



December 7, 2009

Date

PUBLIC HEARING ON VICIOUS
ANIMAL APPEAL OF ANGELA RILEY

WHEREAS, Angela Riley, , 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 vicious animal; and

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

WHEREAS, Ms. Riley have been provided with the opportunity to address the City Council on the matter of her appeal; and

WHEREAS, the dog falls under the definition of vicious dog as contained in section 18-41 of the Des Moines City Code relating to vicious dogs; NOW, THEREFORE,

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

Alternative One: That the order of the hearing officer be upheld and Ms. Riley's dog be declared vicious.

MOVED BY _____ TO UPHOLD DECLARATION.

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

MOVED BY _____ TO REVERSE DECLARATION.

FORM APPROVED:

K. Massier
Katharine Massier
Assistant City Attorney

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

EXHIBITS FOR VICIOUS ANIMAL"CINNAMON"

- EXHIBIT A Letter from Police Animal Control declaring the dog "Vicious"
- EXHIBIT B Appeal from Angela Riley
- EXHIBIT C Letter setting date for Administrative Hearing - November 16, 2009
- EXHIBIT D Animal Incident Investigation Report and supporting photos
- EXHIBIT E Animal Incident Investigation Report (Previous incidents and copies of the Municipal Code for Vicious Animals)
- EXHIBIT F Administrative Hearing Officer's Ruling
- EXHIBIT G Appeal from Angela Riley
- EXHIBIT H Letter to Ms. Riley (Setting date for appeal to City Council)
- EXHIBIT I Letter to Ms. Riley and a copy of the Administrative Hearing Transcript

November 2, 2009

Ms. Angela Riley
3109 Woodland Avenue
Des Moines, Iowa

Ms. Riley,

On October 23, 2009 your brown colored female Labrador and mixed breed dog, named "Cinnamon," was running at-large when it ran across the street and a few properties away and bit a worker that was delivering garbage cans, which caused injury to the man's thigh.

After the initial attack your dog backed away but came back and tried biting the worker again, however, because the worker defended himself by kicking your dog it bit the worker's boot instead.

When the animal control officer arrived your dog was still running at-large, was not displaying a rabies vaccination tag or a city-pet license and was impound for quarantine at the animal shelter. (2009-34076).

On July 25, 2008 I was at your residence investigating an animal related complaint and observed your dogs, including Cinnamon. At that time all of your dogs barked and acted in a standoffish manner. (2008-26514)

Because of your dogs behavior it is being declared a "Vicious Dog," as defined by city ordinance 18-41. You may reclaim your dog by properly licensing it as a vicious dog with the City Clerk's Office and properly confining/leashing it as a vicious dog, however, if your dog is found unlicensed as a vicious dog in the City of Des Moines twice it will be destroyed in a humane manner. Also if your dog is found not properly confined/leashed more than twice it will be destroyed in a humane manner.

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

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

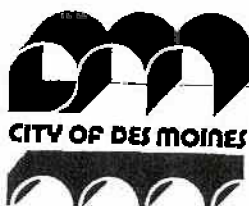
If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Sincerely,



Sergeant Scott Raudabaugh,
Chief Humane Officer

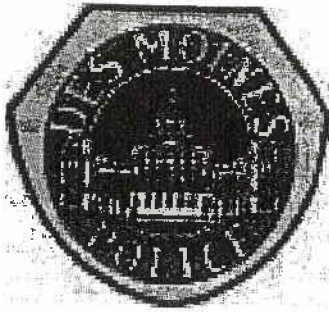
cc: City Clerk's Office



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

ALL-AMERICA CITY 1949, 1975, 1981

2009 NOV -5 PM 9:44



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 2009-3407CPARL number (if known): "CINNAMON"Animal owner's name: ANGELA RILEYAddress: 3109 WOODLAND AV.Location of service: SAMEDate and time served: 02 NOV 09 1519

Official serving document (print name):

SGT. SCOTT RAUBAUBAUGHOfficial's identification number: 4770Type of document served: ☒ Vicious dog letter ☐ Dangerousanimal letter ☐ Illegal animal letter ☐ Hearing ruling letter☐ City Council decision letter ☐ Other: _____

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

ONE PLACED BETWEEN FRONT SCREEN
DOOR AND FRAME AND ONE PLACEDTheir signature: X BETWEEN 3RD ST. STORM
KE ACU DOOR AND
FRAME.

EX. A

BACK DOOR BLOCKED BY A
LAWN MOWER. EAST SIDE
DOOR HAS A DOG TIED TO
THE STORM DOOR.

2009 —
34070

KF ACU

November 3, 2009

Ms. Angela Riley
3109 Woodland Ave
Des Moines, Ia 50312

City Clerk's Office
400 Robert D. Ray
Des Moines, Ia 50309

To whom it may concern I am appealing the complaint on Cinnamon a red female Labradore mixed breed is not a vicious dog as defined by city ordinance 18-4.

Sincerely,



Angela L. Riley

515-208-9009

FILED
CITY CLERK
DES MOINES IOWA

2009 NOV -4 PM 4:35

November 6, 2009

Angela Riley
3109 Woodland Avenue
Des Moines, IA 50312



Re: Administrative Hearing- Vicious Dog

A hearing has been set for **Monday, November 16, 2009** in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive, at 10:30 A.M.**

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

Pursuant to Section 18-59 of the Municipal Code, (copy enclosed), you will be given an opportunity to be heard at the hearing.

If you have questions in this regard, please call.

Sincerely,

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

Diane Rauh
City Clerk

DR/kh

Enclosure

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

Animal Incident Investigation Report

Des Moines, Iowa

1. ARL case number: C00510680		2. DM98 case number (if applicable): 09-34076	
3. Victim's name (Last, First M.I.): Bochmer, John (Human victim or society)			
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL#: A05556323		4. Race: W M 42 9-24-67 5. Sex: 6. Age: 7. Date of birth: 8. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/> 9. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		10. Residence address: 5027 Hwy R57 Norwalk, IA	
34. Animal breed: X Lab		11. Residence phone number: 981-1280	
35. Animal color: brown		12. Business or cellular phone number: 323-8171	
36. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		13. Place of employment or school: City of Des Moines 333-8543	
37. Animal sex: Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		14. Type and location of injury: left leg upper thigh punctures	
38. Microchip: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#: 4957104651		15. Medical treatment:	
39. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:		16. Reporting person's name (Last, First M.I.):	
39A. Date of vaccination:		17. Race: 18. Sex: 19. Age: 20. Date of birth: 21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/> 22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
39B. Date of vaccination expiration:		23. Residence address: (City and/or state if not Des Moines or Iowa)	
39C. Veterinarian:		24. Residence phone number: 25. Business or cellular phone number:	
40. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		26. Location of incident (address): Woodland (3104)	
41. Other identifiers (Collar, tattoo, etc.): blue nylon		27. Location type: sidewalk	
42. Confinement/quarantine location: ARLACC		28. Date and time incident occurred: 23 Oct 09 1730	
43. Impounded or bite animal owner's name (Last, First M.I.): Biley, Angela		29. Date and time incident reported: 23 Oct 09 1732	
44. Residence address: 3109 Woodland		30. Classification: Animal bite - Dog	
45. Residence phone number:		31. Classification:	
46. Place of employment or school:		32. Impounded or bite animal owner's name (Last, First M.I.):	
47. Business or cellular phone number:		48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 48A. Date and time of notification: 23 Oct 09 1830 48B. Person making notification: T Updegrave 48C. Means of notification: notice	
49. Witness' name (Last, first):		50. Residence address: (City and/or state if not Des Moines or Iowa)	
51. Daytime or cellular phone number:		52. Witness' name (Last, first):	
53. Residence address: (City and/or state if not Des Moines or Iowa)		54. Daytime or cellular phone number:	
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>			
Victim animal		56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		58. Animal breed:	
59. Animal color:		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		62A. Date of vaccination:	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		62B. Date of vaccination expiration:	
65. Type and location of injury:		62C. Veterinarian:	
66. Medical treatment:		67. Confinement/quarantine location:	
68. Victim animal owner's name (Last, First M.I.):		69. Residence address: (City and/or state if not Des Moines or Iowa)	
70. Residence phone number:		71. Business or cellular phone number:	
72. Reporting official: T Updegrave ARS I.D. No.		73. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	
74. Copies made by:		75. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:	
76. Second reporting official: I.D. No.		77. Supervisor approving report: I.D. No.	
78. Reviewed by: RK			

400700126 PM 7:43

79. Page: 2 of 3

Animal Incident Investigation Report
Des Moines, Iowa

80. DMPD case number (if applicable):

09-34076

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

85. Race:

86. Sex:

87. Age:

88. Date of birth:

89. Ethnicity:
H ☐ NH ☐

90. Height:

91. Weight:

92. Hair color:

93. Eye color:

94. Residence address:

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

95. Residence or alternate phone number:

96. Driver license number or social security number:

96A. State:

97. Sobriety:
Sob. ☐ H.B.D. ☐

98. Citation number and crime:

99. Citation number and crime:

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

104. Race:

105. Sex:

106. Age:

107. Date of birth:

108. Ethnicity:
H ☐ NH ☐

109. Height:

110. Weight:

111. Hair color:

112. Eye color:

113. Residence address:

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

114. Residence or alternate phone number:

115. Driver license number or social security number:

115A. State:

116. Sobriety:
Sob. ☐ H.B.D. ☐

117. Citation number and crime:

118. Citation number and crime:

119. Narrative:

✓ working for the city, he was returning garbage cans to the houses. Walking towards 3104 woodland, dog came running from 32nd & woodland, across the street barking then jumped & bit him. Dog continued to bark at victim biting at his boot, ✓ was able to get back to his car and called 911.

✓ took pictures of the being at large & of his bite wounds. Dog was a brown mix Lab type w/ blue collar.

RIO was then taken to the 3200 woodland area where the street is all torn up w/ construction. RIO found a dog at large matching & looking the description of bite dog. ✓ identified dog as the one that bit him. RIO impounded the dog & neighbor walking on woodland stated dog lived at 3109 woodland.

RIO went to residence & got N/A at door.

RIO left notice of impound & bite on both front & back doors.

120. Date of this report:

23 Oct 09

EX.D

C00510680

Animal Incident Supplemental Report
Des Moines, Iowa

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

Boehmer, John

2. Case number:

09-34076

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

4. Date of this report:

23 Oct 09

5. Date incident occurred:

23 Oct 09

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

7. Crime/Incident type:

Animal bite

Change: ☐ Yes

8. Page:

3 of 3

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

AS RIO WAS leaving area RIO recognized owner driving down her street. RIO spoke to owner to advise her dog bit. She identified the dog as Cinnamon. She stated she had the tag however I told her I needed to see vic. paperwork. Gave her my cell # to call - by end of shift she had not.

Owner is aware she is being cited for dog at large

10. ARL Reporter:

Tupdogrove AES

I.D. No.

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

12. Copy/copies made by:

13. Referred to:

☐ Animal Control☐ Detectives ☐ PIO☐ Chief ☐ OPS☐ Other: _____

14. Second ARL reporter:

I.D. No.

15. Supervisor approving report:

I.D. No.

16. Reviewed by:

EX.D

2009-340700

Raudabaugh, Scott A.

From: Boehmer, John P.
Sent: Monday, November 02, 2009 12:25 PM
To: Raudabaugh, Scott A.
Subject: FW: Employee Health Clinic
Attachments: Picture 080 Dog Incident.jpg; Picture 081 Dog Incident.jpg; Picture 082 Dog Incident.jpg; Picture 083 Dog Incident.jpg; Picture 105 Dog Incident.jpg

Scott,

I was located east of the property line of 3106 Woodland Avenue when the initial attack happened. This is across the street and a couple properties away from the dog's house. It is my opinion the dog is vicious since it attacked me three times consecutively. After each attack the dog ran away returning after 10-15 seconds. Usually the dog is confined to kennel, however, this time he was free to roam the neighborhood. If this is what happens when the dog escapes the residents of this neighborhood are vulnerable to being bit.

It has been 10 days since I've been bit and my leg still has deep bruising. Besides the nasty purple color my leg is still very sore. I don't hate dogs; I just feel this dog could hurt someone else.

John Boehmer
Civil Engineer II
Storm Water Utility
323-8171

From: Boehmer, John P.
Sent: Monday, October 26, 2009 11:26 AM
To: Biondi, Rod K.
Cc: Miller, David L.; Moehlmann, Steve E.; Stowe, William G..
Subject: RE: Employee Health Clinic

Rod,

I was delivering the garbage cans to the residents on the south side of Woodland Avenue on Friday October 23, 2009 at 5:30 pm. While traveling with the garbage cans a dog from 3109 32nd Street began barking at me from a distance of 10 feet. I stopped traveling and watched the dog try to circle around me. After 10-15 seconds the dog ran up to me and started barking at a distance of 1 foot. As I backed away the dog the dog leapt up and bit me on the upper thigh. I did some kicking and yelling and dog ran off, but returned to hold me at bay. Again at a distance of 10 feet the dog barked and growled at me. When the dog ran up to me this time I kicked the dog in the snout. This gave the cur a chance to chew on my rubber boot until I punched it in the head. The dog backed off enough for me to take a couple photos of him as I returned to my car. I called 911 at 5:36 pm who contacted Animal Control. Animal Control captured the dog and left a note on the owner's door.

I contacted Rod Biondi at 6:43 pm who gave me the option to go to the hospital. My appointment with DMU Clinic is for 1:00 pm today, 10-26-09.

The dog ripped my jeans and punctured a hole in my knee high rubber boots.

Attached are photos of the animal and injury. Picture 083 is immediately following the attack on Friday, prior to the swelling. Picture 105 is the wound on Sunday 10-25-09.

-John Boehmer

2009 NOV -2 PM 7:32

KF ACU

From: Biondi, Rod K.
Sent: Friday, October 23, 2009 7:21 PM
To: Boehmer, John P.
Cc: Miller, David L.; Moehlmann, Steve E.; Stowe, William G..
Subject: Employee Health Clinic

John, as per our conversation Friday evening, I'd like you to go to the Employee Health Clinic Monday morning for your dog bite, even if you decided to go to the ER over the weekend. The clinic is at Des Moines University, 3200 Grand Avenue. The phone number is 271-1622. When you get back to work, please complete an injury report; \\Wrafs1\d-volume\SAFETY\INJURY REPORTS\WRF Employee Safety and Training Information1.accd.

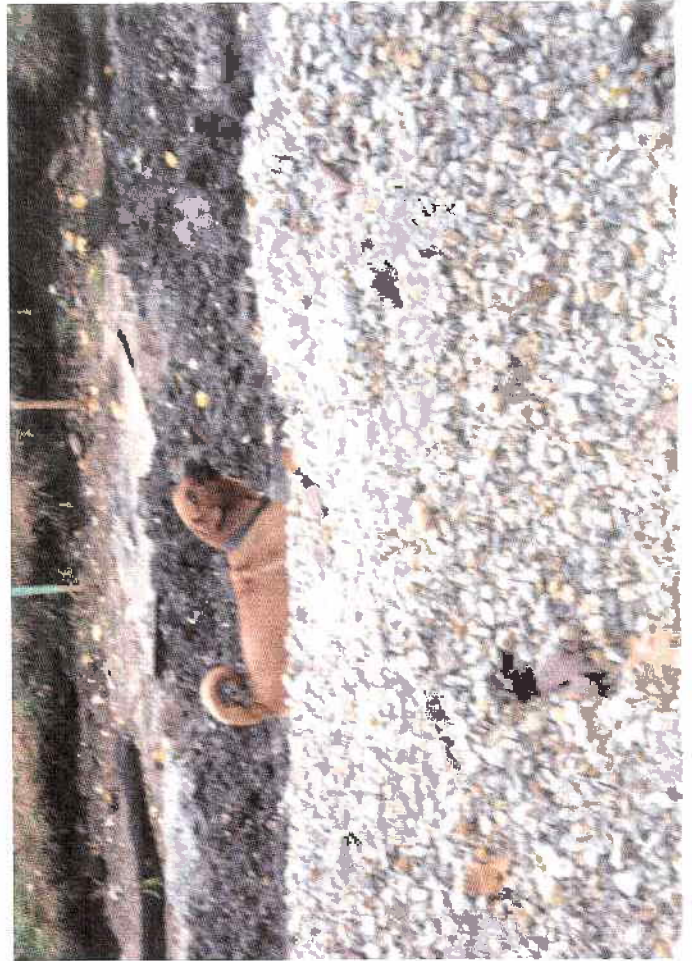
Please contact Steve Moehlmann if you need any help.

Respectfully,

Rod Biondi

Safety Consultant
WRF 515-323-8009

**Safety, like a good retirement
plan, provides for a better
tomorrow!**

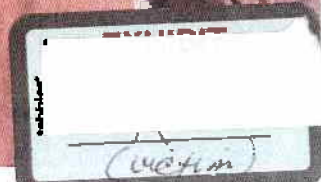


EX. D



EX. D

Photo taken 11/11/00



Des Moines, Iowa Police Department

32. District: 1		33. Beat: 18		1. Impounded animal AHR/ARL number:		2. DMPO case number: 08-26514	
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>				3. Victim's name (Last, First M.I.): SOCIETY (Human victim or society)			
35. Animal breed: CHOW MIX BRO BRINDLE				4. Race: 5. Sex: 6. Age: 7. Date of birth: N/A		8. Ethnicity: <input checked="" type="checkbox"/> NH <input type="checkbox"/> SO <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
36. Animal color: BRO BRINDLE				10. Residence address: (City and/or state if not Des Moines or Iowa)			
37. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input checked="" type="checkbox"/> Other <input type="checkbox"/>				11. Residence phone number:		12. Business or cellular phone number:	
38. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>				13. Place of employment or school:			
39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#:				14. Type and location of injury:			
40. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:				15. Medical treatment: A			
40A. Date of vaccination: N/A				16. Reporting person's name (Last, First M.I.): RAUDABAUGH, SCOTT 4770			
40B. Date of vaccination expiration: N/A				17. Race: W M 18. Sex: A 19. Age: N/A		20. Date of birth: N/A	
40C. Veterinarian: N/A				21. Ethnicity: <input checked="" type="checkbox"/> NH <input type="checkbox"/> SO <input type="checkbox"/> H.B.D. <input type="checkbox"/>		22. Sobriety: <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:				23. Residence address: (City and/or state if not Des Moines or Iowa)			
42. Other identifiers (Collar, tattoo, etc.): N/A				24. Residence phone number: N/A		25. Business or cellular phone number:	
43. Confinement/quarantine location: ISO-3				26. Location of incident (address): 3109 WOODLAND			
44. Impounder or bite animal owner's name (Last, First M.I.): RILEY, ANGELA				27. Location type: RESIDENTIAL			
45. Residence phone number: UNK				28. Date and time incident occurred: 25 JULY 08 1020		29. Date and time incident reported: 25 JULY 08 094	
46. Residence phone number: UNK				30. Crime/incident type: ANIMAL NEGLECT		31. Classification:	
47. Place of employment or school: UNK				48. Business or cellular phone number: UNK			
49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 49A. Date and time of notification: 78				49B. Person making notification: K. LEMON			
50. Witness' name (Last, first): 16				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 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"/>							
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: N			
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#:				63A. Date of vaccination:			
65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:				63B. Date of vaccination expiration:			
66. Type and location of injury:				63C. Veterinarian:			
67. Medical treatment:				68. Confinement/quarantine location:			
69. Victim animal owner's name (Last, First M.I.):				70. Residence address: (City and/or state if not Des Moines or Iowa)			
71. Residence phone number:				72. Business or cellular phone number:			
73. Reporting officer: K. LEMON 7070				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 <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:			
77. Second officer: Sgt. Raudabaugh 4770				78. Supervisor approving report: [Signature] 4770			
79. Reviewed by: [Signature]							

EX.E

Animal Incident Investigation Report
Des Moines, Iowa Police Department

32. District: 1		33. Report # 17		1. Impounded animal AHR/ARL number:		2. DMPD case number: 08-26574	
Impounded or bite animal				3. Victim's name (Last, First M.I.): SOCIETY (Human victim or society)			
4. Race:		5. Sex:		6. Age:		7. Date of birth:	
8. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		9. Sobriety: Sob <input type="checkbox"/> H.B.D. <input type="checkbox"/>					
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>				10. Residence address: (City and/or state if not Des Moines or Iowa)			
35. Animal breed: MIX				11. Residence phone number:		12. Business or cellular phone number:	
36. Animal color: BROWN				13. Place of employment or school:			
37. Animal fur length: Short <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>				14. Type and location of injury:			
38. Animal sex: Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>				15. Medical treatment:			
39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)				16. Reporting person's name (Last, First M.I.): RAUDABAUGH, SCOTT			
M/C#:				17. Race: W M A		18. Sex: N	
40. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:				19. Age: A		20. Date of birth: N	
40A. Date of vaccination:				21. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>		22. Sobriety: Sob <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
40B. Date of vaccination expiration:				23. Residence address: (City and/or state if not Des Moines or Iowa)			
40C. Veterinarian:				24. Residence phone number:		25. Business or cellular phone number:	
41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:				26. Location of incident (address): 3109 WOODLAND			
42. Other identifiers (Collar, tattoo, etc.):				27. Location type: RESIDENTIAL			
43. Confinement/quarantine location: 150-2				28. Date and time incident occurred: 25 JULY 08 1020		29. Date and time incident reported: 25 JULY 08 0941	
44. Impounded or bite animal owner's name (Last, First M.I.): RILEY, ANGELA				30. Crime/incident type: Animal Neglect		31. Classification:	
45. Residence phone number: UNK				46. Residence address: # 86 (City and/or state if not Des Moines or Iowa)		47. Business or cellular phone number:	
46. Place of employment or school: UNK				48. Business or cellular phone number: UNK		49. Means of notification: DISPO	
49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>				49A. Date and time of notification: 7/28		49B. Person making notification: K. LEMON	
50. Witness' name (Last, first): 16				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 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 PU: No <input checked="" 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: N		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#:		63A. Date of vaccination:		63B. Date of vaccination expiration:	
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		63C. Veterinarian:		64. Date of birth:			
65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		66. Type and location of injury:		67. Medical treatment:			
68. Confinement/quarantine location:		69. Victim animal owner's name (Last, First M.I.):		70. Residence address: (City and/or state if not Des Moines or Iowa)		71. Residence phone number:	
70. Residence address:		71. Residence phone number:		72. Business or cellular phone number:			
73. Reporting officer: K. LEMON 7217		I.D. No. 7217		74. Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed <input checked="" type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded		75. Copy/copies made by:	
77. Second officer: Sgt. Raudabaugh 4770		I.D. No. 4770		78. Supervisor approving report: [Signature] 4770		79. Reviewed by:	
						76. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:	

EX. E

Animal Incident Investigation Report
Des Moines, Iowa Police Department

32. District: <u>1</u>		33. Beat: <u>10</u>		1. Impounded animal AHR/ARL number:		2. DMPD case number: <u>08-76574</u>	
Impounded or bite animal				3. Victim's name (Last, First M.I.): <u>SOCIETY</u> (Human victim or society)			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		4. Race:		5. Sex:	6. Age:	7. Date of birth:	8. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>
35. Animal breed:		10. Residence address: (City and/or state if not Des Moines or Iowa)		11. Residence phone number:		12. Business or cellular phone number:	
36. Animal color: <u>BROWN</u>		13. Place of employment or school:		14. Type and location of injury:		15. Medical treatment:	
37. Animal fur length: Short <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		16. Reporting person's name (Last, First M.I.): <u>RAUDABAUGH, SCOTT</u>		17. Race:		18. Sex:	19. Age:
38. Animal sex: Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		20. Date of birth:		21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)		23. Residence address: (City and/or state if not Des Moines or Iowa)		24. Residence phone number:		25. Business or cellular phone number:	
M/C#:		26. Location of incident (address): <u>3109 WOODLAND</u>		27. Location type: <u>RESIDENTIAL</u>		28. Date and time incident occurred: <u>25 JULY 08 1020</u>	
40. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:		29. Date and time incident reported: <u>25 JULY 08 0941</u>		30. Crime/Incident type: <u>Animal Neglect</u>		31. Classification:	
40A. Date of vaccination:		40B. Date of vaccination expiration:		41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		42. Other identifiers (Collar, tattoo, etc.): <u>N/A</u>	
40C. Veterinarian:		43. Confinement/quarantine location: <u>ISO-1</u>		44. Impounded or bite animal owner's name (Last, First M.I.): <u>RILEY, ANGELA</u>		45. Residence address: (City and/or state if not Des Moines or Iowa)	
46. Residence phone number:		47. Place of employment or school:		48. Business or cellular phone number:		49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	
49A. Date and time of notification:		49B. Person making notification: <u>F. LEMON</u>		49C. Means of notification: <u>DISPO</u>		50. Witness' name (Last, first): <u>16</u>	
51. Residence address: (City and/or state if not Des Moines or Iowa)		52. Daytime or cellular phone number:		53. Witness' name (Last, first):		54. Residence address: (City and/or state if not Des Moines or Iowa)	
55. Daytime or cellular phone number:		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"/>		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. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		66. Type and location of injury:	
67. Medical treatment:		68. Confinement/quarantine location:		69. Victim animal owner's name (Last, First M.I.):		70. Residence address: (City and/or state if not Des Moines or Iowa)	
71. Residence phone number:		72. Business or cellular phone number:		73. Reporting officer: <u>F. LEMON 7212</u>		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 <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:		77. Second officer: <u>Sgt. Raudabaugh 4770</u>		78. Supervisor approving report: <u>[Signature]</u>	
79. Reviewed by:		80. Date of review:		81. Date of report:		82. Date of incident:	

EX. E

2008 -

SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

2008 JUL 22 PAGE 17

1. Complainant, Driver #1, Victim, or Arrestee SOCIETY		2. Arrest No. N/A	3. Case No. 20514
<input type="checkbox"/> Form used as Continuation Sheet for Current Report		4. Date this Report 25 JUL 08	5. Date Original Occurrence 25 JUL 08
<input checked="" type="checkbox"/> Form used to Report Follow up Investigation or Supplemental Information	Officer Case Invest. Photos Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Correct offense or Incident Classification ANIMAL NEGLECT Changed <input type="checkbox"/> Yes	
7. Kind of Report Continued <input type="checkbox"/> Follow up or Supplemental or Prosecution <input checked="" type="checkbox"/> Traffic Accident		8. Multiple Clear Up? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in narrative)	
9. Page No. 1 of 1	10. Traffic Citation No. N/A	11. Value of Property Recovered and Type \$ N/A	
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.	
	IN REFERENCE TO A BARKING DOG COMPLAINT I WENT TO 3109 WOOLMAN AVENUE. NOBODY ANSWERED TO MY KNOCKS ON THE DOOR AND THERE WERE NO VEHICLES IN THE DRIVEWAY. THERE WERE TWO MAIL BOXES, BOTH WERE FULL OF MAIL, ONE HAD MAIL DATED 20 JUNE 2008 AND THE SECOND HAD MAIL DATED 22 JULY 2008.
	THERE WERE TWO DOGS IN KENNELS THAT WERE LITTERED WITH FECES AND GARBAGE. NEITHER HAD FOOD OR WATER. A THIRD DOG WAS TIED TO A DOOR HAD A BUCKET AND DOG FOOD IN A GARBAGE BAG.
14. Reporting Officer S. RANKABAH/4770	15. Status (check one) <input checked="" type="checkbox"/> Ex. Closed <input type="checkbox"/> Closed <input type="checkbox"/> Suspended <input type="checkbox"/> Open
16. Second Officer N/A	17. Unit Referred To: ACU
18. Supervisor Approving [Signature]	19. Reviewed [Signature]
18. UCR Disposition	

EX. E

2008 AUG -4 PM 2:47

* SUPP CIR *

Animal Incident Investigation Report
Des Moines, Iowa Police Department

32. District: <u>1</u>		33. Beat: <u>12</u>		1. Impounded animal AHR/ARL number:		2. DMPD case number: <u>08-26514</u>	
Impounded or bite animal				3. Victim's name (Last, First M.I.): <u>SOCIETY</u> (Human victim or society)			
34. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>				4. Race:		5. Sex:	
35. Animal breed:				6. Age:		7. Date of birth:	
36. Animal color:				8. Ethnicity: <input type="checkbox"/> H <input type="checkbox"/> NH <input type="checkbox"/>		9. Sobriety: <input type="checkbox"/> Sob <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
37. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>				10. Residence address: (City and/or state if not Des Moines or Iowa)			
38. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>				11. Residence phone number:		12. Business or cellular phone number:	
39. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#:				13. Place of employment or school:			
40. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:				14. Type and location of injury:			
40A. Date of vaccination:				40B. Date of vaccination expiration:		15. Medical treatment:	
40C. Veterinarian:				16. Reporting person's name (Last, First M.I.): <u>PAUL DABAKH, SCOTT A. 4077</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: <input type="checkbox"/> H <input type="checkbox"/> NH <input type="checkbox"/>		22. Sobriety: <input type="checkbox"/> Sob <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
44. Impounded or bite animal owner's name (Last, First M.I.): <u>RILEY-TAYLOR, ANGELA LOUISE</u>				23. Residence address: (City and/or state if not Des Moines or Iowa) <u>DMPD - ACU SGT.</u>			
46. Residence phone number: <u>244-9450</u>				24. Residence phone number:		25. Business or cellular phone number: <u>248-6057</u>	
47. Place of employment or school: <u>UNKNOWN</u>				26. Location of incident (address): <u>3109 WOODLAND</u>			
49. Animal owner notification: No <input type="checkbox"/> Yes <input type="checkbox"/>				27. Location type: <u>RESIDENCE</u>		28. Date and time incident occurred: <u>25 JULY 08 1020</u>	
49A. Date and time of notification:				29. Date and time incident reported: <u>25 JULY 08 1020</u>		30. Crime/incident type: <u>HEALTH/ WELFARE/ NEGLECT</u>	
49B. Person making notification:				31. Classification:		32. Date and time incident reported:	
49C. Means of notification:				33. Date and time incident reported:			
50. Witness' name (Last, First): <u>LEMON, R. 7212</u>				51. Residence address: (City and/or state if not Des Moines or Iowa) <u>DMPD - ACU</u>		52. Daytime or cellular phone number: <u>248 6054</u>	
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. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		66. Type and location of injury:		67. Medical treatment:	
68. Confinement/quarantine location:		69. Victim animal owner's name (Last, First M.I.):		70. Residence address: (City and/or state if not Des Moines or Iowa)		71. Residence phone number:	
72. Business or cellular phone number:		73. Reporting officer: <u>Susan R. Higgins 39</u> I.D. No.:		74. Status: <input type="checkbox"/> Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded		75. Copy/copies made by:	
76. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:		77. Second officer: <u>[Signature]</u> I.D. No.:		78. Supervisor approving report: <u>[Signature]</u> I.D. No.:		79. Reviewed by: <u>[Signature]</u>	

80. Page: 2 of 2		Animal Incident Investigation Report Des Moines, Iowa Police Department				81. DMPD case number: 08-26514	
82. Suspect or offender (1) name (Last, first, middle): RILEY-TAYLOR ANGELA LOUISE						83. Arrested: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	
84. Warrant needed: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>						85. Charges filed: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	
86. Race: B	87. Sex: F	88. Age: 42	89. Date of birth: 6/25/66	90. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	91. Height: 66"	92. Weight: unk	93. Hair color: BRN
94. Eye color: BR							
95. Residence address: 3109 WOODLAND (DL STATES 690 FOSTER DR.)							
96. Residence or alternate phone number: 515-244-9950				97. Driver license number or social security number: IA DL # 7680N4874		98. State: IA	
99. Citation number and crime: PCA# 283142-18-45-NO CITY LIC DISP (3 CTS)				100. Citation number and crime: PCA# 283143-18-52-NO RABIES DISP (3 CTS)			
101. Suspect or offender (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:		117. State: IA	
118. Citation number and crime: PCA# 283144-18-2 HEALTH/WEFARE (3 CTS) NEGLECT				119. Citation number and crime: PCA# 283145-18-8 FAILURE TO REMOVE ANIMAL WASTE			
120. Narrative:							
<p>RILEY CAME INTO SHELTER TO CLAIM HER 3 DOGS THAT WERE IMPOUNDED FROM HER ADDRESS! 3109 WOODLAND. DOGS WERE NOT DISPLAYING RABIES TAGS OR LICENSES, STANDING IN OR HOUSED IN EXCESSIVE FECES, AND WITHOUT ADEQUATE FOOD, WATER OR SHELTER.</p> <p>RILEY CONFIRMED SHE HAD NOT CLEANED RUN FOR AT LEAST 5 DAYS POSSIBLY MORE AS WELL AS WHERE THE DOG WAS TIED OUT.</p> <p>RILEY STATED THAT IT IS NOT UNUSUAL FOR THE DOGS TO BE FED BY "THROWING A SMALL BAG OF FOOD OVER THE RUN WALL TO THE DOGS." KAUDABAUGH STATED THERE WERE "A LARGE NUMBER OF SMALL WHITE BAGS OVER THE ENTIRE AREA." HE STATED HE SAW A FEW KIBBLES STILL INSIDE ONE BAG AND HE THOUGHT THAT MIGHT BE WHAT WAS HAPPENING. THE RUN DOOR WAS BEING HELD OR BLOCKED BY A CEMENT BLOCK THAT HAD A LARGE BUILD UP OF DIRT AROUND IT AS IF IT HAD NOT BEEN MOVED FOR QUITE AWHILE.</p> <p>RILEY STATED HER TAGS WERE NOT ON THE DOGS BECAUSE SHE DOES NOT THINK IT'S GOOD FOR DOGS TO WEAR COLLARS 24 HRS EVERYDAY, BUT THEN ALL 3 DOGS NEEDED TO HAVE CITY DOG LICENSES BEFORE RELEASE AND VACCINATIONS GIVEN TO SAME.</p>							
121. Date of this report: 8/1/08							

EX. E

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

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

Nº PC 283142

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. 08-26514
A MUNICIPALITY, PLAINTIFF v.

☒ CITY OF DES MOINES
(IA 0770309)

NAME: RILEY-TAYLOR, ANGELA LOUISE
Defendant First Middle

ADDRESS: 3109 WOODLAND Street

CITY: DES MOINES STATE: IOWA

BIRTH DATE: 6/25/66 Sex F Race B
Mo. Day Yr.

Ht. 66" Wt. 115 Eyes BR Hair BLK

The Defendant is accused of the crime of FAILURE TO DISPLAY CITY
in violation of: 18-415 DOG LICENSES (315)
Iowa Code, 20 or Local Ordinance

for that on or about 7/25/08 a.m. 1020
Mo. Day Yr. p.m.

Defendant did: OWN THREE DOGS IMPOUNDED AT
3109 WOODLAND WITH NO CITY DOG
LICENSES DISPLAYED ON THE DOGS.
IA DL #768NN4874

DATE: 8/1/08 Susan R. Strope 7219
Mo. Day Yr. Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE

9/9/08 a.m. 9:15
Mo. Day Yr. a.m. p.m.

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

Signature Defendant

I swear that the foregoing citation is true and correct.

Susan R. Strope 7219
(Officer's Signature)

Subscribed and sworn to before me by SUSAN R. STROPE 7219

At Des Moines, Iowa this 1 day of Aug, 2008

Notary Signature (Seal Optional) Judge 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

EX.E

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

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

No PC 283143

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. 08-26514
A MUNICIPALITY, PLAINTIFF v.

☒ CITY OF DES MOINES
(IA0770300)

NAME: RILEY TAYLOR, ANGELA LOUISE
Defendant Last First Middle

ADDRESS: 3109 WOODLAND
Street

CITY: DES MOINES STATE: IOWA

BIRTH DATE: 6/25/66 Sex F Race B
Mo. Day Yr.

Ht. 66" Wt. UNK Eyes BR Hair BLK

The Defendant is accused of the crime NO RABIES TAGS DISPLAYED

in violation of: 18.52 or 307.5, Iowa Code, 20 or Local Ordinance

for that on or about 7/25/08 a.m. 1020
Mo. Day Yr. p.m.

Defendant did: OWN THREE DOGS IMPOUNDED AT
3109 WOODLAND WITH NO RABIES TAGS
DISPLAYED.

IA DL #768NN4874

DATE: 8/1/08 SUMAN. STROGES 7219
Mo. Day Yr. Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.

9/9/08 a.m. 9:15
Mo. Day Yr. p.m.

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

Xhm [Signature] Signature Defendant

I swear that the foregoing citation is true and correct.

Suman Stroges 7219
Officer's Signature

Subscribed and sworn to before me by SUSAN K. STROGES 7219

At Des Moines, Iowa this 1 day of AUGUST, 2008

[Signature] Notary Public
Notary Signature (Seal Optional) Judge 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

EX E

2008 AUG -4 PM 2:15

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

CITY OF DES MOINES

COURT CASE NO. _____

VS.

DMPD. CASE NO. 2008-26514

ANGELA LOUISE RILEY-TAYLOR AD770300
(DEFENDANT)
3109 WOODLAND
(ADDRESS)
DES MOINES, IOWA
(CITY & STATE)

SOC. SEC. NO. 1A DL# 768NN4874

DATE OF BIRTH 6/25/66

DESCRIPTION B F 66 NA
RACE SEX HGT WGT
BR BLK
EYES HAIR MARKS

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF (1) FAILURE TO DISPLAY CITY DOG LICENSE (3 COUNTS), (2) FAILURE TO DISPLAY RABIES TAGS

AT: 3109 WOODLAND, DES MOINES, IA
(ADDRESS OR LOCATION)

IN VIOLATION OF SECTION(S) (1) 18-45 (2) 18-52

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 20 08 COMMITTED ON OR ABOUT THE 25 DAY OF JULY, 20 08 IN THE CITY OF DES MOINES, POLK COUNTY, IOWA

SIGNED AND SWORN TO ON THIS 1 DAY OF AUGUST, 20 08

Jessie K. Groves 7219
FILING COMPLAINANT

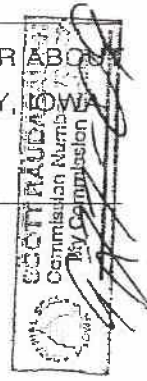
(NOTARY PUBLIC, ASSOCIATE JUDGE OR MAGISTRATE)

BASIS OF PROBABLE CAUSE

- THE DEFENDANT WAS:
- ☐ CAUGHT IN THE ACT
 - ☐ IDENTIFIED BY PRINTS
 - ☐ NAMED BY WITNESSES
 - ☒ HAD PROPERTY ASSOCIATED WITH CRIME
 - ☐ ARRESTED FOLLOWING INVESTIGATION
 - ☐ WEAPON INVOLVED CRIME

- ☐ IDENTIFIED IN PERSON
- ☒ CONFESSED TO CRIME
- ☒ ACCUSED BY CO-DEFENDANT
- ☐ VICTIM INJURED

- ☐ IDENTIFIED BY PHOTO
- ☐ ARRESTED AT SCENE
- ☐ OTHER (SPECIFY BELOW)
- ☐ PROPERTY / MONEY TAKEN



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

OTHER FACTS IMPORTANT TO PROBABLE CAUSE AND BAIL RILEY-TAYLOR CITED WHEN SHE CAME TO REDEEM THREE DOGS IMPOUNDED FROM HER HOME ADDRESS

Jessie K. Groves 7219
SIGNATURE OF ARRESTING OFFICER NO. _____
DATED: 8.1.08

8.1.08
(DATE OF ARREST)

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>ROULDA BRIGHT, SA</u>	<u>4170</u>	<u>DMPD-ACU</u>	<u>248 6052</u>
<u>LEMON, K</u>	<u>7212</u>	<u>DMPD-ACU</u>	<u>248 6054</u>
<u>GROVES, S</u>	<u>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)

EX. E

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

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

N^o PC 283144

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. 08-26514
A MUNICIPALITY, PLAINTIFF v.

☒ CITY OF DES MOINES

NAME: RILEY-TAYLOR, ANGELA LOUISE
(IA0770300)
Defendant's last First Middle

ADDRESS: 3109 WOODLAND
Street

CITY: DES MOINES STATE: IOWA

BIRTH DATE: 6/25/66 Sex F Race B
Mo. Day Yr.

Ht. 66" Wt. UNK Eyes BR Hair BCK
Mo. Day Yr.

The Defendant is accused of the crime of HEALTH AND WELFARE BY
18-2 or NEGLECT
(3 counts)

in violation of: _____, Iowa Code, 20 _____ or _____, local ordinance,

for that on or about 7/25/08 a.m. ☒ p.m. 1020
Mo. Day Yr.

Defendant did: OWN THREE DOGS IMPOUNDED FROM
3109 WOODLAND FOUND WITHOUT APPROPRIATE
FOOD, WATER OR ADEQUATE SHELTER.

IA DL# 768 NN 4874

DATE: 8/1/08 Susan R. Strope 7219
Mo. Day Yr. Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.

9/9/08 ☒ a.m. ☐ p.m. 9:15
Mo. Day Yr.

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

X [Signature]
Signature Defendant

I swear that the foregoing citation is true and correct.

Susan R. Strope 7219
(Officer's Signature)

Subscribed and sworn to before me by SUSAN R. STROPE 7219

At Des Moines, Iowa this 1 day of AUGUST 2008

Notary Signature/Seal [Signature] Notary ADOT/ARZ
Notary Seal Notary Signature

605.5 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

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

EX.E

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

No PC 283145

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. 08-26514
A MUNICIPALITY, PLAINTIFF v.

☒ CITY OF DES MOINES
(IA0770300)

NAME: RILEY-TAYLOR, ANGELA LOUISE

ADDRESS: 5109 WOODLAND

CITY: DES MOINES STATE: IOWA

BIRTH DATE: 6/25/66 Sex F Race B

Ht. 66" Wt. unk Eyes BR Hair BLK

The Defendant is accused of the crime of FAILURE TO REMOVE ANIMAL WASTE (48 HRS)
in violation of: 18-8, Iowa Code, 20 or Local Ordinance,

for that on or about 7/25/08 a.m. 1020
Mo. Day Yr. ☒ a.m. ☐ p.m.

Defendant did: OWN THREE DOGS THAT WERE HOUSED IN EXCESSIVE FEACES.

IA DL# 768 NN 4874

DATE: 8/1/08 Susan R. Stroger 7219
Mo. Day Yr. Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.

9/9/08 a.m. 9:15
Mo. Day Yr. ☒ a.m. ☐ p.m.

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

I swear that the foregoing citation is true and correct.

Susan R. Stroger 7219
(Officer's Signature)

Subscribed and sworn to before me by SUSAN R. STROGER 7219

At Des Moines, Iowa this 1 day of AUG 20 08

Notary Signature (Seal Optional) Judge 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

SCOTT RAUBAUGH
Commission Number 7219
I.D. No. 08-26514

EX. E

2008 AUG -4 PM 2:15

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

CITY OF DES MOINES

COURT CASE NO. _____

VS.

DMPD. CASE NO. 2008-26514ANGELA LOUIS RILEY-TAYLOR
(DEFENDANT)

IA0770300

SOC. SEC. NO. 1A DL #768NN48743109 WOODLAND
(ADDRESS)DATE OF BIRTH 6/25/66DES MOINES, IA
(CITY & STATE)DESCRIPTION B F 66" UNK
RACE SEX HGT WGTBR BLK
EYES HAIR

MARKS

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF (1) HEALTH / WELFARE BY NEGLECT (3
COUNTS), (2) FAILURE TO REMOVE ANIMAL WASTEAT: 3109 WOODLAND, DES MOINES, IOWA
(ADDRESS OR LOCATION)IN VIOLATION OF SECTIONS (1) 18-2 (2) 18-8OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 20 08 COMMITTED ON OR ABOUT
THE 25 DAY OF JULY, 20 08 IN THE CITY OF DES MOINES, POLK COUNTY,SIGNED AND SWORN TO ON THIS 1 DAY OF AUGUST, 20 08

FILING COMPLAINANT

(NOTARY PUBLIC, ASSOCIATE JUDGE OR MAGISTRATE)

THE DEFENDANT WAS:

- ☐ CAUGHT IN THE ACT
☐ IDENTIFIED BY PRINTS
☐ NAMED BY WITNESSES
☒ HAD PROPERTY ASSOCIATED WITH CRIME
☐ ARRESTED FOLLOWING INVESTIGATION
☐ WEAPON INVOLVED CRIME

BASIS OF PROBABLE CAUSE

- ☐ IDENTIFIED IN PERSON
☒ CONFESSED TO CRIME
☐ ACCUSED BY CO-DEFENDANT

- ☐ IDENTIFIED BY PHOTO
☐ ARRESTED AT SCENE
☐ OTHER (SPECIFY BELOW)

☐ VICTIM INJURED☐ PROPERTY / MONEY TAKEN

VALUE OF PROPERTY TAKEN \$ _____

DAMAGE EST. VALUE \$ _____

OTHER FACTS IMPORTANT TO PROBABLE CAUSE AND BAIL RILEY-TAYLOR CITED WHEN SHE CAME TO
REDEEM HER THREE DOGS IMPOUNDED FROM 3109 WOODLAND.SIGNATURE OF ARRESTING OFFICER Susan R. Stropes 7219

NO _____

8.1.08

(DATE OF ARREST)

DATED: 8.1.08

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>RAULDABAUGH, SA</u>	<u>4770</u>	<u>DMPD-ACU</u>	<u>248 6052</u>
<u>LEMON, K</u>	<u>7212</u>	<u>DMPD-ACU</u>	<u>248 6054</u>
<u>STROPES, S</u>	<u>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

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.

EX E

29

Sec. 18-59. Seizure, impoundment and disposition of vicious dogs.

(a) The chief humane officer or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined in this article, may declare such dog a vicious dog by delivering a written notice of declaration to the owner. The notice shall include a description of the dog and the basis for the declaration of viciousness. The notice shall also set forth that the owner shall be required to license and confine the dog as required by this article. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service.

(b) The person owning, keeping, sheltering, or harboring the dog in question may contest the declaration of viciousness by filing a written request with the city clerk within three business days of the receipt of the chief humane officer's declaration. If at this time the owner agrees to confine the dog pursuant to section 18-56 of this chapter and submits to the clerk proof of insurance as described in section 18-44, the dog shall not be impounded pending appeal. Failure to file a request for hearing shall constitute a waiver of any right to contest the declaration of the chief humane officer, and the chief humane officer or his or her designee shall be authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the owner has not licensed and shown ability to confine the dog as required by this article the chief humane officer or his or her designee shall cause the dog to be destroyed.

(c) The person owning, keeping, sheltering, or harboring the dog in question shall be given not less than 72 hours' written notice of the time and place of the hearing. The notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that, if the determination of the chief humane officer is upheld, the owner shall be required to license and confine the dog as required by this article. The notice shall be served in the same manner as the declaration notice.

(d) If, after hearing, the city manager or his or her designee upholds the determination of the chief humane officer that the dog is a vicious dog or is a vicious dog held in violation of this article, as set out in the notice of hearing, the city manager or his or her designee shall order the person owning, sheltering, harboring or keeping the animal to permanently license and confine the dog as required by this article. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the city manager or his or her designee is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the order of the city manager or his or her designee was issued has not appealed such order to the city council or has not complied with the order, the city manager or his or her designee shall cause the dog to be destroyed.

(e) The order to license and confine a vicious dog issued by the city manager or his or her designee may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the city manager or his or her designee.

(f) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within 20 days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing the city council may affirm or reverse the order of the city manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the city manager or his or her designee, the arguments of the parties or their representatives, any additional evidence which was not

available at the time of the hearing before the city manager or his or her designee, and any other information the city council deems necessary.

(g) If the city council affirms the action of the city manager or his or her designee, the city council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog shall license and confine the dog as required by this article. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection (a) of this section. If the original order of the city manager or his or her designee is not appealed and is not complied with within three days or the order of the city council after appeal is not complied with within three days of its issuance, the chief humane officer or his or her designee is authorized to seize and impound such vicious dog. A dog so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the decision and order of the city manager or his or her designee or the city council was issued has not petitioned the county district court for a review of the order or has not complied with the order, the city manager or his or her designee shall cause the dog to be destroyed in a humane manner.

(h) Failure to comply with an order of the city manager or his or her designee issued pursuant to this section and not appealed or of the city council after appeal is a misdemeanor.

(i) Any dog that is alleged to be vicious and that is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If the dog is not determined to be vicious, the owner shall only pay those costs attributable to initial confinement prior to notice or costs of any required quarantine.

(j) All vicious dogs shall have an identification microchip implant placed under the dogs skin. Prior to the release of a vicious dog from the animal shelter the owner shall pay the fee in the amount set in the schedule of fees adopted by the city council by resolution for the microchip identification procedure. If a contractor microchips a dog pursuant to this section, the contractor shall retain the fee.

(C85, § 7-27.04; O.11,095, 11,401; C91, § 7-27.04; O.13,320, 13,854, 14,462, 14,677)



November 18 2009

Angela Riley
3109 Woodland Avenue
Des Moines, IA 50312

Subject: Vicious Dog Declaration

Dear Ms. Riley:

Attached is the ruling from the City of Des Moines Hearing Officer, for the Administrative Hearing on November 16, 2009. Please read it carefully, so you are aware of the decision, any deadlines you might be required to comply with, as well as any other requirements you may be held to.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Rauh".

Diane Rauh
City Clerk

DR:kh
Attach

City of Des Moines, Iowa
November 16, 2009 Administrative Hearing

In re:

ANGELA RILEY,

Appellant

DECISION AND ORDER

AND

APPEAL RIGHTS

Angela Riley, appeared on her own behalf. Sergeant Scott Raudabaugh, the City's Chief Humane Officer for the City of Des Moines Police Department (the "DMPD"), appeared on behalf of the City of Des Moines, Iowa (the "City").

Procedural History

On October 23, 2009, the DMPD seized a female Labrador and mixed breed dog which had been running at-large without a City pet license or a rabies vaccination tag when it bit a City worker who was delivering garbage cans in the vicinity of 3104 Woodland Avenue; resulting in a bite injury to the victim's thigh, which broke the skin. The dog, known as "Cinnamon," was impounded and quarantined at the animal shelter and identified as belonging to Ms. Riley. On November 2, 2009, the DMPD posted a Notice on the front door of 3109 Woodland Avenue, as well as one on the 32nd Street entrance addressed to Ms. Riley informing her that: (1) "Cinnamon" was running at-large when it bit a City worker on October 23, 2009; (2) the dog was impounded for quarantine at the animal shelter, (3) the dog is being declared a "Vicious Dog" as defined under Section 18-41 of the City of Des Moines Municipal Code (the "Municipal Code") due to the bite incident as well as another incident on July 25, 2008 when the dog's lack of socialization skills had been observed; (4) the dog may be reclaimed by properly licensing it as a "Vicious Dog" with the City Clerk's Office and agreeing to properly confine/leash it as required for vicious dogs under the Municipal Code; (5) the dog may be destroyed in a humane manner if it is ever found unlicensed, or not properly confined/leashed on two occasions; (6) a right exists to appeal the declaration within 3 days of the date of the Notice; and (7) that the dog will remain in impound at the animal shelter during an appeal. On November 4, 2009, Ms. Riley filed a written request for an administrative appeal hearing with the City Clerk's Office. On November 6, 2009, a letter was sent to Ms. Riley from the City Clerk, informing her that an administrative appeal hearing was scheduled for November 16, 2009 to consider the City's "Vicious Dog" declaration. The administrative hearing was so conducted before the Administrative Hearing Officer.

Decision and Order

While Ms. Riley appeared to express sincere regret that her dog "Cinnamon" had bit the victim, she still contends her dog "Cinnamon" is not a vicious dog noting that the Animal Control Officer even told her that her dog was a sweet dog while impounding it. However, Section 18-41(1)-(3) of the Municipal Code, which governs this determination, states in pertinent part that a "Vicious Dog" is any dog that attacks a human being one or more times without provocation; attacks, causes injury or otherwise endangers the safety of a human being; or snaps and bites. The victim provided compelling testimony regarding the dog's aggressiveness at the time of the incident, along with photos documenting the incident and his injury from "Cinnamon's" bite. Furthermore, Ms. Riley verified that the dog in the victim's photos was indeed her dog "Cinnamon." The victim further testified that the dog appeared to possess a Dr. Jekyll and Mr. Hyde persona, going from an extremely aggressive dog that

kept repeatedly attempting to attack him and cause him harm while unprovoked to exhibiting a friendly nature when everyone was gathered around the Animal Control vehicle. However, the Municipal Code does not require that a dog always be biting, snapping and/or attacking human beings in order to be declared a "Vicious Dog." The October 23, 2009 incident is enough. "Cinnamon" bit the victim while he tried to remain calm and still and then repeatedly endangered the victim's safety with subsequent attacks. Therefore, it is found reasonable for the City to declare "Cinnamon" a "Vicious Dog."

By a preponderance of all evidence in the record, the City's determination that Ms. Riley's female Labrador and mixed breed dog "Cinnamon" is a "Vicious Dog" within the meaning of section 18-41 of the Municipal Code is upheld. Therefore, Ms. Riley is ordered to: (1) display current City license and rabies tags on "Cinnamon" at all times; (2) maintain required insurance liability coverage; (3) confine/leash the dog as delineated for a "Vicious Dog" under Article II of the Municipal Code; and (4) comply with any and all other requirements delineated therein. Ms. Riley is also ordered to pay all impound and quarantine costs, as provided under section 18-59 of the Municipal Code. Furthermore, Ms. Riley shall fully comply with this order within three days of the date noted below. Failure by Ms. Riley to timely act, as required under the Municipal Code, may result in "Cinnamon" being destroyed in a humane manner.

Appeal Rights

This order may be appealed to the City Council by filing a written request with the City Clerk within three days after receipt of this order, stating the reason for the requested appeal hearing. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal this order, as provided under section 18-59 of the Municipal Code.

This written ruling is hereby submitted on this 18th day of November, 2009 in Des Moines, Polk County, Iowa. The City Clerk shall serve copies of this Decision and Order upon each of the parties.



Camille A. Valley
Administrative Hearing Officer

Angela Riley

3109 Woodland Ave

Des Moines, IA 50312

November 20, 2009

City of Des Moines office clerk: Regarding
Cinnamon

This is a appeal requesting a hearing.
Cinnamon is not a vicious dog based on
section 18.41 (1)-(3) of the municipal code.

(1) The dog was provoke by fear, was hit
in the head by the city worker. (2) The
dog responded in a standoff manner non
agitated which is not accurate assuming
young children and adults come into
the yard over the yards.

Respectfully,
Angela Riley

515.988.3719

515.208.9009

OFFICE CLERK
DESTOPPING ROOM

FILED

NOV 20 PM 5:11



November 23, 2009

Angela Riley
3109 Woodland Avenue
Des Moines, IA 50312

Re: Vicious Dog Declaration

This is to acknowledge your appeal of the Hearing Officer's decision regarding the declaration of Cinnamon as a "vicious dog."

Your hearing before the City Council has been scheduled for Monday, December 7, 2009. The meeting starts at 4:30 p.m. **Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.** Parking is available on the streets surrounding City Hall. A copy of the Administrative Hearing transcript will be sent under separate cover.

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

Sincerely,

A handwritten signature in black ink that reads "Diane Rauh". The signature is written in a cursive, flowing style.

Diane Rauh
City Clerk

DR:kh

cc: Hearing Officer
Assistant City Attorney
Sgt. Raudabaugh



December 1, 2009

Angela Riley
3109 Woodland Avenue
Des Moines, IA 50312

RE: Administrative Hearing Transcript

Per the letter sent to you on November 23, 2009, enclosed is a copy of the administrative hearing transcript that was held on November 16, 2009.

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

Sincerely,

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

Diane Rauh
City Clerk

DR:kh
Enc.

cc: Sgt. Raudabaugh
Assistant City Attorney

ADMINISTRATIVE HEARING TRANSCRIPT

November 16, 2009

City v. Riley

Vicious Dog

HEARING OFFICER CAMILLE VALLEY: Good morning. It is approximately 10:40 a.m. on Monday, November 16, 2009 and my name is Camille Valley. I'm the Administrative Hearing Officer and we're here to conduct a hearing in regards to the City's declaration of a vicious dog, um, that is owned by Angela Riley and resides at 3109 Woodland Avenue. Would the City representative please come to the microphone, clearly state your name and the title of your position with the City of Des Moines.

SERGEANT SCOTT RAUDABAUGH: My name is Scott Raudabaugh. I'm a sergeant with the Des Moines Police Department and assigned as the Chief Humane Officer for the City of Des Moines Animal Control Unit.

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

SERGEANT SCOTT RAUDABAUGH: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed.

SERGEANT SCOTT RAUDABAUGH: If I could approach I'd like to present a set of documents relevant to today's hearing.

HEARING OFFICER CAMILLE VALLEY: Okay. I'd appreciate it. Thank you.

SERGEANT SCOTT RAUDABAUGH: And I'd like to, I've given you a set of documents. There's a set here for Ms. Riley to look at if she chooses to. I'll leave that up here. She can look at it but it's not free to take with her. Then I've got a set that I'll go through. They are all the same. I'd like to just basically go through them and explain what they are real briefly.

HEARING OFFICER CAMILLE VALLEY: Okay.

UNKNOWN SPEAKER: Inaudible....look at that...on the same page.

SERGEANT SCOTT RAUDABAUGH: Sure.

UNKNOWN SPEAKER: Thank you.

SERGEANT SCOTT RAUDABAUGH: You want to just look at them, but like I say, you are not free to take them please. And kind of keep them together there. Page 1 is the vicious dog declaration letter and I've numbered them at the upper right hand corner. Two is the document

service form. Two and three actually, three is the back side of that document service form in which I delivered the vicious dog letter to Ms. Riley's property. Page 4 is an appeal by Ms. Riley to the City Clerk's Office. Page 5 is the letter from the City Clerk's Office notifying Ms. Riley of when and where the hearing is. Six and seven, the numbers are hard to see on the right hand side, I don't know if the copy Ms. Riley has reflects that as well, but 6 and 7 are a copy of an animal incident report under Des Moines Case No. 2009-34076. It documents a bite in which John Boehmer is the victim and document number 8 is the third page of that animal bite report.

HEARING OFFICER CAMILLE VALLEY: That was October 23, 2009 incident?

SERGEANT SCOTT RAUDABAUGH: Yes ma'am.

HEARING OFFICER CAMILLE VALLEY: And John Boehmer is an adult or child?

SERGEANT SCOTT RAUDABAUGH: He's an adult. I don't his exact age. He's here, uh, so he can certainly, he's 42 it reflects here.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Okay. Document 9 and 10 is an e-mail from Mr. Boehmer in which he further describes the bite incident that occurred. Document 11 and 12 are photographs of the dog and also of the bite injury that he sustained.

HEARING OFFICER CAMILLE VALLEY: Okay, 10 you skipped over or was that part of the same e-mail? Oh, it was, okay. Ten is just the second page of the e-mail string. Is that correct?

SERGEANT SCOTT RAUDABAUGH: Yes, 9 and 10 are the e-mail, sorry. And 11 and 12 are the photographs.

HEARING OFFICER CAMILLE VALLEY: Okay, 11 is 4 photos on one page?

SERGEANT SCOTT RAUDABAUGH: Yes ma'am.

HEARING OFFICER CAMILLE VALLEY: We have the wound in the upper right and 12 is one photo on one page.

SERGEANT SCOTT RAUDABAUGH: Mr. Boehmer, I think, can elaborate more since he took those photos, but it is my understanding that the, certainly, the photos of the dog are self-explanatory. The injury, one was taken soon after the bite and one was taken later after there was bruising and so forth.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Document 13, 14, 15, 16, 17, 18, 19, 20, I'm sorry, 13, 14, 15, 16, 17 and 18 are an animal incident report that has relevance to this case. It does say animal neglect but there's, I gave you a copy of the entire report so that there's no question about

all of the information that was available under Des Moines Case No. 2008-26514 dated July 25, 2008. There's, those documents I just mentioned are a copy of the report completed by Animal Control Officer Kevin Lemmon.

UNIDENTIFIED SPEAKER: Can I jump in here because there was no neglect?

HEARING OFFICER CAMILLE VALLEY: Nope. Okay, the way we'll proceed is that right now he's testifying to whatever so keep track of any questions or any points you want to make and then I'll call you up and you'll be sworn in to make comments, so right now just keep track...

UNKNOWN SPEAKER: Okay, even though this is old stuff?

HEARING OFFICER CAMILLE VALLEY: It's just he gets to say whatever he wants and then you get to say whatever you want so. Thank you.

SERGEANT SCOTT RAUDABAUGH: Okay. And then document 19 is a supplemental report under that same case number, that 2008-26514. It is a supplemental completed by myself and that's where the relevance of this gets involved in today's proceedings.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Behind that is a supplemental animal incident report for that case number in 2008. That's 20 and 21 and then there's 22, 23, 24, 25, 26 and 27 are also relevant to that case as well.

HEARING OFFICER CAMILLE VALLEY: Okay so 20-27 all is the supplemental to, okay I'm getting supplement on top of supplement.

SERGEANT SCOTT RAUDABAUGH: Yes. There's, there's the initial...

HEARING OFFICER CAMILLE VALLEY: They all belong to the 08-26514 case, but they keep building so it's, you're just showing how everything...

SERGEANT SCOTT RAUDABAUGH: Really to keep it simple my supplemental is the most important issue but I just wanted to submit the entire case so there was no question about any facts as they were reported.

HEARING OFFICER CAMILLE VALLEY: Right, of where you're pulling it out of. Okay.

SERGEANT SCOTT RAUDABAUGH: Document 28 is a copy of City Ordinance 18-41 which has definitions and I'd like to read through. A vicious dog under City Ordinance is defined as any dog which has attacked a human being or domestic animal one or more times, without provocation; 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; any dog that snaps, bites, or manifests a disposition to snap or bite. Those three I believe apply in this situation. The

remainder do not because they talk about a dog trained to fight and so forth and I do not believe that that's the case we have here.

HEARING OFFICER CAMILLE VALLEY: Okay. So subsections 1-3 is what you are...

SERGEANT SCOTT RAUDABAUGH: Yes ma'am. Documents 29 and 30, uh, pertain to, it's City Ordinance 18-59 which talks about seizure, impoundment and disposition of vicious dogs. Uh, it basically outlines the procedure for my declaration of the dog to be vicious and if you uphold that declaration the disposition and outcome of the hearing and so forth.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Now I'd like to summarize the incidents that brought us to this point. On October 23, 2009, Angela Riley's brown-colored female Labrador and mixed-breed dog, and that's one dog not two dogs, named Cinnamon was running at large when it ran across the street and a few properties away it bit a worker that was delivering garbage cans. As I mentioned before, there were some photographs of the injuries that the worker sustained and that was caused by Ms. Riley's dog. After the initial attack, the dog backed away and then came at the worker again. The worker said that he defended himself by kicking or punching the dog and, and that's what kept him from sustaining a bite again. He said that the dog bit his boot, uh, but he did not get, just like I said, sustain an injury a second time.

HEARING OFFICER CAMILLE VALLEY: Is this Mr. Bochmer that we're talking about?

SERGEANT SCOTT RAUDABAUGH: Yes ma'am.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: The Animal Control Officer was summoned and arrived and the dog was still running at large. The dog was impounded because of the bite for quarantine. It was also not displaying a rabies vaccination tag or City pet license which is required by City ordinance. As I mentioned, I had the 2008 case in there and the relevance to that is on July 25, 2008 I was at Ms. Riley's property investigating a complaint of barking dog. There had been several of them. And so I was there, uhm, trying to see what, trying to get a gauge of what was going on and during that time I saw Cinnamon and her other, Ms. Riley's other two dogs. They were, two of them were in kennels and one was tied to a back door. They were all stand-offish and seemed un-socialized is the best way to put it. They were all very defensive. One of the dogs was trying to climb out of the dog kennel to get away in a significant manner. It was trying to climb the fence to get out. Cinnamon was very stand-offish. Uhm, it seems as though they were un-social like I mentioned before, uh, which I think contributed to the current bite situation in 2009. It was because of all those factors together, but primarily because of the bite and the attempted second bite is the reason the dog was declared vicious. And that's all I have at this point.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you. Ms. Riley, would you like to come to the microphone? Clearly state your name.

ANGELA RILEY: Angela Riley.

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

ANGELA RILEY: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed.

ANGELA RILEY: Okay. I guess the first thing I want to address is, uhm, that really kinda got my attention when he spoke about neglect. There were neighbors that were new and the dogs had been barking. There's several dogs in that neighborhood, probably within a five-block, within five houses. Everyone has one to two dogs in that neighborhood so it's a, kind of a dog neighborhood. So dogs were barking. Like I said this person was relatively new in the neighborhood so they continued to complain about the dogs barking. Uhm, he would call and say that they weren't fed or they weren't watered just to kinda get some attention and I guess that was a way he could call it anonymously and complain. Our dogs like to bite on tennis balls. We, that's what we play with them with and little toys and a lot of the time they would chew. They were in a cage together for the longest, they were born together and so they would chew each other's collars and play and whatnot. And so I got tired of replacing collars and so I would hang their, I would take their City tag and keep it inside the house and then at one point we were hanging it on the dog cage just so because otherwise they bite it. It's on the ground and you can't find it, you know. So that became kinda a situation with that. Uhm, I'm telling you this because I was charged and given fees because I did not have the collars on the dogs and at that point they wanted me to, I guess they call it plea bargaining. I call it lying. But they wanted me to plea and say that they were neglected. I guess that might be a little...

HEARING OFFICER CAMILLE VALLEY: Okay, that was the 2008 incident?

ANGELA RILEY: Exactly.

HEARING OFFICER CAMILLE VALLEY: Okay, right, right now what I guess the issues are though is not the neglect, it's not as much the issue as that we've got a dog that's being declared vicious.

ANGELA RILEY: Right.

HEARING OFFICER CAMILLE VALLEY: So that's the issue that you really want to address right now.

ANGELA RILEY: Sure. He brought it up and so I wanted to clarify that they were never declared neglected in any manner.

HEARING OFFICER CAMILLE VALLEY: I'm not ruling on that today.

ANGELA RILEY: I understand. I just wanted to make a point of that. Uhm, Cinnamon, uhm, the other thing I noticed right off hand is that it says that October 23, 2009 your brown-colored female Labrador mixed breed. Cinnamon is not brown. Cinnamon is red and, uhm, so that kinda came to my attention and I also wanted to make sure that that was stated and that it's understood she's not brown, she is red and that we're all on the same page with that. Uhm, making sure that he's talking about the same dog.

HEARING OFFICER CAMILLE VALLEY: So a picture, Exhibit 11, is this your dog?

ANGELA RILEY: That is correct.

HEARING OFFICER CAMILLE VALLEY: Okay.

ANGELA RILEY: Uhm, the other thing I would say is that, uhm, because she is a mixed-breed, a Labrador, she's not vicious. Uhm, kids come up in the yard. Uhm, this gentleman mentioned that he came up in the yard and they were barking, kinda stand-off. They know their neighbors and they know who belongs in the yard and who doesn't and when someone, ya know, comes in the yard that's strange they are going to bark and they are going to make noise and so that's kind of what they do. Kids come in the yard. They play with them. They bike in the yard. They skateboard in the yard. They jump on the trampoline in the yard and so the kids, the ones that are in the neighborhood are familiar with the dog. Uhm, I guess the other thing I'd like to say is I'm sorry that my dog bit you. Please forgive me. Cinnamon, uhm, it had been raining the day before and she didn't have a tarp on her cage and so we took her out and put her on a leash in the back. I'd come back and forth probably three times that day and she was still on the leash.

HEARING OFFICER CAMILLE VALLEY: Can you talk into the microphone. We record this. Because as you are explaining, you are explaining what happened so that's relevant.

ANGELA RILEY: I sure will. And so she was on a leash that she could chew through. Didn't even think about it.

HEARING OFFICER CAMILLE VALLEY: She was hooked up to something....

ANGELA RILEY: She was hooked to the back door and so she had stayed there I guess a few hours too long and she started to chew through her leash and so that's how she got off. When we came, when we were coming back, the Animal Control lady, the young lady was there and she said that she's sorry that it happened and that she really didn't have any problems with Cinnamon. Cinnamon made her chase her all over the yard and get muddy and didn't want to get up into the, uhm, dog kennel that's on the truck. But she said that, she said this to me, she said Cinnamon is a sweet dog and I'm really sorry that this happened. She went as far as to give me her cell phone number so I could go ahead because I told her, ya know, she has current tags and rabies and I told her, ya know, that I kept them inside, uhm, because ya know, they like to, ya know in the past they'd like to chew on their collar and whatnot. And, uhm, so anyway that kinda stuck out with me because we have a person that works with dogs all day long. That's what they do for their living and, ya know, I'm sure she has a great discernment what is a vicious

dog, what isn't a vicious dog. And she said to me that Cinnamon was a sweet dog and she said I hate that this happened. So that kinda spoke volumes to me also because, uh, like I said kids come in the yard. They are playing basketball, skating, they play with the dog, they say hello and, uh, ya know, she's in my definition of vicious not vicious at all. All dogs have teeth and they can bite. Something else that the animal control, uh, officer said that picked her up, uh, she was saying, ya know, that some people are dog people and they know how to approach a dog and some people aren't dog people. And I don't know what your situation is one way or another and that doesn't really alleviate or change what took place, but uh, I just thought that was interesting that she said that. On our street, probably since August we've had construction on it to the point where it's completely torn up, sidewalks torn up and they are putting in... I live right on the corner of 32nd and Woodland right at Dahl's grocery store. They put in a new store there and, ok, so you're familiar with all that. And so anyway the only thing that I could come up with is that, uh, it was getting dark and there is a stranger that's in the community, ya know, moving garbage cans and Cinnamon is now loose and she doesn't know this person and they are moving big objects and so that's the only thing that I can come up with because she's in no way, shape or form vicious. Okay, I think I've covered everything here. Do you have any questions for me?

HEARING OFFICER CAMILLE VALLEY: Not at this time.

ANGELA RILEY: Okay.

HEARING OFFICER CAMILLE VALLEY: If you have nothing else to add.

ANGELA RILEY: Okay. Thank you.

HEARING OFFICER CAMILLE VALLEY: So Mr. Boehmer do you want to, did you want to testify as to the pictures that you submitted to the police department? Clearly state your name for the record and spell your last name for me.

JOHN BOEHMER: My name is John Boehmer.

HEARING OFFICER CAMILLE VALLEY: How do you pronounce it?

JOHN BOEHMER: "Boehmer," long a sound.

HEARING OFFICER CAMILLE VALLEY: "Boehmer." "Boehmer." Okay.

JOHN BOEHMER: "B-o-e-h-m-e-r."

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

JOHN BOEHMER: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay, you may proceed.

JOHN BOEHMER: Uhm, I came out to 31st and Woodland on Friday, October 23rd to return trash cans that were not placed back at the houses at, since the street is torn up I decided I'd go out there and make sure they were redelivered to the homeowners. I am an Engineer with the City and working with the project. Uh, I came out and retrieved a couple trash cans and I was walking around the south side of the street. As I drove up I could see Cinnamon running, uhm, full tilt across the street, down the street, back into the yard, just going full tilt. I didn't think much of it. I could see that he was going to Angela Riley's house but I knew she had dogs cause I've heard them up there before, but, uhm, didn't recognize the dog. Uhm, I was between, about half way between 31st and 32nd Street and as I'm delivering the garbage cans and walking on the south side of the street, uhm, I had walked past Angela's house, having been by the house, wasn't near the house. But Cinnamon was a distance about from me to you.

HEARING OFFICER CAMILLE VALLEY: It's about 20, 15 foot.

JOHN BOEHMER: I'd say 15 foot, something like that and was barking directly at me. It wasn't a bark, like kind of a signal that I know somebody's there. This was an aggressive growl, barking directly at me and I stopped delivering, moving the trash cans and just kinda was looking to see what we got going on here cause I'm out in the middle of nowhere and the dog started to make some moves like it was going to turn and go around me and I just was turning as the dog was turning and this went on for 10 seconds, 15 seconds. Then a dog rushed me, ran right up, his face was 3 inches from my zipper. Uhm, just kinda standing there like okay I don't want to run away. I don't want to agitate the dog. I felt kinda uncomfortable in the situation, uh, so I turned sideways and the dog leapt up and bit me on the thigh.

HEARING OFFICER CAMILLE VALLEY: Okay that would be Exhibit 11?

JOHN BOEHMER: I believe so. And it really hurt. It was a, and I think I was probably was kind of thrashing around a little bit, screaming, uhm, and the dog...

HEARING OFFICER CAMILLE VALLEY: This is the bite on your thigh then?

JOHN BOEHMER: Correct. That's the immediate, immediately after the incident picture. Uh, I was in a lot of pain. It was a very deep bruise, uhm, for which I still, the puncture holes have still not healed up. I've got a picture from today if you'd like to see, but.

HEARING OFFICER CAMILLE VALLEY: I'll enter that into evidence then.

JOHN BOEHMER: I'd like to submit that as evidence.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you. All this is City exhibits.

JOHN BOEHMER: The dog, after biting me, ran off. I wasn't exactly certain where the dog ran off to. I just knew it ran away and I was grabbing my thigh going that really hurt. Uhm, it tore my pants and about, I know it was running. I knew it ran off and then 15 seconds later as I was just starting to re-group and go back to the car again he, Cinnamon stood about 15 foot away and

was barking at me in the same manner. And at this point I feel like I'm in a dangerous situation. Uhm, it's bit me once and I've seen what happened before. It wasn't, it didn't work out very well. The dog rushed me a second time. Uhm, I figured standing there didn't work out so good the first time so the second time I put my foot up and as he got in close I stomped on his nose which he started grabbing my boot and didn't let go until I hit him on top of the head with my, my fist. He ran off, tore a hole in my boot, ran off again. Uhm, this time I started to think I'd better get back to the car pretty quick. This, this is not working out very good. He came back a third time. This time I was, had a pile of rock between me and the dog. And I think you can see in the picture, uhm,

HEARING OFFICER CAMILLE VALLEY: Is that when these were taken then?

JOHN BOEHMER: Yes.

HEARING OFFICER CAMILLE VALLEY: This was during the actual....

JOHN BOEHMER: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay.

JOHN BOEHMER: That, that is after the second time he attacked me and this is the third I guess battle, but there's a piece, a pile of rock between me and the dog.

HEARING OFFICER CAMILLE VALLEY: This lower right hand exhibit?

JOHN BOEHMER: Correct. Correct.

HEARING OFFICER CAMILLE VALLEY: Okay.

JOHN BOEHMER: Uhm, and as that's happening I decided I'd better at least take a picture and get a picture of the dog and what the situation was. He wasn't quite as aggressive with that one. As you can see he's kinda turned sideways instead of straight on barking at me. But, he's trying to get around the rock and I'm kinda playing ring around the rosy with him like well make him go over the rock if he's going to come after me. Uhm, and when he ran off a third time I made my way to the car and took the picture that you see in the exhibit.

HEARING OFFICER CAMILLE VALLEY: Okay. All the, the one of your actual injury was taken right on....

JOHN BOEHMER: That was just a few minutes after the attack.

HEARING OFFICER CAMILLE VALLEY: Okay.

JOHN BOEHMER: I've been to the doctor to be evaluated, given antibiotics. As you can see in the last exhibit, the puncture holes still have not completely healed over and there is scarring where the rest of the teeth marks bit me.

HEARING OFFICER CAMILLE VALLEY: Okay, I appreciate your testimony today.

JOHN BOEHMER: You're welcome.

HEARING OFFICER CAMILLE VALLEY: Thank you. Does anybody else have anything further they'd like to add?

SERGEANT SCOTT RAUDABAUGH: Sergeant Raudabaugh. Just, I, I feel the need to respond to a couple of things that Ms. Riley said that talked about how, how the dogs are played with and so forth. In 2008 when I was at the house, the dog kennels had a lot of feces in them and they were filthy dirty and, and one of the kennels even had a cement block in front of the door as, as, and the dirt was settled around it as though the dog hadn't been out in some time. Uhm, and what really caught my attention, there was a lot of white garbage bags in the, these two kennels. The third dog was tied up to the, to the house door, one of the house doors. These garbage bags caught my attention. It just seemed very odd to have all these bags in a dog kennel. And it, as it turned out, Ms. Riley said that was the way the dogs were fed was with, with garbage bags with dog food in them were thrown over into the kennel. Uhm, to me that is, is kind of odd to say the least and it further is evidence that these dogs are not socialized. The way they were feeding them were to throw food in plastic garbage bags into the kennels and then the dogs apparently had to rip them open or whatever. Uhm, it, it's an indication of lack of socialization. She also spoke about the dog tags and, and the like of keeping them in house and keeping them on the kennel. During one of the previous contacts with her, uh, and then resulting in a court appearance, uh, her attorney asked me to explicitly explain how the tags have to be on the dog. Uh, and I did that and after explaining at length how they need to be on the dog, she then said is it okay to hang them, she said something to the effect of so is it okay to hang them on the fence. Uh, that was with her attorney present. I then once again re-explained, uh, no. I just got done explaining they have to be on the dog. I, we are in the same scenario. They are not on the dog. It has been explained to her. Uh, all of these are indications of lack of responsibility, uhm, and, unsocialization of these dogs. I'm disappointed that I'm, that I'm here. Uh, but in a way I'm not surprised. I had hoped that Ms. Riley and I, I'd hoped she'd solved all of her dog problems and we wouldn't have to talk again but unfortunately here we are. Thank you.

HEARING OFFICER CAMILLE VALLEY: Thank you.

SERGEANT SCOTT RAUDABAUGH: Thank you. If Ms. Riley wishes to dispute the plastic garbage bags in the kennels, this is a CD of the photographs that were taken in 2008 by an identification technician with the Des Moines Police Department that shows the conditions of the two dog kennels and the third dog tied to the house. It shows the feces. It shows the cement block. It shows the various garbage bags. If she wishes to dispute what I just said we certainly could, could view the disc. I wasn't going to submit it into evidence. But like I say, if she wishes to dispute it we can watch it. We can do that.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you. Ms. Riley, do you want to add anything further?

ANGELA RILEY: Yes. As I said previously, the dogs, uh, people come up into the yard. The dogs are played with. They are well taken care of. They're probably a little fat. They are well fed. During that period of time where he's talking about the garbage sacks, uh, I was gone out of town. I was, uh, attending school and I'd left for probably, I don't know, at that particular time about seven days, and my teenagers were there. (coughing) Excuse me. Uh, were there at the house and they were back and forth in between their grandparents house and so, uh, what they would do is they would, they were in a hurry, they didn't want to stop and unlock the cage. They were able to go ahead and they had garbage sacks and so they would throw the garbage sack over with it open for them to eat out of and so that's what, that's what the garbage sack deal was. During that period of time they weren't very tidy to pick up the feces and do all of those things that they would do if I was there. And so, uh, that's a lot of what was going on during that period of time. Uh, I was in a class out of town finishing up my degree. Uh, and I believe everything else I've spoke to as far as the dogs and collars and all of that,

HEARING OFFICER CAMILLE VALLEY: Okay.

ANGELA RILEY: Okay. Any other questions that you have?

HEARING OFFICER CAMILLE VALLEY: Nope. I don't have anything further. If, do you want to add something else?

ANGELA RILEY: And I realize who you are now. You work with, with the City and please forgive me. I'm sorry that happened to you. I hope everything else is okay.

JOHN BOEHMER: Uh, I do want to affirm that when the Animal Control did retrieve the dog, uh, it was, when it was by the truck it was all friendly and seemed like a completely different dog. I don't understand, there was a Dr. Jekyll and Mr. Hyde situation change. Uh, but just like I say, it was a bad situation and I, I'm a little perplexed and I wasn't in the yard or went by the yard. I just don't understand what triggered the dog. Uh, but, like I say when the Animal Control came it was a different dog.

HEARING OFFICER CAMILLE VALLEY: Okay. All right.

ANGELA RILEY: I don't know if she wants to say something. My daughter mentioned to me is that she said that.....

HEARING OFFICER CAMILLE VALLEY: If, you need, if somebody wants to, anybody can speak, but you need to come up to talk into the microphone and I need to swear you in. Oh, and just for the record, that was our victim John Bo...Boehmer that just spoke again for the record.

ANGELA RILEY: Just again for the record. You were saying you didn't know what the problem was. You said the difference, a Dr. Jekyll, Mr. Hyde thing. And just in hearing your testimony, uh, is that when you, when the dog saw you she probably didn't know who you were and the second thing was a dog can really sense fear. And if you are not used to dogs or you are not around dogs then you don't oh hey, you know, even if they're barking kinda talk to them. If they sense that fear that's in you they sense it and then that's kinda how they start that attack

mode you know. This person isn't comfortable here. They don't belong here. I'm not a professional but that's kinda what I came up with Cinnamon. And again, please accept my humble apologies.

HEARING OFFICER CAMILLE VALLEY: Okay.

ANGELA RILEY: Thank you.

HEARING OFFICER CAMILLE VALLEY: Okay. If there's nothing further I will take the testimony that I've heard today and the evidence that I've received and I'll deliberate on it and develop a written ruling which I will submit to the City Clerk's Office. Then she'll make sure everyone gets a copy. So until that point in time this case is adjourned and I thank you all for your time.

ANGELA RILEY: Where does Cinnamon stay during that time period?

HEARING OFFICER CAMILLE VALLEY: Until my ruling he stays impounded.

ANGELA RILEY: Okay. And how long will that be?

HEARING OFFICER CAMILLE VALLEY: Uh, the ruling will be issued, you will receive it next week at the latest.

ANGELA RILEY: So another whole week then because there's costs.

HEARING OFFICER CAMILLE VALLEY: I know. There's costs that are being incurred because he's being impounded but also because it's just part of the process. Uhm, if, if, I mean it's the declaration needs to be reviewed which is the purpose of this hearing today. and so part of it is, takes me some time to take all of the evidence. I have heard a lot of cases today so I'm going to write them all up. So I will get it done as soon as possible and, because I keep that in mind.

ANGELA RILEY: I appreciate that. Thank you. I don't know if there is anything to do where it could have been heard earlier or anything.

HEARING OFFICER CAMILLE VALLEY: We, we try to schedule, we tried to schedule it as soon as we could and everybody has been working trying to get that in. There was a holiday last week too so. So we are very, very receptive to that fact that there's costs being incurred. We try to hold that to a minimum so. All right. So I'll get that done as soon as possible and then the City Clerk will issue that for you.

ANGELA RILEY: Is it possible for us to see Cinnamon? She hasn't been home for about three weeks.

HEARING OFFICER CAMILLE VALLEY: That's something you'll have to talk to the Officer about and that's not something we need to do as part of this hearing so I'm going to adjourn this hearing and turn off our recorder and we'll be done for today. Thank you.

I, Renae Lampkin, certify that I transcribed the minutes of the November 16, 2009 Administrative Hearing pertaining to a vicious dog owned by Angela Riley.

Renae Lampkin