

# **Animal Control Commission**

**July 18, 2022 at 5:30pm**

**Bloomington Animal Shelter – Hybrid Zoom and In Person Meeting  
3410 South Walnut Street, Bloomington, IN 47401**

## **MEMBERS**

Sue Allmon –present in person  
Sita Cohen -present in person  
Chris Hazel - present in person  
Valerie Pena – present in person  
Nancy Riggert - not present  
Laura Soto – present in person

## **GUESTS**

Tia Bings  
John Bings  
Jason Beymer  
Shannon Hayden  
Heather Upton

## **STAFF**

Kat Ennis – present in person  
Vicki Minder – present in person  
Jacquelyn Moore – present in person  
Lisa Ritchel – present in person  
Virgil Sauder – present in person

### **I. APPROVAL OF MINUTES**

Sita referred to an error in the first full paragraph on page 3 in the **April 11, 2022** minutes. The sentence, “Sita suggested removing the part allowing individuals to shoot a deer in their own back yard and adding *addition* oversight similar to the guidelines of the CHAP program” should read, “Sita suggested removing the part allowing individuals to shoot a deer in their own back yard and adding *additional* oversight similar to the guidelines of the CHAP program.”

Sita moved to approve the **April 11, 2022** minutes with the above correction.

Sue seconded. Motion passes 5-0-0.

### **II. NEW BUSINESS**

#### **i. Request to Declare Potentially Dangerous – Broley**

Officer Ennis explained that Patrick Wilson reported that he was bitten while breaking up a dog fight that resulted in the death of a dog. Mr. Wilson reported that his bite was a minor puncture, but was unable to be contacted for follow-up. Officer Ennis does not have proof of the bite to human and the information was not in the Bloomington Police Department report. Officer Ennis explained that Broley was in the large dog yard at Ferguson Dog Park and he had an altercation with a Pomeranian was also in this yard. One witness described the incident as follows. The Pomeranian was nipping at Broley’s face. Broley attacked, bit and shook the small dog, and the incident was over in seconds. Broley’s owner stated that he was right there and as soon as he heard yelling, he grabbed his dog, laid on him and waited until the police arrived. A second witness described the incident as follows. Broley went up to the small dog and attacked. The Pomeranian died instantly. Officer added that she spoke with three or four people and only one, Patrick Wilson, claimed to have been bitten. Officer Ennis added that she attempted to call the victim’s owner, Clayton Shannon, multiple times, with no success.

Sue asked Officer Ennis about the dog yards and if they are designated by size. She answered that there are three yards and there is signage designating them by size, but it is also at owners' own risk. The incident happened in the large dog yard.

Jason Beymer, the owner of Broley, was present and thanked Officer Ennis for her detailed description and thanked the Commission for this opportunity. He explained that he made contact with the owner of the Pomeranian, expressed his deepest sympathy and they settled out of court. He added that there is no proof of the alleged bite to the human and concurred that the Pomeranian was in an area that was not designated for small dogs. He admitted that he did not see the incident, and noted that it happened in a flash. He explained that he had adopted Broley in March and the adoption contract stated that Broley should not be around cats and was dog selective. He expressed confusion of the meaning of "dog selective." He stated that if he had known that "dog selective" meant that Broley has the ability to attack a dog with intent to kill, he would have not taken him to the park. He stated that he was not given full disclosure of Broley that was clear. After the incident, he contacted Emily Herr at the shelter and she informed him that Broley had a record. He has since been in contact with three trainers, in Bloomington, Virginia, and Michigan. All three have agreed that Broley should not be around small dogs. He is currently working with the shelter and friends to find a new home for him, because he doesn't want the risk of another attack. He stated that he will do everything in his power to make sure this does not happen again. He listed the following steps he has taken since the incident. Broley no longer goes to dog parks, and will not go again unless a Certified Dog Instructor says that he is safe. He has a muzzle, a leather stitched collar, and a pinch collar to be used only in extreme instances. He has a three stage collar, with an electronic beep, a gentle vibration, and a variable shock that can be set from low to high. Mr. Beymer shared that this collar has helped Broley in just two weeks. Mr. Beymer keeps him in his fenced-in half-acre and takes him on walks. Mr. Beymer works from home, but when he leaves, Broley is in a crate that is secured with the latches and zip ties.

The Commission discussed. Sita stated that it was an unfortunate situation and no one really saw what happened. She thanked the owner for reaching out to the victim's owner and for taking so many precautions. Valerie agreed and stated that it was an extremely unfortunate situation and she appreciates that the owner recognizes the challenges of his dog and is taking the steps necessary. She added that he is already doing most everything that would be required if declared. She referred to past cases with similar situations and emphasized that there are specific reasons why dog parks are divided. Anyone not following the designations, is doing so at their own risk. Valerie shared that she doesn't think the Potentially Dangerous declaration is appropriate due to the above reasoning and because there is no evidence of the bite to human and because the victim dog owner did not attend the meeting. Sue agreed and referred to the dog yard designations. Broley was in the yard appropriate for his size and the Pomeranian was not. Sita added that a Pomeranian could seem cat-like. Sita applauded the owner again for his actions. Chris stated that he is a great example of a pet parent and his responsibility is commendable. Laura agreed as well.

Sita moved to not declare Broley Potentially Dangerous and asked the owner to continue doing what he is doing.

Chris seconded. Motion passes. 5-0-0.

**ii. Request to Declare Potentially Dangerous/Vicious – Domino**

Officer Minder explained that this was her case but she has not spoken to the owner of the dog because the owner blocked her city and cell phone numbers. On Friday, May 20, a person was attacked while walking on the road by a large white dog that rushed at him. He fought the dog off for five minutes and received over a dozen bites that required thirty stitches. Many of the bites could not be stitched. Officer Minder referred to the photos of the injuries. Officer left blue notes and issued citations for the owner, but has had no response. She added that Officer Ennis spoke with the owner on May 25.

Officer Ennis explained that the dog owner called her desk phone. She attempted to explain to the owner that her dog needed to be quarantined. The owner insisted it was Animal Control's fault for not quarantining the dog at the start. Officer explained that Animal Control was only notified the day before and didn't have the information at the time of the incident. The owner stated that she gave the dog away and Officer explained that she needs to notify the new owner about the required quarantine and potential declaration. The owner stated that she couldn't remember the new owner. Officer tried to explain the severity of the issue and that the dog would likely be declared Dangerous or Vicious. She insisted that he was not vicious because she adopted him from Indianapolis Animal Control. Officer Ennis later received a text from the victim after the quarantine was complete. He was informed by the owner that the dog was not showing any signs of Rabies so he believes that the owner still knows where the dog is, but is hiding it.

Officer Minder added that she and Officer Steury spoke with a neighbor of the owner, who provided Heather's information and confirmed that she had not seen the dog back home. The owner lives on Dodds Street and Officer Minder has not seen the dog or the owner. Chris asked if the victim got Rabies shots. Officer Minder answered in the negative and explained that there has not been a case of domestic Rabies in Monroe County in over seventy years. Officer Minder added that she has had several conversations with the victim, Craig Fehrman.

Virgil summarized that Animal Control is asking for this dog to be declared since a decent description of the dog is available, should it reappear. Officer Ennis added that the dog is likely microchipped since adopted from Indianapolis. Valerie offered that it is also likely neutered. Officer Minder added that the owner indicated that the dog is current on Rabies Vaccination.

The Commission discussed. Sita stated that she believes the dog should be declared. Sue agreed. Virgil presented the Potentially Dangerous flow chart on the screen for the Commission. Valerie read through the chart and stated that since the victim was a human and the injuries were severe, a Vicious declaration applies.

Sita moved that Domino be declared a Vicious dog.  
Sue seconded. Motion passes 5-0-0.

### **iii. Request to Declare Potentially Dangerous/Vicious – Leo**

Officer Ennis explained that she was notified that a person was bitten by a stray dog while walking down the sidewalk. The paramedic informed Officer Ennis about a bite to the hand and possible bite or scratch to the side, but did not go into detail on the severity. The dog owner was present when Officer Ennis arrived and provided proof of a current Rabies Vaccination on her phone. Officer Ennis approved a home quarantine. Later on, Officer Ennis received a photo of the bite. She then contacted the dog owner and explained that due to the severity of the bite, the dog would need to be quarantined at the

shelter. The dog owner was compliant and brought the dog to the shelter. At the time of the incident, the dog was being watched by the owner's boyfriend at his residence. He went outside to check the mail and the little dog bolted past him barking. While trying to get the little dog under control, Leo and one or two other dogs bolted out as well. Leo was the only dog that made contact and he bit the victim's hand. The guardian of the dog was in the process of grabbing Leo when Leo bit a second time to the victim's side. Officer did not receive any photos of the side wound, but the main wound was to the hand. At the end of the quarantine, Officer did an in home inspection prior to letting Leo return home. He is no longer at the residence where the incident occurred. He now has a three-step process to get from the basement where he primarily resides to get outside the main door. A gate blocks the door preventing escape, and there is a "Beware of Dog" sign posted. Officer Ennis agreed to let Leo return to this residence while he awaited the meeting. Officer Ennis continued and explained that when she initially contacted the victim, the victim was waiting to speak to a plastic surgeon about the potential loss of the skin that was stitched. The victim received twenty-two stitches on her hand. The victim was unsure if she moved her hand at the time of the bite, or if the dog pulled. The severity of the bite indicates that there was some pulling. When Officer followed up with the victim at the end of the quarantine, it looked like plastic surgery was necessary. Officer Ennis added that both the owner and the victim are present.

Tia Bings and her father, John Bings, were present. Valerie introduced Joshua Bings, but Tia explained that Joshua is her brother and not the owner of Leo. John explained that when Leo was a puppy he got out and Joshua came to the shelter to reclaim him. Tia began by stating that she is very sorry that this happened and that she thinks about it daily. She has had Leo since he was a puppy and he is now five. He is neutered but not microchipped. At the time of the incident Leo was at her boyfriend's home because she was working twelve-hour shifts. She then detailed her plan for Leo. She explained that there are two points of entry at every entrance. The main entrance door has a storm door with a latch and a locking baby gate. The second main entrance leads into the garage and has a locking baby gate. Leo is kept on a leash less than six feet long with a locking carabiner attached and wears a harness and a basket muzzle. A "Beware of Dogs" sign is posted. The other dog in the home is elderly and doesn't go out at the same time as Leo. Before going outside, Tia checks the surrounding areas for other dogs or people. If out walking, she changes course if she sees anyone coming. She added that Leo has not returned to her boyfriend's residence and she would only take him there if she was there to supervise. She stated that she would follow the same protocol there as described above. Her veterinarian prescribed daily trazodone which has helped him be more relaxed. She then asked the Commission for training recommendations as she has been researching trainers and has noted a wide range of reviews. She wants to choose a trainer best suited for Leo. She added that she is training him to wait at the door before going out and has ordered a martingale collar. She apologized again.

Sita asked if Leo has bitten anyone else or anything in the past five years. Tia answered in the negative, but pointed out that he doesn't like unfamiliar dogs. Sita then asked if she knew why this happened. Tia answered that she didn't know, but possibly because the other dogs ran out and Leo is the alpha dog. John shared that he never would have predicated this type of behavior. John added that Leo is not taken out with the elderly dog because if she starts barking, Leo gets agitated. Valerie asked if Leo does well with the other two dogs. Tia answered in the affirmative and explained that he loves playing. Sita asked if they take Leo to dog parks. Tia answered in the negative. Sue then asked if Leo ever acted negatively around other people when out on walks prior to the incident. John answered that he never had an issue unless Leo was surprised if someone came around a corner. If this occurred, Leo would start barking and

John would have to quiet him down and have him sit so the person could pass. Tia confirmed this explanation.

Shannon Hayden was present and provided pictures to the Commission. She stated that she was having a hard time and is a big dog lover. She shared that she is a teacher in Bloomington, she was on her summer break and had been taking long, five to six mile walks. She explained that she lives close by and was out walking alone at the time of the incident. She was heading home and heard a commotion behind her. She turned around and there were three dogs right behind her with a person around three hundred feet away chasing them. She stated that the dog bit her hand and then bit her hip. There were three dogs that chased her, but only one bit her. At the Bloomington Hospital she received twenty-two stitches. Afterwards she saw a plastic surgeon in Indianapolis who informed her that some skin could die, which did happen. She then had surgery to address this and got a second set of stitches. She referred to this picture. Valerie asked Shannon if she thought that the dog would have bitten her again if the owner's boyfriend had not been there. She answered in the affirmative and added that she has never had a dog bite her. Shannon shared that she has a small dog now but has had large dogs in the past, has adopted from the shelter and often watches her friends' large dogs. She indicated that she may have some PTSD from the incident. She has never had an injury like this before and never has needed to call 911 before. Valerie and Sita expressed sympathy.

The Commission discussed. Valerie referred to the flow chart and asserted that the victim was a person, the bite was severe, there will be permanent scarring and disfigurement, and so a Vicious declaration applies. Valerie then read the requirements for this declaration and noted that the dog owner is already doing most of them. She asked the dog owner if she uses an outdoor enclosure. Tia answered that he is always on leash when outside. Sue asked if Leo is microchipped and Tia answered in the negative but indicated willingness to do so. Valerie summarized that the owner is currently meeting all the requirements of a Vicious Declaration except for the chip with the owner has agreed to do. Sue added that the owner is also looking into finding a behaviorist/trainer. Virgil stated that Emily Herr will be able to refer her to some. Laura recommended Dr. Rigterink, a veterinary behaviorist in Carmel, since the behavior was severe. Laura explained that a veterinarian completes eight more years to become an actual certified behaviorist. Laura added that she remembers Leo from Bloomington Vet Hospital and remembers that he was scared and cautious.

Sue moved to declare Leo Vicious. All criteria has been met except for the microchip which the owner has agreed to have done. The owner is also seeking a behaviorist for additional assistance and training. Leo is to be microchipped within thirty days.

Sita seconded. Motion passes 5-0-0.

Virgil asked Laura to forward the names of the veterinary behaviorists so that he can pass them on. He agreed with her suggestion since the behavior was out of character. Sita thanked the dog owner for the steps she has already taken.

#### **iv. Request to Declare Potentially Dangerous/Vicious – Maui**

Officer Ennis explained that Maui was declared Potentially Dangerous I in December. Since then, another bite has been reported. She referred to the photos of the victim and explained that this is the worst bite that she has seen from Maui. Most of his bites have been singular. This time, Maui bit the victim's ear, arm, forearm and armpit. The victim stated that he was in the driver's seat of his car and

Maui was in the back seat with owner, Heather Upton. Maui went over the seat and bit the victim on the ear. The victim moved to defend himself and was bitten on the armpit and forearm. Heather then grabbed Maui and got him under control. The victim stated that he got out of the car and started walking to the Shalom Center and Heather got out of the car and left, leaving Maui behind in the car. When Officer Ennis arrived, the case manager stated that Maui was gone and not in the car, the owner had not been seen, and the victim was on the way to the Emergency Room via ambulance. Officer then read an email from Heather that was sent the same day, April 7, including the following: she informed Animal Control about the bite, she asked for an Officer to contact her immediately requesting Maui be euthanized because he keeps biting people, she expressed that she is extremely overwhelmed, she stated that he cannot be rehomed, he has bitten her recently, and finally that she was very sad to have to make this decision. Officer Ennis explained that she was unable to get into contact with the owner at that time. There was no further contact with Maui until recently. A tenant at Kinser Flats went to the hospital leaving Maui behind in the apartment. The landlord asked for Maui to be removed from the apartment and the tenant also wanted Maui removed so that he would not be evicted. That is how Maui returned to the shelter. Virgil explained that Maui was kept at the shelter this time because Animal Control tried to bring Maui to the shelter after the bite in April to follow procedure, but Maui was removed from the scene and Heather did not respond to Officers. Sita asked if the staff has interacted with Maui while at shelter. Virgil answered that shelter staff has not been able to handle Maui. Officer Ennis added that Heather is in attendance.

Heather Upton stated that Maui has been traumatized and explained that she and her ex-girlfriend used to fight. They adopted Maui and his brother from the shelter and when they separated, they each took a dog. Heather was emotional but continued explaining that she was homeless for a while and outside which was difficult. She stated that Maui was always on a leash and wearing a muzzle until recently. She stated that her ex-girlfriend took the muzzle for her dog who is also vicious and bites. However, when these dogs are together, they play and are not concerned with anything else. After the breakup, the dogs visited each other occasionally. Heather explained that she acquired a new puppy and was initially nervous to introduce them, but Maui and the new puppy got along well. The puppy later passed away from parvovirus and Heather stated that Maui grieved. Heather stated that she has a new puppy now because her fiancé is worried about the impact on her if Maui is put down. Heather was emotional and expressed that she doesn't want that to happen but affirmed that she wants to be a responsible dog owner. Heather then explained that she has a Section 8 voucher for housing and should be moving in in August. She is currently staying with a friend at the Crawford Apartments. Laura then expressed concern and asked if Maui bit her as well. Heather explained that someone brought in another dog and she was bitten while trying to restrain Maui. Valerie then shared that when we love an animal, we have a tendency to overlook their faults, just as we do with humans. Valerie referred to the email and noted that Heather's first instinct was to be concerned for others. Valerie emphasized that it is unfortunate for Maui that in his short life, he did not have the stability that his character and personality needed.

Laura asked for clarification on the prior incidents. Officer Ennis answered that there are eight or nine prior cases with one duplicate bite incident. Virgil repeated that in December, Maui was declared Potentially Dangerous I with the additional condition that Maui wear a muzzle when out in public. Valerie noted that the muzzle requirement was not followed.

The Commission discussed. Valerie referred to the flow chart to determine appropriate declaration. It was agreed that the injury was not severe and the wounds were not potentially dangerous to health or

life, so a Vicious declaration does not apply. There were however 4+ puncture wounds, so Potentially Dangerous Level III is appropriate. Valerie then read these requirements and noted that the muzzle condition already required from the previous declaration would still apply. Laura expressed concern that the current housing situation could create issues. Sita shared that with the previous history and the fact that the shelter staff can't handle Maui, the Commission doesn't have a choice but to declare PDIII. Sita added that in her opinion, it is not a good time to return Maui as Ms. Upton's living situation is in flux. Virgil reminded the Commission that Animal Control is also requesting that Ms. Upton be declared a Habitual Offender due to failure to use the muzzle in addition to the number of times the dog has bitten. As part of that declaration Animal Control is asking the Commission to consider removing ownership.

Sita moved to declare Maui Potentially Dangerous III and he must wear a muzzle when out in public. Laura seconded. Motion passes 5-0-0.

**v. Request to Declare Habitual Offender – Upton**

The Commission discussed the declaration. Valerie explained that the request was for Ms. Upton to be declared a Habitual Offender and for Maui to be surrendered to the shelter so the shelter can determine his outcome.

Sita moved to declare Heather Upton a Habitual Offender and at the end of three years, she can return to the ACC for review. Maui will remain at the shelter and not be returned to Heather Upton. The shelter will determine Maui's outcome.

Sue seconded. Motion passes. 5-0-0.

Valerie shared her condolences and explained that good dogs can do bad things. Rather than make his life difficult, this may be a kinder outcome. Ms. Upton asked if she could see Maui. Officer Ennis assisted.

### **III. REPORTS**

**i. Animal Care and Control Report**

Virgil explained that the shelter is packed full and has been overflowing, especially during the past two to three weeks. This is due to shelter flow-through, the closure of spay neuter services at Pets Alive and Town and Country due to the July 4<sup>th</sup> holiday, and an increased demand for surrender. He added that there are currently thirty-five individuals waiting to surrender dogs on the waiting list. This is around twice the amount as last year. To manage this, adoption fees have been reduced for both dogs and cats. There will also be a fee-waived adoption event. On a positive note, Virgil explained that the adoption numbers are up from last year and the euthanasia numbers are down. This is due to the hard work of fosters and shelter staff.

**ii. MCHA Update**

Sue reported that after fourteen years, Kim Goy resigned as the Events Coordinator. Sue stated that the development committee will be obtaining ideas and information from her at her exit interview. She added that Kim plans to volunteer with the shelter. Sue explained that the MCHA has hired a Development Director from Tennessee to start August 1. She has a son who will be a senior in high school who hopes to attend IU. Valerie added that the MCHA is planning on leaving their office space at 3410 S. Walnut. It has been challenging to coordinate between the two locations.

**iii. AMC Update**

Valerie explained that the AMC had a standard meeting. Valerie, Sue and Virgil will be meeting to work on the ordinances. Main areas of discussion as listed on the google document are feral cats, Potentially Dangerous and Habitual Offender.

**IV. ANIMAL CONTROL COMMISSION DISCUSSION**

Valerie noted that this was a difficult meeting. She expressed her appreciation and thanked everyone for asking good questions and noted that it can be challenging to have empathy for all sides. Valerie inquired if the victim will be informed of their decision as she left early. Virgil stated that he would reach out to her. Officer Minder thanked the Commission for the decision regarding the Maui.

**V. PUBLIC COMMENT**

No public comment.

**VI. ADJOURNMENT**

Sue moved to adjourn.

Chris seconded. Motion passes 5-0-0.

The meeting adjourned at 7:16pm.