement/quarantine location: 130-1		44. Impounded or bite animal owner's name (Last, First M.I.): Grimes, Katie		45. Residence address: (List city and/or state if not Des Moines or Iowa) 2917 Franklin		12. Business or cellular phone number:	
46. Residence phone number: 255-3306		47. Place of employment or school: N/A		48. Business or cellular phone number: 707-4065		13. Place of employment or school:	
49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		49A. Date and time of notification: #29		49B. Person making notification: #13		14. Type and location of injury:	
50. Witness' name (Last, first): N/A		51. Residence address: (List city and/or state if not Des Moines or Iowa)		52. Daytime or cellular phone number:		15. Medical treatment: A	
53. Witness' name (Last, first): A		54. Residence address: (List city and/or state if not Des Moines or Iowa)		55. Daytime or cellular phone number:		16. Reporting person's name (Last, First M.I.): Observed	
56. Investigative notifications and/or photographs taken: Detective: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>				30. Crime/incident type: Vicious dog - unlicensed		21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	
<b>Victim animal</b>		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"/>		22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
59. Animal breed: N/A		60. Animal color:		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		23. Residence address: (List city and/or state if not Des Moines or Iowa)	
62. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:		64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		24. Residence phone number:	
65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		66. Type and location of injury:		67. Medical treatment:		25. Business or cellular phone number:	
68. Confinement/quarantine location:		69. Victim animal owner's name (Last, First M.I.):		70. Residence address: (List city and/or state if not Des Moines or Iowa) A		26. Location of incident (address): 2917 Franklin	
73. Reporting officer: No. Bauer 7227		74. Status: <input type="checkbox"/> Open <input type="checkbox"/> Suspended <input type="checkbox"/> Closed <input checked="" type="checkbox"/> Exceptionally closed		75. Copy/copies made by:		27. Location type: residential	
77. Second officer:		78. Supervisor approving report: [Signature]		79. Reviewed by: [Signature]		28. Date and time incident occurred: 2-19-07 1036	
						29. Date and time incident reported: 2-19-07 1131	
						31. Classification:	

80. Page: 2 of 2

# Animal Incident Investigation Report

Des Moines, Iowa Police Department

81. DMPD case number: 07-6339

37

82. Suspect or offender <u>one</u> (1) name (Last, first Middle):				83. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		84. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		85. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
86. Race:	87. Sex:	88. Age:	89. Date of birth:	90. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	91. Height:	92. Weight:	93. Hair color:	94. Eye color:	
95. Residence address:			(List city and/or state if not Des Moines or Iowa)						
96. Residence or alternate phone number:			97. Driver license number or social security number:				97A. State:	98. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
99. Citation number and crime:			100. Citation number and crime:						
101. Suspect or offender <u>two</u> (2) name (Last, first Middle):				102. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		103. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		104. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
105. Race:	106. Sex:	107. Age:	108. Date of birth:	109. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	110. Height:	111. Weight:	112. Hair color:	113. Eye color:	
114. Residence address:			(List 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. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
118. Citation number and crime:			119. Citation number and crime:						

120. Narrative:  
 Tripped to 2910 Allison reference a problem with a Stray pitbull. Caller stated dog lived at 2917 Franklin. When I arrived at that address I spoke to a Katie Grimes who advised that she did own a pitbull and that she had let the dogs out earlier (at 615-6404) to go to the bathroom and then she went back inside and fell asleep before letting the dogs back in. When I arrived both dogs were in the house. I advised on Pitbull ordinances and that without proof of license, insurance, etc, the dog would need to be impounded. I gave Ms. Grimes a card with shelter and case information. Impounded one unlicensed vicious dog and transported to the ARL-CCS Shelter.

121. Report date: (List if other than date incident was reported)  
 2-19-07

"Suk"

Grimes, Katie 31  
ARL# 155219

CITY OF DES MOINES  
ANIMAL CONTROL UNIT

City  
EXHIBIT

K

DATE: 2-20-07

REFERENCE: ANIMAL HISTORY REPORT # 07-6339

TO WHOM IT MAY CONCERN:

I have examined this dog and found it to have the predominant characteristics of the American Staffordshire Terrier breed. This decision is based on the following physical features of the dog:

HEAD: ☒ MEDIUM LENGTH  
☒ DEEP TROUGH  
☒ BROAD SKULL  
☒ PRONOUNCED CHEEK MUSCLES

MUZZLE: ☒ MEDIUM LENGTH  
☒ JAWS WELL DEFINED  
☒ BLACK NOSE

BACK: ☒ FAIRLY SHORT  
☒ SLIGHT SLOPING FROM  
WITHERS TO RUMP

BODY: ☒ WELL SPRUNG RIBS  
☒ FORELEGS SET RATHER  
FAR APART

LEGS: ☒ CHEST DEEP AND BROAD  
☒ STRAIGHT FRONT LEGS  
☒ HINDQUARTERS WELL MUSCLED  
☒ MODERATE SIZE FEET

COLOR: brown w/ white blaze  
muzzle, ventral neck & chest

COMMENTS: all 4 feet  
-diamond on dorsal neck  
-female  
-Scar on right elbow  
-ears cropped

SHOULDERS: ☒ STRONG  
☒ MUSCULAR  
NECK: ☒ HEAVY

☒ SLIGHTLY ARCHED  
☒ TAPERS FROM BACK OF  
SKULL TO SHOULDERS

TAIL: ☒ LOW SET  
☒ TAPERS TO FINE POINT  
☒ NOT CURLED OVER BACK

COAT: ☒ SHORT  
☒ CLOSE  
☒ GLOSSY

EYES: ☒ DARK AND ROUND  
☒ LOW DOWN IN SKULL  
☒ SET FAR APART

SIZE: 19 INCHES AT SHOULDERS  
46 LBS.

2007 MAR 20 PM 2:33

*August W. Berry, DVM*

KF  
ACU



City  
EXHIBIT

37

L



# Animal Control

## DOCUMENT SERVICE FORM

Case number: 2007-0339

ARL number (If known): 155219

Animal owner's name: KATIE GRIMES

Address: 2917 FRANKLIN AV., DSM

Name of person receiving document: Katie Grimes

Their signature: Katie Grimes

Date and time served: 2/20/07 14:23

Animal Control Officer serving document: T. Blunck

Animal Control Officer's identification number: 7232

Type of document served: \_\_\_\_\_

2007 MAR 21 PM 2:07

07-6339  
KGF  
ACU

37

Vicious Dog Breed Declaration Letter  
(Over Six Months Old)

2-20-2007  
(Date)  
KATIE GRIMES  
(Dog owner's name)  
2917 FRANKLIN AV.  
(Owner's address)  
DSM, IA  
(City, state & zip code)



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

ALL-AMERICA CITY 1949, 1976, 1981

Your dog was impounded and is at the animal shelter. The breed of your dog was evaluated and determined to be over six months old and a vicious dog breed, defined by city ordinance as a Staffordshire Terrier, an American Pit Bull Terrier, an American Staffordshire Terrier or any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or an American Staffordshire Terrier.

Because of that determination your dog is being declared to be a "Vicious Dog."

You may reclaim your dog by properly licensing it as a vicious dog with the City Clerk's Office and properly confining/leashing it as a vicious dog, however, if your dog is found unlicensed in the City of Des Moines a second time it will be destroyed in a humane manner.

You may appeal this declaration by filing a written appeal within three (3) days with the City Clerk's Office in City Hall at 400 Robert D. Ray Drive in Des Moines, Iowa.

During an appeal your dog will remain in impound at the animal shelter.

You may reclaim your dog and immediately take it out of the City of Des Moines, however, if your dog is found unlicensed in the City of Des Moines a second time it will be destroyed in a humane manner.

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

If you have any questions please call me at 515-248-6052 or the Animal Care and Control Center 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

Revised 01 January 2007

Case number

2007-6339

Dog's name:

SUKI

Dog's color(s):

BROWN &  
WHITE

Dog's sex: female

X

male

2007 MAR 21 PM 2:07

City 31  
EXHIBIT  
M

This is to certify that I do own the animal described below, impounded at the Animal Rescue League of Iowa, Inc. I am reclaiming said animal by paying all fees due. My pet appears to be in satisfactory condition.

Signature: M Sanchez

DATE: 2-20-07

NAME: Monica Sanchez

ADDRESS: 2917 Franklin Ave

CITY, STATE, ZIP: Dsm IA, 50310


PHONE: 515-255-3308

AMOUNT PAID: \$112.50

License purchased A.C.H  
07-15098

Rabies purchased  
Tag # 07-0055 Exp 2/20/10

Microchip purchased

Tag No. <u>155214</u>	Time <u>11:31</u>
Date Arrived <u>02/19/2007</u>	Type <u>EUC</u>
Breed <u>PITBULL</u>	Sex <u>FEMALE</u>
Color <u>BROWN AND WHITE</u>	Age <u>1 1/2 yrs</u>
Pet Name <u>AC-07-6339 SUKI</u>	Declawed <u>NONE</u>
Collar <u>NONE</u>	Color <u>NONE</u>
Release Date <u>02/26/2007</u>	ID#
How Arrived <u>CITY CONTRACT-AC</u>	Area <u>DES MOINES</u>
Reason <u>IMPOUND</u>	Staff <u>JJS</u>
 <b>483F292653</b>	
Housetrained? <u>UNKNOWN</u>	Interacted with Animals? <u>UNKN</u>
Interacted with Kids? <u>UNKN</u>	Questionnaire? <u>NO</u>
Vet Records? <u>NO</u>	

Comments:

Animal Rescue League of Iowa, Inc.

Disp:

Date:

Weight:

Bot#:

Keta Used:

Xyla Used:

Amt:

COPY

2007 -  
6339

KF  
ACM

City  
EXHIBIT  
N

31

**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)

EXHIBIT 31  
p**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

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- 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)

**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)



**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)

**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)

Nov. 21, 2007 37

FILED  
2007 NOV 21 PM 12:47  
CITY CLERK  
DES MOINES IOWA  
I Monica Sanchez) would like to  
make an appeal on the decision of  
my Pit Bull Suki. As I asked  
before that I don't want to see my  
dog be destroyed in no humanity way  
to me that's still cruel, cause Suki  
is not a vicious or dangerous dog.

The first time Suki went to the dog  
shelter I did everything they asked  
me to do to take her home. This was  
a misunderstanding of my part on  
the tie up part where I couldn't have  
her outside on a chain. I believe if  
Suki wanted to attack someone as a  
dangerous vicious dog she would of had  
harmd that person not just scared her  
like she did. City Council my appeal  
is cause like in the first rolling  
Mrs. Ducey believes I'm not a responsible

Pet owner. In the restrain part I agree I shouldn't of thought my kids would be more responsible know Suki is going to be Humanely disposed and that Breaks my heart in two

I only ask that Suki be returned to me. My employee has confirmed that on Dec 21 the Plant will do a shut down in that time Suki will be taken

back to Texas w/ her previous owners Being she is a Pit Bull doesn't mean she is a dangerous dog. She is one of the most sweet dogs I've ever had Please Re-rule that decision so she can go back home where she belongs.

Questions Please  
Call

255-3308

or

707-4065 cell

Thank you

Monica Sanchez  
be half of

"Suki"

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ADMINISTRATIVE HEARING TRANSCRIPT  
Wednesday, November 8, 2007,  
Dangerous Dog

HEARING OFFICER LEANN DUCEY: Good afternoon. My name is LeAnn Ducey and I am an Administrative Hearing Officer with the City of Des Moines. It is 2:53 p.m. on November 8, 2007 and we are conducting an administration hearing on a dangerous dog declaration. The appellant is Monica Sanchez. When I call you to give testimony today please come up to the podium and speak into the microphone. State your name and address and then you will then be sworn in. This is an informal hearing and to that matter the hearing is open. Would the representative from the City please come forward, identify yourself and present any information you have pertaining to this hearing.

SCOTT RAUDABAUGH: My name is Scott Raudabaugh, I'm a police sergeant with the Des Moines Police Department and assigned as the Animal Control Unit supervisor and by City ordinance I am in the position of Chief Human Officer for the City of Des Moines.

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

SERGEANT RAUDABAUGH: Yes..

HEARING OFFICER LEANN DUCEY: Go ahead.

SERGEANT RAUDABAUGH: First I'd like to submit some documents for the record. I'll have a set of the documents for you, a set for myself to refer to and then there's also a set here that can be viewed by Ms. Sanchez if she chooses.

HEARING OFFICER DUCEY: Okay. I'll enter these as City Exhibit A.

SERGEANT RAUDABAUGH: I'd like to just kinda briefly go through the documents and describe what they are. The first document is a copy of the dangerous animal declaration. The case number initially written on there was in error, it was written wrong in error and then it was corrected, for the record. Behind that is a document service form in which that dangerous animal letter was served. Next is a vicious dog declaration letter. It was served somewhat prematurely but because of a reason, that being that the dog showed too much aggression for the staff to scan to check the microchip to find out that it in fact had been there before, so it was served somewhat prematurely.

HEARING OFFICER DUCEY: Okay.

RAUDABAUGH: Behind that are copies of the dog-at-large report, Case No. 07-42845 that occurred on November 1, 2007. Behind those 5 documents is a copy of the breed

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evaluation done by Dr. Greg Barry, a veterinarian that works for the Animal Rescue League but serves in the capacity of City Veterinarian. The original one was completed on February 20, 2007, under Case 07-6339. However, as I mentioned before, about scanning for a microchip, the staff was eventually able to scan the dog and find that a microchip had been implanted and then link up that microchip with that dog with a previous impoundment at the animal shelter which this reflects. This breed evaluation sheet that I make mention to is when the dog was there the first time.

HEARING OFFICER DUCEY: Okay.

SERGEANT RAUDABAUGH: Behind that is a copy of a supplement report documenting when Ms. Sanchez came into the animal shelter and was issued criminal citations for dog-at-large and some other charges and then the various charging paperwork. Behind those documents is a copy of the, what is referred to by the City of Des Moines, is a blue letter signed by Ms. Sanchez in the City's Clerk's office in which she agrees to, one of the things, is to keep it licensed and keep it properly insured and keep it properly confined. Behind that is an insurance document and then another animal licensing document from the City Clerk's office. Behind that is a copy of Des Moines Case No. 07-6339. It occurred on February 19, 2007. On that date an animal control officer also encountered the dog and impounded it. I'll elaborate a little more on that in a moment.

HEARING OFFICER DUCEY: Okay.

SERGEANT RAUDABAUGH: Behind it is the breed evaluation, the original breed evaluation form completed by Dr. Greg Berry, when it was first encountered by Animal Control and taken to the animal shelter. And subsequent to that, on February 20<sup>th</sup> there as a breed, a vicious dog breed declaration letter served. At that time we believed that the dog belonged to Katie Grimes, who also lives at the same address as Ms. Monica Sanchez. But now we believe that the dog, then and now, belongs to Monica Sanchez, which maybe Ms. Sanchez can elaborate on a little bit more. Behind that is a reclamation document that is completed by the Animal Rescue League in which Ms. Sanchez reclaimed the dog. I actually believe there are two copies of that for some reason. Behind that I've included some copies of some pertinent City of Des Moines ordinances—18-41 defines what a vicious dog is, 18-56 talks about the necessary or required confinement of a vicious dog; 18-55 defines what running at large means; 18-196 refers defines what a dangerous animal is; 18-203 the title of it is Immediate Seizure or Destruction of Animals. I'm going to read it because I think it's important for the hearing today to identify certain characteristics of it:

Any animal found at large which displays dangerous tendencies, (which we believe this dog does) 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.

A couple of things about this specific ordinance here, I think that first initial piece, animal found at large which displays a dangerous tendency, certainly applies in this case. Then it also talks about a vicious dog by breed, which has bitten without provocation a person or a domestic animal. I'll elaborate a little bit more on the details of this incident which were a bite but didn't result in injury to a person. And, also as I read made this, in this case, a dog may be processed as a dangerous animal under section 202 of this article. I've also included a copy of 18-202 which basically talks about the seizure, impoundment and disposition of animal that is declared dangerous.

On November 1<sup>st</sup>, 2007, Ms. Monica Sanchez's brown and white colored pitbull breed dog named Suki—S-U-K-I—was running at large when it attacked a neighbor that was in her yard. The neighbor avoided injury because the dog, instead of biting the person herself, bit a book that the person was holding. An animal control officer was dispatched to investigate this situation and when the animal control officer arrived, Ms. Sanchez's dog was still running at large, not displaying a City pet license tag, or a rabies vaccination tag. The animal control officer also found that Ms. Sanchez's white colored poodle breed dog named Jordan—J-O-R-D-A-N—was also running at large, not displaying a City pet license tag or a rabies vaccination tag. Both dogs were impounded and taken to the animal shelter. As I mentioned before, the veterinarian looked at Ms. Sanchez's pitbull breed dog, was able to observe enough of the dog to determine it was predominately pitbull, however the dog was too aggressive for the staff to scan it to check it for a microchip. At a later time the staff was able to, whether the dog calmed down enough, or whether a catch pole was used, I'm not sure, but they were able to scan it and find that it had been previously evaluated and determined to be a pitbull breed dog, or the characteristics exhibited were that it was a pitbull breed dog and a microchip was implanted.

On November 2<sup>nd</sup> I walked into the kennel area to observe the dog and its behavior. When I got near the kennel that Ms. Sanchez's pitbull breed dog as in, the dog immediately growled, then showed its teeth and lunged at the kennel gate. I have no doubt that had I opened the gate, the dog would have bit me based on its behavior towards me while I was in there.

As I mentioned, this pitbull breed dog owned by Ms. Sanchez had been encountered by animal control on February 19<sup>th</sup> an animal control officer was sent to the area on a problem with a pitbull breed dog. Ms. Sanchez's dog was home by the time the control officer arrived, but had been running at large as our understanding, the animal control officer found that the pitbull breed dog was unlicensed at the time and impounded it and took it to the animal shelter. As I've mentioned several times today, at the time the veterinarian evaluated the dog and found that it exhibited predominate characteristics of a pitbull breed dog.



At the time, on the 19<sup>th</sup> or 20<sup>th</sup>, a vicious dog breed declaration letter was served on Ms. Grimes, because at that time we thought the dog belonged to her, but when the dog was reclaimed, as I mentioned before, Ms. Monica Sanchez presented herself as the owner and licensed the dog with the City Clerk's office and paid the Rescue League the appropriate fees to reclaim the dog. Recently when I talked to Ms. Sanchez, she explained to me that Ms. Grimes is a relative of hers that lives in the same household.

HEARING OFFICER DUCEY: Okay.

SERGEANT RAUDABAUGH: Possibly on the 19<sup>th</sup> Ms. Grimes is acting as a temporary caretaker of the dog, I'm not sure exactly. Because of the behavior of the dog and the manner in which the dog has not been controlled or restrained even after he's been impounded once and Ms. Sanchez agreed to properly confine it, I declared the dog to be a dangerous animal. I believe very much that had the person that was attacked on November 1<sup>st</sup> not had a book in their hand that the dog would have bit probably an arm or a leg or something. But that is why we're here today. I declared the dog to be a dangerous animal and Ms. Sanchez was served appropriately.

HEARING OFFICER DUCEY: Okay. Thank you. Monica Sanchez. Please state your name and address.

MONICA SANCHEZ: Monica Sanchez, 2917 Franklin, Des Moines, Iowa 50310

HEARING OFFICER DUCEY: Please raise your right hand. Do you Monica Sanchez swear or affirm the testimony you are about to give is the truth the whole truth and nothing but the truth?

MONICA SANCHEZ: I swear.

HEARING OFFICER DUCEY: Go ahead.

MONICA SANCHEZ: Suki, I bought her in Texas and when I bought her I honestly didn't know that here they were illegal dogs. When they took her the first time they gave me all the requirements that I had to put a chip and I had to license, I knew about licenses then, I knew that was legal that I had to do, but I just hadn't done it. Uhm, if I would have known at the beginning I would have never brought her over here. In February when they took her the first time I kept her restrained, You know, I would take her out and be outside with her on the leash and everything and then I put her in the basement in her cage. On that day in November when they took her, I had to work late

HEARING OFFICER DUCEY: November—you mean February?

MONICA SANCHEZ: In November

HEARING OFFICER DUCEY: The second

MONICA SANCHEZ: Yes, the second time. I had to work late so my sister dropped her kids off over at my house and I was not aware that, I guess they opened the basement door and that's how she got out. She didn't have her tags because, like three days before that I had her tied up outside and it was like 10:30 before I got her inside, but a raccoon came over and attacked her and she bled on her collar and everything, so we took it off and I never put it back. I didn't take the tags off to put it back. Now, a vicious dog, this is how I see it—you know me and my neighbor get along, I have nothing against her, you know, if the dog did do that, you know, I'm real sorry. But I think a vicious dog would not just bite a book, she would have attacked her and I'm glad she didn't do that. She's not a dangerous dog. In December last year somebody broke in my house. I usually sometimes let her loose to go upstairs, you know and somebody broke into my house and they broke my front door and something tells me they didn't steal nothing from my house because she was there. She is a protective dog and even my little dog, he's not a vicious dog, if he sees any stranger he'll start barking and going wild, you know, but he won't attack nobody. Honestly, I don't know why she did that and for I seen is if she would have wanted to harm somebody she wouldn't have just bitten the book, because nobody else was there, you know she would have, you know attacked that person and probably send her to the hospital or something, you know. What I think happened is she probably had her dog loose outside, like she does when I do, she lets him run around a little bit and then puts him inside, but she's always outside with him. I can't say she leaves him outside by himself. So what I think is probably Suki went out, she took out her dog, and she did try to attack her dog and she probably tried to hit her, I don't know, but this is what I feel. If she is a vicious dog like they're trying to claim, you know she would have harmed that person, not just because of the book cause they didn't arrive there, I don't even know how long it took for them to arrive. You know, that's an instant that happens right away. They're not gonna, what my plans are now the first time I knew that Suki was illegal here in Iowa, I go to Texas every time my job gives me a break, or permits it, like right now I have not been able to, but as soon as I get a chance she's going back there because I don't want to have her like a prisoner, you know. Dogs to me it's not right to have them caged in like she has been. You know, but my plans are to take her back and I know the owner will take her because she was a real good dog and those are my plans. I really would hate for her to be destroyed, cause she's not a bad dog. It was just a bad incident that I'm really really sorry for what happened. But, you know, she's got a chip, she's licensed and I keep her stranded, it's just that day I had to work late and the kids opened up the basement door and that's what happened, you know. Cause if she's a bad dog my nephews are 5, 7, 8 years, you know, she would attack them or anything like that. You know, I really don't know what happened, but I think if she really wanted to hurt somebody she would have done it, not just by biting a book, she would go away. Not even my kids, like he said, if my kids would have seen that incident they would have put her inside right away. They probably didn't even know she was outside either. You know, so honestly I don't know what happened. My plans, honestly, I want to take her back to Texas when I go back. They're thinking about in Thanksgiving for sure, we'll probably have 4 days off, it's going to be a long drive but she's well worth it, driving all the way over there cause I don't want to see her, you know, put to sleep.

HEARING OFFICER DUCEY: I want to clarify a couple of things. First of all, it's not illegal to have pitbulls in Des Moines, you stated that a couple of times. They are not illegal, there are just certain steps you have to take in order to own a pitbull that are different from some other kind of dog. So they are not illegal.

MONICA SANCHEZ: Okay.

HEARING OFFICER DUCEY: You referred to being vicious, today is a dangerous animal declaration. Your dog is automatically a vicious dog because of the breed. So this is a dangerous animal declaration. After your dog was picked up the first time and you came down to the City Clerk's office you filled out what I think Sergeant Raudabaugh referred to as a blue sheet. On that blue sheet it says the conditions for having a pitbull and one of the things that's on the blue sheet, I need to review it to make sure, but I think it states that you can't just tie a vicious dog.

MONICA SANCHEZ: Outside, no—I know that

HEARING OFFICER DUCEY: But you stated that you had done that between the first incident and the second incident.

MONICA SANCHEZ: What I'm trying to say is that I tied her outside, but somebody over 18 has to be there.

HEARING OFFICER DUCEY: They have to have control

MONICA SANCHEZ: Of the dog

HEARING OFFICER DUCEY: Of the leash. I think Sergeant Raudabaugh, am I correct on that? The dog can never be like tied to a tree or a fence or something. Doesn't someone have to have control of that leash.

MONICA SANCHEZ: Or somebody has to be outside with her. That's

HEARING OFFICER DUCEY: That's what I want to clarify with the sergeant. You can stay up there while he

SERGEANT RAUDABAUGH: A dog that's been declared or a dog that's vicious by breed or has been declared because of behavior cannot be tied to an inanimate object. It can be on a leash but it has to be on a leash held by an adult.

HEARING OFFICER DUCEY: So even if you're outside with the dog you cannot

MONICA SANCHEZ: I would tie her, let her eat, do her necessities and then I would take her inside.

HEARING OFFICER DUCEY: No. the dog has to be in, someone has to be holding the other end of the leash.

MONICA SANCHEZ: I misunderstood that part, I thought I could tie her outside but I had to watch her.

HEARING OFFICER DUCEY: No, that's okay. I just wanted to make that clear.

MONICA SANCHEZ: Okay. Can I add something?

HEARING OFFICER DUCEY: Sure.

MONICA SANCHEZ: Like he said when he was in the impound to see the dog, when I first went in there, the first lady helped me to, you have to go around and you know identify your dog. I'm pretty sure it's like any other dog, you know, they don't know you, they're not going to let, some don't let you touch, not even if they're not vicious dogs. After I went in there and I told the lady and I saw Suki and told her it was Suki, she immediately said, Oh, she's calmed down a lot, she wouldn't even let me put food in her cage, she wouldn't let me get, but now that I know her name, she's a lot friendlier. You know, and she was the one who told me that. You know, I'm pretty sure, you know those dogs are meant to be like that, if they don't know you. they're not going to let strangers around your house.

HEARING OFFICER DUCEY: Do you have anything else to present today?

MONICA SANCHEZ: No, just..

HEARING OFFICER DUCEY: Sergeant Raudabaugh do you have anything else to present today?

SERGEANT RAUDABAUGH: No.

HEARING OFFICER DUCEY: Okay. I need to review all these exhibits that Sergeant Raudabaugh presented today. I'm going to review the tapes of the testimony presented so I'm not going to issue a ruling today. I need to review everything. So, it will probably be maybe about, I have several hearings on Monday, so it will probably be sometime Tuesday or Wednesday before I actually make the written ruling. After I make the written ruling I will contact Sergeant Raudabaugh and either he or someone from his office will come and pick up that ruling and it will be hand delivered to your home. So, like I said, I'm not going to make a ruling today, but I will send a written ruling out as soon as possible. Upon receipt of that ruling should you disagree you would have 3 days from the date of the receipt of the letter to appeal the decision to the City Council and that would have to be done in writing, but that would all be in the ruling should I rule that the dog is a dangerous dog. If you have any questions in the meantime you can contact the Animal Control Department. If you have questions, I need you to come to the microphone, because we do record these and I want to make sure everything is picked up.

MONICA SANCHEZ: My concern is just, if you decide not to give it, not return her to my home, would Suki be put to sleep or would she be put up for adoption? If they can find somebody to adopt her, you know and keep her, I

HEARING OFFICER DUCEY: I would like Sergeant Raudabaugh to respond to that, it's my understanding that it cannot be put up for adoption, but I want him to respond to that.

SERGEANT RAUDABAUGH: As the Hearing Officer mentioned, she's going to review the facts of the case and make her decision whether to uphold the declaration that the dog is a dangerous animal. If she upholds the declaration the City ordinance spells it out that if a dog is found to be dangerous it's euphemized, there's no adoption or removal from the City and the reason for that is there was an attempt to avoid having a problem dog, if you will, sent to someplace else where it could cause a problem some place else. Does that answer your question?

MONICA SANCHEZ: Yeah, in other words...

HEARING OFFICER DUCEY: So it's either I declare it dangerous or I return the dog to you. Those are the two choices and if it is dangerous it would be euphemized.

MONICA SANCHEZ: Okay, but you will look into, you know.

HEARING OFFICER DUCEY: I will review everything, I do not take these hearings likely. I will review everything very thoroughly.

MONICA SANCHEZ: Okay, because a vicious dog, I mean I would say, isn't it like, like you said nobody was there, the lady put the book, if her intentions were to attack somebody she would have attacked the lady, even with or without the book. You know, that's what a vicious dog, I mean, what they're going out for they're gonna get. Suki did not, I mean, there had to be something else besides, cause she's not, she's not a bad dog.

HEARING OFFICER DUCEY: I have not read all the reports, so I have no idea really what's in the reports. I'll have to read that.

SERGEANT RAUDABAUGH: I do, I kinda want to respond to that and just add that the animal control officer wrote that when she went to your address she saw the dog standing in the driveway and poodle on the front porch. When the animal control officer approached the pitbull charged at her and she had to use her catchpull to defend herself and the dog finally backed away allowing her to approach the front door. The dog showed aggression towards the neighbor then she showed aggression towards the animal control officer and then the dog showed aggression towards me at the Animal Shelter and the dog showed aggression towards the Animal Shelter staff as well. So we have 4 different individuals, or in the case of the Shelter staff, probably two individuals the dog showed aggression towards. One at the neighbors house, one at your house, one in the kennel and once again in the kennel for the Animal Shelter staff.

MONICA SANCHEZ: But all four people that, you know, approached her she did not know. You know, I mean that's mostly why, like my little white poodle, that's why I have him, cause at night there's a lot of people who drive up and forth, there's a one way street and there's a lot of woods in the back, you know. Anybody that, if she sniffs somebody that's not, that she don't know he'll start barking right away. You know, it's like if the dog don't know you, like when I went first and I told the lady the dog's name, then she calmed down, you know, the lady knew the dog's name, Suki, you know. Like she said it's a lot better because now we know her name. You know, if it's a stanger, it's like any other dog, you know, how are they going to react to a stranger. That's how I see it, but you know unfortunately they let her loose and now we're in this situation, you know, that we're in.

HEARING OFFICER DUCEY: Can you tell me under what circumstances in February the dog was running at large.

MONICA SANCHEZ: Well, Katie—I work, my shift 7:00 to 3:00. Sometimes they make me work till 7:00 and um Katie, I guess she opened, this is what she told me, she had opened the door so Suki could go to the bathroom and there was the other street some dogs barking and Suki went over there and I guess the owner of the other dog said she tried to attack her dog so she got a shovel and it hit her, so that's when Suki came home and she called the dog pound for the incident, but that's what I know that happened.

HEARING OFFICER DUCEY: The other question I meant to ask you and I didn't, are you the original owner of this dog?

MONICA SANCHEZ: Yes I am.

HEARING OFFICER DUCEY: Okay. Does anyone else have anything to present today?

SERGEANT RAUDABAUGH: I certainly don't want to turn this into a debate, but I just feel as though it's important to read a little bit from the Animal Control Officer's report in February. The animal control officer spoke to Ms. Grimes and Ms. Grimes told the animal control officer she said she was the owner of the dog and she'd let the dogs out earlier to go to the bathroom and then she went back inside and fell asleep before letting the dog back in. When the animal control officer arrived both dogs were in the house by then. It appears that the dogs were just turned loose to go to the bathroom and the caretaker at that time fell asleep, so the dogs were left including one that was a pitbull was just left to roam wherever it choose.

MONICA SANCHEZ: About the sleeping, you know, at that time she was 16, you know, and I honestly didn't know that any kid, or nobody over 18 was allowed to be handling the vicious dog, by pitbull. Katie's real, I can say, she probably did fall asleep like it says there, but I already talked to her about that, the dangerous and you know who could handle the dog and who couldn't, you know. After that incident, you know, I mean

I'm not saying it's been a long time but February, March, April, if we were careless about the dog or not wanting to keep it, you know, I'm trying my best to keep her inside, at least until I go back to Texas and take her back, you know. I was at work I had no control of the kids and you know, I already told my sister, I've been through a lot, you know, I like that dog and I don't like she should be put to sleep.

HEARING OFFICER DUCEY: I will take all this into consideration. Thank you very much for coming in today.

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