

Animal Control Commission

July 19, 2021 at 5:30pm

Bloomington Animal Shelter – Zoom Meeting
3410 South Walnut Street, Bloomington, IN 47401

<u>MEMBERS</u>	<u>STAFF</u>	<u>PUBLIC</u>
Sue Allmon -present via zoom	Jacquelyn Moore -via zoom	Meola -zoom
Sita Cohen -present via zoom	Lisa Ritchel -via zoom	Trisha Watson -zoom
Chris Hazel -present via zoom	Virgil Sauder -in person	Candious King -in person
Valerie Pena -present via zoom	Nick Steury –in person	Ms. King’s daughter-in person
Nancy Riggert -present via zoom		
Laura Soto -present via zoom		

I. APPROVAL OF MINUTES

Nancy pointed out a typographical error in the Joint City/County Ordinance Group section under Continuing Business. In line 4, the second *they* in the sentence should be deleted. Jackie pointed out that under the Resolution section in New Business, line 5 should read, “Electronic participation is permissible *only* if the members *can* communicate simultaneously,” rather than “Electronic participation is permissible if the members *cannot* communicate simultaneously.”

Nancy moved to approve the June 14, 2021 minutes with the two changes noted.

Sita seconded.

Roll call vote: Sue: “yes,” Sita: “yes,” Chris: “yes,” Valerie: “yes,” Nancy: “yes,” Laura: “yes.”

Motion passes 6-0-0.

II. NEW BUSINESS

i. Request to Declare Potentially Dangerous - Meola

Virgil explained that Officer Nadine Eubank, the primary officer on this case, has since retired, so he will be presenting the information based on her notes.

There have been two bites by Ms. Meola’s dog, Emmie Lou, within twelve months of each other. Both bites occurred in similar circumstances with similar injuries. Both happened when the dog got out of the front door or when off leash and went up to people walking near the apartment area. Both victims were bitten on their legs. The first bite happened on July 8, 2020 to the lower right leg. Ms. Meola did say she was working with her veterinarian for treatment for her dog’s anxiety and normally had the dog on a muzzle when outside. The second bite happened on May 25, 2021, to the front and to the back of the right calf. Emmie Lou was quarantined both times for rabies monitoring with no issues.

Ms. Meola first explained that she gets confused easily and is being tested for Parkinson’s. She explained that during the July incident she was working with Emmie Lou off leash and was walking down the sidewalk near the building and there were some people moving out. She met with Officer Eubank who allowed a home quarantine, with a muzzle requirement and using a specific path to get to the small grassy area for the 10 days. Ms. Meola also updated both Emmie Lou’s and her other dog’s Rabies vaccinations. Since then she has kept Emmie Lou on a leash when outside. Her other dog Aidan, who she has had for 6-7 years, is very timid and still “skitters” when Ms. Meola goes to put on his leash. He is a puppy mill rescue dog with one bad eye who is very hard-of-hearing, and trying to leash him is

difficult. If she cracks the door, he will come and let her leash him. When the second incident happened, she had not leashed Emmie Lou prior to cracking the door for Aidan, and Emmie Lou darted out and bit the second person. Now she is always on leash when outside. Ms. Meola explained that she keeps her retractable leash at three feet, but lets it out when Emmie Lou needs to go to the bathroom. She still barks at people walking by, but at three feet, she can step into the grass and let people safety get by. She understands it is traumatic to be bitten by a dog and is trying to do her best.

Valerie asked if Ms. Shedd from the first bite was on the call. Virgil confirmed that she was not in attendance, but Tricia Watson from the second bite was.

Ms. Watson explained that she and her Granddaughter were taking her six-month-old Great Grandson on a walk in his stroller in the neighborhood. They walked down the sidewalk in front of the apartments and saw Ms. Meola out in the front area in the grass with two dogs off leash. The dogs were barking as they were walked by and the brown one started running towards them and the white one followed. First they came towards Ms. Watson, but then made a curve towards the stroller. So she flipped around to the side of the stroller to protect her Great Grandson and the dog bit her twice. Ms. Watson went to her doctor and had to be placed on large doses of medicine. She still has scarring and has pictures. Ms. Watson added that Ms. Meola did offer to pay for bandages, but Ms. Watson just asked that she keep her dogs on leash.

The Commission discussed. Valerie referred to the flow chart to determine which level of Potentially Dangerous is appropriate. Valerie asked Ms. Watson how many puncture wounds she received and she answered that she received at least six puncture wounds. Ms. Watson did not have to get stitches but stated that if the dog had gotten ahold of her Great Grandson it would have been more serious. Ms. Meola then asked that the "if" comments not be included. Valerie explained to her that the Commission members look at the facts. Valerie then described the potential requirements for both PDIII and Vicious and Ms. Meola offered that Emmie Lou is already spayed and microchipped. Chris asked about muzzling and Valerie answered that muzzles are required for a Vicious declaration. Valerie reviewed that the ACOs are asking for a potentially dangerous declaration and that the dog qualifies for Level III due to severe injury to a person and/or injury resulting in four or more puncture wounds. Virgil added that that based on the investigation the officers did not feel that it was quite to the level of vicious, but was on the borderline. Laura asked Ms. Meola if Emmie Lou had any medical issues that would be affected by using a muzzle and she answered in the negative. Ms. Meola added that Emmie Lou did use a muzzle during the quarantine. Nancy asked how she is letting the other dog out now. She explained that Emmie Lou now gets leashed first.

Chris moved to declare Emmie Lou Potentially Dangerous Level III. An additional incident would automatically add the requirement of a muzzle.

Sita seconded.

Roll call vote: Sue: "yes," Sita: "yes," Chris: "yes," Valerie: "yes," Nancy: "yes," Laura: "yes."

Motion passes 6-0-0.

ii. Request to Declare Potentially Dangerous – King

Officer Steury explained that on June 6, 2021 a dog was killed at Ferguson Dog Park by another dog. He arrived to the scene and Ms. King and her daughter were there speaking to the victim's owner's daughter. He took their statements. The victim's statement was that several large dogs got very rowdy

and amped up. A brindle pit bull grabbed her Pomeranian "Bella" from under the picnic table where she was hiding and slammed her to the ground biting her abdomen. A bystander attempted to pull the attacking dog off of the victim but was too late as the Pomeranian was already killed with a possible broken neck. The brindle pit bull Django was the only dog involved per the victim. The attacking dog's owner, Ms. King, stated that several dogs started playing rowdy but she didn't see who grabbed the victim but was sure her dog "bit it last." All the other large dogs also attacked the victim, but their owners grabbed their dogs and left while Ms. King waited to speak to the victim's owner and animal control. She said that five plus dogs were involved and attacked in a pack mentality, but she was unable to describe the other animals. Officer Steury also got a statement from a bystander who said that he heard the victim scream with pain and he rushed over to help. He grabbed the attacking dog by the collar and attempted to pull it off but was too late. The attacking dog then charged another small dog and pinned it to the ground but was able to be pulled off without any bites occurring. The bystander also stated that Django was the only dog involved and the only dog that attacked the victim. Officer Steury added that he was called out to the bus stop at Lindbergh and 15th Street because someone was attacked by a dog. When he arrived, the victim was present but there were no bite marks of any kind, so the attack was not strong enough to go through the victim's jeans. He spoke with Ms. King who indicated that this does not happen and that Django slipped out of the back door accidentally. Officer Steury concluded by stating that based on the evidence, the death of a dog and another incident of attacking a person, Potentially Dangerous Level II is appropriate.

Ms. King explained that when they showed up to the dog park they headed to the big dog section since it is sectioned off into three parts. They entered and saw a Pomeranian sitting under the table between its owner's feet. This dog was not in the correct section. After a while, another dog came and pulled this dog from between the woman's legs. Ms. King explained that the woman would not have been able to see which dog did this because it happened from behind. Once this dog was pulled out, the other dogs came and swarmed. When she got up from the table and tried to reach down there was nothing she could do because the dogs were "on it." Ms. King stated that she should have been paying attention to Django, who at that point was still off in the field, but was so shocked at what was happening that she froze. Then Django came, and she put her hand on his back but wasn't quick enough to stop him. By then the other owners had gotten their dogs off and Django reached down and grabbed the dog. He was the last dog to have it in his mouth. Chris then asked if he has been around any other small dogs. Ms. King answered that he has been around her daughter's pit bull, her mom's Ponski and their cat. Ms. King explained that the victim dog was the size of Django's toys. She explained that he wasn't involved in the altercation, but when he saw all the dogs, he came rushing up and had a look like, "got it," like it was a toy. By that point, the dog was already dead.

Nancy then asked her to confirm that the dog was already deceased when her dog got to it. Ms. King answered yes. Nancy pointed out that this conflicts with the bystander's report. Ms. King explained that the bystander was also at the table talking with the woman. When the dog pulled her dog from between her legs, neither person saw what happened. By the time they stood up from the table and turned around there was a group of dogs on the dog. She added that the woman had her head down doing paperwork and was not paying attention to how petrified her dog was being in this area with big dogs. This dog should not have been in this area. She wishes there were cameras at the dog park and stated that no one else stayed. All the people whose dogs were actually involved immediately left the area, but she stayed. She added that her daughter who witnessed the event is in attendance and she was smart enough to keep an eye on her dog during the situation. Nancy then pointed out that another statement reports that

Django went after another small dog. Ms. King said that was not correct, everyone had already left. Officer Steury confirmed that when he arrived only Ms. King and the victim's owner's daughter were present. The victim's owner contacted him afterwards and gave her statement and explained that Django was the only dog involved and that he attacked another small dog after. The bystander called Officer Steury and returned to Ferguson to talk with him and stated that Django was the only dog involved and that he went after another small dog. Valerie confirmed that no owner of the second dog has come forward to make a statement that their dog was attacked. Officer Steury confirmed. With no factual information to back that up, Valerie recommended that portion of the report be dismissed. Sue then asked where the picnic table was located. Officer Steury explained that at Ferguson small dogs are on the left and large dogs are on the right. The picnic table is 50 feet from the gate inside the large dog yard. Sita asked if it is a requirement that certain sized dogs go in a certain area. Virgil explained that the Parks Department rules do outline where the dogs should go, but it is not monitored. Chris asked if there is signage and weight limits. Officer Steury answered that there is a sign, but no weight limits. Nancy pointed out that some people have two dogs, one large, one smaller. Valerie repeated that the officer has recommended a PDII declaration and then reviewed the flow chart. Nancy shared that she feels it is a shame that an animal can be killed, but only be declared PDII if there isn't another vicious attack. Valerie reviewed the restrictions of PDII including keeping indoors or in a secure outdoor enclosure, when off property on a leash no more than 6 foot long, under control of an adult, altered and microchipped. Ms. King said Django is neutered, chipped, current on Rabies vaccination and lives indoors. Sita asked how often she goes to the dog park. She answered that she does not go often, but her daughter had asked her to go along this time. He has been there before though with no issues. Sita confirmed that if declared PDII dog parks would not be allowed and Valerie confirmed. Ms. King said after this traumatic incident, she would not be going to the dog park. She added that with no cameras and people just leaving, this situation needs to be look into.

The Commission discussed. Valerie expressed concern with PDII, because without an affidavit, and neither bystander seeing it happen, one dog is getting the blame for something that happened by multiple dogs. It also bothers her that everyone left before the officer arrived, but appreciates that the bystander returned. If he were to put his recollection in an affidavit, it would be more serious than just a statement. Valerie also appreciates that Ms. King stayed, she could have left like everyone else. Valerie is not sure that there is enough clear information that it was Django. Nancy asked Officer Steury if he feels that the bystander is a credible witness. Officer Steury answered that his shirt was covered in blood so likely helped pull the dog off and helped carry the victim. He seemed straightforward and truthful. The bystander also stated that he was willing to sign an affidavit. Laura then asked about the other incident, and Officer Steury repeated that there were no bite marks. Jackie then read from the code: *the animal control commission may consider all relevant evidence including incident reports, affidavits of witnesses, and whether the incident reasonably indicates whether or not the animal in question is potentially dangerous and/or vicious in ordinary circumstances where the average person could not reasonably be expected to foresee and take measure to prevent injury.* Jackie expressed concern that the Commission may make a ruling relying on information they don't actually have. She offered that the Commission consider tabling this case and return to it at the next meeting when there may be more information from additional investigation to better determine the declaration. Nancy asked for some clarification on affidavits. Jackie explained that an affidavit is not just a statement, it is a sworn and notarized document. Witnesses come into the legal department and fill out the affidavit and sign it in front of a notary. Affidavits are signed under the penalties for perjury. At that point it would be forwarded to the shelter. An ACO would not do all of this in the field. Virgil added that Officer Steury

did provide information on how to do an affidavit to the witness. Chris asked if the victim was aware of this meeting. Virgil confirmed that they were invited and were planning on attending, but did not.

Sita moved to table the case to the next meeting to allow for additional investigation specifically an affidavit from the bystander.

Chris seconded.

Jackie then asked that they consider any and all information and not just a single affidavit. Nancy asked how this will be done. Virgil explained that they will follow up with the individuals that are not present at the meeting to see if they are willing to provide more information. Ms. King pointed out that since she is there in person, she can be questioned and have back and forth conversation. Ms. King asked if someone does an affidavit can they be questioned or is it just reading a statement. Virgil repeated Jackie's definition of affidavit. Even though there is not cross examination, the affidavit is held up as fact. Jackie agreed that it is taken as fact but doesn't allow for question and answer. Inviting someone to the meeting could provide better information.

Roll call vote: Sue: "yes," Sita: "yes," Chris: "yes," Valerie: "yes," Nancy: "yes," Laura: "yes."
Motion passes 6-0-0.

Valerie had to leave, Sue took over the meeting.

III. REPORTS

i. Animal Care and Control Report

Virgil reported that the shelter was at capacity so held a Saturday adoption event with open doors. 36 animals were adopted! Also around 10 animals were returned to owner in the last few days so the capacity is much improved. It was a very successful and exciting event. Virgil provided the statistics and shared two bar graphs showing adoption and intake numbers from 2016-2021. The intake of cats in 2020 and 2021 is very similar. There was a spike in intake in 2018 likely due to the opening of the new shelter which is a common occurrence. Overall intake seems to be back down to expected levels with a steady decrease overall. More adoption events are being planned for August. Virgil is looking into facilitating more walk-in days for adoption, likely Friday or Saturday. Nancy commented that she loves the Facebook announcements for the events. Virgil thanked Nancy and added that social media seems to be the best way to make announcements.

ii. MCHA Update

Sue explained that they are getting bids for their memorial garden. The pet food pantry is full so please spread the word. Wellness appointments are scheduled out through September. They have started using a wait list for no-shows. The next two mobile clinics will be August 1 at the Benton Fire Department and September 12 at Basswood. Outreach is working with community partners to help provide services for pets owned by people experiencing homelessness. The Run for the Animals will be at Karst Farm Park on Sunday, October 3. This will be a more robust event because the Tails on the Town event did not happen.

iii. AMC Update

Virgil explained that they are seeing around four cases monthly and there are more ticket appeals in county.

V. ANIMAL CONTROL COMMISSION DISCUSSION

Chris asked if next month's meeting will be over zoom. Virgil answered that it will likely be over zoom. He added that he will be out of town, so Julia Eppley will be taking his place.

VI. PUBLIC COMMENT

No public comment.

VII. ADJOURNMENT

Sita moved to adjourn.

Nancy seconded.

Roll call vote: Sue: "yes," Sita: "yes," Nancy: "yes," Laura: "yes," Chris: "yes." Valerie had left the meeting by this time.

Motion passes 5-0-0. The meeting adjourned at 7:05pm.