

ANIMAL CONTROL COMMISSION  
MEETING MINUTES  
March 9, 2020

<b>MEMBERS</b>	<b>STAFF</b>	<b>PUBLIC</b>
Sita Cohen	Jacquelyn Moore	Misty Collier
Chris Hazel	James Pritchard	Soraya Bowles
Valerie Pena	Lisa Ritche	Unnamed man
Nancy Riggert	Virgil Sauder	Corey Pierce
Rebecca Warren		Ian McCarthy

**APPROVAL OF MINUTES**

Nancy moved to approve the December 9, 2019, minutes as written.  
Rebecca seconded. Motion passes 5-0-0.

**NEW BUSINESS**

**i. Request to Declare Potentially Dangerous – Kelley**

Officer Pritchard explained that on January 22 he was called out to a dog to dog fight with two humans bitten with both Bloomington Police Department and an ambulance on the way. When he arrived he was told that no humans were bitten. He did not see BPD or an ambulance. He learned that Harley's owner was walking him on one side of the building and the other owners were walking their dog on the other side and they all met at the corner. The dogs got startled and went after each other. The victim dog was wearing a muzzle at the time and both dogs were leashed. It took a couple of people to get Harley off of the other dog and the dogs were separated by the time he arrived. Officer Pritchard then talked with the owners of both dogs and the owners talked with each other and exchanged information. Harley did not appear to be injured. Officer Pritchard went upstairs to check on the other dog. It had a harness on that was bitten through, a puncture in the neck area, a puncture in the shoulder, and a mark on its eye. He was in a crate, upset, barking and growling. This dog was taken to a veterinarian and was found to have injuries to the eye and a puncture in the shoulder where a drain was placed as a precaution. On the next day, Officer Pritchard received a call from Betsy Hatley, the owner of the victim dog, Maxx. She stated that she was bitten, had punctures on her pinkie and index fingers and was going to the walk-in clinic. She had them cleaned and had no further issues. Next he spoke with Ms. Kelley (*she interjected from the audience and corrected her name to Ms. Collier*) and asked her about Harley's rabies vaccination. She told him that he had it at either Towne & Country or Arlington. He called both clinics and neither had a record of Harley, but did have a record for another dog, Diesel. Consequently, Officer Pritchard cited her for not having a rabies vaccination. He had her bring Harley to the shelter for the remainder of his quarantine. Harley did fine at the shelter. On February 3, the quarantine was complete, there were no issues and Ms. Collier reclaimed Harley. She wasn't given the citation for failure to vaccinate at the time of redemption so Officer Pritchard mailed it to her. On February 11, he talked with Betsy Hatley about Maxx and was told that he was starting to have seizures. The vet records state that the seizures might be from the trauma of the fight but they were unsure as he did not have seizures at the vet office. The owners took Maxx to the vet several times for check-ups, he was on medication and his eye and punctures seemed to heal well. He did have trouble walking for a time, they were unsure if due to trauma, but according to the vet records he is better now.

Misty Collier, Harley's owner, stated that her daughter was the one walking the dog when the incident happened. Soraya Bowles, who is 14, explained that she and Harley were walking around the corner, the dogs met, the dog jumped at Harley and then Harley put him down on the ground. She stated that when Harley puts dogs down on the ground he paws them down and doesn't attack them. Then a guy came out and started punching Harley in the head and that is when Harley bit down on the other dog. Rebecca asked about Harley's age and breed and if he was neutered. Soraya answered that he is a neutered, 4 year old, blue-nose pit bull. Then Sita asked if the dog owners know each other. Soraya answered not personally but she has walked him up there before and they have liked her dog. Their dog would growl at her dog, but he would just walk away. Sita asked who came out and hit her dog on the head. Soraya answered that it was the owner's son. Valerie asked if there has been any other trouble with Harley. She answered no, not really. Sita asked if he interacts with other dogs. She answered not really, but he has been fine with the ones he has been around. The Commission members continued peppering them with questions and both Ms. Collier and Soraya took turns responding with the following answers. Harley is walked on a heavy duty, 4 foot leash with a standard collar. Soraya walks Harley every day. Soraya has not had issues before. Harley weighs 75 pounds. Harley has seen the other dog with the muzzle. That dog barks at Harley every time and Soraya tells Harley to "come on" and he obeys. During the incident the dog jumped up on its back legs at Harley and Harley swatted him down to the ground. Rebecca then asked if Harley stood on top of the dog and asked Soraya if she was trying to get Harley off and he wasn't moving. Soraya answered not really. Rebecca asked if that was when Maxx's owner's son came over and started hitting Harley in the head. Soraya made a sound in the affirmative. Rebecca asked if that was when Harley started biting at the dog or the boy. Soraya stated that yes that is when Harley bit the dog and that he never bit a person. Valerie asked who broke up the fight. Soraya answered that she did and the lady was pulling the other dog's back legs. Soraya grabbed Harley's mouth open and he did not bite her, the lady or the boy. Sita asked if the other dog is always muzzled. Soraya explained that he is muzzled because he has had incidents of attacking other dogs. Ms. Collier added that he also has incidents of attacking children. Soraya stated that the dog is a small, pit bull/Chihuahua mix.

Misty Collier stated that Harley has been around plenty of other dogs and has never been aggressive. They had another pit bull in the house and the dogs would play. She believes that Harley reacted because the other dog lunged at him and her daughter. She explained that Harley gets walked 10-12 times per day at the apartment complex and the neighbors love him. She adopted Harley from the shelter about a year ago so he is neutered and microchipped.

The unnamed man, who was sitting with Harley's family, then added that he is around Harley and he is a good dog. Harley and his Rottweiler play together. He doesn't believe that Harley would be aggressive unless provoked. Then Sita asked Soraya if she thinks Harley was provoked. She answered yes. Sita asked if she was scared when the dog jumped at her. Soraya answered yes and got emotional. Rebecca and Sita expressed words to comfort her.

The Commission discussed. Rebecca pointed out that an important factor to determine is whether it was a provoked or unprovoked attack. If declared, Soraya would be too young to walk Harley. Valerie was curious as to why Maxx always wears a muzzle. Officer Pritchard stated that there was no legal declaration for this. The owners told him that it was their practice to muzzle him

every time they take him out for a walk. Valerie added that with the size difference Harley could have done a lot of damage to the smaller dog. Nancy was impressed that Harley did not turn on the boy who was punching him in the head. Virgil then explained that the reason for the request to declare was due to whether or not the injuries sustained would fit the *serious* definition because of the seizures. That would put it into a different level than PDI which has provoked vs. unprovoked. Sita asked if Maxx had a history of seizures. Officer Pritchard stated there was no history of seizures prior to the altercation. Nancy stated that it would be difficult to determine if *serious* because the vet was not able to conclude that the seizures were caused by the attack. Also, the owner is not here to describe the seizures. Valerie then asked Soraya if she had difficulty pulling Harley off of the dog. She said not really and that as soon as she told Harley to get off he backed up and stopped. Then the unnamed man interjected and stated that Maxx's owner threatened to beat Soraya up. Then Ms. Collier said that the woman told Soraya that if she went anywhere with the dog she was going to kick her a\*\*. The owner later apologized to Soraya and Ms. Collier told her to never threaten her daughter again. Rebecca then went over Maxx's veterinary records. The records start on January 22 and show that Maxx is intact and had to be sedated to have his wounds cleaned. One puncture was small and nothing to note, the other required a drain due to its location. The seizures started on January 24. Rebecca noted that sometimes owners think that their pets are having seizures, but they aren't actually having them. Sita stated that without the owners here we are not able to ask them for clarification. Rebecca then stated that she believes that it was provoked and the Commission could put this in abeyance for 6 months and if no other issues, no further action is needed. Harley could have done a lot of damage and did not. Rebecca concluded that she is inclined to say that Maxx has some behavior issues. Per their vet records, the owner asked for advice on a behaviorist, Maxx is not neutered and he wears a muzzle. Nancy agreed that this incident was provoked by Maxx. Sita agreed and added that Harley could have killed Maxx due to the hostile environment.

The Commission then discussed what action to take: to dismiss, to put in abeyance, to declare. Rebecca explained that she does not want to dismiss entirely because a dog was injured, but she is also not in favor of a declaration. Rebecca recommended that if the owners can be extra cautious and walk Harley on a sturdy harness, know where they are walking, watch corners and avoid any altercations for a determined period of time, no further action is needed. Nancy agreed and added that putting it in abeyance is a good idea because the other dog did suffer.

Rebecca moved to put Harley's declaration in abeyance for 6 months.

Sita seconded. Motion passes 5-0-0.

## **ii. New members**

Due to the new members, Valerie asked for everyone to introduce themselves.

Sita Cohen stated that she worked for Sunrise Greetings for 31 years, then worked from home for Pratt Industries in Atlanta for six years. After some health issues, she retired last August. She has the best pit bull on earth, Coco and has had many dogs and cats. She is very happy to be here!

Nancy Riggert explained that she has been a shelter board member for several years, and before that she volunteered at the shelter doing pictures for the adoption posters with Valerie. She has a Saint Bernard and 4 cats. They are all shelter animals.

Jackie Moore explained that she has been with city legal for 15 years and has been doing public works for most of that time.

Valerie Pena stated that she works at Indiana University and has been with this board for around 18 years. She is also a member of the Animal Management Commission for the county and will soon be a new board member for the Monroe County Humane Association. She has 3 dogs, a cat and 2 horses.

Chris Hazel explained that she is finance director at United Way. In April she will have been there for 17 years. She has served on the Pets Alive board. She is a true Bloomingtonian and was born in the Bloomington Hospital. She has 3 shelter cats and a shelter dog. She is also very happy to be here.

Rebecca Warren explained that she is the executive director for the MCHA. She has been on this Commission for around 5 years and has 3 kids, 2 dogs and a cat.

Virgil Sauder stated that he has been the director of Bloomington Animal Care and Control for 5 years. Prior to that he was the shelter manager for 10 years. He has 2 dogs, 5 cats, 18 chicken and 6 ducks.

Virgil added that the veterinarian position will soon be filled by Dr Soto.

## **REPORTS**

### **i. Animal Care and Control Report**

Virgil sent out the statistics for the previous two months to the Commission and explained that there was nothing surprising to note. The shelter did start some fun new programs. The first is Cat Positive, through a grant with Jackson Galaxy, which looks at training cats so they are calmer and have a better presence in the kennels and on the adoption floor. The second is Slumber Buddies which is a short term foster program where dogs are placed into homes for 2-3 nights. This has been very popular and the applications are currently booked for the next two months. At the end of April, the Dogs Playing for Life group will be doing a staff training on dog play groups. There is a new animal control officer, Nick Steury, who is doing well. There are also two new animal care technicians, Edyth McEvelly and Darcy Miller, who are in training and are filling in very well.

Valerie then asked Virgil to list the officer's name on the agenda that will be presenting the case. Virgil agreed.

### **ii. MCHA Update**

Rebecca explained that they will be moving into their new building in a month and it is a very hectic time. The current clinic will close on April 9, they will be closed for a week, and then have Tails on the Town, close for another week, then reopen the new building! For 2019, 92% of clients were subsidized and 60% of those needed additional funding support. Rebecca explained, for the benefit of the two new members, that the clinic is open to the public with two tiers of pricing, subsidized and non-subsidized. Most clients are subsidized and cannot afford to go elsewhere. Last year the exam fee was \$10, this year it is \$12. Medications and vaccinations are

less expensive. The food pantry gave out almost 14,000 lbs. of food last year. Most of the food comes from donations from the community, but occasionally they will receive a large donation of pallets of food. Sandra Groschwitz is now full time and there are six new therapy animal teams. Currently there are the following positions: technician, veterinarian, receptionist, and outreach. They are all full time except for the receptionist. Rebecca explained that the receptionist position is 15 hours due to the mentally and emotionally taxing nature of the job. They are also looking to add the right veterinarian to the team and a couple of them are interested. There will be grand opening events in May, but they will open for client care in April and see how the new space works. The 4000 square foot facility will have 4 exam rooms, a surgery suite, animal care bay and an emergency housing center.

### iii. AMC Update

Virgil reported that the AMC saw two potentially dangerous cases, a habitual offender, and a ticket appeal, which is fairly normal for a county meeting. They struggled on one of the PD cases where a woman brought her Chihuahua to someone's property, set it down, then the property owner's Dane killed it. It was an unfortunate incident and the Dane was declared PD due to the death of the other dog even though it wasn't an aggressive attack, the Dane just snatched it up and that was enough to kill the senior Chihuahua. The Commission encouraged the owner to return in a year and have the declaration removed. Valerie added that the Commissions need to be very diligent, especially with animals that live in apartment complexes, because the moment an animal is declared dangerous, the family could be kicked out. The Commission may not be affecting just the dog, they could affect the entire family.

### **ANIMAL CONTROL COMMISSION DISCUSSION**

Rebecca asked if the ACC needs to look at marrying up the ordinances with the COAMC. Valerie answered that the county just went through an extensive update. Once finished it would be a good idea to compare the ordinances for consistency. Jackie added that general update for the city ordinances is at the major's office. Virgil explained that the city changes were basically the same as the county changes, just formatted differently. Jackie asked about the intent language. Virgil explained that the county decided to go with state criminal code language for injury. Valerie reminded everyone that the next meeting will be on April 13 at 5:30pm.

### **PUBLIC COMMENT PERIOD**

Corey Pierce and Ian McCarthy are students that were in attendance for a Smart Cities class requirement.

The meeting adjourned at 6:35pm.