

BOARD OF ADMINISTRATIVE APPEALS ADMINISTRATIVE REVIEW PANEL

THURSDAY, SEPTEMBER 3, 2020 3:00 p.m.

PURSUANT TO GOVERNOR GAVIN NEWSOM'S EXECUTIVE ORDER N-29-20, THIS MEETING WILL BE HELD AS A TELECONFERENCE/VIRTUAL MEETING. OBSERVERS MAY VIEW THE MEETING LIVESTREAMED VIA THE BOARD OF ADMINISTRATIVE APPEALS' WEBSITE AT:

https://www.antiochca.gov/boaa/meeting/.

Notice of Opportunity to Address the Board of Administrative Appeals

Members of the public wishing to provide public comment **prior to or during** the meeting may do so in the following ways (#2 pertains to the Zoom webinar platform):

- 1) Prior to 1:00 p.m. the day of the meeting Written comments may be submitted electronically to the City Clerk at the following email address: cityclerk@ci.antioch.ca.us. All comments received before 1:00 p.m. the day of the meeting, will be provided to the Board Members before the meeting. Please indicate the agenda item and title in your email subject line.
- 2) After 1:00 p.m. the day of the meeting and during the meeting Please see the Speakers' Rules for instructions on how to comment, on the inside cover of this Agenda. The Speakers' Rules are also listed on the Board of Administrative Appeals website located on the following link: https://www.antiochca.gov/boaa/meeting/.

The City cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the City Clerk's Office receives your comments, you are strongly encouraged to submit your comments in writing by 1:00 p.m. the day of the meeting.

The Board of Administrative Appeals' Agendas, including Staff Reports, are posted onto our City's Website 72 hours before each meeting. To view the agenda information, click on the following link: https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/.

BOARD OF ADMINISTRATIVE APPEALS SPEAKERS' RULES

IMPORTANT NOTICE REGARDING THIS MEETING: To protect our residents, officials, and staff, and aligned with the Governor's Executive Order N-29-20, certain teleconference requirements of the Brown Act have been suspended, including the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public seeking to observe the meeting may do so at https://www.antiochca.gov/boaa/meeting/.

Members of the public wishing to provide <u>public comment</u> may do so in the following ways (#2 pertains to the Zoom Webinar):

- 1) Prior to 1:00 p.m. the day of the meeting Written comments may be submitted electronically to the City Clerk at the following email address: cityclerk@ci.antioch.ca.us. All comments received before 1:00 p.m. the day of the meeting, will be provided to the Board Members before the meeting. Please indicate the agenda item and title in your email subject line.
- 2) After 1:00 p.m. the day of the meeting and during the meeting To participate and provide oral public comments during the meeting, click on the following link to register in advance, to access the meeting via Zoom Webinar: https://www.antiochca.gov/speakers
 - You will be asked to enter an email address and a name. Your email address will not be disclosed to the public. After registering, you will receive an email with instructions on how to connect to the meeting.
 - When the Chair/Vice Chairperson announces public comments, click the "raise hand" feature in Zoom. For instructions on using the "raise hand" feature in Zoom, visit: https://www.antiochca.gov/raise_hand.

Speakers will be notified shortly before they are called to speak.

• When called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Chair/Vice Chairperson).

After hearing from the public, the agenda item will be closed. Deliberations will then be limited to members of the Board.

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In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: publicworks@ci.antioch.ca.us.

NOTICE OF AVAILABILITY OF REPORTS

This agenda is a summary of the discussion items/actions proposed to be taken by the Board of Administrative Appeals. The public has the opportunity to address the Board on each agenda item. Comments regarding matters <u>not</u> on this Agenda may be addressed during the "Public Comments" section on the agenda. No one may speak more than once on an agenda item or during "Public Comments".

AGENDA

3:00 P.M. ROLL CALL

Deborah Simpson, Chairperson Ademuyiwa "Ade" Adeyemi, Vice Chairperson Marie Livingston Darrell Goodbeer Antwon Webster Vacant, Alternate

PLEDGE OF ALLEGIANCE

<u>PUBLIC COMMENTS</u> – Only unagendized issues will be discussed during this time.

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS SPECIAL MEETING MINUTES FOR JULY 9, 2020

Recommended Action: Motion to approve the Minutes.

B. <u>CODE ENFORCEMENT</u> – APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS AND LIEN PROCESSING FEES FOR THE MONTHS OF MAY AND JUNE 2020

Recommendation:

The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board shall also direct that the same be recorded with the Contra Costa County Recorder's Office and thereafter the assessment shall constitute a special assessment and lien against the property.

2. REGULAR AGENDA

OATH for all intending to testify

- A. ANIMAL SERVICES CASE NO. 20-043873 APPEAL FILED BY VICTORIA FUENTES FOR HER DOG "BAM BAM" ANIMAL ID A134748 VICIOUS ANIMAL HEARING [ANTIOCH MUNICIPAL CODE: §6-1.801 (B) (b) §6-1.805 (A) (2)].
- B. ANIMAL SERVICES CASE NO. 20-051274 APPEAL FILED BY ESMERALDA ASEVEDO FOR HER DOG "MADDIE" ANIMAL ID A135066 POTENTIALLY DANGEROUS ANIMAL HEARING [ANTIOCH MUNICIPAL CODE §6-1.801 (B): POTENTIALLY DANGEROUS DOG OR ANIMAL (C) AND VICIOUS DOG OR ANIMAL (B), ANTIOCH MUNICIPAL CODE §6-1.501 (C) ANIMAL AT LARGE.

WRITTEN/ORAL COMMUNICATIONS

MOTION TO ADJOURN: After Written/Oral Communications, the

Chairperson/Vice Chairperson will make a motion to adjourn the meeting. A second of the motion is required, and then a majority vote is required to adjourn

the meeting.

Unpaid Citations for Board of Administrative Appeals-September 3, 2020

				Lien					
				Processing					
AR	Case	APN	Amount	Fee	Site Address	Owner last	Owner first	Mailing address	Paid
					4527 Hidden Glen		Gigiola Fiallos		
AR161439	CE2004-035	053-362-011	\$733.00	\$296.00	Dr.	Arango	Helio Patricio		
		[3118 Ponderosa		Andrew E &		
A161506	CE1912-223	076-103-012	\$333.00	\$303.00	Wy.	Camera	Bernice R.		
								1690 N. Point St. #Apt 203 San	
AR161467	CE1909-137	067-291-005	\$433.00	\$296.00	300 Texas St.	Coulter	NickW.	Francisco CA 94123-1734	
								5216 Delta View Wy. Antioch, Ca	
AR161482	CE2006-041	071-175-009	\$433.00	\$296.00	42 Clearbrook Rd.	El-Mosalamv	Hesham D Tre	94531-8085	
					4917 Cache Peak				
AR161475	CE1912-182	072-330-037	\$333.00	\$296.00	Dr.	Evans	Barry		
					4541 Shannondale				
	CE1907-011	056-040-010	\$110.00	\$296.00	Dr.	Fernandez	Juan C		
AR161312	CE2005-169	071-292-008	\$200.00	\$296.00	3132 G St.	Falkenstein	Virginia Tre		
							Junyao Kong		
AR161442	CE2001-271	056-350-065	\$1,333.00	\$303.00	5006 Ledgewood Ct.	Gu	Lingvu		
							Junyao Kong		
AR161316	CE2001-271	056-350-065	\$733.00		5006 Ledgewood Ct.	Gu	Lingvu		

AR161469	CE2005-068	051-400-008	\$533.00	\$296.00	2000 Sugar Pine St.	Haves	Janet L		
AR161645	CE2005-068	051-400-008	\$1,733.00		2000 Sugar Pine St.	Haves	Janet L		
							Robin Dufresne	567 Curtin Ln. Sonoma, CA 95476	
AR161314	CE2005-210	071-222-002	\$500.00	\$296.00	3008 Longview Rd.	Hulsev	Tre	6649	
***************************************					3927 Hummingbird				
AR160282	CE1911-098	075-401-006	\$400.00	\$296.00	Dr.	Jimenez	Griselda Vanessa		
								9 Cerro Ct. Danville, CA 94526-	
AR161461	CE2006-010	065-183-031	\$966.00	\$296.00	41 E 18th St.	KT Builders LLC		1608	
								1161 Washington St. San	
AR161432	CE1912-027	071-072-011	\$333.00	\$296.00	2915 Lone Tree Wv.	Li	Mannie M Z	Francisco CA 94108-1015	
	CE2005-001	056-076-007	\$733.00	\$296.00	4827 Chism Wv.	Liu	Yufana	24 Admirality Pl. Redwood City	
AR161438	CE2005-001	056-076-007	\$433.00		4827 Chism Wv.	Liu	Yufana	24 Admirality Pl. Redwood City	
AR161317	CE2003-121	056-190-038	\$333.00	\$296.00	5225 Turf Ct.	Mladinich	Garv C		
		066-164-021	\$333,00	\$296.00	118E.7thSt.	Peterson	Seth		
								39148 Logan Dr. Fremont, CA	
AR161505	CE2006-081	052-201-037	\$200.00	\$303.00	3224 Islewood Ct.	Rivera	Isabel Losloso Tre	94538-1150	
AR161507	CE2002-170	066-151-009	\$19,631.00	\$296.00	313 W 4th St.	Ross	Frederick		
	CE2002-170		\$20,398.00		313 W 4th St.	Ross	Frederick		
AR161456		066-151-009	\$4,733.00		313 W 4th St.	Ross	Frederick		
	CE2002-170		\$8,233.00		313 W 4th St.	Ross	Frederick		
	CE2002-170		\$1,933.00		313 W 4th St.	Ross	Frederick		
AR161296		066-151-009	\$1,000.00		313 W 4th St.	Ross	Frederick		T

Unpaid Citations for Board of Administrative Appeals-September 3, 2020

AR161480	CE2001-051	076-451-005	\$333.00	\$296.00	3417 Gentrytown Dr.	Senn	Twvla		
7 (10 1 3					3126 S. Francisco				
AR161484	CE2001-010	076-183-007	\$333.00	\$296.00	Wv.	Shackelford	Jovita		
AR160253	CE1912-267	076-481-010	\$233.00	\$296.00	3604 Gentrytown Dr.	Smithers	Charles A		
AR160489	CE1912-267	076-481-010	\$733.00		3604 Gentrytown Dr.	Smithers	Charles A		
AK 100409	OL 1812-201	070-401-010	Ψ100.00		COO+ Contraytown Di.	Ormaicis	Onanes A		
AR160658	CE1912-267	076-481-010	\$1,233.00	ļ	3604 Gentrytown Dr.	Smithers	Charles A		
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							Wiseley-Vaughan		
AR161441	CE2003-053	068-235-003	\$333.00	\$303.00	2825 Stamm Dr.	Vaughan	Bambi J		
					1905 Tioga Pass		Kelli R Vaelei Sio		
AR161629	CE2006-116	055-610-050	\$333.00	\$303.00	Wv.	Allan	Т		
						Xia Lan		1833 Bluffhill Dr. Monterey Park,	
AR161474	CM2006-006	076-432-014	\$733.00	\$296.00	2327 Buchanan Rd.	Investments LLC		CA 91754-4534	
							Lianrui Chen	2080 Homestead Rd. Santa Clara,	
AR161437	CE1912-199	074-370-015	\$833.00	\$303.00	2400 Sycamore Dr.	Zhano	Jihono	CA 95050-5123	
							Qiuyi Ma	169 Parkview Ave. Daly City, CA	
AR161435	CE2005-126	071-410-017	\$333.00	\$303.00	3054 G St.	Zhao	Yonggiang	94014-3871	
			070 400 00	07.745.00					
TOTAL			\$72,496.00	\$7,745.00	 				
GRAND			200 044 00						
TOTAL			\$80,241.00						L

BOARD OF ADMINISTRATIVE APPEALS ADMINISTRATIVE REVIEW PANEL

Special Meeting July 9, 2020 3:00 P.M. Meeting Conducted Remotely

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Board of Administrative Appeals meetings live stream (at https://www.antiochca.gov/boaa/meeting/). The Board of Administrative Appeals meeting was conducted utilizing Zoom Audio/Video Technology.

Vice Chairperson Adeyemi called the meeting to order at 3:04 P.M. on Thursday, July 9, 2020 in the Council Chambers.

ROLL CALL:

Present: Board Members Webster, Livingston and Vice Chairperson Adeyemi

Absent: Board Member Goodbeer and Chairperson Simpson

Staff Present: City Attorney, Thomas Lloyd Smith

Administrative Services Director, Nickie Mastay

Deputy City Clerk, Christina Garcia

Minutes Clerk, Kitty Eiden

Code Enforcement Manager, Curt Michael

PLEDGE OF ALLEGIANCE

Vice Chairperson Adeyemi led the board, staff and public in the Pledge of Allegiance.

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR MARCH 5, 2020

On motion by Board Member Livingston, seconded by Board Member Webster, the Board of Administrative Appeals approved the Minutes for March 5, 2020. The motion carried the following vote:

Ayes: Webster, Livingston, Adeyemi Absent: Goodbeer, Simpson

B. <u>CODE ENFORCEMENT</u> APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & LIEN PROCESSING FEES FOR THE MONTH OF JANUARY, FEBRUARY, MARCH AND APRIL 2020.

On motion by Board Member Webster, seconded by Board Member Livingston the Board of Administrative Appeals confirmed each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property in the amount of \$51,742.00 The Board also directed that the same be recorded with the Contra Costa County Recorder's Office. The motion carried the following vote:

Ayes: Webster, Livingston, Adeyemi Absent: Goodbeer, Simpson

PUBLIC COMMENTS - None

WRITTEN/ORAL COMMUNICATIONS - None

ADJOURNMENT

On motion by Board Member Livingston, seconded by Board Member Webster the Board of Administrative Appeals unanimously adjourned the meeting at 3:10 P.M.

<u>Kítty Eíden</u> KITTY EIDEN, Minutes Clerk

Respectfully submitted:



STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE HEARING ON SEPTEMBER 3, 2020

Prepared by:

Curt Michael, Code Enforcement Manager Intelligence

Date:

August 18, 2020

Subject:

Approval of the Levy of Special Assessments on Certain

Properties for Unpaid Administrative Citations & Lien

Processing Fees for the Months MAY & JUNE 2020.

RECOMMENDATION

The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property (Attachment "A"). The Board shall also direct that the same be recorded with the Contra Costa County Recorders Office and thereafter the assessment shall constitute a special assessment and lien against the property.

FISCAL IMPACT

The action will enable the City of Antioch to collect outstanding receivables against properties for the months of MAY & JUNE 2020 in the grand total amount of \$80,241.00.

BACKGROUND INFORMATION

Pursuant to Antioch Municipal Code §1-5.09 the City may collect any past due Administrative Citation fines, Abatements or late payment charges by use of special assessment liens and all action for recovery of money.

A Notice of Intent to Record Lien was sent to each property owner who is entitled to notice reflecting the property address directly connected to conditions or activities on the subject real property, assessors parcel number, the municipal code violation, administrative citation fine and copy of the administrative citations.

ATTACHMENT

A: List of Assessments

Unpaid Citations for Board of Administrative Appeals-September 3, 2020

				Lien					
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AR160658	CE1912-267	076-481-010	\$1,233.00	ļ	3604 Gentrytown Dr.	Smithers	Charles A		
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			070 400 00	07.745.00					
TOTAL			\$72,496.00	\$7,745.00	 				
GRAND			200 044 00						
TOTAL			\$80,241.00						L

STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE APPEAL HEARING OF SEPTEMBER 3, 2020

PREPARED BY:

Alexandra McCarthy, Animal Control Officer

DATE:

September 3, 2020

SUBJECT:

Vicious Animal Hearing

Animal Services Case No: 20-043873

Antioch Municipal Code § 6-1.801 (B) (b) § 6-1.805 (A) (2)

REQUEST:

Appellant Victoria Fuentes requested a hearing to appeal a Vicious Animal Declaration issued on July 15, 2020, citing a violation of Antioch Municipal Code § 6-1.801 (B) (b) which defines a Vicious Dog in part as: (b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal and to appeal the Euthanasia Order issued on July 17, 2020, citing of Antioch Municipal Code § 6-1.805 (A) (2) Actions After Determination: Vicious as part as: (A) Actions. If the Animal Control Supervisor determines an animal to be vicious, he or she may order any of the following actions, or a combination of them: (2) Order the owner to surrender it to the Animal Services Officer for euthanizing; (See Cal. Food and Agric. Code § 31645.)

BACKGROUND INFORMATION:

Parties Involved:

Dog Involved:

"Bam Bam" Animal ID A134748

Dog Owner:

Victoria Fuentes

Victim:

"Bam Bam" A134748

Other Party:

Jacob Anastas (boyfriend of Victoria Fuentes)

On June 2, 2020 at approximately 2100hrs Antioch Animal Control Officer Cottle #5686, was dispatched to assist with a call for service where a transient's dog had been stabbed twice by her boyfriend [See Event 20-039550/20-039539 Case 20-004567]. Per preliminary information given to her via Antioch Police Department Dispatch and a brief phone call to Antioch Police Officer McManus [Badge #4270], the patrol officer who was on scene, a couple had gotten into a physical altercation and Victoria Fuentes [Dog Owner] used her dog "Bam Bam" [A134748] to defend herself from her boyfriend Jacob Anastas who according to Victoria Fuentes [Dog Owner] was threatening to hit her and/or stab her. Jason Anastas stated to the Police that he stabbed the dog in self-defense.

When ACO Cottle arrived to the rear of Dollar General on West Ninth Street, **Victoria Fuentes** [dog owner] had been detained and was en route to Martinez Detention Facility for assaulting Jacob Anastas. Mr. Anastas was present and possibly intoxicated. ACO Cottle asked Mr. Anastas to show her where "Bam Bam" was stabbed as ACO Cottle was concerned for his injuries. He showed her a half inch gape in his neck/shoulder area. It looked superficial and was not bleeding - "pink" to the view, seemed to be

in a fleshy part of the shoulder area [photos attached]. He was not yelping or reacting to Jacob touching the area. ACO Cottle asked if he could assist with untying "Bam Bam" from the electrical box that he was chained to as "Bam Bam" was barking, growling and lunging at ACO Cottle and even on a control pole the chain leash was wrapped around the box several times and was going to be difficult to unravel. He unraveled the leash and offered to take the dog to the van. ACO Cottle thanked him. He placed "Bam Bam" in the Animal Control van without incident and unhooked the leash at ACO Cottle's request.

ACO Cottle asked him if he stabbed "Bam Bam" and he stated it was in self-defense as "Vicky sic'd the dog" on him and was using him as a weapon.

Officers McManus & Officer Perkinson were present and both stated that the dog had lunged at them when they approached the chaotic scene. Perkinson had ducked out of the way and "Bam Bam" got a hold of his pants. V. Fuentes [dog owner] had tied him to the electrical box and requested that the dog not be given to her boyfriend.

There were no injuries, but "Bam Bam" did show aggressive behavior that demanded a defensive action from our officers.

Mr. Anastas' statement shows no wrongdoing if the dog was being used against him as a weapon and "Bam Bam's" behavior is unpredictable / guarding in nature, so he is considered a credible threat.

On June 3, 2020 **V. Fuentes [dog owner]** contacted Antioch Animal Services to discuss redemption of her dog.

ACO Cottle asked Victoria Fuentes [Dog Owner] what happened that resulted in "Bam Bam" getting stabbed. She said that she felt threatened by her boyfriend Jacob Anastas and her dog knew that and was defending her. She asked if Jacob was going to get in trouble for stabbing her dog or if her dog was going to get in trouble for defending her. ACO Cottle told her that dogs instinctively will protect their owners, and that is not a bad thing. ACO Cottle also told her that if a person feels threatened by a dog, they can protect themselves. ACO Cottle was concerned that "Bam Bam" displays aggressive behavior to a number of people regardless of provocation or not and told her that ACO Cottle's main concern will be if "Bam Bam" bites anyone that isn't arguing with her. She said she understood her concern and wanted to know if ACO Cottle could listen to Jacob state that he provoked the attack. She put Jacob on the phone and coerced him to say that "Bam Bam" was provoked into attacking him and that she did not use him as a weapon against him. Ms. Fuentes [Dog Owner] came back on the phone and asked if ACO Cottle heard Jacob say that. She said she did. ACO Cottle told her it didn't change her stance and that if "Bam Bam" was to end up here again there would be an investigation into the dog and his potential danger to the public. She said she didn't think it was fair. ACO Cottle told her she understands that it doesn't seem fair, but that the animal gets punished for human actions or inactions, so she needs to make sure "Bam Bam" is never in a position to do anything like this again. She verbally agreed.

ACO Cottle updated **Victoria Fuentes [Dog Owner]** on the extent of **"Bam Bam's"** injuries and told her that Shelter Veterinarian, Dr. Bridgid Twomey #6104 looked at him [Medical Record attached] and that the fees would be \$156 today for his redemption. She said she could be at the shelter with the money today. ACO Cottle explained the vet care agreement she would have to sign and that ACO Cottle made an appointment for him at Apollo Vet (where he had been vetted previously). She said she will take him to his appointment on Monday, June 8, 2020 at Noon for his drains to be removed.

On June 3, 2020, Victoria Fuentes [Dog Owner] arrived at Animal Services for her 1700hrs appointment and signed two vet care agreements. She agreed to follow through with the appropriate veterinary care of "Bam Bam". She also was informed of the medication given to her and instructed how to give the medications appropriately. She agreed and stated that she had just got done treating him for a viral infection that Apollo Vet treated and cost her \$1000 all in. ACO Cottle had confirmed this on the phone when making the 6/8 appointment that she had just got done caring for him, so she understood the importance of the medication and follow up care.

Ms. Fuentes [Dog Owner] paid her fees and "Bam Bam" was removed from the kennel on leash and left without incident.

Parties Involved:

Responsible Dog Involved: "Bam

"Bam Bam" Animal ID A134748

Dog Owner:

Victoria Fuentes

Victim:

Bryant Brown

On June 8, 2020 at 1951 hours, Antioch Animal Control Officer McCarthy #6123 was called out to W Tenth Street, Antioch CA 94509 for a dog bite. The reporting was **Bryant Brown [Victim]** who called the bite in stated he was bit by a pit bull on the side lot of the Bonfare Market [See Event 20-041058/Case 20-004779]. The dog belongs to **Victoria Fuentes [Dog owner]**. B. Brown claimed that V. Fuentes let the dog bite him and he requested medical.

When ACO McCarthy arrived, Antioch Police Officer K. Odom #6116, the patrol officer on scene filled ACO McCarthy in and walked her over to **B. Brown [victim]** to retrieve his statement. **B. Brown [victim]** is a transient form Richmond and comes frequently to Antioch to fish. He states he knows the employee's at Bonfare and they allow him to use the water faucet on the side of the building behind the fenced in area. **V. Fuentes [dog owner]** was on the other side of the fence with two brown pit bulls off leash and her dog, "Bam Bam" [Responsible Dog A134748] was tethered to the water faucet. **B. Brown [victim]** stated he put his hands out for the two loose dogs to sniff him and they were fine. **V. Fuentes [dog owner]** told **B. Brown [victim]** that her dog is aggressive and asked him to wait to get him off the faucet where **B. Brown [victim]** needed to wash up. He claims that **V. Fuentes [dog owner]** intentionally let the dog go and that when "Bam Bam" bit him on the lower left thigh just above the knee cap. ACO McCarthy asked **B. Brown [victim]** to take the bandage that AMR placed so she could see the injury and take a photo. It looked like there were three punctures. [**Photo attached**]. He then stated he called the police.

V. Fuentes [dog owner] claims that she had permission to be on that side of the fence and that B. Brown [victim] was trespassing. V. Fuentes [dog owner] states that she told B. Brown [victim] that her dog bites people. She claims that although she warned B. Brown [victim] that "Bam Bam" bites he proceeded to the water faucet anyways where "Bam Bam" was tethered to and "Bam Bam" bit B. Brown [victim]. She believes that she did nothing wrong, nor did "Bam Bam".

When ACO McCarthy told **V. Fuentes [dog owner]** that she needed to impound **"Bam Bam"** for a bite quarantine **[quarantine instructions attached]** and to investigate the bite she became very defensive and did not understand why the dog needed to be impounded. ACO McCarthy explained that the dog needs

to kept away from other animals and people for the next ten days to watch for signs of Rabies. She was still not happy and agreed to load the dog into the van for ACO McCarthy. She asked what the fees were going to be, and ACO McCarthy told her she didn't have that number in front of her. ACO McCarthy closed "Bam Bam" into the vehicle and closed out the call and took "Bam Bam" to the shelter.

Once at the shelter "Bam Bam" needed to be put on a control pole to place him in a kennel.

On June 16, 2020, **V. Fuentes [dog owner]** was asked to come down to the Animal Shelter to sign a Anesthesia Consent form [attached] for the neuter procedure that would be performed on June 18, 2020 due to this being the second impound of "Bam Bam". On this day, **V. Fuentes [dog owner]** was issued a Warning Letter [Warning Letter attached] regarding the bite incident on June 8, 2020. The Warning Letter states the potential for her dog "Bam Bam" to be a danger to public safety and further incidents (i.e. bite, running at large, aggressive behavior) will result in the dog being impounded and a hearing conducted to possibly declare your dog a potentially dangerous or vicious animal.

On June 18, 2020 at approximately 1605 hours V. Fuentes [dog owner] came to the Antioch Animal Shelter to pick up "Bam Bam" following his bite quarantine and after his neuter. Register Veterinary Technician, Nicole Taft walked out with ACO McCarthy and greeted V. Fuentes [dog owner] at the back door of the facility. RVT Taft went over the medications going home with "Bam Bam" and V. Fuentes [dog owner] signed a medication going home slip stating she declined further consultation on her pet's medication [Medication to go home form attached]. V. Fuentes [dog owner] needed to come inside the shelter to retrieve her dog from the kennel. "Bam Bam" left with V. Fuentes [dog owner] with a Elizabethan collar on to prevent the dog from licking the incision site. ACO McCarthy verbally told V. Fuentes [dog owner] that if an incident happens again that she needed to remember that she signed the Warning Letter. She said she knew and walked off.

ACO McCarthy called **B. Brown [victim]** to notify that the dogs' bite quarantine was over. The phone number provided was no good and I was unable to leave a message.

Parties Involved:

Responsible Dog Involved:

"Bam Bam" Animal ID A134748

Dog Owner:

Victoria Fuentes

Victim:

Deana Pozar

On June 18, 2020 at approximately 1700hrs (less than one hour after "Bam Bam" being released form Antioch Animal Shelter for a previous bite), Antioch Animal Control Officer Cottle #5686, was driving the Antioch Animal Control vehicle Westbound along West Second Street when a call for service for a dog bite at the Amtrak station was announced [Event 20-043873]. ACO Cottle was the first to arrive on scene.

When ACO Cottle arrived, she saw a female identified as **Deana Pozar [Victim]** laying on the grass area just west of the Amtrak Station. She had a very large and noticeable laceration to her right calf. She stated that she was arguing with **Victoria Fuentes [Dog Owner]** when **V. Fuentes' [dog owner]** dog, that was on leash and "that just got out of dog jail", bit her on the back of her right calf causing significant injury. She said the dog "was just doing what it is taught to do" but was angry that **V. Fuentes [dog owner]** fled the scene.

Other witnesses on the scene said that the women were in a verbal and that **D. Pozar [victim]** got too close to **V. Fuentes [dog owner]** and they saw the Pit Bull attack. All witnesses were taking a defensive stand for the dog and its actions, but none would provide their information to ACO Cottle for the report. One transient stated he would buy the dog for \$50 to "Keep it outta dog jail".

D. Pozar [victim] was transported to Kaiser Hospital, Sand Creek to be treated for her injury.

Following previous incidents with "Bam Bam" [Responsible Dog A134748] and numerous reports of his aggressive behavior a warning letter was signed prior to his release from Animal Services, where the owner agreed with a Potentially Dangerous Dog determination being brought upon "Bam Bam" if he committed any further acts of aggression. Antioch Animal Services Manager George Harding wishes to determine the dog as Vicious based on prior incidents / history and future concerns about public safety and gives the authority under Food & Ag Code 31625 to seize "Bam Bam" immediately. The owner will be afforded the opportunity to appeal the decision ATMC § 6-1.805.

Area checks were conducted by the Antioch Police officers that responded to the scene, but **V. Fuentes** [dog owner] could not be located.

EXTENT OF INJURIES:

Deana Pozar's [Victim DOB injuries consist of a 10 x 10 cm open wound on the right calf with jagged edges with avulsed skin [photos attached]. The victim had to transported to Kaiser Permanente, Sand Creek to be treated for her injury [Interim Bite Report attached]. As of August 4, 2020, D. Pozar's [victim] wound has not healed, and a skin graft cannot be preformed until the wound has healed due to fear of infection and loss of leg. D. Pozar [victim] self-cleans the wound daily and visits the Contra Costa Health Department mobile van every Thursday at the Red Caboose for additional treatment.

INVESTIGATION:

On July 15, 2020, at approximately 0750 hours Antioch Police Department Dispatcher Vince Norris #4500 called over the PA System calling for Animal Control to contact dispatch. Animal Control Officer McCarthy #6123 was the only Officer in and paged back dispatch. V. Norris explained that a transient called into non-emergency stating that she knew that Animal Control was looking for Victoria Fuentes [dog owner] and that she was at Smith's Landing, 1 Marina Plaza, Antioch, CA 94509. ACO McCarthy told V. Norris that she would put in the call and would head that way shortly. Once ACO McCarthy did put in the call, she called back over to dispatch asking if any Police units were available to assist on this call. X1, Antioch Police Officer Whitaker #6155 and X21, Antioch Police Officer Bushby #5961 were dispatched to the call and met ACO McCarthy in the parking lot of Smith's Landing [See event 20-051788]. ACO McCarthy informed both Officers of the situation and that "Bam Bam" would need to be impounded but it was unclear if the dog was with V. Fuentes [dog owner]. Officer Whitaker was aware of V. Fuentes [dog owner] and ran her license plate the week prior. V. Fuentes [dog owner] and her car were unable to be located at Smith's Landing. Officer Whitaker then pulled over a vehicle and ran the plate that came back to V. Fuentes [dog owner] and updated his location to K and Second Street. Officer Bushby and ACO McCarthy followed to his location. ACO McCarthy waited in the Animal Control Van until the passenger subject was searched. At this time Officer Whitaker informed ACO McCarthy that "Bam Bam" was in the vehicle. ACO McCarthy told him that it was best if V. Fuentes [dog owner] loaded the dog into the van

due to his history. **V. Fuentes [dog owner]** walked towards the van and was upset loading her dog into the van. After the doors shut on the van, ACO McCarthy talked with **V. Fuentes [dog owner]**. She asked if the dog was going to euthanize her dog. ACO McCarthy stated that the Declaration paperwork would be ready by the end of the day and she and the staff could go over what her options were. ACO McCarthy asked for a good email to send the document to and she provided one. ACO McCarthy also asked why she took off from the scene. She stated that she was told that the last incident was the last chance for this dog. ACO McCarthy thanked her for her time and took **"Bam Bam"** back to the shelter where a control pole was needed to place the dog in a kennel.

VICIOUS ANIMAL DECLARATION:

On July 15, 2020, "Bam Bam" was found to be a Vicious Animal using Antioch Municipal definition: VICIOUS DOG OR ANIMAL. Any of the following, as determined by the city: (b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal. The Vicious Animal Declaration [attached] and Vicious Animal Terms and Conditions [attached] was completed and ready for pick up. The paperwork was sent to the email provided. The Vicious Animal Declaration was mailed out via certified mail to C Street, this was the last known address for Victoria Fuentes. All phone numbers were called that were attached to V. Fuentes [dog owner] profile; the last phone number went to a woman named Mary who would pass along the message that "Bam Bam's" paperwork is ready for pick up.

The term "Severe Injury" is defined in Antioch Municipal code §6-1.102 Definitions. "Severe Injury" means a physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

At 1600 hours **V. Fuentes [dog owner]** called Antioch Animal Services and scheduled an appointment to pick up the Vicious Animal Paperwork for 4:30pm on 7/15/20. Animal Control Officer Cottle met with **V. Fuentes [dog owner]** and went over the Vicious Animal Declaration with her. **V. Fuentes [dog owner]** was told that she would need a permanent address in order to fulfill the requirements listed out in the Terms and Conditions. She gave an address in Bay Point and a potential address which would then turn this case over to Contra Costa Animal Control's Jurisdiction with different terms and conditions to keep a Vicious Animal.

On July 17, 2020 ACO McCarthy informed Antioch Animal Services Manager, George Harding that **V**. **Fuentes [dog owner]** was trying to see whether Antioch Animal Services or Contra Costa Animal Services would be more lenient on her dog. G. Harding reviewed the case once more and concluded that the potential of release of **"Bam Bam"** would create a significant threat to public health, safety and welfare, and as such is ordering for surrender for humane euthanasia.

Animal Control Officer Ethridge #5854 called **V. Fuentes [dog owner]** with the update on the terms for **"Bam Bam"**. **V. Fuentes [dog owner]** was upset and hung up. Shortly after **V. Fuentes [dog owner]** called back to ask about how to appeal the determination. She was guided to the information provided in Declaration of Vicious Animal paperwork.

On July 23, 2020 **V. Fuentes [dog owner]** called Antioch Animal Services to state that she has filed the appeal but is waiting for a response from the City Clerk's Office. She stated that she has left multiple messages with the Clerk's Office but has not received a call back. ACO McCarthy advised that she should

call again and that the next step is through the Clerk's Office. ACO McCarthy asked G. Harding if he has heard anything pertaining to this case from the Clerk's Office, he said no, but he will email over for an update. **V. Fuentes [dog owner]** stated she never received the surrender notice that was served on 7/17/20. ACO McCarthy informed **V. Fuentes [dog owner]** that the paperwork was emailed over to her on the email on file. **V. Fuentes [dog owner]** made an appointment to pick up that document 7/23.

On July 27, 2020 G. Harding was informed that **V. Fuentes** [dog owner] has paid the necessary fees and has filed an appeal of "Bam Bam's" Vicious Animal Declaration. It is unclear at this time when the hearing will be held with the Board of Appeals. Most likely this will be September 3, 2020.

On August 4, 2020, **D. Pozar [victim]** called Antioch Animal Services to state that she has heard rumors and claims that she wrote a letter for **V. Fuentes [dog owner]** about **"Bam Bam"**. She was calling to state that this was not true. At this time she updated ACO McCarthy on her wound and her recovery.

RECOMMENDATION:

Based on the findings of the investigation due to the severity of the injuries inflicted by "Bam Bam" and the guardian's pervious history with this animal in her care and for her to be unwilling and unable to maintain the determination and terms and conditions, releasing this animal would create a significant threat to public health, safety and welfare if the animal is not humanely euthanized.

Therefore, it is Staff recommendation to deny the appeal and uphold the Vicious Animal Declaration of July 15, 2020 and the Order to Surrender the of July 17, 2020 and that **"Bam Bam"** not be returned to the dog owner but be humanely euthanized instead.

SUPPLEMENTAL ATTACHMENTS:

Antioch Municipal Code

Photo of "Bam Bam"

"Bam Bam's" Antioch Animal Services Medical History

Antioch Police Department Event Report for June 2, 2020 Event 20-039539

Police Officer Perkinson #3398 Report for June 2, 2020 Case 20-004567

Three photos of "Bam Bam's" Stab wounds from June 2, 2020

Vet Care Agreement

Animal Control Officer Cottle #5686 Report from June 2, 2020

Antioch Police Department Event Repot for June 8, 2020 Event 20-041058

Police Officer Odom's #6116 Report from June 8, 2020 Case 20-004779

Animal Control Officer McCarthy #6123 Report from June 8, 2020

Photo of Bryant Brown, Victim from June 8, 2020

Quarantine Information

Signed Warning Letter

Signed Anesthesia Consent Form

Signed Medications to go home

Antioch Police Department Event Report for June 18, 2020 Event 20-043873

Police Officer Nilsen #5846 Report from June 18, 2020 Case 20-005120

Animal Control Officer Cottle #5686 Report from June 18, 2020

Four photos of Deana Pozar, Victim from June 18, 2020

Interim Bite Report from Kaiser Permanente for Deana Pozar

Antioch Police Department Event Report for July 15, 2020 Event 20-051788

Declaration of Vicious Animal dated July 15, 2020

Vicious Animal Declaration: Terms and Conditions

Kennel Requirements

Hardship Wavier

Surrender Notice dated July 17, 2020

Proposed Decision

ARTICLE 1: PURPOSE AND DEFINITIONS

§ 6-1.102 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SEVERE INJURY. A physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (See Cal. Food and Agric. Code § 31604.)

ARTICLE 8: POTENTIALLY DANGEROUS AND VICIOUS ANIMALS

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the city:

- (a) A dog or animal seized under Cal. Penal Code § 599aa and upon the sustaining of a conviction of the owner under Cal. Penal Code § 597.5;
- (b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;
- (c) A dog or animal previously determined to be and currently listed as a potentially dangerous dog or animal which, after its owner has been notified of this determination: continues the behavior described as a potentially dangerous dog or animal; or is not kept indoors or secured on the owner's property. Here, **SECURED** means contained within a fence or structure suitable to prevent the entry of young children and to confine a potentially dangerous or vicious dog or animal, designed to prevent the animal from escaping. (See Food and Agric. Code §§ 31603, 31641, 31642 or 31643.)
- (C) Other definitions in $\S 6-1.102$ also apply unless the context indicates or requires a different meaning.

(Ord. 2083-C-S, passed 4-8-14)

🖟 § 6-1.805 ACTIONS AFTER DETERMINATION: VICIOUS.

- (A) Actions. If the Animal Control Supervisor determines an animal to be vicious, he or she may order any of the following actions, or a combination of them:
- (1) Any action set forth for a potentially dangerous animal, under $\S 6-1.804$ above, except that the fine is up to \$1,000; (See Cal. Food and Agric. Code $\S 31662$.)
- (2) Order the owner to surrender it to the Animal Services Officer for euthanizing; (See Cal. Food and Agric. Code § 31645.)
- (3) Order that the owner may not own or possess any dog or other animal for a 36-month period; (See Cal. Food and Agric. Code § 31646.)
- (B) Findings. Before allowing a person to keep a vicious animal, the Animal Control Supervisor must make all of the following findings:

- (1) Allowing the person to keep the animal will not result in any detriment or danger to the peace, health or safety of the people in the vicinity of where the animal will be kept;
- (2) Possession and maintenance of the animal at the location has not resulted in and is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse;
- (3) The location is kept clean and sanitary, and the animal is provided with adequate food, water, ventilation, shelter and care at all times.
 - (4) Possession of the animal at the location does not violate any law, code or regulation; and
 - (5) The animal will not be kept at any other location than that specified in the order.
 - (C) Euthanizing dangerous dog or animal.
- (1) A dog or animal determined to be vicious may be euthanized by the Animal Control Department when it is found that the release of the animal would create a significant threat to public health, safety and welfare; and:
- (a) When the time for filing an appeal with the Board of Administrative Appeals has lapsed;
 - (b) If an appeal is filed, when the Board determined to rule against the appeal; or
- (c) If the owner has not met the conditions imposed on releasing a vicious animal within 14 days.
- (2) If there is a violation of this chapter, or a violation of any nonappealable order under this chapter after release of the animal that is observed by the Animal Services Officer, or sworn to in a written affidavit from a complaining party, the Animal Services Officer shall issue an order for the owner or possessor of the vicious animal to surrender the vicious animal to the Animal Control Supervisor for euthanizing. This order is subject to the appeal provisions set forth in <u>Title 1</u>, <u>Chapter 4</u> of the Antioch Municipal Code.

(Ord. 2083-C-S, passed 4-8-14)

Antioch Animal Services 300 L Street, Antioch, CA 94509

BAM BAM'S MEDICAL HISTORY

A134748 DOG BR BRINDLE N PIT BULL

08/04/20

6/3/2020

STAFF EXAM

INJURED

Treated by: 6104

S: DVM exam - sedated due to beh. Reported stab wound on right shoulder.

O:

Sedation - Butorphanol 10 mg/mL 0.4 mL IM, Dexdomitor 0.5 mg/mL 0.4 mL IM

BCS - 5/9

Weight - estm. 40#

Mentation - normal/age appropriate

EENT - No nasal/ocular discharge. Clean adult dentition

Heart - No murmurs/arrhythmias appreciated; peripheral pulses s/s

Lungs - NSF

Abdomen - NSF

Skin/integument - There are two approximately 2 cm lacerations, one is located beneath the right ear, the second in the right cervical area. The lesions appear consistant with sharp force trauma. There is extensive pocketing through the subcutaneous dorsal to both wounds - approximately 5 cm in size and immediately dorsal. The more caudal wound also has subcutaneous pocketing approx 2 cm ventral to the wound. There is no evidence of either healing or infection at both sites.

Musculoskeletal - NSF

Urogenital - Male, intact, both testicles present

Clipped/cleaned area around wounds. Lauvaged with copious amt sterile saline. Placed penrose drain at each site. Primary closure of the caudal side performed with 2-0 securocryl simple interrupted.

A:

1) Trauma - apparent stab wounds

P:

Administered at time of exam - rabies nobivac 359650B SQ RR, DHPP SQ RF, Bordetella IN; PenG 30,000 u/kg IM

Rx: Rimadyl 75 mg PO SID x 6 days Rx: Clavamox 250 mg PO BID x 7 days

Drain removal 6/8.

BAT

1.00 CARPROFEN 75MG 1.00 TIMES/DAY FOR 5.00 DAYS

1.00 CLAVAMOX 250MG 2.00 TIMES/DAY FOR 7.00 DAYS

V-DHPP

V-BORDETELLA

V-RABIES

STAFF EXAM

INJURED

Treated by: 6104

6/10/2020

VET EXAM

NORMAL

47.00LBS Treated by:

S: DVM exam - sedated due to beh. Reported stab wound on right shoulder.

0:

Sedation - Butorphanol 10 mg/mL 0.6 mL IM, Dexdomitor 0.5 mg/mL 0.4 mL IM. Reversed sedation w/0.6 mL antisedan following exam

BCS - 5/9

Weight - 47#

Mentation - normal/age appropriate

EENT - No nasal/ocular discharge. Clean adult dentition

Heart - No murmurs/arrhythmias appreciated; peripheral pulses s/s

Lungs - NSF

Abdomen - NSF

Skin/integument - Two lacerations present - laceration in cervical region appears healed with no discharge/debris, drain no longer in place. Laceration just caudal to ear - drain in place, no active discharge, dried debris about drain exit site, mild erythema of tissue at site.

Musculoskeletal - NSF

Urogenital - Male, intact, both testicles present

Removed all sutures/drain. Cleaned cranial site w/chlorhexidine + applied SSD ointment

A:

1) Trauma - apparent stab wounds/lacerations. Healing; caudal wound appears healed, mild cellulitis at cranial wound

P:

PenG 30,000 u/kg IM

Rx: Clavamox 250 mg PO BID x 4 days - patient not eating in food and unable to directly pill, attempt to administer

Visual recheck x 2 days

BAT

1.00 CLAVAMOX 250MG 2.00 TIMES/DAY FOR 4.00 DAYS SEDATION (MINOR)

EXAM (RECHECK)

6/15/2020

6/15/2020

STAFF EXAM

NORMAL

Treated by:

Performed walk-by of dog with laceration.

Unable to fully assess d/t beh of animal. Appears BARH, no discharge or debris noted from wound in kennel or on person.

A:

1) Previous laceraction (stab wound) - appears to be healing but cannot fully assess.

P:

Consider additional sedation if concerns noted.

BAT

6/18/2020

SURGERY

NORMAL

47.00LBS

Treated by: 6104

S: neuter

O:

BARH, HR 120 rr 30 h/l ok no m/a ausculted. MM pink crt 1 sec. Abd soft non painful, nsf, PLN ok. EENT ok amb x 4 no lameness noted. Full coat noted, both stab wounds appear healed. There is a small scab at the base of the L ear with no evidence of infection. BCS 5/9. Two testicles in scrotum.

A: appears healthy

P:

Dexmdomtor 0.5 mg/mL 0.4 mL, Ketamine 100 mg/mL 0.4 mL, Butorphanol 10 mg/mL 0.4 mL IM. Inaequate sedation - administered additional 0.2 mL dexdomitor/butorphanol IV to allow for intubation.

iso/O2, pulse ox

Surgical prep prescrotal region. Closed castration. Double ligate pedicles 2/0 securocryl, Millers and transfixed. Closed sq/sc 2/0 securocryl interrupted. Tissue glue, tattoo. uneventful recovery

Meloxicam 5 mg/mL 0.42 mL sq

Antisedan 0.2 mL, buprenex 0.6 mg/mL 0.71 mL IM following surgery.

Rx: Meloxicam 2 mg PO SID x days
1.00 MELOXICAM 2 MG CAPSULES 1.00 TIMES/DAY FOR 2.00 DAYS
S/N DOG

IF YOU OR YOUR VETERINARIAN HAVE ANY QUESTIONS ABOUT THE MEDICAL TREATMENT YOUR ANIMAL HAS RECEIVED PLEASE CALL US AT (925) 779-6989.



Antioch Police Department Event Report

Time: 08/06/2020 07:55:27

Event: 20-039539

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ASLS	A	ed robarh		Sir Mile	PD: 20-004567		PERKINSON, JAMES 3398				
					IT HISTORIES	SUF	PLEMENTS				
Time		Unit	Sta	tus	Operator				Position		
06/02/2020	17:39:14	Y2	D		TURNAGE, AUTU	IMN II	D: 4562		CAD6		
Time	THE STATE OF THE S	Unit	Sta	tus	Operator		######################################		Position		
06/02/2020	06/02/2020 17:39:18 Y2		498		PERKINSON, JAMES ID: 3398		D: 3398		VM13		
The second secon		Unit	Sta	tus	Operator				Position		
06/02/2020 17:39:25 Y22			D	· · · · · · · · · · · · · · · · · · ·	TURNAGE, AUTUMN ID: 4562		D: 4562		CAD6		
Time Unit		Unit	Sta	tus	Operator		ನಡಗಾಡಿಯಾಗಿ (ವಿ.ನಂ ವಸ್ತರ	sauasai sansanamanijini	Position		
06/02/2020	06/02/2020 17:39:30 Y22		49E		MCMANUS, ERIC	ID: 4	270		VM14		
Time		Unit	Sta	us	Operator				Position		
06/02/2020	17:42:37	Y2	97E		PERKINSON, JAI	MES II	D: 3398		VM13		
Time		Unit	Stat	us	Operator				Position		
06/02/2020	17:43:35	Y2	97E	<u> </u>	TURNAGE, AUTU	MN I	D: 4562		CAD6		
Comment											
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Antioch Police Department Event Report

Time: 08/06/2020 07:55:27 Event: 20-039539 Time Unit Status Operator Position 06/02/2020 17:45:00 **Y22 ECOMM** MCMANUS, ERIC ID: 4270 **VM14** Comment LIT:PC LIS:CA Request Key: LIC: Status Time Unit Operator Position 06/02/2020 17:47:01 Y22 97E MCMANUS, ERIC ID: 4270 **VM14** Unit Status Time Operator Position **Y22** D 06/02/2020 17:53:52 TURNAGE, AUTUMN ID: 4562 CAD6 Time Unit Status Position 06/02/2020 17:53:56 Y22 49E MCMANUS, ERIC ID: 4270 **VM14** Unit Status Operator Position 06/02/2020 18:01:36 **Y2 ECOMM** PERKINSON, JAMES ID: 3398 **VM13** Comment NAM:ANASTAS, JACOB DOB: SEX: RACE: Request Key: THE PROPERTY OF THE PARTY Time Unit Position Status Operator 06/02/2020 18:01:45 **Y2 ECOMM** PERKINSON, JAMES ID: 3398 **VM13** Comment NAME ID: Request Key: Unit Status Operator Position **Y2 ECOMM** 06/02/2020 18:01:59 PERKINSON, JAMES ID: 3398 **VM13** Comment NAME ID: Request Key: Unit Status Operator Position 06/02/2020 18:07:41 **Y2 ECOMM** PERKINSON, JAMES ID: 3398 **VM13** Comment NAM: FUENTES, VICTORIA DOB: SEX: RACE: Request Key: Unit Status Position Operator 06/02/2020 18:16:55 Y22 97E MCMANUS, ERIC ID: 4270 **VM14** Time Unit Dissociate Status 06/02/2020 17:52:16 Y22 8 Dissociate Status Time Unit 06/02/2020 18:15:49 **Y2** 8 Dissociate Status Unit 06/02/2020 18:17:06 Y22 8 Police Unit Staff Y2 PERKINSON, JAMES ID: 3398 Police Unit Staff Y22 MCMANUS, ERIC ID: 4270 Event **Police** Receive 06/02/2020 17:35:14 Save 06/02/2020 17:35:52 Dispatch 06/02/2020 17:39:14 06/02/2020 17:39:14 **Enroute** 06/02/2020 17:39:18 06/02/2020 17:39:18 Arrive 06/02/2020 17:42:37 06/02/2020 17:42:37 **Last Clear** 06/02/2020 18:17:06 06/02/2020 18:17:06

Antioch Police Department Event Report

Page 3 of 3

Time: 08/06/2020 07:55:27 Event: 20-039539

No. of Units 2 2

CASE NO: EVENT NO:

20004567

NO: 20039539

CA0070100 - 300 L Street (925)779-6900

Classification: PC 273.5 (INFLICT CRPL INJ SP/COHAB) - FELONY

Officer ID: PERKINSON #3398

Location Name: DOLLAR GENERAL W 10TH

Location:

W 10TH ST ANTIOCH

XStreet:

AST

2nd XStreet:

Beat: 2

 Occurred
 Date
 Time
 Day

 On/From
 06/02/2020
 17:35
 Tue

 To
 06/02/2020
 17:35
 Tue

 Received
 06/02/2020
 17:35
 Tue

CA0070100 - 300 L Street (925)779-6900

Officer ID: PERKINSON #3398

FUENTES, VICTORIA ANN

CASE NO:

EVENT NO:

Supervisor: CHANG #4362

REPORT - 1 Primary Case Report

ARRESTED

F Race: Hispanic/Latin/ Sex:

DOB: 4

Age: 🌇

Type: PERSON

20004567

20039539

Mexican Height: 504

Weight: 117

TRANSIENT ANTIOCH CA

Hair: Brown

Eyes: Brown

ADDRESS INFORMATION

Address Type:

PERSONAL/HOME

Phone:

Time at Address:

Address: Comments:

TRANSIENT

School:

Grade #:

Occupation:

Employer:

How long:

Work Hrs:

Language:

Crime Type:

Clothing:

Suspect Status:

Additional Info:

Comments:

IDENTIFICATION NUMBERS

Identification:

Issued By:

ID No:

Cll Number

Calif. DOJ **FBIRAP**

Federal Bureau of Investigation Number

Social Security Card

SOCIAL SECURITY

ADMINISTRATION

Drivers License

STATE OF CALIFORNIA!

ARREST INFORMATION

Arrest Number: 2001383

Arrest Date: 06/02/2020 19:30

Location:

W 10TH ST ANTIOCH

Arrest Officer:

PERKINSON #3398

Booked By:

Arrest LvI:

FELONY

Book Date:

06/02/2020 20:23

Transport Officer:

A ST

Booking No.

Cite No .:

Blood Alcohol: .

Appear Court:

Attitude:

Test Perfomance:

XStreet:

FELONY - MDF

Dispo:

CHARGE INFORMATION

Charge:

PC 273.5 (INFLICT CRPL INJ SP/COHAB) - FELONY

Counts:

Bail: 35000

Warrant No:

Description: INFLICT CRPL INJ SP/COHAB

Charge:

Counts:

PC 245(A)(4) (ADW/FORCE:POSSIBLE GBI) - FELONY

Description: ADW/FORCE:POSSIBLE GBI

Bail: 30000

Warrant No:

Printed 08/06/2020 07:53

Data911 - Version 8.17.9929

Page 2 of 8

Combined Case Report CASE NO: 20004567 **Antioch Police Department EVENT NO:** 20039539 CA0070100 - 300 L Street (925)779-6900 Officer ID: PERKINSON #3398 REPORT - 1 Primary Case Report Supervisor: CHANG #4362 **FUENTES, VICTORIA ANN** (Cont'd) PROBABLE CAUSE DECLARATION Declarant Officer: PCD Date: 06/04/2020 19:30 Facts: PCD Inds: PROSECUTION LIAISON INFORMATION DA Date: DA No.: DA Name: Charges Regst'd: Charges Filed: Lvl Requested: Lvl Filed: Status: Court Date: Court No.: Comments: 6/30/2020 2:40:38 PM: Partial packet sent to DA Cunnane: RAP/ Vic RAP/ CAD/ R1/ DV form/ Med release form for both parties/ 6137 Detective ID: Det Assignment: NCF Code: Inv Unit: Strike No: **VICTIM** VIC ANASTAS, JACOB MATHIAS Race: Hispanic/Latin/ Sex: M DOB: @ Age: 🍪 Type: PERSON Mexican Height: 509 Weight: 210 Hair: Black Eyes: Brown ADDRESS INFORMATION Address Type: PERSONAL/HOME Phone: Address: TRANSIENT ANTIOCH CA 94509 Time at Address: Comments: **HOMELESS** School: Grade #: Occupation: Employer: Work Hrs: How long: Language: **ENGLISH** Clothing: Crime Type: Suspect Status: Additional Info: Comments: **IDENTIFICATION NUMBERS** Identification: Issued By: ID No: CII Number Calif. DOJ Federal Bureau of **FBIRAP Investigation Number Drivers License** STATE OF CALIFORNIA SSN SOCIAL SECURITY

Data911 - Version 8.17.9929

Page 3 of 8

Printed 08/06/2020 07:53

Combined Cas Antioch Police CA0070100 - 300 L Street (Departmen	nt			E NO: IT NO:	20004567 20039539
REPORT - 1 Primary	Case Report			r: CHANG		
				ANASTA	S, JACOB MATHIA	
IDENTIFICATION NUMBI			ID NI W	,d		(Cont'd)
Identification:	Issued By: ADMINIST	RATION	ID No:	OASTAGO.		
SCARS, MARKS, TATTO	OS					
Location:	Feature:		Descriptio	n:		
STOMACH	TATTO)	PITTE	B		
	TATTO)	NECK			
WIT WITNES	S		SMITH,	JOSEF	PH	
Race: Black	Sex: M	DOB:	Age:	4	Type: PE F	RSON
Height: 511	Weight: 170	Hair: Black	Eyes:	Brown		
ADDRESS INFORMATIO	N					
Address Type: PERSOI	VAL/HOME	Phone:		12		
Address:	TH ST ANTIOC	CH CA 94509			Time at Address:	
Comments:						
School:		Gra	 ide #:	Occupation		
Employer:			v long:	Work Hrs:		
Language:			thing:	WOIRTHS.		500
Crime Type:		Olo	umg.			
Suspect Status:						
Additional Info:						
Comments:						
IDENTIFICATION NUMBE						
Identification: Drivers License	Issued By:	CALIFORNIA	ID No:			
5	01/112 01	O/ (EII O/ (IV)	'\(· 		
WIT WITNES	S		HERNA	NDEZ,	FELIPE JE	SUS
Race: Hispanic/Latin/ Mexican	Sex: M	DOB:	Age:	4	Type: PEF	RSON
Height: 511	Weight: 270	Hair: Black	Eyes:	Brown		
ADDRESS INFORMATION	N					
Address Type: PERSON	NAL/HOME	Phone: 4	IZE NO ZESS			
Address:	N JOSE DR A	ot# AN	TIOCH CA		Time at Address:	
Comments:						
Printed 08/06/2020 07:53		Data911 - Ver	sion 8.17.9929			Page 4 of 8

CA0070100 - 300 L Street (925)779-6900

REPORT - 1 Primary Case Report

Officer ID: PERKINSON #3398

Supervisor: CHANG #4362

CASE NO:

EVENT NO:

HERNANDEZ, FELIPE JESUS (Cont'd)

20004567

20039539

School:

Grade #:

Occupation:

Employer:

Work Hrs:

Language:

Crime Type: Suspect Status: Clothing:

How long:

Comments:

Additional Info:

IDENTIFICATION NUMBERS

Identification:

Issued By:

ID No:

Social Security Card

Evidence PHOTOS PROP

Quantity:

19

Category: Photos Digital/Film/Polaroids etc

Owner Applied #:

Article:

PHOTOS

Brand:

Model:

Serial #:

Value:

Color: Size:

Special Marks:

Officer ID:

Inv Date: 06/03/2020 22:09

Obliterated Restored:

Obliterated Removal Code:

Obliterated Drill Size:

Comments:

PHOTOS FOR CASE

PROP Evidence DIGITAL RECORDINGS

ITEM#: 2

ITEM#: 1

Quantity:

Category: Audio/Visual Equip, Cameras/VCRs/Camcorders etc. DIGITAL RECORDINGS

Brand:

Article: Model:

Value:

Color:

Serial #:

Owner Applied #:

Size:

Special Marks:

Officer ID:

Inv Date: 06/03/2020 23:10

Obliterated Restored:

Obliterated Removal Code:

Obliterated Drill Size:

Comments:

3 RECORDINGS

Printed 08/06/2020 07:53

Data911 - Version 8.17.9929

Page 5 of 8

CA0070100 - 300 L Street (925)779-6900

REPORT - 1 Primary Case Report

CASE NO: EVENT NO:

20004567 20039539

Officer ID: PERKINSON #3398

Supervisor: CHANG #4362

Total Evidence: \$

NARRATIVE

On the listed date and time APD Dispatch received a 911 call from a male who stated he was being attacked by a female and her dog but refused to answer any questions.

I arrived on scene at about 1742 hours and found ARR-Victoria Fuentes and VIC-Jacob Anastas, who will be referred to as VICTIM for the remainder of this report per PC 293, in the parking lot to the rear of Dollar General located at West 10th Street in Antioch. VICTIM was the 911 caller.

Upon my initial contact both parties were uncooperative and not forthcoming about what happened. WIT-Joseph Smith was on scene but also initially did not want to be involved. VICTIM told me that the dog had attacked him but he was able to get the dog off him and stated he just wanted to separate from Fuentes at this time.

The dog is a brindle Pitbull named Bam-Bam and it was later turned over to Animal Control.

VICTIM drove off with Smith. As officers were clearing the scene Fuentes came up and told me that her dog had been stabbed. She showed me Bam-Bam had an injury on his back near his neck. Bam-Bam did not like me getting too close as I took photos. The injury was consistent with a knife injury and was about an inch wide but was not actively bleeding.

While speaking with Fuentes I could smell the odor of an alcoholic beverage coming from her person and she had red watery eyes. At one point I observed her take a drink from a pint of vodka.

Officer McManus and I conducted an extensive area check for VICTIM and located him a short time later. I explained to VICTIM I found the dog had a stab injury and needed to get the full story of what happened.

VICTIM told me the following in summary, refer to digital recording for further;

He and Fuentes have been in a dating relationship off and on for about five years. There have been prior incidents were Fuentes has assaulted him in the past but he doesn't know what to do. They took a shower in the fairgrounds and she started throwing rocks at him. He got away from her and then she came to his car. She did something similar and the dog bit him last week. He loves the dog and has raised it with Fuentes since it was a puppy but she keeps sicking the dog on him. This time when she sicked the dog on him he was fighting with the dog and she came kicked him in the face while he was on the ground. She finally grabbed the dog and she calmed down until he got back in Smith's car, she started threatening him again. He was going to get out of Smith's car because he did not want anything to happen to his car as she was threatening to bust his stuff up. He used Smith's phone to call 911. He didn't know what to do he just wanted police to break up the situation. He denied ever hitting her. He did not break her phone it got wet when they showered in the water hose.

I then spoke with Smith and digitally recorded his statement, he told me the following in summary:

VICTIM was sitting in his car when Fuentes walked up wanting to get something from VICTIM's car.

CA0070100 - 300 L Street (925)779-6900

REPORT - 1 Primary Case Report

CASE NO: EVENT NO:

20004567 20039539

Officer ID: PERKINSON #3398

Supervisor: CHANG #4362

NARRATIVE

(Cont'd)

VICTIM went over to allow her into the car and an altercation started. He did not see what started things but noticed they were in an altercation and Fuentes was trying to knock VICTIM to the ground while sending her dog on him. She was pulling his hair and he was trying to keep her off of him. The dog was barking and trying to attack him. Fuentes was trying to kick VICTIM down and get him on the ground, off his feet. He thought maybe she was trying to trip VICTIM. He tried to intervene and was also bit by the dog but he had a knee brace on and the dog did not break any skin or actually get him.

Both VICTIM and Fuentes are his friend. He has known VICTIM about five years and Fuentes about four years. He was known the couple to be dating just about the whole time he's known them.

I provided VICTIM with a Marsy's Card and DV pamphlet. He declined an EPO and advised he would seek a TRO at a later date. He declined medical treatment but signed an APD medical release in case he changed his mind. Several photos of VICTIM were later attached to this report. While speaking with VICTIM I asked about his use of controlled substances. VICTIM admitted he and Fuentes had smoked methamphetamine earlier today. He further advised he did not wish prosecution just wanted to get away from Fuentes.

I went back to speak with Fuentes on West 10th Street. Fuentes was still on scene. As I approached her, I activated my digital recorder. She began speaking of a female named Deana that VICTIM had obtained his car from and how he has been messing around with her.

I asked Fuentes if she had used methamphetamine. She denied using drugs but admitted to drinking and stated that she drinks all day every day or else she gets sick. I went on to tell her I spoke with VICTIM and Smith.

Fuentes went on to tell me the following in summary, refer to recording for further;

She came and found VICTIM sitting in Smith's car. She told him she needed her stuff and the VICTIM got out of his car and hit her in the face twice. She denied sending the dog at VICTIM or trying to get him on the ground. Her dog knocked VICTIM to the ground. She then admitted that once her dog got him to the ground, she started kicking him after VICTIM stabbed her dog.

Fuentes showed me her phone and stated VICTIM threw it on the ground and that is why the phone doesn't, it wasn't because the phone got wet. I took photos of the phone which later attached to this file.

I took a couple more photos of Fuentes and they were later attached to this report. I advised Fuentes she was under arrest for DV and placed her in handcuffs which were double locked and checked for proper fit behind her back.

I spoke with WIT-Felipe Hernandez who advised he was across the street at the park and saw an altercation. He came to see if he could help but was not sure what happened. He said he did not want to be involved.

CSO Martinez arrived on scene a short time later to transport Fuentes to MDF. As Fuentes was being placed

CA0070100 - 300 L Street (925)779-6900

REPORT - 1 Primary Case Report

CASE NO: EVENT NO:

20004567 20039539

Officer ID: PERKINSON #3398

Supervisor: CHANG #4362

NARRATIVE

(Cont'd)

in the APD transport van she began telling me she better get placed on a WI 5150 hold or I would regret it. Fuentes was placed in the van and began kicking the side of the van. I opened the door and gave her a verbal warning that if she did not stop, she would be placed in a safety WRAP to make sure she did not injure herself. She told me she did not care and continued to kick the van.

I went to my patrol car and obtain the safety WRAP. As I open the transport van door, I found Fuentes had moved her handcuffs to the front. Sergeant Chang and Officer McManus assisted me with placing Fuentes in a WRAP.

Animal Control arrived a short time later and took custody of Bam-Bam. They were advised of the stab wound to the neck.

Fuentes was later transported to MDF and began experiencing a medical emergency and was released per PC 849(b) and transported by AMR to County Hospital.

I later checked Fuentes' RAP to find she showed one prior misdemeanor narcotics related arrest but no convictions, see attached.

I later called STAND and advised them of this incident, I spoke with MY regarding this.

I later checked APD records and found several contacts with both but neither have any prior DV related contacts. Fuentes does show two prior 5150 holds. There was no address to check.

I took no further action.

J. PERKINSON #3398







Tammany Brooks III, Chief of Police



VET CARE AGREEMENT

I, the undersigned, am the legal owner or guardian of the (dog), (cat), (other
- " " / " " " VOOLI / IIIIII QI JEI VILPY MAT MV animalic in maaalat
(Date): 6/9/20 for drain removal.
And I agree to provide whatever treatment he/she feels is appropriate. I also understand
o a structural of vices will verify that I have fulfilled the annual structure of the struc
agreement and that failure to comply with this agreement may result in further legal action
1 / All 1
Signed:
Witness: (COHJE # 5686
Date: $6(3/20)$
Owner (Guardian) Name: Victoria Frentes
Address: Transient.
Transier I
Phone: (H) None (W)
Driver's License No:(W)
Animal/all
Description: Brindle Pit Boll Niv
Male/Female

Tammany Brooks III, Chief of Police



VET CARE AGREEMENT

I, the undersigned, am the legal owner or guardian of the (dog), (cat), (other). Animal ID Number: _A 134748. I, understand that it has been determined by Antioch Animal Services that my animal is in need of veterinary attention. I do agree to have my animal examined by the veterinarian of my choice by (Date):6/17/20 for
And I agree to provide whatever treatment he/she feels is appropriate. I also understand and agree that Antioch Animal Services will verify that I have fulfilled the conditions of this agreement and that failure to comply with this agreement may result in further legal action
Signed:
Witness: C-COHLE # 5686
Date: $\frac{6/3/20}{}$
Owner (Guardian) Name: Victoria Fuentes Address: Transient
Phone: (H) (W) Driver's License No:
Regular Veterinarian: Apollo Jet, Walnut Creek Animal's Name: "Bam Bam"
Description: Bandle Pit Boll New Male/Female

BACKGROUND INFORMATION

Parties Involved:

Responsible Dog Involved:

"Bam Bam" Animal ID A134748

Dog Owner:

Victoria Fuentes

Other Party:

Jacob Anastas (boyfriend of Victoria Fuentes)

On June 2nd, 2020 at approximately 2100hrs I, Antioch Animal Control Officer Cottle #5686, was dispatched to assist with a call for service where a transient's dog had been stabbed twice by her boyfriend [See Event 20-039550]. Per preliminary information given to me via Antioch Police Department Dispatch and a brief phone call to Antioch Police Officer McManus [Badge #4270], the patrol officer who was on scene, a couple had gotten into a physical altercation and Victoria Fuentes [Dog Owner] used her dog "Bam Bam" [A134748] to defend herself from her boyfriend Jacob Anastas who according to Victoria Fuentes [Dog Owner] was threatening to hit her and/or stab her. Jason Anastas stated to the Police that he stabbed the dog in self defense.

When I arrived to the rear of Dollar General on West 9th Street, **Victoria Fuentes [dog owner]** had been detained and was en route to Martinez Detention Facility for assaulting Jacob Anastas. Mr. Anastas was present and possibly intoxicated. I asked Mr. Anastas to show me where "Bam Bam" was stabbed as I was concerned for his injuries. He showed me a half inch gape in his neck/shoulder area. It looked superficial and was not bleeding - "pink" to the view, seemed to be in a fleshy part of the shoulder area. He was not yelping or reacting to Jacob touching the area. I asked if he could assist with untying Bam Bam from the electrical box that he was chained to as "Bam Bam" was barking, growling and lunging at me and even on a control bar the chain leash was wrapped around the box several times and was going to be difficult to unravel. He unraveled the leash and offered to take the dog to the van. I thanked him. He placed "Bam Bam" in the Animal Control van without incident and unhooked the leash at my request.

I asked him if he stabbed "Bam Bam" and he stated it was in self defense as "Vicky sic'd the dog" on him and was using him as a weapon.

Officers McManus & Officer Perkinson were present and both stated that the dog had lunged at them when they approached the chaotic scene. Perkinson had ducked out of the way and Bam Bam got a hold of his pants. Victoria had tied him to the electrical box and requested that the dog not be given to her boyfriend.

There were no injuries, but Bam Bam did show aggressive behavior that demanded a defensive action from our officers.

Mr. Anastas' statement shows no wrongdoing if the dog was being used against him as a weapon and "Bam Bam's" behavior is unpredictable / guarding in nature, so he is considered a credible threat.

On June 3rd, 2020 Victoria Fuentes contacted Antioch Animal Services to discuss redemption of her dog.

I asked Victoria Fuentes [Dog Owner] what happened that resulted in "Bam Bam" getting stabbed. She said that she felt threatened by her boyfriend Jacob Anastas and her dog knew that and was defending her. She asked if Jacob was going to get in trouble for stabbing her dog or her dog was going to get in

trouble for defending her. I told her that dogs instinctively will protect their owners, and that is not a bad thing. I also told her that if a person feels threatened by a dog they can protect themselves. I was concerned that "Bam Bam" displays aggressive behavior to a number of people regardless of provocation or not and told her that my main concern will be if "Bam Bam" bites anyone that isn't arguing with her. She said she understood my concern and wanted to know if I could listen to Jacob state that he provoked the attack. She put Jacob on the phone and coerced him to say that "Bam Bam" was provoked into attacking him and that she did not use him as a weapon against him. Ms. Fuentes [Dog Owner] came back on the phone and asked if I heard Jacob say that. I said I did. I told her it didn't change my stance and that if "Bam Bam" was to end up here again there would be an investigation into the dog and his potential danger to the public. She said she didn't think it was fair. I told her I understand that it doesn't seem fair, but that the animal gets punished for human actions or inactions, so she needs to make sure "Bam Bam" is never in a position to do anything like this again. She verbally agreed.

I updated **Victoria Fuentes [Dog Owner]** on the extent of **"Bam Bam's"** injuries and told her that our vet looked at him and that the fees would be \$156 today for his redemption. She said she could be at the shelter with the money today. I explained the vet care agreement she would have to sign and that I made an appointment for him at Apollo Vet (where he had been vetted previously). She said she will take him to his appointment on Monday, June 8th at Noon for his drains to be removed.

On June 3rd, 2020, **Victoria Fuentes [Dog Owner]** arrived at Animal Services for her 1700hrs appointment and signed two vet care agreements. She agreed to follow through with the appropriate veterinary care of "Bam Bam". She also was informed of the medication given to her and instructed how to give the medications appropriately. She agreed and stated that she had just got done treating him for a viral infection that Apollo Vet treated and cost her \$1000 all in. I had confirmed this on the phone when making the 6/8 appointment that she had just got done caring for him, so she understood the importance of the medication and follow up care.

Ms. Fuentes paid her fees and "Bam Bam" was removed from the kennel on leash and left without incident.

Antioch Police Department Event Report

Time: 08/04/2020 13:04:08 Event: 20-041058 Receive Time Clear Time Call Taker Position 06/08/2020 19:16:33 6/8/2020 9:02:13 PM SOARES, ANITA ID: 3958 CAD4 Classification Priority How Receive Services 1091B/415V 2 Р **Police** Place/Business **BONFARE** Address W 10TH ST / DIAMOND ST, ANTIOCH Police Agency District Beat Station Zone PD 1 104 Name Phone **BRYANT** Address Info W 18TH ST, ANTIOCH 911 Caller, Contact Call Time Phone No. 06/08/2020 19:17:08 Address Community W 18TH **ANTIOCH** Customer Class of Service WPH2 State Emergency Svc No. Confidence Factor % CW 90 Latitude Uncertainty Factor Code Longitude **Uncertainty Factor Number METERS** Call Time Phone No. 06/08/2020 19:21:34 Address Community **W** 18TH **ANTIOCH** Customer Class of Service WPH2 State Emergency Svc No. Confidence Factor % CW 751 90 Latitude Longitude **Uncertainty Factor Code** Uncertainty Factor Number **METERS** 32 RP HARD TO HEAR BECAUSE SCREAMING IN BACKGROUND SAYS HE WAS BIT BY A PITBULL, SAYS THE DOG OWNER LET THE DOG BITE HIM **RP REQ MEDICAL** OWNER HAS DOG ON LEASH AND STILL ONSCENE LOUD VERBAL IN BACKGROUND Closing Class Event Dispo Location Unit Code Agency: Case Number Primary Staff ANML Α PD: 20-004779 ODOM, KODY 6116 Time Operator Position 06/08/2020 19:19:08 SOARES, ANITA ID: 3958 CAD4 Supplement **F/A ENRT TO STAGE**

Antioch Police Department **Event Report**

Time: 08/04/2020 13:04:08 Event: 20-041058 Time Operator Position 06/08/2020 19:32:23 SOARES, ANITA ID: 3958 CAD4 Supplement DOG OWNER CALLING SAYING HER DOG BIT SOMEONE AFTER SHE TOLD THEM NOT TO ... THEN SAID SHE DIDNT BELIEVE THE OTHER PARTY CALLED AND WAS GOING TO WAIT FOR PD AND DISCONNECTED Time Operator Position 06/08/2020 19:33:31 GIRARD, JEANNINE ID: 3951 CAD2 Supplement W9 ADV Time Unit Status Operator Position 06/08/2020 19:33:35 **Y2** D GIRARD, JEANNINE ID: 3951 CAD2 Time Unit Status Operator Position 06/08/2020 19:34:25 **Y2** 49E ODOM, KODY ID: 6116 **VM36** Unit Time Status Operator Position 06/08/2020 19:35:26 **Y2** 97E GIRARD, JEANNINE ID: 3951 CAD2 Time Unit Status Operator Position 06/08/2020 19:39:21 GIRARD, JEANNINE ID: 3951 **Y2 ECOMM** CAD2 Name Check OLS:CA NAM:FUENTES, VICTORIA SEX:F DOB: A AGE: RAC: Request Key: Operator Position 06/08/2020 19:40:40 **GIRARD, JEANNINE ID: 3951** CAD2 Supplement **SEND MED IN** Time Unit Status Operator Position 06/08/2020 19:46:12 **Y2 ECOMM GIRARD, JEANNINE ID: 3951** CAD2 Comment Name Check OLS:CA NAM:BROWN,BRYANT SEX:M DOB: AGE: RAC: Request Key: Time Unit Status Operator Position 06/08/2020 19:47:12 **Y2 ECOMM** GIRARD, JEANNINE ID: 3951 CAD2 Comment Drivers License Check STA1: OLN: Request Key: Time Unit Status Operator Position 06/08/2020 19:47:20 **Y2 ECOMM** GIRARD, JEANNINE ID: 3951 CAD₂ Comment **Drivers License Check STA1: OLN:** Request Key: Time Operator Position 06/08/2020 19:52:37 GIRARD, JEANNINE ID: 3951 CAD2 Supplement HAVE CALLED AC TWICE AND GOES TO VM Operator Position 06/08/2020 19:54:07 SOARES, ANITA ID: 3958 CAD4 Supplement **AC ENRT** Time Unit Status Operator Position 06/08/2020 19:54:34 W9 97E GIRARD, JEANNINE ID: 3951 CAD2 Time Unit Status Operator Position 06/08/2020 19:55:12 **C27** 97E GIRARD, JEANNINE ID: 3951 CAD2 Status Time Unit Operator Position 06/08/2020 20:05:52 **C27 ECOMM** VANDERPOOL, JASON ID: 3626 **VM10** Comment LIC: LIS:CA Request Key: Time Unit Status Operator Position 06/08/2020 20:37:08 K5 97E MCCARTHY, ALEXANDRA ID: 6123 VM761 Time Unit Status Operator Position 06/08/2020 20:37:08 K5 D MCCARTHY, ALEXANDRA ID: 6123 VM761 Unit Time Operator Status Position 06/08/2020 20:37:08 K5 49E MCCARTHY, ALEXANDRA ID: 6123

VM761

Antioch Police Department Event Report

Time: 08/04/2020 13:04:08

Event: 20-041058

 Time
 Operator
 Position

 06/08/2020 20:57:43
 MCCARTHY, ALEXANDRA ID: 6123
 AS11382

 Supplement
 AS11382

VICTIM BRYANT BROWN TRANSIENT OF RICHMOND WAS BITE ABOVE THE LEFT KNEE. MED CLEANED AND BANDAGED UP. D/O VICTORIA FUENTES WAS UPSET AND STATED THAT HER DOG DID NOTHING WRONG AND WAS ON LEASH. SINCE "BAM BAM" HAS A HISTORY AND NO PERMANENT HOME, "BAM BAM" IS BEING BROUGHT TO THE SHELTER FOR QUARANTINE AND FOR AN INVESTIGATION OF THE BITE.

Time	Unit	Dissociate Status
06/08/2020 20:07:11	C27	8
Time 06/08/2020 20:52:39	Unit W9	Dissociate Status 8
Time 06/08/2020 20:52:51	Unit Y2	Dissociate Status 8
Time 06/08/2020 21:02:13	Unit K5	Dissociate Status 7S

Police Unit	Staff
C27	VANDERPOOL, JASON ID: 3626
Police Unit	Staff
K5	MCCARTHY, ALEXANDRA ID: 6123
Police Unit	Staff
W9	CHANG, TED ID: 4362
Police Unit	Staff
Y2	ODOM, KODY ID: 6116

RESPONSE TIMES

	Event	Police	
Receive	06/08/2020 19:16:33		
Save	06/08/2020 19:17:08		
Dispatch	06/08/2020 19:33:35	06/08/2020 19:33:35	
Enroute	06/08/2020 19:34:25	06/08/2020 19:34:25	
Arrive	06/08/2020 19:35:26	06/08/2020 19:35:26	
Last Clear	06/08/2020 21:02:13	06/08/2020 21:02:13	
No. of Units	4	4	

Primary Case Report Antioch Police Department

EVENT NO:

20004779 20041058

CASE NO:

CA0070100 - 300 L Street (925)779-6900

Classification: (MISCELLANEOUS INFORMATION) -

Officer ID: ODOM #6116

Location Name: BONFARE

Location:

W 10TH ST ANTIOCH

XStreet:

DIAMOND ST

2nd XStreet:

Occurred Date Time Day On/From 06/08/2020 19:16 Mon 06/08/2020 19:16 Mon Received 06/08/2020 19:16 Mon

ANTIOCH POLICE CONFIDENTIAL CONTROLLED DOCUMENT RELEASED

Beat: 1

DATE: OLUNZU BY: 5956

CONFIDENTIAL

Primary Case Report CASE NO: 20004779 **Antioch Police Department EVENT NO:** 20041058 CA0070100 - 300 L Street (925)779-6900 Officer ID: ODOM #6116 REPORT - 1 Primary Case Report Supervisor: VANDERPOOL #3626 **OTHER** FUENTES. VICTORIA ANN Race: Hispanic/Latin/ Sex: DOB: Type: PERSON Mexican Height: 504 Weight: 117 Hair: Brown Eyes: Brown ADDRESS INFORMATION Address Type: PERSONAL/HOME Phone: Address: TRANSIENT ANTIOCH CA Time at Address: Comments: School: Grade #: Occupation: Employer: How long: Work Hrs: Language: Clothing: Crime Type: Suspect Status: Additional Info: Comments: IDENTIFICATION NUMBERS Identification: Issued By: ID No: Drivers License STATE OF CALIFORNIA RP REPORTING PARTY BROWN, CHARLES BRYANT Race: Black M Sex: DOB: Age: 🌉 Type: PERSON Height: 509 Weight: 220 Hair: Black Eyes: Brown ALIASES AKA Name: AKA DOB: BROWN, BRYANT CHARLES ADDRESS INFORMATION Address Type: PERSONAL/HOME Phone: Address: TRANSIENT ANTIOCH CA Time at Address: Comments: School: Grade #: Occupation: UNEMPLOYED Employer: How long: Work Hrs: **ENGLISH** Language: Clothing: Crime Type: Suspect Status: Additional Info: Comments: **IDENTIFICATION NUMBERS** Identification: Issued By: ID No: CII Number Calif. DOJ

Data911 - Version 8.17.9921

Page 2 of 4

Printed 06/10/2020 17:33

Primary Case Report Antioch Police Department

CA0070100 - 300 L Street (925)779-6900

Officer ID: ODOM #6116

20041058

20004779

REPORT - 1 Primary Case Report

Supervisor: VANDERPOOL #3626

CASE NO:

EVENT NO:

BROWN, CHARLES BRYANT

(Cont'd)

IDENTIFICATION NUMBERS

Identification:

Issued By:

ID No:

CA Dept. of Corrections STATE OF CALIFORNIA

(Cont'd)

ID

Federal Bureau of

FBIRAP

Investigation Number

Drivers License

STATE OF CALIFORNIA

FCN

OTHER

Social Security Card

SOCIAL SECURITY ADMINISTRATION

PROP Evidence PHOTOGRAPHS

ITEM#: 1

Quantity:

Category: Photos Digital/Film/Polaroids etc

Article: Model:

PHOTOGRAPHS

Brand: Value:

Serial #:

Color:

Owner Applied #:

Size:

Special Marks:

Officer ID:

ODOM #6116

Inv Date: 06/08/2020 20:52

Obliterated Restored:

Obliterated Removal Code:

Obliterated Drill Size:

Comments:

DIGITAL PHOTOGRAPHS OF DOG BITE

Total Evidence: \$

NARRATIVE

NARRATIVE:

On 06/08/2020 at approximately 1916 hours, I was dispatched to West Tenth Street (Bonfare) for the report of a dog bite. RP-Bryant BROWN reported that he was bit by a pit bull and that the dog's owner, OTH-Victoria FUENTES, intentionally let the dog bite him.

I arrived on scene and contacted BROWN, who told me the following in summary:

He was walking towards the east side of Bonfare which is fenced off. He was doing so to wash some fish he had recently caught. He knows the employee's at Bonfare and has been using their water on the side to wash his fish for years.

Printed 06/10/2020 17:33

Data911 - Version 8.17.9921

Page 3 of 4

Primary Case Report Antioch Police Department

CA0070100 - 300 L Street (925)779-6900

Officer ID: ODOM #6116

20004779 20041058

REPORT - 1 Primary Case Report

Supervisor: VANDERPOOL #3626

CASE NO:

EVENT NO:

NARRATIVE

(Cont'd)

FUENTES was behind the fence with the pit bull. FUENTES told him that the dog was aggressive and to wait a second so she could control the dog. Simultaneously, FUENTES let the pit bull off the leash and the pitbull subsequently bit him on his left quadricep. He believed FUENTES did this on purpose. He backed off and called the police. He had nothing further to add.

End of statement.

BROWN had three small bite marks on his left quadricep and they displayed fresh blood. I took digital photographs of the above and attached them to this report. AMR arrived on scene and attended to the wound.

I next spoke with FUENTES, who told me the following in summary:

She told BROWN that her pit bull bites people but he walked towards the pit bull anyways. The pit bull subsequently bit BROWN, even though it was leashed and tied up the whole time. She felt it was not her fault and that BROWN should have not walked towards the pit bull. She had nothing further to add.

End of statement.

Animal Control Officer McCarthy arrived on scene and took custody of the pitbull

I took no further action.

CASE STATUS:

Closed-informational only.

Officer Odom #6116

BACKGROUND INFORMATION

Parties Involved:

Responsible Dog Involved:

"Bam Bam" Animal ID A134748

Dog Owner:

Victoria Fuentes

Victim:

Bryant Brown

On June 8th, 2020 at 1951 hours, I, Antioch Animal Control Officer McCarthy #6123 was called out to W 10th Street, Antioch CA 94509 for a dog bite. The reporting was **Bryant Brown [Victim]** who called in stating he was bit by a pit bull on the side lot of the Bonfare Market [Event 20-041058/Case 20-004779]. The dog belongs to **Victoria Fuentes [Dog owner]**. B. Brown claimed that V. Fuentes let the dog bite him and he requested medical.

When I arrived, Antioch Police Officer K. Odom #6116 filled me in and walked me over to B. Brown to retrieve his statement. B. Brown is a transient form Richmond and comes frequently to Antioch to fish. He states he knows the employee's at Bonfare and they allow him to use the water faucet on the side of the building behind the fenced in area. V. Fuentes was on the other side of the fence with two brown pit bulls off leash and her dog, "Bam Bam" [Responsible Dog A134748] was tethered to the water faucet. B. Brown stated he put his hands out for the two loose dogs to sniff him and they were fine. V. Fuentes told B. Brown that her dog is aggressive and asked him to wait to get him off the faucet where B. Brown needed to wash up. He claims that V. Fuentes intentionally let the dog go and that when "Bam Bam" bit him on the lower left thigh just above the knee cap. I asked B. Brown to take the bandage that AMR placed so I could see the injury and take a photo. It looked like there were three punctures. [Photo attached]. He then stated he called the police.

V. Fuentes claims that she had permission to be on that side of the fence and that B. Brown was trespassing. V. Fuentes states that she told B. Brown that her dog bites people. She claims that although she warned B. Brown that "Bam Bam" bites he proceeded to the water faucet anyways where "Bam Bam" was tethered to and "Bam Bam" bit B. Brown. She believes that she did nothing wrong, nor did "Bam Bam".

When I told V. Fuentes that I needed to impound "Bam Bam" for a bite quarantine [quarantine instructions attached] and to investigate the bite she became very defensive and did not understand why the dog needed to be impounded. I explained that the dog needs to kept away from other animals and people for the next ten days to watch for signs of Rabies. She was still not happy and agreed to load the dog into the van for me. She asked what the fees were going to be, and I told her I didn't have that number in front of me. I closed "Bam Bam" into the vehicle and closed out the call and took "Bam Bam" to the shelter.

On June 16th, 2020, Victoria Fuentes was asked to come down to the Animal Shelter to sign a Anesthesia Consent form for the neuter procedure that would be preformed on June 18th, 2020 due to this being the second impound of "Bam Bam". On this day, Victoria Fuentes was issued a Warning Letter [attached] regarding the bite incident on June 8th, 2020. The Warning Letter state the potential for her dog "Bam Bam" to be a danger to public safety and further incidents (i.e. bite, running at large, aggressive

behavior) will result in the dog being impounded and a hearing conducted to possibly declare your dog a potentially dangerous or vicious animal.

On June 18th, 2020 at approximately 1605 hours Victoria Fuentes came to the Antioch Animal Shelter to pick up "Bam Bam" following his bite quarantine and after his neuter. Register Veterinary Technician, Nicole Taft walked out with myself and greeted Victoria Fuentes at the back door of the facility. RVT Taft went over the medications going home with "Bam Bam" and Victoria Fuentes signed a medication going home slip stating she declined further consultation on her pet's medication [attached]. Victoria Fuentes needed to come inside the shelter to retrieve her dog from the kennel. "Bam Bam" left with Victoria Fuentes with a Elizabethan collar on to prevent the dog from licking the incision site. I verbally told Victoria that if an incident happens again that she needed to remember that she signed the Warning Letter. She said she knew and walked off.

I called the bite victim, Bryant Brown to notify that the dogs' bite quarantine was over. The phone number provided was no good and I was unable to leave a message.



Tammany Brooks III, Chief of Police



QUARANTINE INFORMATION

California State Law, County Ordinances and Municipal Codes require that domestic dogs or cats that bite or otherwise risk rabies exposure to humans, must be isolated in strict confinement and in compliance with the local health officer's isolation order. The biting dog or cat must be observed daily for signs of rabies for ten (10) days following the exposure date regardless of the animal's vaccination status or be euthanized immediately and tested for rabies in an approved public health laboratory. If an isolated dog or cat is healthy at the end of the ten-day period, there is no risk of a rabies exposure from the original bite wound.

If the suspect animal was at large (with or without a current vaccination) the animal shall be quarantined at Antioch Animal Services, 300 L Street or at a licensed veterinarian for the required period at a cost to the owner. Additionally, if the animal was current with rabies vaccination, or if a bite is judged by the Animal Control Officer to be unusual or to represent an increased risk for rabies (e.g. unprovoked attacks, bites to the face, or attacks on children) the animal shall be quarantined at Antioch Animal Services pending further investigation.

If the suspect animal was not at large, with a verifiable current rabies vaccination, the animal may be quarantined for the required period at the owner's residence, at the discretion of the Animal Control Officer. If home quarantine requirements cannot be met, the animal shall be quarantined for the required period at Antioch Animal Services or licensed veterinarian.

You may be receiving this notice as your animal or an animal at your residence has been reported as a causing a bite. Please ensure that you are in compliance with City of Antioch Municipal Codes and call (925) 779-6989 to talk to an officer regarding the circumstances of the incident.

Please provide proof of rabies if it is not on record with Antioch Animal Services. Please ensure at the end of quarantine period that your dog is vaccinated for rabies (if not current). Bring a valid rabies certification to Antioch Animal Services to bring your dog in compliance with Dog Licensing requirements if it is not currently licensed.

Current rabies vaccination on record: Current license on record: Home Quarantine:	Y / N Y / N Y / N	Ends:	×	
*				_

See City of Antioch Municipal Code regarding quarantine on the reverse.

Tammany Brooks III, Chief of Police



City of Antioch Municipal Code;

₱ § 6-1.403 BITING REPORT; IMPOUNDMENT AND QUARANTINE OF ANIMAL.

(A) Owner reporting and quarantine instructions.

The owner of an animal which bites (with skin broken) a person shall immediately: (i) notify Animal Services or the Police Department, giving the name and address of the person bitten, if known; and (ii) obey any quarantine instructions given by the responding officer. Failure to obey the quarantine instructions is cause for the impoundment of the animal for the quarantine period.

It is also the duty of every physician or other medical practitioner to report to the Animal Shelter or Police Department the names and addresses of persons treated for bites inflicted by animals, together with other information as will be helpful in rabies control.

(B) Quarantine requirement. Each animal in violation of the Rabies Control Act (see Cal. Health and Safety Code §§ 121575 through 121710), or of the rabies control provisions of this chapter, shall be quarantined or impounded, and is subject to destruction in some humane manner. Such animals are also subject to other disposition as provided by this chapter.

(1) General. Each animal that has bitten a person or is suspected of having been exposed to rabies shall be securely quarantined at the discretion of the Animal Control Supervisor and at the owner's expense. Upon demand by the Animal Control Supervisor, the owner shall immediately surrender the animal.

(2) Location of quarantine. At the discretion of the Animal Control Supervisor, the quarantine may be on the premises of the owner, at the Animal Shelter or at a veterinary hospital of the owner's choice. In the case of a stray animals or an animal whose owner is not known, the quarantine shall be at the Animal Shelter.

(3) Time period. The animal shall be quarantined for a period of ten days.

(4) Release; fees. The animal shall not be released from quarantine except by written permission of the Animal Control Supervisor. The owner may reclaim the animal if the animal is adjudged free from rabies. Before the release, the owner shall pay board fees if applicable and comply with licensing provisions. (See § 6-1.302.)

(5) Rabies diagnosis. When an animal under quarantine has been diagnosed as being rabid, or is suspected by a licensed veterinarian as being rabid, and dies while under observation, the Animal Control Supervisor shall immediately send the animal's head to the appropriate health department for pathological examination, and shall notify the proper public health officer of reports of contacts and the diagnosis made of the suspected animal.

http://library.amlegal.com/nxt/gateway.dll/California/antioch/cityofantiochcaliforniacodeofordinances

Tammany Brooks III, Chief of Police



June 16th, 2020

Victoria Fuentes
Antioch California 94509

Dear Victoria Fuentes:

As you know, your dog, "Bam Bam" A134748 was at large and behaving in an aggressive manner on June 8th, 2020. Although your dog was not proven to be in violation of the Antioch Municipal Code, it did display behavior that posed a potential threat for great harm. This behavior is unacceptable in the City of Antioch.

Antioch Animal Services is therefore placing you on notice to take the appropriate action to comply with the applicable regulations to confine and control your dog, prevent a nuisance, protect the public, and assure quiet enjoyment for both you and your neighbors. Another incident (i.e. bite, running at large, aggressive behavior) will result in your dog being impounded and a hearing conducted to possibly declare your dog a potentially dangerous or vicious animal.

It is the desire of the City of Antioch to safeguard property and the public welfare of our citizens through the enforcement of animal regulations established in our Municipal Code. Failure to correct the violations will result in further and higher fines, as well as the case being turned over to the Police Department or District Attorney's Office for further abatement.

Please sign and return via mail, email or in person showing you have received and understand this notice.

Sincerely,

Officer A. McCarthy #6123 Animal Control Officer Antioch Police Department amccarthy@ci.antioch.ca.us

19 Frentes

Dog Owner

Date

4/15/20

Tammany Brooks III, Chief of Police



ANTIOCH ANIMAL SERVICES Anesthesia Consent Form

Animal ID:	A134748
------------	---------

Pet Name: BAM BAM

COMPLETED

Please read:

Your pets will be undergoing a procedure requiring general anesthesia. By signing this form, you understand that there are risks inherent to any anesthetic procedure, which may include death. If you have additional concerns about these risks that you feel have not been addressed, please address these with the attending veterinarian before the treatment is initiated. Your pet's safety is our primary concern and the following options are protocols that we recommend in order to reduce the risk of anesthesia.

Pain Control:

Injectable pain control while hospitalized is included as part of all of our anesthesia and surgery costs.

Microchip Implantation:

This is a permanent form of identification implanted under your pet's skin and will be done while under anesthesia (if it doesn't have one already).

Your signature on this form indicates that you are the owner of the above named animal and have consented to the procedure(s) listed above. I understand that during the performance of medical, surgical or anesthetic procedures, unforeseen conditions may be revealed that necessitate more extensive, costly or additional procedures than originally planned. If the staff at Antioch Animal Services are not able to reach me, I consent to and authorize the performance of such procedures as are necessary in the judgement of the attending veterinarian.

Dog Owner, Print: VICTO TUCKES

Signed: Date: 4 18 120

Antioch Animal Services

300 L Street, Antioch, CA 94509

925-779-6989

Medications to go home

Animal ID# A 134748

This animal has been prescribed a medication while in the shelter by a veterinarian. Please administer the medication as written on the label and follow all directions.

I, VICTORIA FUELTES have received information on my pet's medication including but not limited to the name of the drug, route of administration, dosage form, duration of therapy, duration and effects of the drug, common side effects, and the common severe adverse effects associated with the use of a short-acting or long-acting drug.

Signature:

Date

D

Event: 20-043873

Antioch Police Department Event Report

Time: 07/29/2020 15:30:32

					1-6-1	AN TION			
Receive Tim	e	Clear Time		Call Taker	Murez ada			Position	
06/18/2020	16:59:20	6/18/2020	5:41:28 PM	NORRIS, VINCE ID: 4500			CAD5		
Classification	n	Priority		How Receive		Services			
Place/Busine	200	1		P		Police			
AMTRAK	=======================================								
Address									
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GERALD						AUTO HAR TOTAL			
Address				Info		_			
₩ 18TH	ST, ANTIO	CH				911 Caller, Con	ıtact		
							12 (129) (12)		
Call Time					3175311				
	46.50.52					Phone No.			
06/18/2020 16:59:52 Address					Community				
					Community ANTIOCH				
Customer					Class of Service				
ANDREA						W911			
State	,,		Emerge	ency Svc No.		1, 112.11	Confider	nce Factor %	
CW			751				90		
Latitude	0.00	L	ongitude		Uncerta	ainty Factor Code		Uncertainty Factor Number	
OB OTHER		8			METE	RS		2070	
0.000					15-518		2,156		
FEMALE JU	IST GOT BIT	BY A DOG	"SEVERE LE	G INJURYOWN	ER JUS1	TOOK DOG AND	DROVE	OFFOLDER BLU TOYT	
				0.520					
					E111-9.				
Closing Class		Location	Unit Code	Agency: Case Nu	mber	Primary Staff			
ANML	A			PD: 20-005120		NILSEN, ERIK	5846		
Closing Class ANML		Location	Unit Code	Agency: Case Nu	mber	Primary Staff			
AINIVIL	9		ALCOHOLD ST	PD:		NILSEN, ERIK 5	0846		
			UKI	THISTORIES	, J. Gille	PLEMENTS			
Time		Unit	Status	Operator	ly .			Position	
06/18/2020	17:00:09	Y23	D	COLLEY, PAME	ELA ID:	5097		CAD2	
Time		Unit	Status	Operator		INAMES OF THE PARTY OF THE PART		Position	
06/18/2020 1	17:00:17	Y23	49E	NUTT, MATTHE	W ID:	6012		VM32	
Time				Operator				Position	
06/18/2020 17:00:45		NORRIS, VINCE ID: 4500			CAD5				
Supplement									
C3 FIRE 49								VIII 11 10 10 10 10 10 10 10 10 10 10 10 10	
Time		Unit	Status	Operator Operator			Position		
**************************************	17:00:48	K3	D	COLLEY, PAME	LA ID:	סטשו		CAD2	
Time Unit Status C		Operator	ELA ID-	5007		Position			
00/10/2020 1 Time	11.UL.JU	K3 Unit	97E Status	COLLEY, PAME	LA IU:	2097		CAD2	
06/18/2020 1	7.04.43	Y1	Status D	Operator	ELA ID.	Position		CAD2	
Time		Unit	Status	Operator	IELA ID: 5097			Position	
06/18/2020 1	17:04:47	Y1	97E	NILSEN, ERIK ID: 5846			VM33		

Antioch Police Department Event Report

Time: 07/29/2020 15:30:32 Event: 20-043873 Time Unit Status Operator Position 06/18/2020 17:04:47 **Y1** 49E NILSEN, ERIK ID: 5846 **VM33** Time Operator Position 06/18/2020 17:05:40 COLLEY, PAMELA ID: 5097 CAD₂ Supplement **RESP VICTORIA FUENTES BRINDLE PIT** Unit Status Operator Position 06/18/2020 17:06:00 **Y23** 97E NUTT, MATTHEW ID: 6012 **VM32** Time Unit Status Operator Position 06/18/2020 17:07:05 C25 D COLLEY, PAMELA ID: 5097 CAD2 Time Unit Status Operator Position 06/18/2020 17:07:59 **C25** 97E COLLEY, PAMELA ID: 5097 CAD2 Time Unit Status Operator Position 06/18/2020 17:07:59 **C25** 49E COLLEY, PAMELA ID: 5097 CAD2 Time Unit Status Operator Position 06/18/2020 17:09:28 C25 97E MOORE, CARRIE ID: 2512 CAD3 Location **DOLLAR GENERAL** Time Unit Status Operator Position 06/18/2020 17:11:51 **Y1 ECOMM** NILSEN, ERIK ID: 5846 **VM33** Comment NAM:FUENTES, VICTORIA DOB: SEX:F RACE: Request Key: Unit Status Operator Position 06/18/2020 17:12:01 **Y1 ECOMM** NILSEN, ERIK ID: 5846 **VM33** Comment NAME ID: Request Key: Unit Status Operator Position 06/18/2020 17:12:57 **Y1 ECOMM** NILSEN, ERIK ID: 5846 **VM33** Comment NAM:POZAR, DEANA DOB: SEX:F RACE: Request Key: Time Unit Status Operator Position 06/18/2020 17:13:05 **Y1** NILSEN, ERIK ID: 5846 **ECOMM VM33** Comment NAME ID: Request Key: Unit Status Operator Position 06/18/2020 17:15:30 **Y1** 97E NORRIS, VINCE ID: 4500 CAD5 Location **CL BONFARE** Time Operator Position 06/18/2020 17:20:59 NILSEN, ERIK ID: 5846 **VM33** Supplement DOG BITE. VIC TRANSPORTED TO KIASER. ANIMAL CONTROL ON SCENE. Time Unit Dissociate Status 06/18/2020 17:14:02 K3 8 Time Unit Dissociate Status 06/18/2020 17:17:01 C25 8 Unit Dissociate Status 06/18/2020 17:17:59 Y23 8 Time Unit Dissociate Status 06/18/2020 17:21:32 Y1 **7B** Police Unit Staff C25 COLLEY, JAMES ID: 4705 Police Unit Staff K3 COTTLE, CATRIONA ID: 5686

Time: 07/29/2020 15:30:32 Event: 20-043873 Police Unit **Y1** NILSEN, ERIK ID: 5846 Police Unit Y23 NUTT, MATTHEW ID: 6012 **Event Police** Receive 06/18/2020 16:59:20 Save 06/18/2020 16:59:52 Dispatch 06/18/2020 17:00:09 06/18/2020 17:00:09 **Enroute** 06/18/2020 17:00:17 06/18/2020 17:00:17 **Arrive** 06/18/2020 17:02:50 06/18/2020 17:02:50 Last Clear 06/18/2020 17:21:32 06/18/2020 17:21:32

No. of Units

4

CA0070100 - 300 L Street (925)779-6900

EVENT NO:

CASE NO:

20005120

20043873

Classification:

Officer ID: **NILSEN #5846**

Location Name: AMTRAK

Location:

W 1ST ST ANTIOCH

XStreet: 2nd XStreet:

IST

Beat: 1

Occurred Date Time Day On/From 06/18/2020 16:59 Thu 06/18/2020 17:50 Thu То Received 06/18/2020 16:59 Thu

CA0070100 - 300 L Street (925)779-6900

Officer ID: NILSEN #5846 Supervisor: GREEN #3639

CASE NO:

EVENT NO:

REPORT - 1 Primary Case Report

VEHICLE OR PROPERTY **FUENTES, VICTORIA ANN** OWNER (registered, buyer,

or legal)

Hispanic/Latin/ Race:

DOB: (

Age: 🥌

Type: PERSON

20005120

20043873

Mexican

Height: 504

Weight: 117

TRANSIENT ANTIOCH CA

F

Hair: Brown

Eyes: Brown

ADDRESS INFORMATION

Address Type: PERSONAL/HOME

Phone:

Time at Address:

Address: Comments:

School:

Grade #:

Occupation:

Employer:

How long:

Work Hrs:

Language:

Clothing:

Crime Type:

Suspect Status:

Additional Info:

Comments:

IDENTIFICATION NUMBERS

Identification:

Issued By:

F

ID No:

Drivers License

STATE OF CALIFORNIA

VICTIM

POZAR, DEANA MARIE

Race: White Height: 506

Sex:

DOB: 1

Hair: Brown

Age:

Eyes: Blue

Type: PERSON

ADDRESS INFORMATION

Address Type:

PERSONAL/HOME

Phone:

Address:

E 18TH ST ANTIOCH CA 94509

Weight: 159

Time at Address:

Comments:

School:

Grade #:

Occupation:

Employer:

N/A

How long:

Work Hrs:

Language:

Clothing:

Crime Type:

Suspect Status: Additional Info:

Comments:

IDENTIFICATION NUMBERS

Identification:

Issued By:

ID No:

Drivers License

STATE OF CALIFORNIA

SOCIAL SECURITY

Social Security Card Printed 07/29/2020 15:07

Data911 - Version 8.17.9929

Page 2 of 4

CA0070100 - 300 L Street (925)779-6900

REPORT - 1 Primary Case Report

Officer ID: NILSEN #5846

CASE NO:

EVENT NO:

Supervisor: GREEN #3639

POZAR, DEANA MARIE (Cont'd)

IDENTIFICATION NUMBERS

(Cont'd)

20005120

20043873

Identification:

Issued By:

ID No:

ADMINISTRATION

CII Number

Calif. DOJ

Federal Bureau of

FBIRAP

Investigation Number



PROP Evidence PHOTOS

ITEM#: 1

Quantity:

Category: Photos Digital/Film/Polaroids etc

Article:

PHOTOS

Brand:

Value:

Color:

Model: Serial #:

Owner Applied #:

Size:

Special Marks:

Officer ID:

Inv Date: 06/18/2020 21:37

Obliterated Restored: Obliterated Removal Code:

Obliterated Drill Size:

Comments:

DIGITAL PHOTOS

Total Evidence: \$

NARRATIVE

On 06/18/2020, at approximately 1700 hours, I was dispatched to W 1st Street, Antioch, for a call of an animal bite. I arrived shortly after and contacted a woman who identified herself as, VIC-DEANA POZAR. POZAR was suffering from a bite wound to her right calf. POZAR told me the following in summary.

STATEMENT OF VIC-DEANA POZAR

Approximately ten minutes earlier, she and a woman she knows to be OWN-VICTORIA FUENTES, had gotten into a verbal argument. During the argument she swung a bag at FUENTES. FUENTES Pitbull "Bam-Bam" then bit her on her right calf.

FUENTES threw the dog into a blue, four door sedan, and drove away. She has known FUENTES for several years. She knows FUENTES to be a transient who typically hangs out behind the carwash on Sommersville Road.

END OF STATEMENT

Printed 07/29/2020 15:07

Data911 - Version 8.17.9929

Page 3 of 4

CA0070100 - 300 L Street (925)779-6900

EVENT NO:

CASE NO:

20005120 20043873

Officer ID: NILSEN #5846

REPORT - 1 Primary Case Report

Supervisor: GREEN #3639

NARRATIVE

(Cont'd)

POZAR was ultimately transported to John Muir hospital in Walnut Creek. Prior to her being transported, I was able to take two photographs of her injury. I later attached them to this report.

An area check for FUENTES was conducted but she has not been located. FUENTES showed to have a previous address on G Street. At approximately 1720 hours I went to the listed address. I was advised that FUENTES did not live there. FUENTES does not show to have a working phone number.

Animal Control Officer's responded to the scene and were made aware of the event.

I took no further action.

Ofc. E Nilsen #5846

BACKGROUND INFORMATION

Parties Involved:

Responsible Dog Involved:

"Bam Bam" Animal ID A134748

Dog Owner:

Victoria Fuentes

Victim:

Deana Pozar

On June 18th, 2020 at approximately 1700hrs I, Antioch Animal Control Officer Cottle #5686, was driving my Antioch Animal Control vehicle Westbound along West 2nd Street when a call for service for a dog bite at the Amtrak station was announced [Event 20-043873]. I was the first to arrive on scene.

When I arrived I saw a female identified as **Deana Pozar [Vctim]** laying on the grass area just west of the Am Trak station. She had a very large and noticeable laceration to her right calf. She stated that she was arguing with **Ms. Victoria Fuentes [Dog Owner]** when Ms. Fuentes' dog, that was on leash and "that just got out of dog jail", bit her on the back of her right calf causing significant injury. She said the dog "was just doing what it is taught to do", but was angry that Ms. Fuentes fled the scene.

Other witnesses on the scene said that the women were in a verbal and that Ms. Pozar got too close to Ms. Fuentes and they saw the Pit Bull attack. All witnesses were taking a defensive stand for the dog and its actions, but none would provide their information to me for the report. One transient stated he would buy the dog for \$50 to "Keep it outta dog jail".

Ms. Pozar was transported to Kaiser Hospital, Sand Creek to be treated for her injury.

Following previous incidents with "Bam Bam" [Responsible Dog A134748] and numerous reports of his aggressive behavior a warning letter was signed prior to his release from Animal Services, where the owner agreed with a Potentially Dangerous Dog determination being brought upon Bam Bam if he committed any further acts of aggression. Manager Harding wishes to determine the dog as Vicious based on prior incidents / history and future concerns about public safety and gives the authority under Food & Ag Code 31625 to seize "Bam Bam" immediately. The owner will be afforded the opportunity to appeal the decision ATMC § 6-1.805.

Area checks were conducted by the Antioch Police officers that responded to the scene, but Victoria Fuentes could not be located.











CONTRA COSTA COUNTY ANIMAL SERVICES DEPARTMENT



C A AGBO

INTERIM BITE REPORT

PLEASE FAX TO APPR	ROPRIATE ANIMAL CONTROL OFFICE
Victim/Patient Information:	THE ANIMAL CONTROL OFFICE
Name: Diana Pozar	A SOCIETY OF THE PROPERTY OF T
Street Address: F 18th St	Date of Birth:
City: Arrytioch	
Phone No.	Zip Code: 94509
Animal Owner Information:	
Name: VICTOMOU	Alternate Phone No:
Street Addi	
Street Address: Homolaca	
	ip Code: 94509 Phone Number
Pagir mightianon.	Phone Number:
Check One: Dog:	THE PARTY OF THE P
Animal Sex (Male)	at: Other:
Animal Color/description	emale) Animal Name: UNKNOWN
Animal Bite Information:	Animal Breed: PHWI
Date Bite Occurred: 10 18 20	
=119 80	Time Bite Occurred: 1700
ocation Where Bite Occurred: RIAN CALL	100
evenity of Bite (check one) (Minor)	Downtown Antroch by Anatral
Off AG D - J	1000
art of Body Bitten: PIGNT (AIF)	(opvers)
escription of Bite: Ox (Ocm Due in	
ow Did Bite Occur Avount with do mine	wand coeff with jagged edges kan and confrontation whosed and dog bit
ospital Information:	e to the armater unsoled and dog lost
Ime of House 1 1/0 0	and controntation unsold and dog bit
Damas Carlo	
	tioon, CA 94531
	100M, CH 9480
Mud Costa Animal C	e of Physician: Aano
one Hours: Tues Care, CA 94553	Antioch Animal Services:
ne # 925-335-8300 Fax #925-335-8301	300 L St Antioch, CA 94509 Phone # 925-779-6989— Fax# 925-779-6992
rkeley Animal Comi	
	Oakland Animal Services:
010-001-0000-Fave E40 004	I ' 'V I COIII OF LIGHTON AL ALA-
Ciavbank Balliantices:	1010 # 510-535-5670_Fay #510 525 5004
ne # 707-784-1356-Fax # 707-421-7952	Alameda County: 4595 Gleason Rd Dublin, CA 94568
	Phone # 925-803-7040-Fax# 925-803-7044

Nos-Fre # 425 608-8461 Contra Costa

Antioch Police Department **Event Report**

Time: 08/04/2020 10:47:02

3.1

Event: 20-051788 Receive Time Clear Time Call Taker Position 07/15/2020 07:59:51 7/15/2020 8:37:25 AM MCCARTHY, ALEXANDRA ID: 6123 AS11382 Classification Priority How Receive Services 1091M 4 Police Place/Business **SMITHS LANDING** Address **■**MARINA PL / L ST, ANTIOCH Police Agency District Beat Station Zone PD 1 101 PER TRANSIENT VICTORIA FUENTES OWNER OF DOG "BAM BAM" IS IN THE PARKING LOT OF THIS 20. "BAM BAM" NEEDS TO BE IMPOUNDED FOR INVESTIGATION REGARDING BITE THAT TOOK PLACE ON 6/18/20 APD NEEDED FOR ASSIST Closing Class Event Dispo Location Unit Code Agency: Case Number Primary Staff ANML PD: MCCARTHY, ALEXANDRA 6123 Closing Class Event Dispo Location Unit Code Agency: Case Number Primary Staff **ANML** PD: WHITAKER, WILLIAM 6155 Time Unit Status Operator Position 07/15/2020 08:04:54 **X1** D FROMME, NICOLE ID: 2701 CAD2 Time Unit Status Operator Position 07/15/2020 08:04:54 X21 D FROMME, NICOLE ID: 2701 CAD2 Time Unit Status Operator Position 07/15/2020 08:04:58 X21 49E BUSHBY, BRANDON ID: 5961 **VM28** Time Unit Status Operator Position 07/15/2020 08:05:20 **X**1 49E WHITAKER, WILLIAM ID: 6155 **VM37** Time Unit Status Operator Position 07/15/2020 08:05:35 X21 **ECOMM** BUSHBY, BRANDON ID: 5961 **VM28** Comment LIC: LIS:CA Request Key: Time Unit Status Operator Position 07/15/2020 08:06:25 X21 97E BUSHBY, BRANDON ID: 5961 **VM28** Time Unit Status Operator Position 07/15/2020 08:06:58 **X**1 97E WHITAKER, WILLIAM ID: 6155 **VM37** Unit Status Operator Position 07/15/2020 08:10:55 X21 **ECOMM** BUSHBY, BRANDON ID: 5961 VM28 Comment LIC:1 LIT:PC LIS:CA Request Key: Time Unit Status Operator Position 07/15/2020 08:14:44 K5 D MCCARTHY, ALEXANDRA ID: 6123 VM761 Time Unit Status Operator Position 07/15/2020 08:15:28 **X**1 97E CHAVARRIA, MARSHA ID: 3434 CAD6 Location W 2ND/K Time Unit Status Operator Position 07/15/2020 08:15:28 X1 **ECOMM** CHAVARRIA, MARSHA ID: 3434 CAD6 Location W 2ND/K

Antioch Police Department Event Report

Time: 08/04/2020 10:47:02 Event: 20-051788 Comment License Plate Check LIC: LIS:CA Request Key: Time Unit Status Operator Position 07/15/2020 08:16:56 K5 49E CHAVARRIA, MARSHA ID: 3434 CAD6 Time Unit Status Operator Position 07/15/2020 08:16:56 K5 97E CHAVARRIA, MARSHA ID: 3434 CAD6 Status Time Unit Operator Position 07/15/2020 08:17:48 **X1 ECOMM** CHAVARRIA, MARSHA ID: 3434 CAD6 Location W 2ND/K Comment Unit Status Position 07/15/2020 08:18:01 X1 **ECOMM** CHAVARRIA, MARSHA ID: 3434 CAD6 Location W 2ND/K Comment Drivers License Check STA1: OLN: Time Operator Position 07/15/2020 08:35:19 MCCARTHY, ALEXANDRA ID: 6123 AS11382 Supplement IMPOUND "BAM BAM". VICTORIA FUENTES PLACED DOG IN AC VAN AND GAVE EMAIL FOR PDA PAPERWORK TO BE GIVEN. "BAM BAM" IMPOUNDED PENDING PDA INVESTIGATION. Time Unit Dissociate Status 07/15/2020 08:29:00 X21 8 Time Unit Dissociate Status 07/15/2020 08:29:00 **X1** 8 Time Unit Dissociate Status 07/15/2020 08:37:25 K5 **7S** Police Unit Staff K5 MCCARTHY, ALEXANDRA ID: 6123 Police Unit Staff **X1** WHITAKER, WILLIAM ID: 6155 Police Unit Staff X21 BUSHBY, BRANDON ID: 5961 **Event Police** Receive 07/15/2020 07:59:51 Save 07/15/2020 08:03:42 Dispatch 07/15/2020 08:04:54 07/15/2020 08:04:54 **Enroute** 07/15/2020 08:04:58 07/15/2020 08:04:58 **Arrive** 07/15/2020 08:06:25 07/15/2020 08:06:25 **Last Clear** 07/15/2020 08:37:25 07/15/2020 08:37:25 No. of Units 3 3

Tammany Brooks III, Chief of Police



July 15th, 2020

Victoria Fuentes

RE: Declaration of Vicious Animal

Bam Bam A134748 7-month-old Neutered Brown Brindle Pit Bull

Dear Victoria Fuentes:

Your dog, "Bam Bam" has been found to be in violation of Antioch Municipal Code §6-1.801 (B) on June 18th, 2020. This incident was in direct violation of the Warning Letter that was agreed upon prior to her release on June 18th, 2020. Due to the circumstances, "Bam Bam" is now considered to be a *Vicious Animal*.

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the city:

- (a) A dog or animal seized under Cal. Penal Code § 599aa and upon the sustaining of a conviction of the owner under Cal. Penal Code § 597.5;
- (b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;
- (c) A dog or animal previously determined to be and currently listed as a potentially dangerous dog or animal which, after its owner has been notified of this determination: continues the behavior described as a potentially dangerous dog or animal; or is not kept indoors or secured on the owner's property. Here, **SECURED** means contained within a fence or structure suitable to prevent the entry of young children and to confine a potentially dangerous or vicious dog or animal, designed to prevent the animal from escaping. (See Food and Agric. Code $\S\S$ 31603, 31641, 31642 or 31643.)
- (C) Other definitions in \S 6-1.102 also apply unless the context indicates or requires a different meaning.

Accordingly, Antioch Animal Services, a division of the Antioch Police Department, has determined that there exists probable cause that your dog is a "Vicious Animal" under Article 8 of Chapter 1 of Title 6 of the Antioch Municipal Code and Article 2 of Chapter 9 of the California Food and Agricultural Code.

You have three mutually-exclusive options now that your dog has been declared a "Vicious Animal," which are described in more detail on the following pages:

1. By 4:30 p.m. on July 29th, 2020, surrender the dog to Antioch Animal Services; or

Tammany Brooks III, Chief of Police



- 2. By 4:30 p.m. on July 29th, 2020, sign the "Vicious Animal Declaration: Terms and Conditions Agreement," pay the outstanding fees, and comply with all of the terms and conditions in order for your dog to remain at home. A copy of this agreement has been enclosed; or
- 3. By 4:30 p.m. on July 29th, 2020, file all papers and pay fees to appeal the determination that your dog is a "Vicious Animal". The dog will remain at Animal Services until the Board of Administrative Appeals renders its decision.

Option 1 -- Surrender your dog

To surrender your dog to be humanely euthanized, please come to Antioch Animal Services and pay the applicable fees and sign the appropriate paperwork.

If you take no actions by 4:30 p.m. on July 29th, 2020 then your dog will be deemed to have been surrendered and will be euthanized. If the dog is not in our care by the date and time required, Antioch Animal Services will take necessary action (with the involvement of the Antioch Police Department) in order to obtain the dog. You will be billed for any applicable outstanding fees and costs.

Option 2 -- Sign the Vicious Animal Declaration; Comply with the Terms and Conditions; and Pay Fees

In order to obtain your dog now, you may sign the Vicious Animal Declaration, comply with the Terms and Conditions, and pay the fees. The Terms and Conditions are enclosed. Once you come to Antioch Animal Services to sign the Declaration and Terms and Conditions, an appointment will be made to inspect your home to ensure that you have complied with the Terms and Conditions before your dog is released.

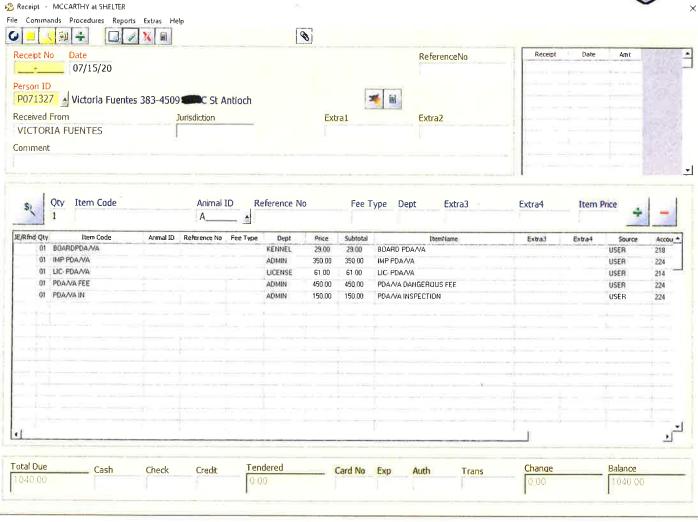
To date the fees for your dog is \$1040.00 and board increases by \$29.00 per day starting on July 16th, 2020.

The dog will be deemed surrendered to the City to be humanely euthanized, if you do not by 4:30 p.m. on July 29th, 2020: sign the Agreement, fulfill all Terms and Conditions; and pay \$1040.00 plus boarding costs of \$29 per day to the date of redeeming the dogs.

Choosing this option means that you waive any right to appeal the determination that the dog has been declared potentially dangerous.







Option 3 -- Appeal the Vicious Dog Determination

If you wish to appeal the determination that your dog is a "Vicious Animal," then you must file a written request and pay those fees listed above totaling \$1040.00, includes a \$450 Dangerous Animal Investigation Fee which must be paid to the City Clerk's Office no later than July 29th, 2020 by 4:30 p.m. in order to schedule a hearing with the Board of Administrative Appeals.

The City Clerk's office is located at 200 'H' Street, Antioch, CA 94509. The Clerk's Office hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. except City holidays. If both the written appeal request and fees are not received July 29th, 2020 4:30 p.m., then the City will deem that you have surrendered the dog to the City to be humanely euthanized.

Tammany Brooks III, Chief of Police



Boarding fees for the dogs will still be due with the amount depending on the final action of the Board of Administrative Appeals. Boarding fees will be charged from the date of determination through to the hearing if the Board of Administrative Appeals denies your appeal.

The \$450 Dangerous Animal Investigation Fee may be deferred until the Board of Administrative Appeals makes a decision if you complete and submit the Hardship Waiver Application with supporting documentation to the City Clerk's Office by 4:30 p.m. on July 29th, 2020.

Should you have any questions concerning this matter, please feel free to contact Antioch Animal Services at (925) 779-6989. Animal Services is open to the public by appointment only, Monday through Sunday 10 a.m. to 5:00 p.m.

Please check the City's website:

http://www.ci.antioch.ca.us/CityGov/Police/AntiochAnimalSvcs/default.htm# or call the Animal Services Shelter regarding any holiday closures.

Respectfully,

George Harding, Supervisor Antioch Police Department Animal Services Division 300 L Street Antioch, CA 94509

Enc.: Dangerous Animal Declaration Terms and Conditions Hardship Waiver Application

Transimp warver rippin

Kennel Design

Tammany Brooks III, Chief of Police



ANTIOCH ANIMAL SERVICES VICIOUS ANIMAL DECLARATION TERMS AND CONDITIONS

<u>Dog Owner</u>: Victoria Fuentes

Pursuant to Antioch Municipal Code Section 6-1.801, on July 15, 2020, the following animal is declared to be a **VICIOUS ANIMAL.**

Bam Bam A134748 7 month Neutered Brown Brindle Pit Bull

The Owner or Custodian of the above described dog is hereby directed to keep the animal under strict restraint and control at all times. An Animal Control Officer of the City of Antioch may seize the animal and petition to have it humanely euthanized in the event the animal is found in violation of any restriction and/or condition outlined below:

1.	If not all Owners of the subject dog sign this Agreement, the signing Owner represents that he/she has the authority of the other Owners to sign on their behalf.
	· · · · · · · · · · · · · · · · · · ·
2.	Antioch Animal Services shall have the authority, at reasonable times, to inspect and approve the area of confinement of the declared Vicious Animal
3.	Adult Owner(s) and dog must enroll in, and satisfactorily complete, a basic obedience/aggressive dog training course within 90 days of release. Proof of satisfactory completion must be presented to Antioch Animal Services within 5 business days of completion.
4.	Prior to release, the dog shall be micro-chipped for permanent identification at the Owner's expense and the identification numbers registered with Home Again Pet Recovery as provided in the microchip information packet at the Owner's expense.
5.	Prior to release, the dog shall be spayed or neutered at the Owner's

Tammany Brooks III, Chief of Police



20. The Owner or Keeper of the declared Vicious Animal must present to the Supervisor of Animal Services proof that the Owner or Keeper has procured liability insurance from an insurer licensed to practice in the state of California, in a single incident amount of not less than one hundred thousand dollars for each animal, for injury to or death of any person or persons, or loss or damage to any property caused by or resulting from any act of such animal. Liability insurance shall not be canceled unless the Owner or Keeper ceases to own or keep the animal prior to expiration of that insurance. Coverage shall be evidenced by a certificate issued by the insurer. The Owner shall also provide documentation from the insurer warranting that the insurer will provide Antioch Animal Services at least thirty days advance notice of cancellation of insurance.

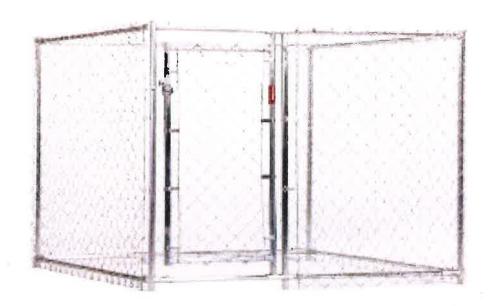
Please be advised that the owner of the property where the dog resides will be notified of the animal's "Vicious Animal" status and a copy of this declaration will be issued as a courtesy through registered mail.

Owner acknowledges that the above-described dog has been declared to be a "<u>VICIOUS ANIMAL</u>", and agrees to comply with the Terms and Conditions of this agreement and acknowledges that any violation of these terms and conditions may result in Antioch Animal Services seizing the dog and recommending that the animal be euthanized.

CITY OF ANTIOCH:	ANIMAL OWNER:
By:Animal Services Representative	By:
Date:	Date:

PDA/VA KENNEL REQUIREMENTS

- Kennel MUST be covered and the material used must be secured with wire
- Kennel MUST be cemented or anchored into the ground
- Kennel <u>MUST</u> be built on top of a solid base of either wood, cement or other substantial material (one that cannot be broken down by the animal)
- Door(s) to kennel <u>MUST</u> have locks installed
- Kennel <u>MUST</u> have shelter, food/water bowls inside
- Dog(s) MUST have ample room to turn around



*KENNEL MUST BE INSPECTED AND APPROVED BY AN ANTIOCH ANIMAL CONTROL OFFICER PRIOR TO RELEASE OF DOG(S)

∅§ 6-1.801 PURPOSE; DEFINITIONS.

SECURE ENCLOSURE. A kennel, pen or structure with secure sides and a secure, attached top. The kennel or pen shall be constructed in a manner so that it cannot be broken down by any action of the confined animal. All structures used for confinement of a vicious animal must be locked with a key or combination lock of sufficient strength to ensure confinement of the animal. The structures must be erected on a secure bottom or floor constructed of concrete or other material sufficient to prevent the animal from digging free. A vicious animal enclosed in a house, apartment, building or similar structure is allowed only where the windows and doors of the structure are secured to prevent the animal from exiting without the assistance of the owner or other person in control. (See also Cal. Food and Ag. Code § 31605.)

CITY OF ANTIOCH

REQUEST FOR ADVANCE DEPOSIT HARDSHIP WAIVER - DECISION

NAME		
Social Security Number	Driver's License Number	
Day Phone	Evening Phone	
Mailing Address		
Property Address that is the Subject of the Dec		
<u> </u>		
	Name and the same	919-
Department Making Decision:		
List all family members living with you:		
List all latting members living with you.		
<u>Name</u>	Relationship	<u>Age</u>
	-	-
		-
		
A	- :	
//	-	<u> </u>
Are you presently employed? If yes	s, where employed:	
Occupation:		
Employer:		
Employer's Address:		
Employer's Phone Number:		

	e taxes and deduction	per month from <u>all</u> source	es (gross income):
Your employment:	\$	Child Support:	\$
Spouse's employment:	\$	Alimony:	\$
Unemployment:	\$	Pension/Retirement:	\$
Welfare/S.S.I./A.D.C.:	\$	Other:	\$
Other:	\$	GROSS INCOME:	\$
MONTHLY EXPENSES: Rent/Mortgage:	\$	Fixed Debts (payroll deductions):	\$
Child Care:	\$	Ongoing Medical Expenses:	\$
Transportation to/from Work:	\$	Pension/Retirement:	\$
Welfare/S.S.I./A.D.C.:	\$	Other (list amounts and describe):	\$
		TOTAL EXPENSES:	\$
ASSETS:		()	
	Savings \$	Checking \$_	
Other assets (bonds, stocks, etc.)	\$	Value of Automobile(s): \$_	
Value of real estate:	\$	TOTAL ASSETS:	\$

HARDSHIP WAIVER APPLICATION - DECISION

You are required to show your inability to pay by <u>attaching a copy of last year's tax return (with W-2's or 1099's)</u>, in addition to one (1) or more of the following additional documents, to this application:

 Pay stubs for the last 6 months or unemployment check stubs; · Utility billing with Lifeline rates; Recent Chapter 7 Bankruptcy filing (within last 6 months); • Documentation of any Welfare/S.S.I./A.D.C. payments for the last 6 months; Other: NOTE: If you declare that you were not required by law to file a tax return for last year, you must attach at least two (2) of the above documents. If you fail to attach the required documents your application will be rejected. I hereby authorize the City of Antioch to contact my employer (if any listed above). I understand that this hardship consideration is for the deferral of the fee. If the decision is upheld and the appeal denied, the full amount of the fee is due at that time. (print name) _____ declare under penalty of perjury of the laws of the State of California that the information I have provided herein is a full and true statement of my knowledge and information. Executed this Date:_____ Signature This Section to be completed by City Staff only: Granted or denied:_____ Determination made by:_____ Grounds for granting or denying (Circle response): 1. Supporting documentation: Sufficient / Insufficient 2. Income: Exceeds / Meets Other:

Copy of Determination mailed/personal service to Applicant on:______

Tammany Brooks III, Chief of Police

July 17th, 2020

Victoria Fuentes



Dear Ms. Fuentes,

The Antioch Animal Services manager has reviewed your case and come to a determination regarding the outcome of "Bam Bam" (A134748). Based on the incident that occurred on June 18th, 2020 and definition in our municipal code, your dog Bam Bam was determined to be a Vicious Animal on July 15th, 2020. Due to the severity of the most recent attack and the violation of the warning notice you were placed on, the City of Antioch does not approve for Bam Bam to be returned to your home. Please refer to the following:

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the city:

(b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;

SEVERE INJURY. A physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (See Cal. Food and Agric. Code § 31604.)

🖟 § 6-1.805 ACTIONS AFTER DETERMINATION: VICIOUS.

- (A) Actions. If the Animal Control Supervisor determines an animal to be vicious, he or she may order any of the following actions, or a combination of them:
- (1) Any action set forth for a potentially dangerous animal, under § <u>6-1.804</u> above, except that the fine is up to \$1,000; (See Cal. Food and Agric. Code § 31662.)
- (2) Order the owner to surrender it to the Animal Services Officer for euthanizing; (See Cal. Food and Agric. Code § 31645.)
- (3) Order that the owner may not own or possess any dog or other animal for a 36-month period; (See Cal. Food and Agric. Code § 31646.)
- (B) Findings. Before allowing a person to keep a vicious animal, the Animal Control Supervisor must make all of the following findings:
- (1) Allowing the person to keep the animal will not result in any detriment or danger to the peace, health or safety of the people in the vicinity of where the animal will be kept;
- (2) Possession and maintenance of the animal at the location has not resulted in and is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse;

Tammany Brooks III, Chief of Police

- (3) The location is kept clean and sanitary, and the animal is provided with adequate food, water, ventilation, shelter and care at all times.
 - (4) Possession of the animal at the location does not violate any law, code or regulation; and
 - (5) The animal will not be kept at any other location than that specified in the order.
 - (C) Euthanizing dangerous dog or animal.
- (1) A dog or animal determined to be vicious may be euthanized by the Animal Control Department when it is found that the release of the animal would create a significant threat to public health, safety and welfare; and:
 - (a) When the time for filing an appeal with the Board of Administrative Appeals has lapsed;
 - (b) If an appeal is filed, when the Board determined to rule against the appeal; or
 - (c) If the owner has not met the conditions imposed on releasing a vicious animal within 14 days.
- (2) If there is a violation of this chapter, or a violation of any nonappealable order under this chapter after release of the animal that is observed by the Animal Services Officer, or sworn to in a written affidavit from a complaining party, the Animal Services Officer shall issue an order for the owner or possessor of the vicious animal to surrender the vicious animal to the Animal Control Supervisor for euthanizing. This order is subject to the appeal provisions set forth in <u>Title 1, Chapter 4</u> of the Antioch Municipal Code.

(Ord. 2083-C-S, passed 4-8-14)

Our goal is to ensure the safeguard of property and the public welfare by regulating and controlling animals in the City of Antioch. You have until 4:30PM on July 31st, 2020, to appeal this determination. If you make no action by 4:30 PM on July 31st, 2020, your dog will be deemed to have been surrendered and will be euthanized. You will be billed for ant applicable outstanding fees and costs. Should you have any questions concerning this matter you may contact Animal Services Manager George Harding at (925) 779-6990, Mon-Thur 7:30am – 5:00pm Fri 7:30am-3pm.



August 21, 2020

Victoria Fuentes Buchanan Road, Antioch, CA 94509

RE:

Board of Administrative Appeals Hearing

Declaration of Vicious Animal Decision Date: 07/17/2020

Animal ID#:

"Bam Bam" - A134748 Brown Brindle Neutered Pit Bull

Dear Ms. Fuentes,

This is a follow up to your appeal filed on July 27, 2020, regarding the above-referenced Declaration that you received from the Antioch Animal Services.

Please be advised your appeal is scheduled to be heard on <u>Thursday, September 3</u>, 2020, at 3:00 p.m.

IMPORTANT NOTICE REGARDING THIS MEETING: In response to the COVID-19 Health Order issued by the Contra Costa County Health Officer, the City of Antioch will not be hosting in-person Board of Administrative Appeals' Meetings. Instead, the meetings will be held as teleconference/virtual meetings through the Zoom webinar platform.

The Board of Administrative Appeals' Meeting will be held as a Zoom Meeting and the public is invited to participate as "attendees". On August 31, 2020, our office will email you the Zoom Meeting invitation which will also include the telephone number for you to call in to participate, if that is your preference.

The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Board of Administrative Appeals Agenda information and Speaker Rules, simply click on the following link: https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/.

Phone: (925) 779-7009 Fax: (925) 779-7007

Antiochca.gov

OFFICE OF THE CITY CLERK

200 H Street/P.O. Box 5007 Antioch, CA. 94531-5007 AntiochlsOpportunity.com All people who wish to speak at the hearing, including you, will be required to take an Oath. This case will be heard and a decision rendered by the Board of Administrative Appeals.

Thank you.

Sincerely,

CHRISTINA GARCIA, CMC

Deputy City Clerk

cc: Antioch Animal Services

Enclosures



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On August 21, 2020, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Victoria Fuentes Buchanan Road, Antioch, CA 94509

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on August 21, 2020, at Antioch, California.

Phone: (925) 779-7009

Fax: (925) 779-7007 Antiochca.gov OFFICE OF THE CITY CLERK

200 H Street/P.O. Box 5007 Antioch, CA. 94531-5007 AntiochlsOpportunity.com

vistine Daris



RECEIVED

AUG 21 2020

CITY OF ANTIOCH CITY CLERK

Decision Appeal Application

CITY OF ANTIOCH ATTN: CITY CLERK
P.O. BOX 5007
ANTIOCH, CA 94531-5007
(925) 779-7009
Name: Victoria Turntes
Name: Victoria Furntes
Property Address:
Mailing Address: Antioch CA
94509
Home Phone: () Cell Phone: ()
Email: Wice-anglue wice 4 1/20 1/200 1/200
REASON FOR APPEAL
Do not Feel my puppy Should be put down if you could please read the letters I facts attached to this form grotely
if you could Please read the letters
4 facts attached to this form grately
appreciate it

*PLEASE NOTE: A \$50.00 Board of Administrative Appeals Fee is also due when filing your appeal as per our City of Antioch's Master Fee Schedule located on our City's Website under the following link: https://www.antiochca.gov/finance-department/.

CITY OF ANTIOCH

REC#: 01391889 7/27/2020 11:32 AM OPER: SV6 TERM: 006

REF#:

TRAN: 176.0000 ANIMAL Citation fees VICTORIA FUENTES 7/27/20 Citation ANIMAL 1,301.00CR

TRAN: 900.0000 TRUE MISC RECEIPTS VICTORIA FUENTES 7/27/20 Miscellaneous Reven '50.00CR

TENDERED: 1.351 00 CASH APPLIED: 1,351.00-

CHANGE: 0 00

CAlifornia Law

Section 3342

A person can Not file a Claim against agency that uses a dog for police/military work if bite occurs while the dog was assisting employee AND STMPLY DOING HIS JOB

to protect his owner when somebody is trying to harm them.

* Also if any dog bites another Person while defending from being provoked or a person is annoying it or harassing it then the dog owner will not be held liable

Annoyed and the Fact She Kicked his bone away from him.

My hame is Jacob and I'm writing this Quick letter In Behat of Bom Bam hoping that you would take in consideration what I have to say well first loud and clear that Bam Bam does not deserve to be Part down this vary united puppic is one of the most were love: Ble and from dog's I have ever meet he lish and is easy to tran ag fair as his insident with me and vigotopia he simply was doing what he was born to do be a protector to victoria he unly did his protector duty when I was agressive with victoria me and victoria are together with Bam Bam most days and night and he never gets crazy with

me at all he is a fast learner and me and 8 am 3 am ainage have a gract day no problems only when a person get's agressive or atakes victoria being all about victoria world would want a dog like Barn Ban for the most part people get a dog evant it to be a protector give a person a sence of releafe hoping and Knowing if in a case of a stranger ataking there kills there that dog step's up a by Puting hisself in harms way to keep your family save . Well we set how each dog has a personality go most and so protect in the time of need of his family.

well Barn Barn is wheat we all assurt to a per.

my name is JR I

am one of the workers

at Bonsage and on

the day Bom Bons

Bite the man getting

water Stating he had

permission which

did Not was not

suppose to be back

there gate was Closed

and day was field

and day was field

up any Further

n piease call me

at 1931757.9015

conyone with a dog like barn, ham should feel blassed and safe it never knowe born born to just actual anyone without being provoked or being provoked or being provoked or like I said I feel No anger twoods the dog I really hope you the inconsidera my opingan so pleasein think about of thank

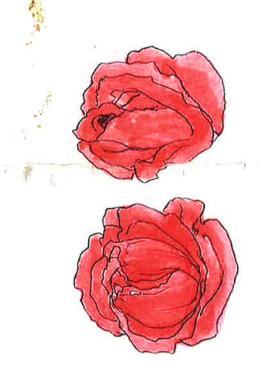
you for your time and again please please don't put bom bom down he deserves to live.

Joseph Anastas.

To whom It gray concern that with vickborg and he world to her so so sweet. They are so good for each other. Please don't put Bambam bambam to he was doing his dog was doing his yob when he s around Vicktoria. The dog and nothing when he dog and nothing when he dog and nothing when he dog and nothing when

Monday - July 20 2020

On June 18th in the afternoon, 1 Was sitting across from the Amtrak station in front of the Hard house with my friend Victoria and her dog Bam Bam. The dog was tred to the chain link fence. A woman on a bike passed a couple times across the street on her bike shooting something at my friend. She rode over to our side of the street and stoped. Victoria asked her what she said and the woman - her name is Deena, The woman came at victoria put hands on her and trying to defend herself in the scuffle victoria and Deena tell down. The dog was startled and bit Deena in the leg frying to defend Victoria as any dog would do. At that point I left. I am speaking as a Wittness For Victoria. 2nd Bam Bam. Deena came across the street to attack Victoria. gaseph Parrett.



.

Bam Bam Also before they randomly in middle of night decided to put bam bem down they told me I could get him out but would have to pay an outragous Price envoll un vicous Aggressive dog training have a place where he could be put on home unsurance as vicous dog a dog kennel builtinto ground if was to go out he would have to be ON MUZZIE register him as vicous dog which already did 4 And, when I did changed & said that where going to put him down

get Nobody harm me any more And the fact that every time he bit somebody he was tied up so now New law because could 19 is social distance 6 Rite why was amphoeld with in 6 Ft of me and the last bite which Yes I will say was viceus The lady Dena was Involved IN, another incident in here She was a witness Stating I sicked the dog on Jacob Anastas when he hit me in the eye twice and bam bam started barking at hum Jacob Stabbed him twice in neck later &. he admitted to animal

control he had bed and provoked dog and attacked me. So isn't that false Police report AniMal crulte and the lady was witness so she had lied too. when my dog bit her her had literally Just got out Pound getting neutined it was hot he was in a cone. I went to Amtrale and tred him up to fence and gave win his bone turned and was talking to a couple friends when Deng came from behind me attempting to attack me which she tried & Sell into bambam he doct Nothing

My Name is Victoria Ann Fuentes and I am the owner of Bam Bam, which 15 Supposed to be a Vicous dog, BamBam doesn't just attack he is very protectione over me and this is because march 13th 2020 I was going to Store when a white male attacked me ripping my clothes of Bam Bam Started going towards me like we were playing but he quickly realized Something was wrong this man instantly Kicking my head into the ground repeatly hitting me until bam bam bite which allowed me to run off with NO Shirt No bra, No Shoes to bonfare where the man attempted to follow me I attempted multiple times to file a police report which the officers failed to file until a month later after like 15 different times of trying to report it officer Knit finally actually made the report after that day bam bam Started "doing his Job"

he is only 8 months old & has been though alot the first time he went to the pound my Ex. Boyfriend Jacob anastas punch me in the face & bam bam Started going after him Jacob Stabbed bam bam twice in the Neck and then himself in the hand Saying I sicked the dog on him when I went to get him Animal control Said I cou'dn't get him because I was using him as a weapon Jacob called & told thum he provoked the dog & lied they released bamban 367,00 or ground there, "There is a letter written my Jacob included The Second time I was at bonfare Market in the back behind the gate which was closed & bam bam was tied to water spiket when a man Came Passed the gate and Said he had Permisson to go back there & wash

his hards which he did Not MYSELF and another Person told him to wait So we could get bam bam off water Spirket he Started getting loud and went to water Spiket anyways disregularding that we told him the dog would bite then animal control took bam bam again 10 days then \$600.00 later he got released had a cone on & Still Off from the medice from the Surg I went to amtrak tied him of the fence and was talking to Some one " which second time bam bam was in pound Jacob attacked me where I had to go to ER & my ac Disc got a bone sticking out my Sholder" So at this time only had still have one arm deng came up there to Start a fight which she & Jacob have Some thing going on where she obsessed with him anyways and every time bum bam got

took the so happened to be there SHE CAME AND ATTACKED ME SHE SWUNG & missed bam bam didn't bite her but again she Swung & missed and again full INto bam bam but this time she Kicked his bone away and he but her in the leg I pulled drugo her off away from him When She Said I did this on Purpo She told animal control She Knew better & multiple witnesses where there which confirmed to Animal Control She attacked me Dam bam is my baby he no randomly Violent he Just won't let ambody hurt me he's only 8 month old and does not deserve to die for PPIS Stupidity also Animal control trying to

Say he bit a COP that's funny Cause there No report about that & how is this the first I'm hearing about it Bam Bam isn't a dog to me he's my baby the only one I have I depend on him he is the greatest dog I've ever came I'm all he knows since the first day he was born he's an amazing smart intelligent puppy with alot of Personality Please don't Kill him he don't ever have to come outside if that's what it has to be I have No income at this time & Struggling so much to save my baby don't know how this time but wont Stop trying or give upon him all he wants is me \$ all I got set up with the classes. my aunt has Bam Bam's brother in Bay Point far from Society big back yard house secured he loves it there & she

has no problem with him going there She also agreed to the with all the requirements they gave me then changed there mind. I don't really feel like I'm gonna get a fair appeal alot of People is willing to speak on behalf of Bam Bam including office. Knit, the mail man & many more which included is multiple letters from multiple People Dlease Please take all in to Consideration

Thank you BAM BAM
Sor your time

Sincerely, Victoria Fuentes

Tammany Brooks III, Chief of Police

July 17th, 2020

Victoria Fuentes



Dear Ms. Fuentes,

The Antioch Animal Services manager has reviewed your case and come to a determination regarding the outcome of "Bam Bam" (A134748). Based on the incident that occurred on June 18th, 2020 and definition in our municipal code, your dog Bam Bam was determined to be a Vicious Animal on July 15th, 2020. Due to the severity of the most recent attack and the violation of the warning notice you were placed on, the City of Antioch does not approve for Bam Bam to be returned to your home. Please refer to the following:

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the city:

(b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;

SEVERE INJURY. A physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (See Cal. Food and Agric. Code § 31604.)

■ § 6-1.805 ACTIONS AFTER DETERMINATION: VICIOUS.

- (A) Actions. If the Animal Control Supervisor determines an animal to be vicious, he or she may order any of the following actions, or a combination of them:
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- (2) Order the owner to surrender it to the Animal Services Officer for euthanizing; (See Cal. Food and Agric. Code § 31645.)
- (3) Order that the owner may not own or possess any dog or other animal for a 36-month period; (See Cal. Food and Agric. Code § 31646.)
- (B) *Findings*. Before allowing a person to keep a vicious animal, the Animal Control Supervisor must make all of the following findings:
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- (2) Possession and maintenance of the animal at the location has not resulted in and is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse;

Tammany Brooks III, Chief of Police



- (3) The location is kept clean and sanitary, and the animal is provided with adequate food, water, ventilation, shelter and care at all times.
 - (4) Possession of the animal at the location does not violate any law, code or regulation; and
 - (5) The animal will not be kept at any other location than that specified in the order.
 - (C) Euthanizing dangerous dog or animal.
- (1) A dog or animal determined to be vicious may be euthanized by the Animal Control Department when it is found that the release of the animal would create a significant threat to public health, safety and welfare; and:
 - (a) When the time for filing an appeal with the Board of Administrative Appeals has lapsed;
 - (b) If an appeal is filed, when the Board determined to rule against the appeal; or
 - (c) If the owner has not met the conditions imposed on releasing a vicious animal within 14 days.
- (2) If there is a violation of this chapter, or a violation of any nonappealable order under this chapter after release of the animal that is observed by the Animal Services Officer, or sworn to in a written affidavit from a complaining party, the Animal Services Officer shall issue an order for the owner or possessor of the vicious animal to surrender the vicious animal to the Animal Control Supervisor for euthanizing. This order is subject to the appeal provisions set forth in <u>Title 1</u>, Chapter 4 of the Antioch Municipal Code.

(Ord. 2083-C-S, passed 4-8-14)

Our goal is to ensure the safeguard of property and the public welfare by regulating and controlling animals in the City of Antioch. You have until **4:30PM on July 31st, 2020**, to appeal this determination. If you make no action by 4:30 PM on July 31st, 2020, your dog will be deemed to have been surrendered and will be euthanized. You will be billed for ant applicable outstanding fees and costs. Should you have any questions concerning this matter you may contact Animal Services Manager George Harding at (925) 779-6990, Mon-Thur 7:30am – 5:00pm Fri 7:30am-3pm.

300 L Street, Antioch, CA 94509 Phone: (925) 779-6900 / Fax: (925) 779-6905 www.antiochpolice.com

Tammany Brooks III, Chief of Police



July 15th, 2020

Victoria Fuentes

RE: Declaration of Vicious Animal

Bam Bam A134748 7-month-old Neutered Brown Brindle Pit Bull

Dear Victoria Fuentes:

Your dog, "Bam Bam" has been found to be in violation of Antioch Municipal Code §6-1.801 (B) on June 18th, 2020. This incident was in direct violation of the Warning Letter that was agreed upon prior to her release on June 18th, 2020. Due to the circumstances, "Bam Bam" is now considered to be a *Vicious Animal*.

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the city:

- (a) A dog or animal seized under Cal. Penal Code § 599aa and upon the sustaining of a conviction of the owner under Cal. Penal Code § 597.5;
- (b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;
- (c) A dog or animal previously determined to be and currently listed as a potentially dangerous dog or animal which, after its owner has been notified of this determination: continues the behavior described as a potentially dangerous dog or animal; or is not kept indoors or secured on the owner's property. Here, **SECURED** means contained within a fence or structure suitable to prevent the entry of young children and to confine a potentially dangerous or vicious dog or animal, designed to prevent the animal from escaping. (See Food and Agric. Code §§ 31603, 31641, 31642 or 31643.)
- (C) Other definitions in § 6-1.102 also apply unless the context indicates or requires a different meaning.

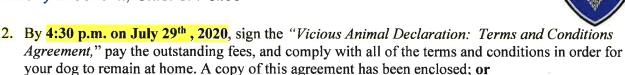
Accordingly, Antioch Animal Services, a division of the Antioch Police Department, has determined that there exists probable cause that your dog is a "Vicious Animal" under Article 8 of Chapter 1 of Title 6 of the Antioch Municipal Code and Article 2 of Chapter 9 of the California Food and Agricultural Code.

You have three mutually-exclusive options now that your dog has been declared a "Vicious Animal," which are described in more detail on the following pages:

1. By 4:30 p.m. on July 29th, 2020, surrender the dog to Antioch Animal Services; or

300 L Street, Antioch, CA 94509 Phone: (925) 779-6989 / Fax: (925) 779-6905 www.antiochpolice.com

Tammany Brooks III, Chief of Police



3. By 4:30 p.m. on July 29th, 2020, file all papers and pay fees to appeal the determination that your dog is a "Vicious Animal". The dog will remain at Animal Services until the Board of Administrative Appeals renders its decision.

Option 1 -- Surrender your dog

To surrender your dog to be humanely euthanized, please come to Antioch Animal Services and pay the applicable fees and sign the appropriate paperwork.

If you take no actions by 4:30 p.m. on July 29th, 2020 then your dog will be deemed to have been surrendered and will be euthanized. If the dog is not in our care by the date and time required, Antioch Animal Services will take necessary action (with the involvement of the Antioch Police Department) in order to obtain the dog. You will be billed for any applicable outstanding fees and costs.

Option 2 -- Sign the Vicious Animal Declaration; Comply with the Terms and Conditions; and Pay Fees

In order to obtain your dog now, you may sign the Vicious Animal Declaration, comply with the Terms and Conditions, and pay the fees. The Terms and Conditions are enclosed. Once you come to Antioch Animal Services to sign the Declaration and Terms and Conditions, an appointment will be made to inspect your home to ensure that you have complied with the Terms and Conditions before your dog is released.

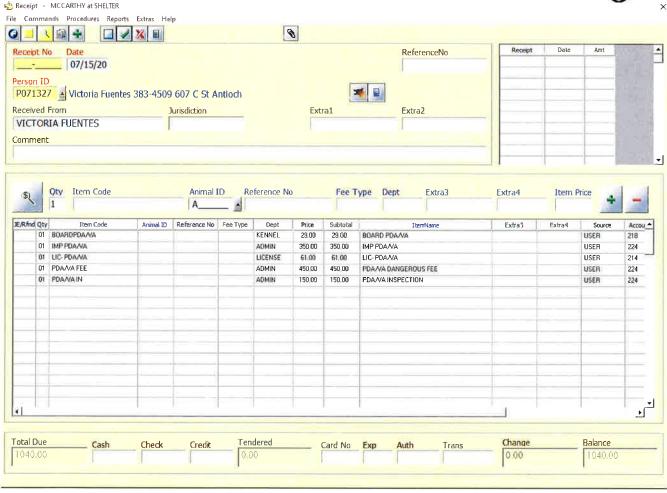
To date the fees for your dog is \$1040.00 and board increases by \$29.00 per day starting on July 16th, 2020.

The dog will be deemed surrendered to the City to be humanely euthanized, if you do not by 4:30 p.m. on July 29th, 2020: sign the Agreement, fulfill all Terms and Conditions; and pay \$1040.00 plus boarding costs of \$29 per day to the date of redeeming the dogs.

Choosing this option means that you waive any right to appeal the determination that the dog has been declared potentially dangerous.







Option 3 -- Appeal the Vicious Dog Determination

If you wish to appeal the determination that your dog is a "Vicious Animal," then you must file a written request and pay those fees listed above totaling \$1040.00, includes a \$450 Dangerous Animal Investigation Fee which must be paid to the City Clerk's Office no later than July 29th, 2020 by 4:30 p.m. in order to schedule a hearing with the Board of Administrative Appeals.

The City Clerk's office is located at 200 'H' Street, Antioch, CA 94509. The Clerk's Office hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. except City holidays. If both the written appeal request and fees are not received July 29th, 2020 4:30 p.m., then the City will deem that you have surrendered the dog to the City to be humanely euthanized.

Tammany Brooks III, Chief of Police



Boarding fees for the dogs will still be due with the amount depending on the final action of the Board of Administrative Appeals. Boarding fees will be charged from the date of determination through to the hearing if the Board of Administrative Appeals denies your appeal.

The \$450 Dangerous Animal Investigation Fee may be deferred until the Board of Administrative Appeals makes a decision if you complete and submit the Hardship Waiver Application with supporting documentation to the City Clerk's Office by 4:30 p.m. on July 29th, 2020.

Should you have any questions concerning this matter, please feel free to contact Antioch Animal Services at (925) 779-6989. Animal Services is open to the public by appointment only, Monday through Sunday 10 a.m. to 5:00 p.m.

Please check the City's website:

http://www.ci.antioch.ca.us/CityGov/Police/AntiochAnimalSvcs/default.htm# or call the Animal Services Shelter regarding any holiday closures.

Respectfully,

George Harding, Supervisor Antioch Police Department Animal Services Division 300 L Street Antioch, CA 94509

Enc.: Dangerous Animal Declaration Terms and Conditions Hardship Waiver Application

Kennel Design

STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE APPEAL HEARING OF SEPTEMBER 3, 2020

PREPARED BY:

Melissa Ethridge, Animal Control Officer

DATE:

September 3, 2020

SUBJECT:

Potentially Dangerous Animal Hearing

Animal Services Case No: 20-051274

Antioch Municipal Code § 6-1.801 (B): Potentially Dangerous Dog or Animal (c) and Vicious Dog or Animal (b), Antioch Municipal Code § 6-1.501 (C) Animal at

Large

REQUEST:

Appellant Esmeralda Asevedo requested a hearing to appeal a Potentially Dangerous Animal Declaration issued on July 13, 2020, citing a violation of Antioch Municipal Code § 6-1.801 (B) Potentially Dangerous Dog or Animal (c) which defines a Potentially Dangerous Dog in part as: (c) A dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal and § 6-1.801 (B) Vicious Animal (b) which defines a Vicious Dog in part as: (b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal and to appeal the citation issued for Maddie being at large on July 13, 2020, citing a violation of Antioch Municipal Code § 6-1.501 (C) which is defined in § 6-1.102 in part as: An animal that is: (i) not secured or enclosed on the owner's property; or (ii) not under restraint by a substantial leash no longer than six feet and within the care, custody and physical control of a competent person authorized to be at that location. An at-large animal does not include a cat.

BACKGROUND INFORMATION:

Parties Involved:

Dog Involved:

"Maddie" Animal ID A135066

Dog Owner:

Esmeralda Asevedo

Victim:

Four Chickens

Other Parties:

Jason Hoyt and Jessica Quintanilla

On July 13, 2020 at approximately 1030hrs reporting party Jason Hoyt [Victim animal owner] of Sanger Peak Way called Antioch Animal Services and reported to me, Animal Control Officer Ethridge #5854, that his neighbor's dog killed four of his chickens [See Event 20-051274]. I responded to the call in the Antioch Animal Services marked van.

When I arrived at the address, I was met outside by the RP Jason Hoyt and his wife Jessica Quintanilla who informed me that the responsible dog was a Yorkshire Terrier [Maddie A135066] that belonged to their neighbors at Sanger Peak Way. As J. Hoyt guided us through their home, I was shown a small, white, 3-4-week-old chicken in the kitchen that had a significant injury to the back of its neck [see photos]. The chicken appeared to be medically stable, I was unable to get a good photo of the injury as the chicken kept moving away from J. Quintanilla as she attempted to push its feathers out of the way.

I was then guided outside where the three other chickens involved lied deceased in a pink plastic bin [see photos]. The couple then guided me to the side of the house where the fence is shared with Sanger Peak Way. The responsible dog [Maddie A135066] was located near the fence leading to the street [see photos].

J. Quintanilla stated she had come outside to feed the chickens and discovered the bodies of three deceased chickens and found the responsible dog [Maddie A135066] inside their coop actively attacking the fourth chicken. Once the animals were separated, the couple then attempted to contact the dog owner [Esmeralda Asevedo], but they received no answer at the door.

During my visit I noticed at least two other Yorkshire Terriers on the other side of the fence as they had not stopped barking since I had arrived. **J. Hoyt** stated that he had since filled up the gap in the fence with wood and rocks where he believed the responsible dog [Maddie A135066] had come through [photo attached]. The couple stated that the neighbor's dogs are always barking and digging at the fence line and that they are constantly reinforcing the fence to keep them out.

I placed the responsible dog [Maddie A135066] in the Animal Control vehicle. I searched in Chameleon to see if we had any licenses on the dogs seen at this address, but there was no record. I wrote up a citation for the responsible dog [Maddie A135066] being at large, a notice to correct for the unlicensed dogs, and a notice of seizure based on 6-1.501 C [at large] and 6-1.801 [impounding of a PDA]. I knocked and rang the doorbell. As I stood there waiting, I noticed the two other Yorkshire Terriers from the backyard had made their way to fence next to the front door and did not stop barking. I received no answer, so I left the notices in an envelope in the wedge of the door/doorframe.

I received a phone call from Esmeralda Asevedo [responsible dog owner], stating that we had her female Yorkshire Terrier [Maddie A135066]. I advised E. Asevedo that I was the officer that picked up Maddie and that I would meet her at the back of the shelter to discuss the steps in order to get her home. I met E. Asevedo with sample documents of the typical PDA/VA paperwork and went over them in depth explaining the purpose and that we do not take these actions lightly. E. Asevedo stated that when she went to her neighbor's house to offer to replace the lost chickens, J. Quintanilla was extremely upset and raising her voice. From what E. Asevedo gathered from her conversation with J. Hoyt, she stated she heard him admit that he had forgotten to replace a section of the fence near the chicken coop when he was doing a previous repair. E. Asevedo asked if this was something that would change the outcome of our findings as she did not know there was a break in the fence. I advised that whether the fence was keeping her dogs from the neighbor's yard or not, it is her responsibility to keep her dogs on her own property.

E. Asevedo asked if **Maddie A135066** could potentially be adopted or go to a rescue if the family was unable to pay the required fees. I informed her that adoption would not be an option and that in my experience dogs given this title have never been accepted to be placed in a rescue but given the dog's

size and demeaner towards people I would see if it was a possibility. I got **E. Asevedo's** email address and informed her that I would send the paperwork over before the end of business and asked that she let me know when she received it.

Paperwork was emailed to @gmail.com [E. Asevedo] at 16:01 hrs.

On July 14, 2020 I called E. Asevedo to confirm that she received the paperwork as I had not yet received a response. E. Asevedo stated that she had gotten the paperwork but had a few questions, the first being how her dog was doing. I informed her that Maddie appeared nervous with the big dogs barking in the kennels surrounding her, but otherwise appeared to be doing fine. E. Asevedo argued that her dog is not aggressive and believed that her behavior towards humans should be noted and used towards her case. I explained to E. Asevedo that the dog's demeaner towards our staff has nothing to do with the situation at hand and we have to simply look at the violations made by Maddie. E. Asevedo stated that she disagreed and that she would be hiring an attorney. She then questioned the option that explains the owner surrendering for euthanasia. E. Asevedo asked if that was the only option and claimed I told her that if she chose to surrender Maddie to the shelter that she would go to a rescue. I reminded her that per our conversation yesterday, I said that in my experience dogs given this title have never been accepted to be placed in a rescue but given the dog's size and demeaner towards people I would see if it was a possibility. E. Asevedo asked if they would be able to have the dog released to her mother; I explained that the same or similar requirements would need to be met at her mother's home, depending on where her mother lived. E. Asevedo went on to state that this whole process could have been avoided and that it was essentially being blown out of proportion. I agreed that it did seem odd to be deeming such a small dog "Potentially Dangerous", but what Maddie did was unacceptable and tighter restrictions needed to be put into place to prevent any future incidents. E. Asevedo then compared Maddie attacking and killing the chickens the same as "killing a rat" and said "it would be different if it was dog or cat" and "if she was a Pit Bull or something I would understand" but insisted that her dog was not potentially dangerous and the neighbor's clearly know that as they were able to handle the dog and as was I. I reiterated the fact that the dog's personality towards humans does not always reflect in the way they act towards other types of animals and again, her display of behavior towards humans would not change our determination.

E. Asevedo then stated that she does not check her fence for holes because the dogs normally are let out only to use the restroom and asked why the dog had to take responsibility for the incident when her neighbor had admitted to not filling in a hole in the fence near the chicken coop. I informed **E. Asevedo** that I had not been told that information, I was told she came through a hole in the fence where there had been a small piece of wood and small rocks placed there. **E. Asevedo** then said, "well it's not my fault that you didn't ask the right questions". I informed **E. Asevedo** that whether people tell me the truth/full details to a story or not is not under my control.

POTENTIALLY DANGEROUS ANIMAL DECLARATION:

On July 13, 2020, Maddie A135066 was found to be a Potentially Dangerous Animal using Antioch Municipal definitions: Potentially Dangerous Dog or Animal and Vicious Dog or Animal. POTENTIALLY DANGEROUS DOG OR ANIMAL: Any of the following, as determined by the city: (3) A dog or animal

which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. VICIOUS DOG OR ANIMAL: Any of the following, as determined by the city: (2) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal. The Potentially Dangerous Animal Declaration [attached] and Potentially Dangerous Animal Terms and Conditions [attached] was completely and ready for pick up. The paperwork was sent to the email provided and was mailed out via certified mail to sanger Peak Way addressed to Esmeralda and Michael Asevedo.

On July 21, 2020 I was informed that **E. Asevedo** wished to appeal the Potentially Dangerous Animal Declaration and the violation issued for **Maddie** being at large.

RECOMMENDATION:

Based on the findings of the investigation, the unprovoked actions and severity of the injuries inflicted by **Maddie**, she is considered to be a Potentially Dangerous Animal.

Therefore, it is staff recommendation to deny the appeal and uphold the Potentially Dangerous Animal Declaration of July 13, 2020.

SUPPLEMENTAL ATTACHMENTS:

Antioch Municipal Code

Photo of "Maddie"

Antioch Police Department Event Report for July 13, 2020 Event 20-051274

Photo of Deceased Chickens

Photos (2) of Injured Chicken

Photo of Mended Fence

Photo of Maddie in Yard

Photos (2) of Notice of Seizure

Determination Letter of Potentially Dangerous Animal

Potentially Dangerous Animal Declaration: Terms and Conditions

Kennel Requirements

Hardship Waiver

Antioch Police Department Event Report for July 13, 2020 Event 20-051318

Antioch Police Department Event Report for July 13, 2020 Event 20-051354

Animal Services Manager George Harding's Update Letter for Esmeralda Asevedo

\mathbb{R} § 6-1.102 DEFINITIONS.

AT LARGE. An animal that is: (i) not secured or enclosed on the owner's property; or (ii) not under restraint by a substantial leash no longer than six feet and within the care, custody and physical control of a competent person authorized to be at that location. An at-large animal does not include a cat.

ARTICLE 5: ANIMALS: PROHIBITIONS AND REQUIREMENTS § 6-1.501 UNLAWFUL ACTS.

It is unlawful for a person owning an animal to do any of the following. A violation of this section is also a public nuisance, under § 1-2.01(D):

(C) Allow an animal to be at large (or to be at a public park, playground or school unless under leash restraint); (see definition of "at large" at § 6-1.102.)

ARTICLE 8: POTENTIALLY DANGEROUS AND VICIOUS ANIMALS § 6-1.801 PURPOSE; DEFINITIONS.

- (A) *Purpose*. The purpose of this article is to reduce the risk of serious attacks or bites by dogs or other animals. This article sets forth the procedures for finding an animal potentially dangerous or vicious and subject the animal to appropriate controls and enforcement actions. (See Cal. Health and Safety Code §§ 31601 et seq.; Cal. Food and Agric. Code §§ 31601 through 31683.)
- (B) *Definitions*. For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

POTENTIALLY DANGEROUS DOG OR ANIMAL. Any of the following, as determined by the city:

- (a) A dog or other animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by a person or another animal to prevent bodily injury when the person and the dog are: off the property of the dog's owner; or on the property of the dog's owner by invitation or with implied permission. (See Cal. Food and Agric. Code § 31602);
- (b) A dog or animal which, when unprovoked, bites a person causing a less severe injury than as defined here as a **SEVERE INJURY** (Cal. Food and Agric. Code §§ 31602 and 31064); or
- (c) A dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. (See Cal. Food and Agric. Code § 31602.)

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the city:

- (a) A dog or animal seized under Cal. Penal Code § 599aa and upon the sustaining of a conviction of the owner under Cal. Penal Code § 597.5;
- (b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;

- (c) A dog or animal previously determined to be and currently listed as a potentially dangerous dog or animal which, after its owner has been notified of this determination: continues the behavior described as a potentially dangerous dog or animal; or is not kept indoors or secured on the owner's property. Here, **SECURED** means contained within a fence or structure suitable to prevent the entry of young children and to confine a potentially dangerous or vicious dog or animal, designed to prevent the animal from escaping. (See Food and Agric. Code §§ 31603, 31641, 31642 or 31643.)
- (C) Other definitions in § <u>6-1.102</u> also apply unless the context indicates or requires a different meaning.



Time: 08/18/2020 10:28:03 Event: 20-051274

			INCIDENT INFOR	MATION	
Receive Time	Clear Time		Call Taker		Position
07/13/2020 10:28:02	7/13/2020	11:34:46 AM	ETHRIDGE, MELISSA	ID: 5854	AS11381
Classification	Priority		How Receive	Services	
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G name and section	-11	i tirkiya Misan			
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Time 07/13/2020 10:31:08	Unit X25	Status	Operator		Position
ocation	AZS	D	MONTES, LAUREN I	J: 55/3	CAD5
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Time	Unit	Status	Operator		Position
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07/13/2020 10:31:23	X5	49E	KREIN, KENNETH ID:	5428	VM30
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FINGER PEAK WY	HICKS MC	UNTAIN CT.	ANTIOCH		
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7/13/2020 10:36:56	K4	D	MONTES, LAUREN ID): 5573	CAD5
ocation					
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	Unit	Status	Operator		Position
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	K4	43L			
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07/13/2020 10:39:28 .ocation FINGER PEAK WY Time 07/13/2020 10:54:45 .ocation	/ HICKS MO Unit K4	Status	ANTIOCH Operator	ID: 4562	1
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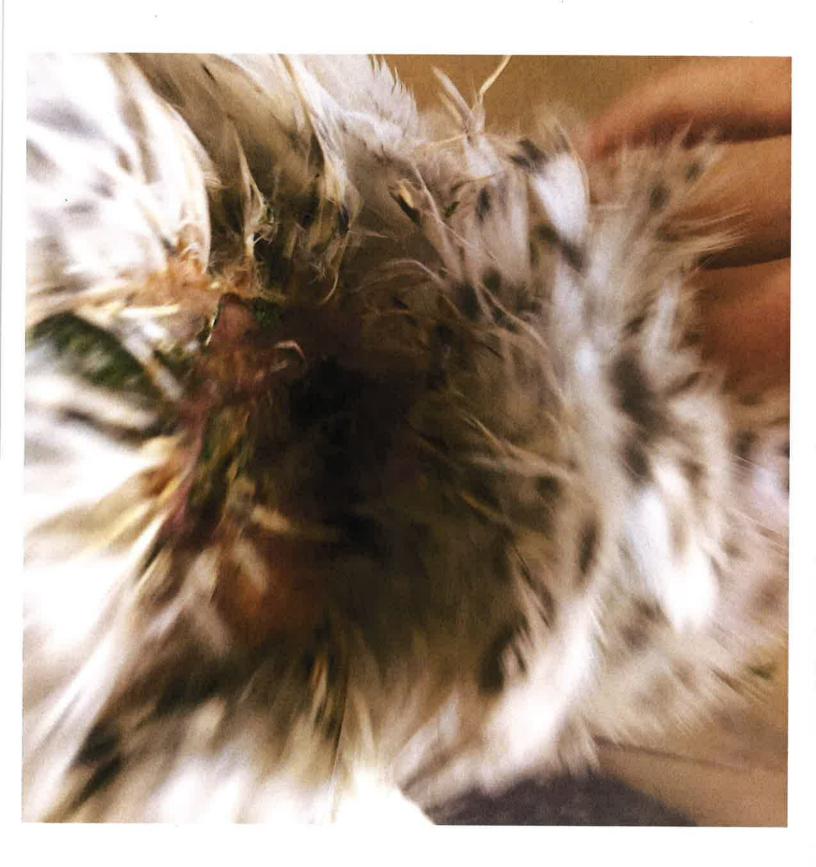
Time: 08/18/2020 10:28:03 Event: 20-051274 Unit Status Operator Position 07/13/2020 11:16:00 K4 97E ETHRIDGE, MELISSA ID: 5854 **VM761** Location SANGER PEAK WAY Time Operator Position 07/13/2020 11:34:39 ETHRIDGE, MELISSA ID: 5854 VM761 Supplement ONE FEMALE YORSHIRE TERRIER BELONGING TO SANGER PEAK WAY IMPOUNDED FOR KILLING 3 YOUNG CHICKENS AND INJURING A FOURTH. NO ANSWER AT DOOR OF RESP. DOG OWNER, NOTICE OF SEIZURE LEFT WITH CITATION FOR ONE DOG AT LARGE AND NOTICE TO CORRECT FOR 3 UNLICENSED DOGS AND REPORTED EXCESSIVE BARKING. Time Unit Dissociate Status 07/13/2020 10:33:50 X25 Time Unit Dissociate Status 07/13/2020 10:33:50 X5 8 Time Dissociate Status Unit K4 07/13/2020 11:34:46 8 Police Unit Staff K4 ETHRIDGE, MELISSA ID: 5854 Police Unit X25 AGUILAR, SAUL ID: 6131 Police Unit Staff **X5** KREIN, KENNETH ID: 5428 **Event** Police Receive 07/13/2020 10:28:02 Save 07/13/2020 10:29:24 Dispatch 07/13/2020 10:31:08 07/13/2020 10:31:08 **Enroute** 07/13/2020 10:31:21 07/13/2020 10:31:21 **Arrive** 07/13/2020 11:16:00 07/13/2020 11:16:00 **Last Clear** 07/13/2020 11:34:46 07/13/2020 11:34:46

No. of Units

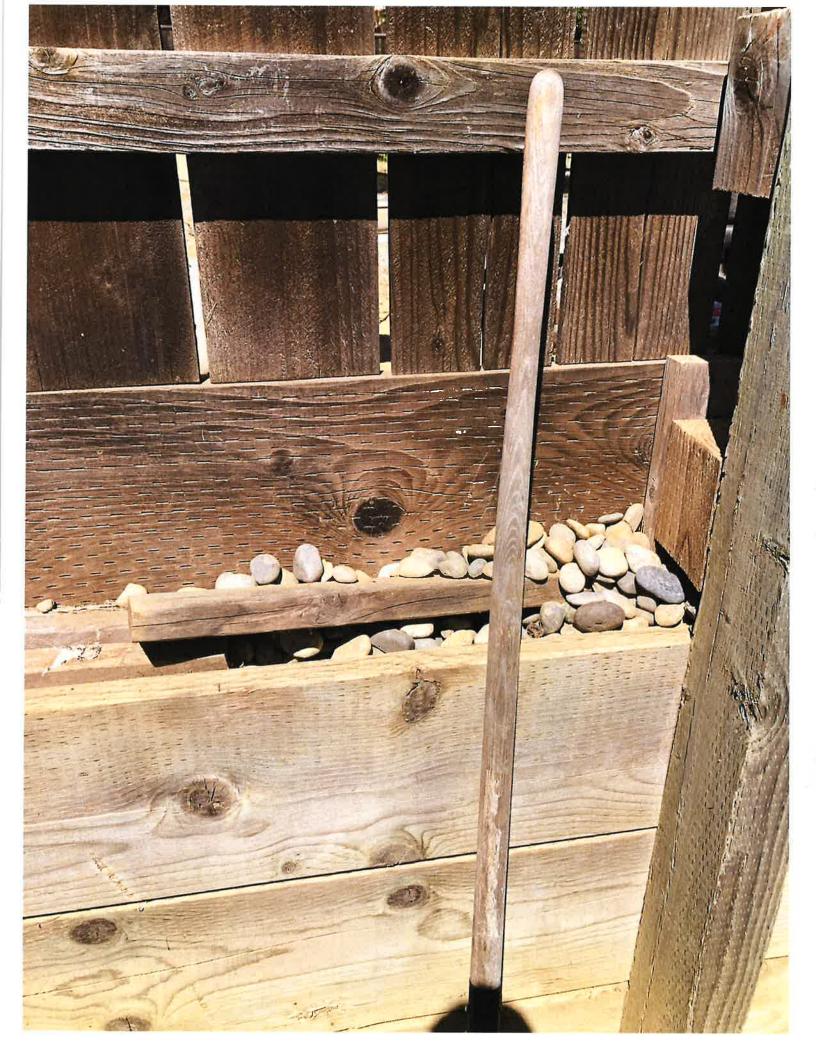
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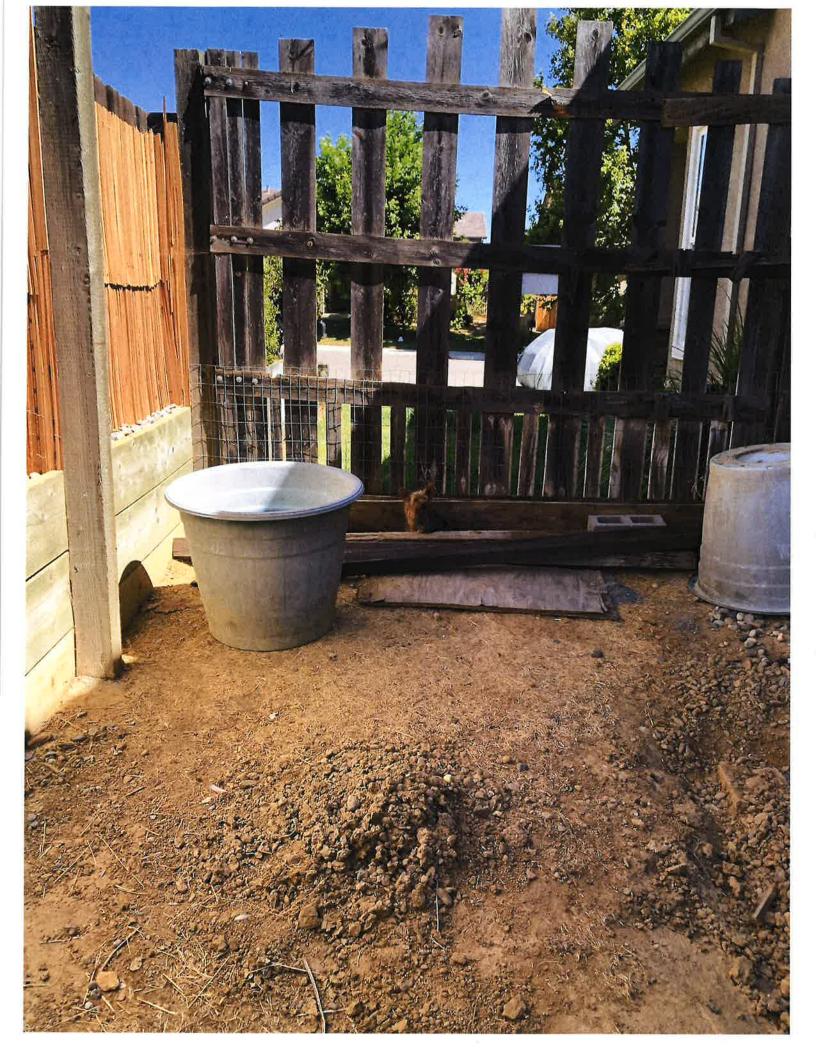
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Tammany Brooks III, Chief of Police



Antioch Animal Services NOTICE SEIZURE OF ANIMAL(S)

Date: 07/13/2020 Time:	11:00 Am Case # 20:051214
Date: UT 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	7.1, the animal(s) described below could be seized in violation
of the following;	7.1, 110
	1.80 D I
Code Section: (6-1.501 (c), (6-	
- Course Deal V	Wy
From: Sanger Peace	
Antioch, CA	94509
City	Zip
1 Female - Tan/	Silver-Yorkshire Terrier
Animal(s)/ID	
	in a contracting
Circumstances: Your dog was	seen by your neighbor attacking
Circumstances: Your dog was	seen by your neighbor attacking e deceased, one is injured.
abject one Three are	e deceased, one is injuica.
their chickens. Three are	#5854 Contact: 925.779.6989
officer: Melissa Ethnidge	#5854 Contact: 925.779.6989
officer: Melissa Ethnidge	#5854 Contact: 925.779.6989
Officer: Melissa Ethnidge Statement: The owner or person authorized	#5854 Contact: 925.779.6989 to keep the animal(s) or his/her agent may request a post-seizure on within ten days, including holidays/weekends, of the Notice
Officer: Melissa Ethnidge Statement: The owner or person authorized hearing by returning the enclosed declaration date. Return the declaration by personal declaration of the enclosed declaration date.	#5854 Contact: 925.779.6989 to keep the animal(s) or his/her agent may request a post-seizure on within ten days, including holidays/weekends, of the Notice slivery or mail.
Officer: Melissa Ethnidge Statement: The owner or person authorized hearing by returning the enclosed declaration date. Return the declaration by personal declaration of the enclosed declaration date.	#5854 Contact: 925.779.6989 to keep the animal(s) or his/her agent may request a post-seizure on within ten days, including holidays/weekends, of the Notice slivery or mail.
Officer: Melissa Ethnidge Statement: The owner or person authorized hearing by returning the enclosed declaration date. Return the declaration by personal declaration of the enclosed declaration date.	#5854 Contact: 925.779.6989 to keep the animal(s) or his/her agent may request a post-seizure on within ten days, including holidays/weekends, of the Notice slivery or mail.
Officer: Melissa Ethnidge Statement: The owner or person authorized hearing by returning the enclosed declaration date. Return the declaration by personal declaration of the enclosed declaration date.	#5854 Contact: 925.779.6989 to keep the animal(s) or his/her agent may request a post-seizure on within ten days, including holidays/weekends, of the Notice slivery or mail.

300 L Street, Antioch, CA 94509
Phone: (925) 779-6989 /Fax: (925) 779-6992
http://www.ci.antioch.ca.us/CityGov/Police/AntiochAnimalSvcs/

Tammany Brooks III, Chief of Police



July 13th, 2020

Michael and Esmeralda Asevedo Sanger Peak Way Antioch, CA 94531

RE: Declaration of Potentially Dangerous Animal

"Maddie" – A135066 Tan and Silver Female Yorkshire Terrier

Dear Mr. and Mrs. Asevedo:

Your dog, "Maddie" has been found to be in violation of Antioch Municipal Code § 6-1.801 *Potentially Dangerous Animal* based on an incident that occurred on July 13th, 2020.

(c) A dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. (See Cal. Food and Agric. Code § 31602.)

Accordingly, Antioch Animal Services, a division of the Antioch Police Department, has determined that there exists probable cause that your dog is a "*Potentially Dangerous Animal*" under Article 8 of Chapter 1 of Title 6 of the Antioch Municipal Code and Article 2 of Chapter 9 of the California Food and Agricultural Code.

You have three mutually exclusive options now that your dog has been declared as a "*Potentially Dangerous Animal*," which are described in more detail on the following pages:

- 1. By 4:30 p.m. on July 24th, 2020, surrender the dog(s) to Antioch Animal Services; or
- 2. By 4:30 p.m. on July 24th, 2020, sign the "Dangerous Animal Declaration: Terms and Conditions Agreement," pay the outstanding fees, and comply with all of the terms and conditions in order for the dog to be returned to you. A copy of this agreement has been enclosed; or
- 3. By 4:30 p.m. on July 24th, 2020, file all papers and pay fees to appeal the determination that your dog is a potentially dangerous animal. The dog will remain at Animal Services until the Board of Administrative Appeals renders its decision.

300 L Street, Antioch, CA 94509 Phone: (925) 779-6989 / Fax: (925) 779-6905 www.antiochpolice.com

Tammany Brooks III, Chief of Police



Option 1 -- Surrender your dog(s)

To surrender your dog to be humanely euthanized, please come to Antioch Animal Services and pay the applicable fees and sign the appropriate paperwork.

If you take no actions by 4:30 p.m. on July 24th, 2020, then your dog will be deemed to have been surrendered and will be euthanized. You will be billed for any applicable outstanding fees and costs.

Option 2 -- Sign the Dangerous Animal Declaration; Comply with the Terms and Conditions; and Pay Fees

In order to obtain your dog now, you may sign the Potentially Dangerous Animal Declaration, comply with the Terms and Conditions, and pay the fees. The Terms and Conditions are enclosed. Once you come to Antioch Animal Services to sign the Declaration and Terms and Conditions, an appointment will be made to inspect your home to ensure that you have complied with the Terms and Conditions before your dog is released.

To date the fees for your dog is \$1,111.00 and board increases by \$29.00 per day starting on 4:30 p.m. on July 14th, 2020

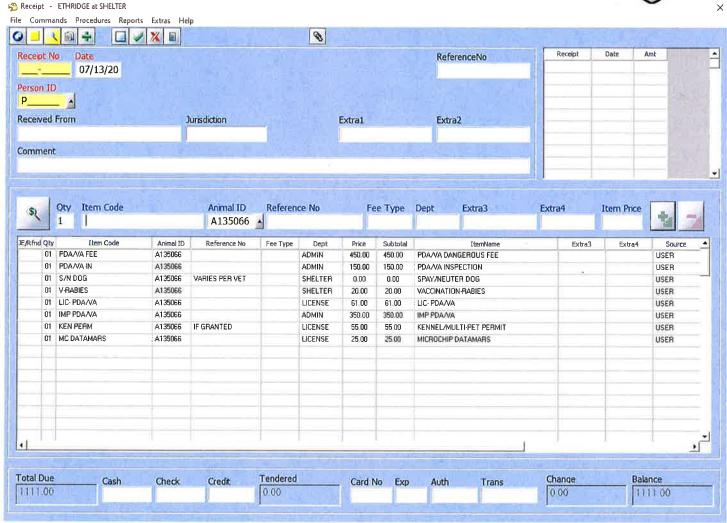
The dog will be deemed surrendered to the City to be humanely euthanized, if you do not by 4:30 p.m. on July 24thth, 2020: sign the Agreement, fulfill all Terms and Conditions; and pay \$1,111.00 plus boarding costs of \$29 per day to the date of redeeming the dogs.

Choosing this option means that you waive any right to appeal the determination that the dog has been declared potentially dangerous.

300 L Street, Antioch, CA 94509 Phone: (925) 779-6989 / Fax: (925) 779-6905 www.antiochpolice.com

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Option 3 -- Appeal the Potentially Dangerous Dog Determination

If you wish to appeal the determination that the dog is a "Potentially Dangerous Animal," then you must file a written request and pay those fees listed above totaling \$1,111.00, which includes a \$450 Dangerous Animal Investigation Fee.

Investigation Fee must be paid to the City Clerk's Office no later than <u>July 24th, 2020 by 4:30 p.m.</u> in order to schedule a hearing with the Board of Administrative Appeals.

The City Clerk's office is located at 200 'H' Street, Antioch, CA 94509. The Clerk's Office hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. except City holidays. If both the written appeal request

Tammany Brooks III, Chief of Police



and fees are not received July 24th, 2020 by 4:30 p.m., then the City will deem that you have surrendered the dog to the City to be humanely euthanized.

Boarding fees for the dog will still be due with the amount depending on the final action of the Board of Administrative Appeals. Boarding fees will be charged from the date of determination through to the hearing if the Board of Administrative Appeals denies your appeal.

The \$450 Dangerous Animal Investigation Fee may be deferred until the Board of Administrative Appeals makes a decision if you complete and submit the Hardship Waiver Application with supporting documentation to the City Clerk's Office by 4:30 p.m. on July 24th, 2020.

Should you have any questions concerning this matter, please feel free to contact Antioch Animal Services at (925) 779-6989. Animal Services is open to the public Tuesday through Thursday 10 a.m. to 5:00 p.m., Friday 10 a.m. to 2 p.m. and Saturday from 10 a.m. to 5:00 p.m.

Please check the City's website:

http://www.ci.antioch.ca.us/CityGov/Police/AntiochAnimalSvcs/default.htm# or call the Animal Services Shelter regarding any holiday closures.

Respectfully,

George Harding, Supervisor Antioch Police Department Animal Services Division 300 L Street Antioch, CA 94509

Enc.: Dangerous Animal Declaration Terms and Conditions

Hardship Waiver Application

Kennel Design

Tammany Brooks III, Chief of Police



ANTIOCH ANIMAL SERVICES DANGEROUS ANIMAL DECLARATION TERMS AND CONDITIONS

July 13th, 2020

Dog Owner:
Michael and Esmeralda Asevedo
Sanger Peak Way
Antioch, Ca 94531

Pursuant to Antioch Municipal Code Section 6-1.801, based on the events that occurred on July 13th, 2020 the following animal is declared to be a **POTENTIALLY DANGEROUS ANIMAL:**

Maddie (A135066)- Tan and silver Yorkshire Terrier

The Owner or Custodian of the above described dog is hereby directed to keep the animal under strict restraint and control at all times. An Animal Control Officer of the City of Antioch may seize the animal and petition to have them humanely euthanized in the event the animal is found in violation of any restriction and/or condition outlined below:

1.	If not all Owners of the subject dog sign this Agreement, the signing Owner represents that he/she has the authority of the other Owners to sign on their behalf.
2.	Antioch Animal Services shall have the authority, at reasonable times, to inspect and approve the area of confinement of the declared Potentially Dangerous Animal
3.	Adult Owner(s) and dog must enroll in, and satisfactorily complete, a basic obedience/aggressive dog training course within 90 days of release. Proof of satisfactory completion must be presented to Antioch Animal Services within 5 business days of completion

Tammany Brooks III, Chief of Police



4.	Prior to release, the dog shall be micro-chipped for permanent identification at the Owner's expense and the identification numbers registered with Datamars Pet Recovery as provided in the microchip information packet at the Owner's expense.
5.	Prior to release, the dog shall be spayed or neutered at the Owner's expense. An employee of Antioch Animal Services will transport the dog to an Antioch Veterinarian approved by the Owner (Conditions may vary).
6.	The dog, when in public, must wear a humane muzzle, a dog harness and be restrained by a leash not exceeding 6 feet in length and under the control of a competent adult
7.	The dog shall not be allowed loose in the front yard
8.	The dog must not be left unattended or tethered in the front yard.
9.	Owner must post a "BEWARE OF DOG" sign at each entry gate to rear/side yards. The sign must depict the head of a growling dog
10	O. An adult must be present and supervising the dog when it is loose in the side and/or rear yards
11	. Owner is required to have a large outside dog kennel. [See attached for Kennel Requirements] Wher the dog is unsupervised in the side and/or rear yard, it must be kept in a totally enclosed kennel with gates locked. The kennel must be inspected and approved by an Animal Control Officer prior to release of the dog
12	Exit gates and/or doors from premises must be self-closing, self-latching and in good operating order.
13	. A security screen door must be properly installed on the front door entrance of the premises.
14	Doors leading from the rear of side yards and/or residence into garage must be self-closing, self-latching and in good operating order
15	. The dog must be kept current on rabies vaccinations and licensing.
16	. Owner must immediately contact Antioch Animal Services if/whenever the dog escapes the Owner's premises or whenever they bite a human or animal
17	. Owner must comply with all applicable animal care and control laws

Tammany Brooks III, Chief of Police

Date:_____



18. Owner must advise any and all caregive	ers/custodians of the dog of these terms and conditions.
19. All fees owing to the City of Antioch v	will be paid prior to release of the dog.
Supervisor of Animal Services proof the insurance from an insurer licensed to put amount of not less than one hundred the of any person or persons, or loss or daract of such animal. Liability insurance ceases to own or keep the animal prior evidenced by a certificate issued by the	otentially Dangerous Animal must present to the nat the Owner or Keeper has procured liability ractice in the state of California, in a single incident ousand dollars for each animal, for injury to or death mage to any property caused by or resulting from any shall not be canceled unless the Owner or Keeper to expiration of that insurance. Coverage shall be a insurer. The Owner shall also provide documentation surer will provide Antioch Animal Services at least on of insurance.
Please be advised that the owner of the property where "Potentially Dangerous" status and a copy of this declaration.	the dog resides will be notified of the animal's aration will be issued as a courtesy through registered
Owner acknowledges that the above-described dog has DANGEROUS ANIMAL ", and agrees to comply wit acknowledges that any violation of these terms and conthe dog and recommending that the animal be euthanized	h the Terms and Conditions of this agreement and nditions may result in Antioch Animal Services seizing
CITY OF ANTIOCH:	ANIMAL OWNER:
By: Animal Services Representative	By:
Animal Services Representative	

Date:

PDA/VA KENNEL REQUIREMENTS

- Kennel MUST be covered and the material used must be secured with wire
- Kennel MUST be cemented or anchored into the ground
- Kennel <u>MUST</u> be built on top of a solid base of either wood, cement or other substantial material (one that cannot be broken down by the animal)
- Door(s) to kennel <u>MUST</u> have locks installed
- Kennel <u>MUST</u> have shelter, food/water bowls inside
- Dog(s) <u>MUST</u> have ample room to turn around



*KENNEL MUST BE INSPECTED AND APPROVED BY AN ANTIOCH ANIMAL CONTROL OFFICER PRIOR TO RELEASE OF DOG(S)

📙 § 6-1.801 PURPOSE; DEFINITIONS.

SECURE ENCLOSURE. A kennel, pen or structure with secure sides and a secure, attached top. The kennel or pen shall be constructed in a manner so that it cannot be broken down by any action of the confined animal. All structures used for confinement of a vicious animal must be locked with a key or combination lock of sufficient strength to ensure confinement of the animal. The structures must be erected on a secure bottom or floor constructed of concrete or other material sufficient to prevent the animal from digging free. A vicious animal enclosed in a house, apartment, building or similar structure is allowed only where the windows and doors of the structure are secured to prevent the animal from exiting without the assistance of the owner or other person in control. (See also Cal. Food and Ag. Code § 31605.)

CITY OF ANTIOCH

REQUEST FOR ADVANCE DEPOSIT HARDSHIP WAIVER - DECISION

NAME		
Social Security Number	Driver's License Number	
Day Phone	Evening Phone	
Mailing Address		
Property Address that is the Subject of the D	ecision	
Department Making Decision:	Date of Decision:	
List all family members living with you:		
<u>Name</u>	Relationship	<u>Age</u>
		-
		-
Dec. 1900	<u> </u>	
Are you presently employed? If y		
Occupation:		
Employer:		
Employer's Address:		
F 1 1 DI N 1		150

Total family income befor	e taxes and deduction p	per month from <u>all</u> source	ces (gross income):
Your employment:	\$	Child Support:	\$
Spouse's employment:	\$	Alimony:	\$
Unemployment:	\$	Pension/Retirement:	\$
Welfare/S.S.I./A.D.C.:	\$	Other:	\$
Other:	\$	GROSS INCOME:	
		14	\$
MONTHLY EXPENSES:			
Rent/Mortgage:	\$	Fixed Debts (payroll deductions):	\$
Child Care:	\$		
		Expenses:	\$
Transportation to/from Work:	\$	Pension/Retirement:	\$
Welfare/S.S.I./A.D.C.:	\$	•	e.
		and describe):	\$
		TOTAL EXPENSES:	\$
ASSETS:	Savings \$	Charling ¢	
	Savings #	Checking \$_	
Other assets (bonds, stocks, etc.)	\$	Value of Automobile(s): \$_	
Value of real estate:	\$	TOTAL ASSETS:	\$
			V
I hereby request a hardshigrounds/reasons:	ip consideration of adva	ance deposit of the fee f	for the following SPECIFIC
	-11-		
	a .		

HARDSHIP WAIVER APPLICATION - DECISION

You are required to show your inability to pay by <u>attaching a copy of last year's tax return (with W-2's or 1099's)</u>, in addition to one (1) or more of the following additional documents, to this application:

 Pay stubs for the last 6 months or unemployment check stubs: · Utility billing with Lifeline rates; Recent Chapter 7 Bankruptcy filing (within last 6 months); Documentation of any Welfare/S.S.I./A.D.C. payments for the last 6 months; Other: NOTE: If you declare that you were not required by law to file a tax return for last year, you must attach at least two (2) of the above documents. If you fail to attach the required documents your application will be rejected. I hereby authorize the City of Antioch to contact my employer (if any listed above). I understand that this hardship consideration is for the deferral of the fee. If the decision is upheld and the appeal denied, the full amount of the fee is due at that time. (print name) declare under penalty of perjury of the laws of the State of California that the information I have provided herein is a full and true statement of my knowledge and information. Executed this Date:____ Signature This Section to be completed by City Staff only: Granted or denied:______ Determination made by:_____ Grounds for granting or denying (Circle response): 1. Supporting documentation: Sufficient / Insufficient 2. Income: Exceeds / Meets 3. Other:_____

Copy of Determination mailed/personal service to Applicant on:_____

Time: 08/18/2020 10:28:25 Event: 20-051318 Receive Time Clear Time Call Taker Position 7/13/2020 1:38:33 PM 07/13/2020 12:58:51 MALSOM, STACEY ID: 4045 CAD4 Classification Priority How Receive Services 21 Police Address SANGER PEAK WY / MAMMOTH WY, ANTIOCH Police Agency District Station Zone PD 5 511 Name Phone **QUINTANILLA, JESSICA** Address Info Contact E20-51274 RP WOULD LIKE TO SPEAK WITH AN OFC ABOUT HER NBR BEING UPSET BECAUSE THE DOG WAS IMPOUNDED Closing Class Event Dispo Location **Unit Code** Agency: Case Number **Primary Staff SRVC** PD: **AGUILAR, SAUL 6131** Time Unit Status Operator Position 07/13/2020 13:31:19 X25 D MEADS, KORINA ID: 4074 CAD3 Unit Status Operator Position 07/13/2020 13:31:27 X25 49E AGUILAR, SAUL ID: 6131 **VM09** Status Time Unit Operator Position 07/13/2020 13:37:13 X25 97E AGUILAR, SAUL ID: 6131 VM09 Operator Position 07/13/2020 13:38:30 AGUILAR, SAUL ID: 6131 **VM09** Supplement CALLS WENT TO VOICEMAIL, WHICH "HASN'T BEEN SET UP." UNABLE TO LEAVE MESSAGE. Unit Dissociate Status 07/13/2020 13:38:33 X25 8 Police Unit Staff X25 AGUILAR, SAUL ID: 6131 **Event Police** Receive 07/13/2020 12:58:51 Save 07/13/2020 12:59:51 Dispatch 07/13/2020 13:31:19 07/13/2020 13:31:19 **Enroute** 07/13/2020 13:31:27 07/13/2020 13:31:27 **Arrive** 07/13/2020 13:37:13 07/13/2020 13:37:13 **Last Clear** 07/13/2020 13:38:33 07/13/2020 13:38:33

Page 2 of 2

4

Time: 08/18/2020 10:25:04 Event: 20-051354

11110. 00/10/2020 10	7.20.04				Event. 20-05 135
			INCIDENT INFOR	MATION	
Receive Time	Clear Time			High Tells	Position
07/13/2020 15:11:15		9 0 4:25:46 PM	Call Taker TURNAGE, AUTUMN ID: 4562		CAD6
Classification 415NBR	Priority 3	7 41.20.40 T III	How Receive	Services Police	CADO
Address				Tonice	
SANGER PEAK V	YY / OBSER	VATION WY, A	ANTIOCH		
Police Agency	District		Beat	Station	Zone
PD			5		511
			REPORTING PA	RTIES	
Name				Phone	
ESMERALDA VILLEGA	S			(Ind)150-5703:	
Address				Info	
				Contact	
			SYMPER		
			SILIOPOR	and the state of	
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				A 21 31 148 FE	
			DISPOSITIO	NS	
Closing Class Event Dispo	Location	Unit Code	Agency: Case Number	Primary Staff	
CIVI 3			PD:	SHAFFER, COL	.E 5537
		Ua Silvinia	T HOTOBIEC (CL	NO PIERS	
	1			PPLEMENTS	
Time	Unit	Status	Operator		Position
07/13/2020 15:54:47 Time	Y5	D Ctatus	MONTES, LAUREN II	D: 5573	CAD5
07/13/2020 15:55:51	Unit Y5	Status 49E	Operator SHAFFER, COLE ID:	5527	Position
Time	Unit	Status	Operator	555 <i>1</i>	VM11 Position
07/13/2020 16:03:29	Y5	97E	SHAFFER, COLE ID:	5537	VM11
Time			Operator	-	Position
07/13/2020 16:25:37			SHAFFER, COLE ID: 5537		VM11
Supplement					
RPS DOG WAS TAKEN	BY AC AFT	ER IT KILLED	THREE OF NEIGHBORS	CHICKENS, ACCO	ORDING TO RP THE NEIGHBOR ADMITS
THAT HE DUG A HOLE	UNDER THI	E FENCE WHE	N PUTTING UP CHICKE	N COOP THAT WA	S NOT PROPERLY SECURED WHEN HE
SHE IS VERY LIPSET TO	OWED DOG HAT SHE WI	TO ESCAPE.	I ADVISED RP THERE IS	NOTHING I CAN D	OO TO REVERSE THIS ISSUE, HOWEVER, CKENS TO GET HER DOG BACK.
ADVISED RP THIS IS A	CIVIL ISSU	E. BUT SUGG	ESTED A LETTER TO NE	IGHBOR EXPLAIN	ING HER POSITION
Time	Unit	Dissociate S			
07/13/2020 16:25:46	Y5	8			
Police Unit	Staff	IIII.q			
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	OHATTER	, OOLL ID. S		ing the last in th	
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	Event		Police		
			- 31100		
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Save	07/13/2020	0 15:13:04			
Dispatch	07/13/2020	: 0.45:54:47	07/42/2020 45:54:47		
Dispaton	07/13/2020	0 10:04:47	07/13/2020 15:54:47		

Antioch Police Department Event Report

Time: 08/18/202	0 10:25:04	Event: 20-051354	
Enroute	07/13/2020 15:55:51	07/13/2020 15:55:51	
Arrive	07/13/2020 16:03:29	07/13/2020 16:03:29	
Last Clear	07/13/2020 16:25:46	07/13/2020 16:25:46	
No. of Units	4	4	

Tammany Brooks III, Chief of Police

July 27, 2020



Esmeralda Asvendo
Sanger Peak Way
Antioch, CA 94531

RE: Update for "Maddie" A135066

Dear Esmeralda Asvendo,

Per our conversation this morning, I understand that you intend to appeal the Potentially Dangerous Animal designation for your dog "Maddie" A135066.

While waiting on the appeal process to proceed, I understand that you would like to remove Maddie from the Antioch Animal Shelter and transfer ownership of "Maddie" to a family member who resides outside of the City of Antioch. As removing the dog from the City of Antioch would allow compliance with the requirements set forth for maintaining a Potentially Dangerous Animal in the City of Antioch, I will allow you to proceed with paying the fees currently associated with the impoundment and investigation of Maddie as a Potentially Dangerous Animal, and transferring ownership of Maddie.

However, prior to the dog Maddie (A135066) being released from Antioch Animal Services, the following conditions must be met:

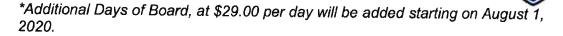
- You will need to have Maddie surgically altered and vaccinated for rabies, at an Antioch veterinary clinic of you choosing before 5:00PM on Friday, July 31, 2020. You are responsible to pay the associated fees for surgically altering and vaccinating Maggie directly to the veterinary clinic.
- 2. Maddie will be microchipped by Antioch Animal Services.
- 3. You will be required to pay the following fees to Antioch Animal Services:

Impoundment PDA/VA = \$350.00 Microchip = \$25.00

PDA Daily Boarding 11 Days x \$29.00 = \$319.00*

Total Due: = \$694.00**

Tammany Brooks III, Chief of Police



- ** Dangerous Animal Administrative Fee = \$450.00 (Fee may be waived by hardship when filing an appeal. If not waived for hardship, total due = \$1,144.00.)
- 4. You will provide Antioch Animal Services with the following information:
 - a. New Owner's Name
 - b. New Owner's Complete Address
 - c. New Owner's Telephone Number

Additionally, it is my understanding that, due to COVID restrictions, you have not been able to comply with obtaining rabies vaccinations for your other three dogs. In an effort to help you achieve compliance, I will grant you an additional 14 days to obtain the rabies vaccinations and city dog licenses for your other three dogs. Please provide proof of rabies vaccinations, and purchase the City of Antioch dog licenses for your three other dogs before 5:00PM on Monday, August 10, 2020. Failure to do so will result in the administrative citation being presented for collection.

If you have any further questions, please let me know.

Sincerely,

George W. Harding, IV MBA CAWA

Animal Services Manager Antioch Police Department



August 21, 2020

Esmeralda Asevedo

Antioch, CA 94531

RE:

Board of Administrative Appeals Hearing

Declaration of Potentially Dangerous Animal

Decision Date: 07/13/2020

Animal ID#:

"Maddie" - A135066 Tan and Silver Female Yorkshire Terrier

Dear Ms. Asevedo.

This is a follow up to your written appeal filed on July 28, 2020, regarding the above-referenced Declaration that you received from the Antioch Animal Services.

Please be advised your appeal is scheduled to be heard on <u>Thursday, September 3</u>, <u>2020, at 3:00 p.m.</u>

IMPORTANT NOTICE REGARDING THIS MEETING: In response to the COVID-19 Health Order issued by the Contra Costa County Health Officer, the City of Antioch will not be hosting in-person Board of Administrative Appeals' Meetings. Instead, the meetings will be held as teleconference/virtual meetings through the Zoom webinar platform.

The Board of Administrative Appeals' Meeting will be held as a Zoom Meeting and the public is invited to participate as "attendees". On August 31, 2020, our office will email you the Zoom Meeting invitation which will also include the telephone number for you to call in to participate, if that is your preference.

The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Board of Administrative Appeals Agenda information and Speaker Rules, simply click on the following link: https://www.antiochca.gov/government/agendas-and-minutes/board-of-administrative-appeals/.

Phone: (925) 779-7009

Fax: (925) 779-7007 Antiochca.gov OFFICE OF THE CITY CLERK

200 H Street/P.O. Box 5007 Antioch, CA. 94531-5007 AntiochlsOpportunity.com

Esmeralda Asevedo

August 21, 2020 Page Two

All people who wish to speak at the hearing, including you, will be required to take an Oath. This case will be heard and a decision rendered by the Board of Administrative Appeals.

Thank you.

Sincerely,

CHRISTINA GARCIA, CMC

Deputy City Clerk

cc: Animal Services

Enclosures



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On August 21, 2020, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

Esmeralda Asevedo

Antioch, CA 94531

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on August 21, 2020, at Antioch, California.

Phone: (925) 779-7009

Fax: (925) 779-7007 Antiochca.gov OFFICE OF THE CITY CLERK

200 H Street/P.O. Box 5007 Antioch, CA. 94531-5007 AntiochlsOpportunity.com

ristina Dareia



City of Antioch Citation Appeal Application

RECEIVED

JUL 28 2020

CITY OF ANTIOCH CITY CLERK

CITY OF ANTIOCH ATTN: CITY CLERK P.O. BOX 5007 ANTIOCH, CA 94531-5007 (925) 779-7009		
Date of Citation: July 13,2020	Citation #:	
Name: Esmeralda Asevedo		
Property Address:	, Anno	Ch CA 94531
Mailing Address:	Anno	och (A 9453)
Home Phone:	Work Phone); -
	OR APPEAL	CITY OF ANTIOCH
Please see Attachm	ent.	REC#: 01392287 7/28/2020 3:47 PM OPER: JP2 TERM: 002 REF#:
		TRAN: 176.0000 ANIMAL Citation fees ESMERALDA ASEVEDO ANIMAL CITATION Citation ANIMAL 1,144.00CR
		TRAN: 900,0000 TRUE MISC RECEIPTS ESMERALDA ASEVEDO ADMINISTATIVE APPEAL FEE Miscellaneous Reven 50,000R
		TENDERED: 1,200.00 CASH APPLIED: 1,194.00-
Signature Supply		Date JULY 28,2020

Reason for Appeal

Our Family Dog Maddie (A135066) a small Yorkshire terrier was wrongly and unfairly declared a Potential Dangerous Animal (PDA) 6-1.801 due to our neighbor disturbing our fence line creating an entrance into his chicken pen trapping our dog. Maddie being accused of killing 3 of his chickens injuring one. He dug down and created an opening, he admitted to. (Please Reference to Pictures to see fence) I called out for a Police Officer to take the neighbors statement. He did show, however did not think it was necessary to get a statement from him as chickens were considered "poultry" and he did not think it would make a difference if he spoke to him. We did receive a police report (APD2051354) but were denied a statement from the neighbor. (Evidence: upon request from doorbell camera)

In determination of a Potential Dangerous Animal 6-1.803 A) an animal control supervisor needs to take into account the circumstances. The circumstances being that the neighbor himself dug down, creating an opening. We also explained that the neighbor had been working at night with little light, therefore could have missed the opening or was too tired to fix. We were never informed that he would be working along our fence, never the least our fencing line. Knowing we had little dogs. The neighbor unsecured my secure fence. He created the problem, if he hadn't have done that, this would have never happened.

6-1.803 (1) In determination of a PDA the keep of chickens considered foul in 6-1.602 was breaking ordinance in Antioch's Municipal Code 6-1.602 as chickens were not kept 20 ft. from dwelling.

Potential Dangerous Dog 6-1.801 (c) refers to a Domestic Animal. In the city's municipal codes there is no definition for a "domestic animal" It defines an Animal, not a domestic animal. Code 6-1.801 (c) refers to a "domestic animal" not an "animal"

PDA 6-1.801 references to Cal. Food and Agric. Code 31602 in which it states that incident must occur in two separate occasions with in a 36-month period. Why would it be referenced if the city is not going to abide by it. This has never happened before. Maddie is good with people, children and other dogs.

There are only two scenarios we can come up with. 1) We live right by a big open field (see pictures) another animal went in that night and killed the chickens. Maybe Maddie got curious smelt death. Being accused because she was trapped in the pen with no way out. 2) Code 6-1.801 she was provoked by the chickens. There being so many, feeling scared in a life or death situation felt like she needed to defend herself as she was trapped with nowhere to go.

This whole situation is absurd, we are talking about a little dog under 9lbs. that is so loved and well taken care of that got put in a situation wrongfully and unfairly. Dog Experts just don't understand us as her owners don't understand. Under all the stress, emotions, unfairly treated by the city, mistreated by our neighbors we have been working hard to protect Maddie. As neighbor wanted her dead and cities paperwork stated that she would be humanly euthanized. Bottom line is a problem was created by the neighbor. He disturbed our Fencing line, he unsecured our secured fence. City Municipal Codes and Cal. Food and Agric. Codes can defend our dog and can prove she is not considered a Potential Dangerous Dog. We kindly ask that the 6-1.801 Potential Dangerous Dog please be overturned and the information given be taken in consideration. Maddie is a great, loving, smart, such a sweet dog that does not deserve this title and the guidelines that go with it. She was given this title unfairly and deserves a second chance. Thank you

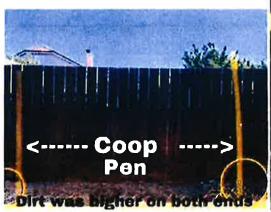






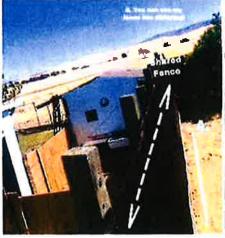
Fence line disturbed

1











Statement of Owners in Maddie's (A135066) Case

Maddie has been our family dog since she was a puppy. She is the sweetest, most loving, loyal, smart dog, and is loved and well taken care of. We are devastated with this situation, and are under so much stress trying to fight to get her back. Last Monday (7/13/20) she got taken away from us from Antioch, animal shelter because she got out of our yard into the neighbors and killed 3 of his chickens (chickens being considered foul 6-1.602) and injured one. The opening she got out of was done by our new neighbor himself that led right into the illegal chicken coup he built along our fence. We were never informed that he was building a chicken coup or doing any type of construction near our fence. He disturbed our fence line and unfortunately Maddie fit right through. He was working on the fence the night before.I am always home that morning I was gone for a few hours (7:45-12) I knew something was going on because I kept getting doorbell notifications. I also knew it had something to do with animal services as I can see them on my cameras. I got home to an envelope on my door stating that Maddie had been seized because she was seen by the neighbors killing 3 chickens injuring one. First thing I did was look at my fencing line for holes, and noticed all the rocks covering a hole. I go over to the neighbors to find out what happened. I told them I didn't see any open holes, how did she get on that side. The owners son (who is the new resident there) said he dug down and made a hole which is where she got out of and that he covered it with rocks. When I said "you dug down" the wife attacked me. started yelling at me like she wanted to fight me. Screaming that my dog killed her chickens and that she was going to sue me. I asked if I can please talk to him as I couldn't handle her acting like that and I just wanted to know what happened and he seemed to be more calm. She pushed him inside and didn't let him talk. I then go to the shelter to what I thought was picking up Maddie. They didn't let me take Maddie out, and she said she would email me paperwork. My other dogs who are also yorkies we're out there as well. And they appeared to be ok just barking because they knew something was going on. Maddie was the only one in the coop, and I don't know what provoked her to go through the hole. Maddie was trapped in there with no way out. She was trapped in about a (8x12 +/-) enclosed chicken coup with AT LEAST 6 or more chickens in there. The chicken pen was built illegally as a chicken coup needs to be 20 ft. From a dwelling (Municipal Code 6-1.602). We believe Maddie was provoked by all the chickens being in a life or death situation, with no where to go, being in a life or death situation causing her defend herself. Or another Scenario being that another animal killed the chickens being that we live right by an open field. Do they have proof that they saw Maddie kill these chickens? Therefore 6-1.602 Maddie being considered a dangerous animal should be overturned as determination was not accurate as circumstances should have been accounted for and she either did not kill these chickens or she got provoked.Incident occurred while we were not home. The neighbor came to our door with Maddie in a bin not covered. He had full procession of hebbut still decided to call Animal Control. It seems like Antioch Animal Shelter has made it almost impossible to get her back with Fees and regulations to abide. She is now considered a Dangerous Animal (6-1.801). Antioch Animal Services has made it very hard to work with. Officer Ethridge (who is in charge of the case) hung up on me because I was "questioning her work ethics" as she claimed to be in charge of code enforcement but failed to realize it was an illegal chicken coup and come to find out code enforcement has its own department within the city and she claimed to be that department. When I went to speak to George the supervisor he tried to refused to see me. I dld not receive a call from city clerk till the day of, although according to George she told him she had already received the messages i had left, she asked for money up front (a little over \$1300). Officer Cottle on Fri. 7/24 told me I was making it worse by reaching out to rescues. Told me that once I surrender the dog they have full control and it's up to them what they decide to do with Maddie. I asked for some proof that she would be going to a rescue and she said that, was not possible. I emailed officer Cottle on 7/13 about the illegal chicken coop and she never responded to my email. At that time I didn't not know she was part of the case. It just seems like something is not right. She is not a dangegous animal at all, gets along well with people, children and other dogs. And she deserves a second chance. We have lived at our residence almost 4 years and have never had any problems. Since a crime was committed first, causing another crime to occur we are asking that the case be overturned/dropped and fees to be waived. Maddie deserved a second chance and we as the owners deserve a warning and do not deserve to get our dog unfairly taken away. 🔆

*STATEMENT NOT UP TO DATE (7/28) would like to include to give an idea of what happened uppared starement can be given. Thank you

Tammany Brooks III, Chief of Police

July 27, 2020



Esmeralda Asvendo

Antioch, CA 94531

RE: Update for "Maddie" A135066

Dear Esmeralda Asvendo.

Per our conversation this morning, I understand that you intend to appeal the Potentially Dangerous Animal designation for your dog "Maddie" A135066.

While waiting on the appeal process to proceed, I understand that you would like to remove Maddie from the Antioch Animal Shelter and transfer ownership of "Maddie" to a family member who resides outside of the City of Antioch. As removing the dog from the City of Antioch would allow compliance with the requirements set forth for maintaining a Potentially Dangerous Animal in the City of Antioch, I will allow you to proceed with paying the fees currently associated with the impoundment and investigation of Maddie as a Potentially Dangerous Animal, and transferring ownership of Maddie.

However, prior to the dog Maddie (A135066) being released from Antioch Animal Services, the following conditions must be met:

- 1. You will need to have Maddie surgically altered and vaccinated for rabies, at an Antioch veterinary clinic of you choosing before 5:00PM on Friday, July 31, 2020. You are responsible to pay the associated fees for surgically altering and vaccinating Maggie directly to the veterinary clinic.
- 2. Maddie will be microchipped by Antioch Animal Services.
- 3. You will be required to pay the following fees to Antioch Animal Services:

Impoundment PDA/VA = \$350.00

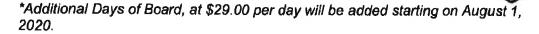
Microchip = \$25.00

PDA Daily Boarding 11 Days x \$29.00 = \$319.00*

Total Due:

= \$694,00**

Tammany Brooks III, Chief of Police



- ** Dangerous Animal Administrative Fee = \$450.00 (Fee may be waived by hardship when filing an appeal. If not waived for hardship, total due = \$1,144.00.)
- 4. You will provide Antioch Animal Services with the following information:
 - a. New Owner's Name
 - b. New Owner's Complete Address
 - c. New Owner's Telephone Number

Additionally, it is my understanding that, due to COVID restrictions, you have not been able to comply with obtaining rabies vaccinations for your other three dogs. In an effort to help you achieve compliance, I will grant you an additional 14 days to obtain the rabies vaccinations and city dog licenses for your other three dogs. Please provide proof of rabies vaccinations, and purchase the City of Antioch dog licenses for your three other dogs before 5:00PM on Monday, August 10, 2020. Failure to do so will result in the administrative citation being presented for collection.

If you have any further questions, please let me know.

Sincerely

George W. Harding, IV MBA CAWA Animal Services Manager

Antioch Police Department

Garcia, Christina

From:

Simonsen, Arne

Sent:

Monday, July 27, 2020 3:27 PM

To:

Cc:

Garcia, Christina; Harding, George

Subject:

Appeal form and hardship form

Attachments:

Citation Appeal Application.pdf; General Information for Persons Appealing

Citations.pdf; Hardship Waiver Form.pdf

Esmeralda,

I have attached the Citation Appeal Application, General Information for Persons Appealing Citations and the Hardship Walver Form, as requested.

While your deadline for filing an appeal was July 24th, I spoke with George Harding (Animal Services Manager) and he explained that the deadline was extended to Tuesday, July 28th.

Mr. Harding also explained that you spoke with him and that you would be relocated "Maddie" outside of the boundaries of the City of Antioch and he will send my office a new document listing the amount that you would have to pay when you file your Appeal Form.

My Deputy City Clerk, Christina Garcia. Will be in the office tomorrow to receive your appeal forms.

Respectfully, Arne

Arne Simonsen, MMC

City Clerk City of Antioch P.O.Box 5007 Antioch, CA 94531-5007 (925) 779-7008

Tammany Brooks III, Chief of Police



July 13th, 2020

Michael and Esmeralda Asevedo

Antioch, CA 94531

RE: Declaration of Potentially Dangerous Animal

"Maddie" – A135066 Tan and Silver Female Yorkshire Terrier

Dear Mr. and Mrs. Asevedo:

Your dog, "Maddie" has been found to be in violation of Antioch Municipal Code § 6-1.801 *Potentially Dangerous Animal* based on an incident that occurred on July 13th, 2020.

(c) A dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. (See Cal. Food and Agric. Code § 31602.)

Accordingly, Antioch Animal Services, a division of the Antioch Police Department, has determined that there exists probable cause that your dog is a "*Potentially Dangerous Animal*" under Article 8 of Chapter 1 of Title 6 of the Antioch Municipal Code and Article 2 of Chapter 9 of the California Food and Agricultural Code.

You have three mutually exclusive options now that your dog has been declared as a "Potentially Dangerous Animal," which are described in more detail on the following pages:

- 1. By 4:30 p.m. on July 24th, 2020, surrender the dog(s) to Antioch Animal Services; or
- 2. By 4:30 p.m. on July 24th, 2020, sign the "Dangerous Animal Declaration: Terms and Conditions Agreement," pay the outstanding fees, and comply with all of the terms and conditions in order for the dog to be returned to you. A copy of this agreement has been enclosed; or
- 3. By 4:30 p.m. on July 24th, 2020, file all papers and pay fees to appeal the determination that your dog is a potentially dangerous animal. The dog will remain at Animal Services until the Board of Administrative Appeals renders its decision.

300 L Street, Antioch, CA 94509 Phone: (925) 779-6989 / Fax: (925) 779-6905 www.antiochpolice.com

Tammany Brooks III, Chief of Police



Option 1 -- Surrender your dog(s)

To surrender your dog to be humanely euthanized, please come to Antioch Animal Services and pay the applicable fees and sign the appropriate paperwork.

If you take no actions by 4:30 p.m. on July 24th, 2020, then your dog will be deemed to have been surrendered and will be euthanized. You will be billed for any applicable outstanding fees and costs.

Option 2 -- Sign the Dangerous Animal Declaration; Comply with the Terms and Conditions; and Pay Fees

In order to obtain your dog now, you may sign the Potentially Dangerous Animal Declaration, comply with the Terms and Conditions, and pay the fees. The Terms and Conditions are enclosed. Once you come to Antioch Animal Services to sign the Declaration and Terms and Conditions, an appointment will be made to inspect your home to ensure that you have complied with the Terms and Conditions before your dog is released.

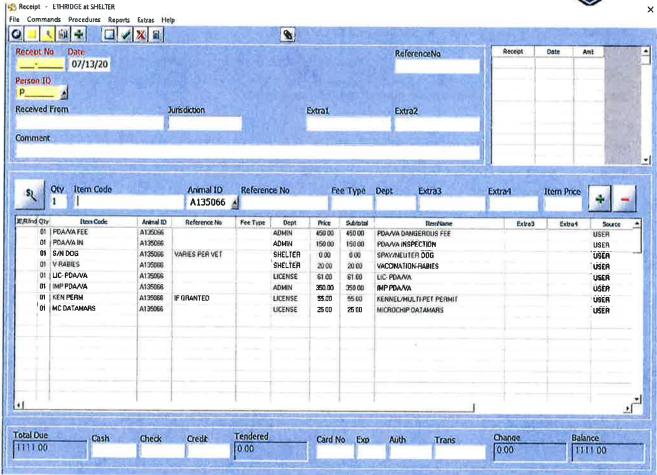
To date the fees for your dog is \$1,111.00 and board increases by \$29.00 per day starting on 4:30 p.m. on July 14th, 2020

The dog will be deemed surrendered to the City to be humanely euthanized, if you do not by 4:30 p.m. on July 24thth, 2020: sign the Agreement, fulfill all Terms and Conditions; and pay \$1,111.00 plus boarding costs of \$29 per day to the date of redeeming the dogs.

Choosing this option means that you waive any right to appeal the determination that the dog has been declared potentially dangerous.

Tammany Brooks III, Chief of Police





Option 3 -- Appeal the Potentially Dangerous Dog Determination

If you wish to appeal the determination that the dog is a "Potentially Dangerous Animal," then you must file a written request and pay those fees listed above totaling \$1,111.00, which includes a \$450 Dangerous Animal Investigation Fee.

Investigation Fee must be paid to the City Clerk's Office no later than <u>July 24th, 2020 by 4:30 p.m.</u> in order to schedule a hearing with the Board of Administrative Appeals.

The City Clerk's office is located at 200 'H' Street, Antioch, CA 94509. The Clerk's Office hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. except City holidays. If both the written appeal request

Tammany Brooks III, Chief of Police

and fees are not received July 24th, 2020 by 4:30 p.m., then the City will deem that you have surrendered the dog to the City to be humanely euthanized.

Boarding fees for the dog will still be due with the amount depending on the final action of the Board of Administrative Appeals. Boarding fees will be charged from the date of determination through to the hearing if the Board of Administrative Appeals denies your appeal.

The \$450 Dangerous Animal Investigation Fee may be deferred until the Board of Administrative Appeals makes a decision if you complete and submit the Hardship Waiver Application with supporting documentation to the City Clerk's Office by 4:30 p.m. on July 24th, 2020.

Should you have any questions concerning this matter, please feel free to contact Antioch Animal Services at (925) 779-6989. Animal Services is open to the public Tuesday through Thursday 10 a.m. to 5:00 p.m., Friday 10 a.m. to 2 p.m. and Saturday from 10 a.m. to 5:00 p.m.

Please check the City's website:

http://www.ci.antioch.ca.us/CityGov/Police/AntiochAnimalSvcs/default.htm# or call the Animal Services Shelter regarding any holiday closures.

Respectfully,

George Harding, Supervisor Antioch Police Department Animal Services Division 300 L Street Antioch, CA 94509

Enc.: Dangerous Animal Declaration Terms and Conditions Hardship Waiver Application

Kennel Design