



**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers  
200 "H" Street**

**SEPTEMBER 26, 2013  
3:00 P.M.**

**3:00 P.M. ROLL CALL:** Diana Busenbarrick, Chairperson  
Deborah Simpson, Vice Chairperson  
Maurice Jennings  
Andrew Schleder  
Mike Schneider

**PLEDGE OF ALLEGIANCE**

**1. CONSENT CALENDAR**

- A.** Approval of Minutes for May 2, 2013 and September 9, 2013  
(Council/Commissions/Boards Special Meeting/Workshop)

Recommended Action: Motion to continue

**2. APPEALS**

- A.** Oath for all intending to testify on an appeal
- B.** Appeal filed by Roderick De La Cruz and Courtney De La Cruz, 2051 Reseda Way, Antioch, CA 94509 to overturn the "Vicious Dog" determination by Antioch Animal Control Services for two (2) dogs: "Jewels" (A108965) and "Duke" (A108984) (Animal Services Case #A13-000024)

STAFF REPORT

**PUBLIC COMMENTS** (not on an item on the agenda)

**WRITTEN/ORAL COMMUNICATIONS**

**ADJOURNMENT**

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The meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081. Agenda and related writings provided to members are available for viewing by the public during normal office hours at the City Clerk's Office, located on the 3<sup>RD</sup> Floor of City Hall, 200 H Street, Antioch, CA 94509.

# STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE APPEAL HEARING OF SEPTEMBER 26, 2013

**PREPARED BY:** Monika Helgemo, Supervisor of Animal Services

**DATE:** September 18, 2013

**SUBJECT:** Vicious Animal Hearing  
Animal Services Case No. A13-000024  
CA State Food and Agricultural Code § 31603 (b)

## **REQUEST:**

Appellants Rodrick and Courtney De La Cruz request a hearing to appeal a Vicious Animal Declaration issued on August 22, 2013, citing a violation of CA State Food and Agricultural Code § 31603 (b) which defines a Vicious Dog in part as: ***(b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.***

## **BACKGROUND INFORMATION:**

### Parties Involved:

<b>Responsible Dogs Involved:</b>	"Jewels" and "Duke"
<b>Dog Owners:</b>	Rodrick and Courtney De La Cruz
<b>Dog Owner's Victim Child:</b>	[REDACTED]
<b>Dog Owner's Other Child</b>	[REDACTED]
<b>Neighbor Victim Child:</b>	[REDACTED]
<b>Neighbor Victim Child's Parents:</b>	Melody Ralls and Josh Kilbourn

On August 11, 2013, the Antioch Police Department, Antioch Animal Services and Confire, responded to a call for service regarding a dog that had attacked a young boy, [REDACTED] *[Neighbor Victim Child]* inside the residence of [REDACTED] Reseda Way. [See Event # E13-074619] By the time all service personnel arrived on scene, the attack was over and all dogs on the property were secured by the Dog Owner, **Rodrick De La Cruz**. Confire tended to [REDACTED]'s *[Neighbor Victim Child]* extensive injuries and he was then shortly thereafter airlifted to Oakland Children's Hospital for emergency care. The Police were unable to interview him at that time. [REDACTED] *[Dog Owner's Victim Child]*, who was also bitten, was transported by ambulance to Sutter Delta Medical Hospital for treatment of minor injuries to his arm.

At that time, Police and Animal Services were told that the dog, "Jewels," was the only dog involved in the attacks and that all the other dogs were outside. The other two boys, [REDACTED] *[Dog Owner's Victim Child]* and [REDACTED] *[Dog Owner's Other Child]*, who were present during the incident, stated to Police that "Jewels" attacked [REDACTED] *[Neighbor Victim Child]* for no reason and that he had not teased or provoked her. "Jewels" was impounded by Animal Services and put on quarantine pending further investigation of the incident. [See Police Report C13-007968] (It should be noted that later in the investigation, Animal Services received information that "Duke" had also been involved in the attack. At that time, he was also required to be held on quarantine at Animal Services pending the outcome of the investigation.)

"Jewels" (A108965: Spayed Female, Pit Bull, DOB: 12/22/10) and "Duke" (A108984: Neutered Male, Pit Bull, DOB: 12/22/10) are litter-mates (sister/brother). The De La Cruz's have had both dogs since they were puppies. Both dogs have expired rabies vaccinations ("Jewels" expired on 04/23/13 and "Duke" expired 09/14/12) and are currently in violation of Antioch Municipal Code § 6-1.12.2 "No Proof of Rabies Vaccination." As well, neither "Jewels" nor "Duke" have ever been licensed and both are currently in violation of Antioch Municipal Code § 6-1.20 (b) "No Antioch Dog License." There are no animal related complaints on file at Antioch Animal Services or calls for service through the Antioch Police Department regarding these two dogs.

#### Extent of Injuries:

[REDACTED]'s *[Neighbor Victim Child]* injuries consist of large lacerations and punctures of both forearms requiring multiple stitches; a large bite to the scalp on the back of the head requiring multiple stitches to repair; multiple tears and bites to the left side of the face incorporating his cheek and requiring multiple stitches to repair and to the right side, the lower part of the ear is bitten off, needing surgery to reattach. His eye brow was bitten off and a large piece of flesh bitten off from his cheek/eye area. This area needed surgery and skin grafts to repair. He also has nerve damage. In addition to these physical injuries, he also now suffers from nightmares and anxiety attacks.

[REDACTED]'s *[Dog Owner's Victim Child]* injuries consist of multiple punctures to his right arm.

#### INVESTIGATION:

I received notification of an after hours dog attack on a child in Antioch by responding **Animal Control Officer Gabrielle Johnson** on Sunday, August 11, 2013. I began a follow up investigation on Monday, August 12, 2013. [See attached for Antioch Police Officers and Animal Control Officer Johnson's report.]

On August 12, 2013, after hearing that **Melody Ralls**, the mother of [REDACTED] *[Neighbor Victim Child]*, made a comment that *both* dogs, "Jewels" and "Duke," were involved and Antioch

Animal Control had only impounded one of them, I tried telephoning her for more information. I was only able to leave a message to return my call at that time.

Later this same day, **Courtney De La Cruz** phoned Animal Services to ask about how her dog "**Jewels**" was. I let her know that her dog was ok. She asked if she was behaving. I let her know that "**Jewels**" was being aggressive in the kennel. She said that she was like that when she was not at her home. I then questioned her about "**Duke**" being involved. **Mrs. De La Cruz** told me that there was no way "**Duke**" was involved. Only "**Jewels**" was there. "**Duke**" wasn't even there when all this happened. "**Duke**" was in the backyard with "**Precious**." ("**Precious**" is a smaller Poodle mix). **De La Cruz** said that the Mom (**Melody Ralls**) was only saying that because they were Pit Bulls. I explained that I was going to try to speak with **Mrs. Ralls** and I would call her back after my interview with her.

On the afternoon of August 13, 2013, I was able to speak with **Melody Ralls** over the phone and asked her about the discrepancy of the dogs involved. She was at the Hospital with her son, [REDACTED] *[Neighbor Victim Child]*. She told me that [REDACTED] *[Neighbor Victim Child]* had said both dogs were involved. I asked her if it was possible to speak with [REDACTED] *[Neighbor Victim Child]*. She told me that he did not want to talk about it. I asked her to please ask him a question for me; what dog bit him? I was able to hear her say, [REDACTED] *[Neighbor Victim Child]*, did "**Duke**" bite your arms and "**Jewels**" bite your face?" I could hear a young child's voice saying, no. "**Duke**" bit my head. I don't want to talk anymore." Not wanting to cause any more stress to the young victim, I thanked **Ralls** and ended our conversation.

Right after hanging up with **Ralls**, I phoned the Dog Owners, **Rodrick** and **Courtney De La Cruz**. I spoke with **Mrs. De La Cruz** and explained my conversation with **Ralls** and [REDACTED] *[Neighbor Victim Child]* and requested they bring "**Duke**" into the Animal Shelter. She was very upset, saying that they are lying and that **Ralls** is just telling [REDACTED] *[Neighbor Victim Child]* what to say. **Mrs. De La Cruz** said that "**Duke**" was not even around. She thought he and the other dog, "**Precious**," were outside. I told her that since "**Duke**" was reported as being involved, he would need to be quarantined also. I told her that we were still investigating the incident and I would let her know what the outcome was regarding "**Duke**". **Mrs. De La Cruz** reluctantly agreed to bring "**Duke**" into the Antioch Animal Shelter the following day.

On the morning of August 14, 2013, I met with both **Mr. and Mrs. De La Cruz** and "**Duke**". I was able to verify that both "**Jewels**" and "**Duke's**" rabies vaccinations had expired. "**Jewels**" was spayed and "**Duke**" was neutered. The **De La Cruz's** got both dogs when they were around 10 or 11 weeks old. They are litter-mates, brother and sister. They had never had any problems with the dogs acting aggressive. **Mr. De La Cruz** took them for walks regularly. **Mrs. De La Cruz** told me that because they know what people think of Pit Bulls, when they are walked they use a leash, pinch collars and also a shock collar. The whole time we talked, "**Duke**" sat there. He had what appeared to be an expensive leather harness on and I asked them to take it off of him. I then had **Animal Care Attendant, Matthew Urias** come and get him and place him in a kennel with "**Jewels**". They were told that they could bring anything special that they needed and I told them that the Animal Shelter feeds Science Diet Puppy to all of the dogs here. They were happy

about that. They wanted to bring a blanket and I told them that they could leave one for them. [See attached expired rabies vaccinations for both dogs and copies of each kennel card]

A little bit later they both came back with a blanket and some treats for the dogs. At that time I asked them to tell me what happened on August 11<sup>th</sup>. **Mr. De La Cruz** did most of the talking while **Mrs. De La Cruz** interjected every once in a while.

On the day of the incident their neighbor's boy, [REDACTED] [Neighbor Victim Child], had come into the house with their youngest son, [REDACTED] [Dog Owner's Victim Child] to play video games in [REDACTED]'s [Dog Owner's Victim Child] bedroom. **Mr. and Mrs. De La Cruz** were both in the front yard by the garage getting ready to do yard work. Both of the boys were at [REDACTED]'s [Neighbor Victim Child] house playing just prior. While **Mr. and Mrs. De La Cruz** were outside they started hearing noises coming from the house. Their first thought was that their boys were fighting. They also have an older son named [REDACTED] [Dog Owner's Other Child]. They both went inside, **Mrs. De La Cruz** first and her husband following. **Mrs. De La Cruz** ran towards the noise on the stairway. With her being outside, it took a little bit of time for her eyes to adjust to the darkness on the stairway. She recalled seeing her dog, "Jewels" standing or sitting over a child. At first she couldn't tell who it was on the stairway. When her eyes adjusted she realized this was the neighbor's boy, [REDACTED] [Neighbor Victim Child]. She was so shocked and she did not remember too much. But she did remember that she kept repeating something like, "oh my god" oh my god". Just about that time is when **Mr. De La Cruz** came into the house. He saw that his wife was hysterical at the bottom of the stairs, so he looked up and saw a figure lying on the stairs. Once his eyes focused, he was able to tell it was [REDACTED] [Neighbor Victim Child]. He told me that [REDACTED] [Neighbor Victim Child] was lying face up with his legs going towards the top of the stairs and his head was going down toward the bottom. He saw his dog, "Jewels," sitting or standing over [REDACTED] [Neighbor Victim Child] and his youngest son sitting next to "Jewels". At the top of the stairs he saw his oldest son, [REDACTED] [Dog Owner's Other Child] standing with "Duke" and "Precious" next to him. He went up to "Jewels" wrapped his arms around her body and picked her up and yelled for the dogs to go out. He went to the glass sliding door, opened it and put "Jewels" and the other two out. He then went up the stairs to [REDACTED] [Neighbor Victim Child] and was thinking about what to do. While all this was going on he recalled his wife asking should she go and get [REDACTED]'s [Neighbor Victim Child] mom and call 911. He said, yes. His son, [REDACTED] [Dog Owner's Other Child] asked a couple of times, "what can I do?" After the second time, he told him to get a towel. He was talking to [REDACTED] [Neighbor Victim Child] and asking him what happened. [REDACTED] [Neighbor Victim Child] kept saying "Jewels" name over and over. He also at one point said, "I don't like dogs." At some point he found out his son, [REDACTED] [Dog Owner's Victim Child] had also been bitten by "Jewels". [REDACTED] [Dog Owner's Victim Child] was holding his arm and he was able to see a couple punctures on his forearm. **Mr. De La Cruz** by now had gotten a towel and wrapped [REDACTED]'s [Neighbor Victim Child] head up and picked him up to take him outside. He felt he might need fresh air because he thought he might be going into shock. After that, the Fire Dept., Police and everyone else showed up. After everyone showed up, he went back and got "Jewels" from the backyard, put a leash on her and went to a quiet place and sat waiting for Animal Control, knowing they would be taking her. His son, [REDACTED] [Dog Owner's Victim Child] sat with him. [See attached e-mails from both Mr. and Mrs. De La Cruz]

After this conversation they both agreed to surrender, "Jewels" for euthanasia after the quarantine. They both agreed that "Jewels" was involved and she also bit their son, [REDACTED] [Dog Owner's Victim Child]. They would not surrender "Duke" and held firm that he was not involved. [See attached forms for surrender and euthanasia request]

On the afternoon of August 15<sup>th</sup>, I met with [REDACTED] [Dog Owner's Victim Child]. Both Mr. and Mrs. De La Cruz left the room voluntarily.

[REDACTED] [Dog Owner's Victim Child] told me that him and his friend, [REDACTED] [Neighbor Victim Child], were playing at [REDACTED]'s [Neighbor Victim Child] house and decided to come to his ([REDACTED]'s [Dog Owner's Victim Child]) house to play video games. Both of them came in the front door and started up the stairs. They both wanted a drink so [REDACTED] [Dog Owner's Victim Child] went into the kitchen and was getting a drink from the refrigerator. He was able to see [REDACTED] [Neighbor Victim Child] going up the stairs and when he ([REDACTED] [Neighbor Victim Child]) was half way up, he said he saw him sort of trip and fall down on the steps. Then the dogs were there and went up the stairs. [REDACTED] [Dog Owner's Victim Child] ran up the stairs and saw "Jewels" biting [REDACTED] [Neighbor Victim Child]. He yelled at her to stop and at one point he grabbed her and that is when she turned around and bit him. I asked him where the other two dogs were, "Duke" and "Precious". He said he thought they were there just barking at what was going on. At one point they were at the top of the stairs with his brother, [REDACTED] [Dog Owner's Other Child], he recalled.

I asked [REDACTED] [Dog Owner's Victim Child], where all the dogs came from. He said he didn't know, but when he saw them they were coming around the corner up the stairs, all of a sudden they were all there. I asked him if he had seen them prior to getting his drink and he said, no. I thanked him for coming in and talking with me and took him back out to his parents.

I then spoke with [REDACTED] [Dog Owner's Other Child]. Once again, Mr. and Mrs. De La Cruz did not stay. The first thing [REDACTED] [Dog Owner's Other Child] said was that he had just remembered that [REDACTED] [Neighbor Victim Child] broke his hand. I asked him how that happened and he said, he ([REDACTED] [Neighbor Victim Child]) went to hit "Jewels" and broke his hand doing it. I asked him if he saw him do that and he said, no. I then told [REDACTED] [Dog Owner's Other Child] that [REDACTED] [Neighbor Victim Child] did not hurt his hand and asked him what made him think that he had. He told me that he heard that he had. (It should be noted that [REDACTED] [Neighbor Victim Child] does not have a broken or injured hand. At no time, prior to this or after, had anything been said about [REDACTED] [Neighbor Victim Child] hitting "Jewels" or hurting his hand). [REDACTED] [Dog Owner's Other Child] went on to explained to me that "Duke" is his dog, "Precious" is [REDACTED]'s [Dog Owner's Victim Child] dog and that "Jewels" is their Dad's dog. He then started telling me about the day of the incident. He had gotten up kind of late and went down stairs to get something to eat. He saw his brother, [REDACTED] [Dog Owner's Victim Child], and [REDACTED] [Neighbor Victim Child] come into the house. [REDACTED] [Dog Owner's Victim Child] came into the kitchen while [REDACTED] [Neighbor Victim Child] went up stairs. He saw [REDACTED] [Neighbor Victim Child] trip on the stairs and fall. He then saw the dogs running up the stairs and heard [REDACTED] [Neighbor Victim Child] yelling. [REDACTED] [Dog Owner's Victim Child] ran up after the dogs. [REDACTED] [Dog Owner's Other Child] continued to say that "Jewels" was biting [REDACTED]

[Neighbor Victim Child] and "Duke" and "Precious" were near him barking. He yelled "NO" at the dogs and "Duke" and "Precious" ran to the top of the stairs. He never saw where any of them were prior to this. I asked [Dog Owner's Other Child] if [Neighbor Victim Child] made a loud noise or did anything that would make the dogs attack him. He replied that he didn't hear anything and had no idea of why they did what they did. He said he thinks that when he said, "NO" real loud that is when "Jewels" stopped and about that time his mother came in and then his father. He told me he was in shock and that he didn't remember a lot of stuff, "like it blacked out of my head," he said. I thanked him for talking with me and took him back out to his parents. [See attached e-mail from Mrs. De La Cruz regarding [Dog Owner's Other Child] statement]

I thanked both Mr. and Mrs. De La Cruz for allowing me to speak with the boys. I asked them if they knew where the dogs were when they went outside and both of them said, no. They were puzzled as to why this happened. They were still angry that "Duke" was impounded and repeatedly said that "Duke" was not involved.

On August 19, 2013, I received a message on my phone that Mrs. De La Cruz was pulling her "Surrender for Euthanasia Request" for "Jewels". At that time I put a hold on "Jewels" pending further information from Mr. or Mrs. De La Cruz.

On August 20, 2013, I phoned Josh Kilbourn, [Neighbor Victim Child] father and received an okay from him for me to speak with [Neighbor Victim Child] over speaker phone. I asked [Neighbor Victim Child] to start at the beginning and tell me what happened on the day of the incident.

Per [Neighbor Victim Child] on this morning his friend, [Dog Owner's Victim Child] and him decided to play video games at [Dog Owner's Victim Child] house (they were at [Neighbor Victim Child] house prior to that). They both went inside the door and [Dog Owner's Victim Child] went into the kitchen to get a drink. [Dog Owner's Victim Child] went upstairs, heading to [Dog Owner's Victim Child] bedroom. He had been there before and knew where his bedroom was. When he was almost to the top of the stairs he saw "Jewels" looking out of the parent's bedroom. All of a sudden she attacked him. She first grabbed his arms and then his face. "Duke" came up from behind and bit his arms and then grabbed the back of his head. I asked him if he knew the difference between "Jewels" and "Duke". He said, yes, "Jewels" has lighter color around her eyes and "Duke" has dark around his. I asked him if he knew where the other dogs were before all this happened, he said, no. I asked him if he was sure that "Duke" had bitten him and he answered, yes, that "Duke" came up behind him and "Jewels" was in front of him. Because of the statement [Dog Owner's Other Child] had made about [Neighbor Victim Child] hand, I asked [Neighbor Victim Child] if he had hurt his hand at all. He said, no. I asked him if he ever hit "Jewels." He said, no.

I thanked [Neighbor Victim Child] for talking with me and asked him if there was anything else he thought I should know, he said no. I ended our conversation and thanked Mr. Kilbourn for letting [Neighbor Victim Child] speak with me.

After speaking with Mr. Kilbourn and [REDACTED] [Neighbor Victim Child] I phoned the De La Cruz home. I spoke with Mrs. De La Cruz and advised her that I spoke with [REDACTED] [Neighbor Victim Child] and he did verify that both "Jewels" and "Duke" were involved. She got very angry, saying that he was wrong and they would do anything they needed to do to fight for their dogs. I explained that within the next few days a decision would be made on the facts that were collected and she would be notified. I also explained the appeal process to her.

#### **VICIOUS ANIMAL DECLARATION:**

On the next day a letter was put together notifying Rodrick and Courtney De La Cruz that both "Jewels" and "Duke" were found to be vicious animals using the section F & A 31603 (b): which defines a Vicious Animal in part as: *Any dog which, unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.*

Throughout the course of my investigation I did not find any evidence that the attack was provoked.

The term "Severe Injury" is defined in Section F & A 31604. "Severe Injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiply sutures or corrective or cosmetic surgery.

Based on my investigation, I also found that there was enough evidence to find that both "Jewels" and "Duke" had participated in the attack. Witness statements from all four members of the De La Cruz Family confirmed that both "Jewels" and "Duke" (as well as "Precious") were in the house and near the stairs at the time of the attack. Both [REDACTED] [Dog Owner's Victim Child] and [REDACTED] De La Cruz [Dog Owner's Other Child] confirmed that "Jewels" definitely participated in the attack on [REDACTED] [Neighbor Victim Child]. Although both [REDACTED] [Dog Owner's Victim Child] and [REDACTED] [Dog Owner's Other Child] stated that they did not see "Duke" attack [REDACTED] [Neighbor Victim Child] themselves, [REDACTED] [Neighbor Victim Child] confirmed in detail that both "Jewels" and "Duke" had bitten and attacked him.

As well, through photographic evidence, it is clear that there are multiple dog bites on [REDACTED]'s [Neighbor Victim Child] body, and of those dog bites, there are two different sized dog bites. The two different sizes, based on the immovable space between both canine teeth, are large. This information not only excludes the dog, "Precious" from the attack, but supports [REDACTED]'s [Neighbor Victim Child] testimony that he was attacked by both "Jewels" and "Duke."

My decision that neither "Jewels" nor "Duke" were to be released back to the Dog Owners was based on the severity of the attack on a child that was an *invited* guest into the house. Not only did [REDACTED] [Neighbor Victim Child] receive severe injuries from both dogs, but at some point during the attack, "Jewels" re-directed on [REDACTED] [Dog Owner's Victim Child], a child that ACTUALLY lives in the house, causing injury, albeit minor, to him also.



Section F & A 31645 (a) which reads that *"A dog determined to be a Vicious Dog may be destroyed by the animal control department when it is found, after proceedings conducted under Article 2(commencing with Section 31621), that the release of the dog would create a significant threat to the public health, safety , and welfare."* [See attached codes]

On August 22, 2013, a letter was sent through both registered mail and regular mail to **Mr. and Mrs. De La Cruz** notifying them of the decision that was made and more information on the appeal process. [See attached]

I also phoned and spoke with **Mrs. De La Cruz** and verbally told her about the decision and went over the process to appeal again. She was very upset and angry about the decision.

On September 4, 2013, I received notification that **Mr. and Mrs. De La Cruz** had filed an appeal of the Vicious Animal Declaration of the dogs, **"Jewels"** and **"Duke"**. [See attached notification]

#### **RECOMMENDATION:**

Based on the findings of the investigation it is evident that both **"Jewels"** and **"Duke"** were involved in the attack on [REDACTED] [Neighbor Victim Child]. As well, the investigation did not establish that [REDACTED] [Neighbor Victim Child] provoked the attack in any way.

Furthermore, based on the extent and severity of the injuries to the children that were attacked during the incident, the release of **"Jewels"** and **"Duke"** would create a significant threat to the health, safety and welfare of the public.

Therefore, it is Staff recommendation to deny the appeal and uphold the Vicious Animal Declaration of August 22, 2013 and that both **"Jewels"** and **"Duke"** not be returned to the Dog Owners, but be humanely euthanized instead.

**SUPPLEMENTAL ATTACHMENTS:**

State Law

Proposed Decision

Police Officer Alma Tinajero's Report

Animal Control Officer Gabrielle Johnson's Report

Antioch Police Department Event Report

"Jewels'" Kennel Card

"Duke's" Kennel Card

"Jewels'" Expired Rabies Vaccination

"Duke's" Expired Rabies Vaccination

Photo of "Jewels" and Photo of "Duke"

Email statement from Courtney De La Cruz

Email statement from Rodrick De La Cruz

2<sup>nd</sup> Email statement from the De La Cruz Family

Email statement from [REDACTED] *[Dog Owner's Other Child]*

"Jewels'" Surrender Statement

"Jewels'" Euthanasia Notification

Declaration of Vicious Animal

De La Cruz Hearing Request

De La Cruz Decision Appeal Application

Email from Oscar Gonzales

Email from Judith Roberts

Photo of [REDACTED] *[Neighbor Victim Child]*

Photo of [REDACTED] *[Neighbor Victim Child]*

Photo of [REDACTED] *[Neighbor Victim Child]*

Photo of [REDACTED] *[Neighbor Victim Child]*

Photo of [REDACTED] *[Neighbor Victim Child]*

Photo of [REDACTED] *[Neighbor Victim Child]*

Photo of [REDACTED] *[Neighbor Victim Child]*

Photo of [REDACTED] *[Neighbor Victim Child]*

2 photos of stairs

2 photos of stairs

2 photos of stairs

2 photos of stairs

2 photos of stairs

Photo of stairs

Photo of floor

Photo of towel

2 photos of [REDACTED]'s arm *[Dog Owner's Victim Child]*

#### **§ 31603. Vicious dog defined**

" Vicious dog" means any of the following:

(a) Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.

(b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

(c) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 or is maintained in violation of Section 31641, 31642, or 31643.

CREDIT(S)

(Added by Stats.1989, c. 761, § 1.)

#### **§ 31604. Severe injury defined**

"Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

CREDIT(S)

(Added by Stats.1989, c. 761, § 1.)

#### **§ 31645. Destruction; nondestruction, conditions; enclosures**

(a) A dog determined to be a vicious dog may be destroyed by the animal control department when it is found, after proceedings conducted under Article 2 (commencing with Section 31621), that the release of the dog would create a significant threat to the public health, safety, and welfare.

(b) If it is determined that a dog found to be vicious shall not be destroyed, the judicial authority shall impose conditions upon the ownership of the dog that protect the public health, safety, and welfare.

(c) Any enclosure that is required pursuant to subdivision (b) shall meet the requirements of Section 31605.

CREDIT(S)

(Added by Stats.1989, c. 761, § 1.)

#### **§ 31626. Circumstances under which dogs may not be declared potentially dangerous or vicious**

(a) No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

(b) No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

CREDIT(S)

(Added by Stats.1989, c. 761, § 1.)

1 CITY OF ANTIOCH  
2 Third and "H" Streets  
3 P.O. Box 5007  
4 Antioch, CA 94531-5007  
5 925-779-7015; FAX 925-779-7003  
6

7 VIOIOUS ANIMAL DECLARATION HEARING  
8 CA STATE FOOD AND AGRICULTURAL CODE § 31603 (b)  
9

10 In re the Matter of:

11 RODRICK and COURTNEY DE LA CRUZ  
12 [APPELLANT]  
13  
14

Vicious Animal Declaration for the dogs known as  
"Jewels" and "Duke"

DECISION OF THE BOARD OF ADMINSTRATIVE  
APPEALS

15 I. GENERAL FINDINGS:

- 16 1. The Vicious Animal Declaration of "Jewels" and "Duke" concerns code violations at 2051  
17 Reseda Way for violation of CA State Food and Agricultural Code § 31603 (b) (Vicious Animal).  
18 At all relevant times the Appellants were the owners of both dogs.
- 19 2. The dogs, "Jewels" and "Duke" were impounded by Antioch Animal Services for attacking two  
20 minor children without provocation and causing severe injuries to one and minor injuries to the  
21 other.
- 22 3. The dogs, "Jewels" and "Duke" were subsequently found to be Vicious Animals and pursuant  
23 to CA State Food and Agricultural Code § 31645 (a), were ordered to be humanely euthanized.
- 24 4. The Appellant appealed the Vicious Animal Declaration of both "Jewels" and "Duke," as well  
25 as the order for humane euthanasia.
- 26 5. A Board of Administrative Appeals Hearing regarding the Appellant's appeal was set for  
27 September 26, 2013, and the Appellant was duly notified by the City Clerk.

28 II. SPECIFIC FINDINGS:

A Board of Administrative Appeals Hearing regarding the Appellant's appeal of the Vicious Animal Declaration of "Jewels" and "Duke", as well as the order to be humanely euthanized, was duly held on September 26, 2013, at 3PM. Evidence, both oral and documentary, was taken and based on the preponderance of said evidence, the following specific findings are made:

1. On August 11, 2013, the dogs known as "Jewels" (a spayed female Pit Bull) and "Duke" (a neutered male Pit Bull) belonging to Rodrick and Courtney De La Cruz, attacked two minor children, causing minor injuries to one child and severe injuries to the other child. Two of the three minor children that were present during the incident stated to Police in the initial investigation that neither of the victim children teased or provoked either dog prior to the attack. Animal Control was told that only the dog "Jewels" had participated in the attack and that dog was impounded at that time pending further investigation and quarantine, as it was also expired on its rabies vaccination. Animal Control was unable to interview the third minor child that was present during the incident due to the severity of his wounds and his need for emergency medical care.
2. On August 13, 2013, Animal Control was able to interview the minor victim child that suffered severe wounds to his head, face, ears and both arms. That child stated emphatically that he was attacked by both of the larger dogs on the property, "Jewels" and "Duke." The dog, "Duke" was then required to also stay at Animal Control pending further investigation and quarantine, as it was also expired on its rabies vaccination.
3. During the course of the investigation, all three children were again questioned regarding the incident that took place. The first two children that were interviewed stated again that only the dog, "Jewels" was involved in the attack, but that both of the family's other two dogs ("Duke," a Pit Bull and "Precious," a Poodle) were also in the house and barking at the time of the attack. Again, neither child alleged any provocation, teasing or hitting had happened to the dogs prior to the attack. When the third child was re-interviewed, he again stated that he was attacked by both "Jewels" and "Duke" and that he had not hit, teased or provoked either dog in anyway.
4. On August 22, 2013, 11 days after the attack occurred, Animal Control received an email statement from Courtney De La Cruz on behalf of one of the first two children interviewed, who was now alleging that the victim child that suffered the severe injuries had hit the dog, "Jewels" right before she attacked him. This new allegation was contradictory to his original statements to the Police and Animal Control. There was no other evidence found or testimony given that supported this allegation of provocation prior to the attack.
5. Photographic evidence shows multiple bites on the child victim that suffered severe injuries. Of those bites, there are two distinctly different sized dog bite wounds. The two different sizes based on the immovable space between both canine teeth are large. This evidence not only excludes the Poodle, "Precious," from the attack, but supports the third child's testimony that he was attacked by both "Jewels" and "Duke".
6. CA State Food and Agricultural Code § 31603 (b) defines a Vicious Animal in part as: "*Any dog which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a human being.*" There was no evidence of any provocation of the dogs by either the victim child that suffered the minor wounds or the victim child that suffered the severe wounds. Further, the term "*Severe Injury*" is defined in CA State Food and Agricultural Code § 31604 as "*any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.*" Although one of the children that were attacked only suffered minor injuries, the second victim child suffered severe injuries that consisted of large lacerations and punctures of both forearms which required multiple stitches; a large bite to the scalp on the back of the head which required multiple stitches to repair; multiple tears and bites to the left side of the face and cheek which required multiple stitches to repair and

1 to the right side of the face, the lower part of the ear was bitten off which required surgery to  
2 reattach. His eyebrow was bitten off and a large piece of flesh bitten from his cheek/eye area.  
3 This area needed surgery and skin grafts to repair. He also has nerve damage. In addition to these  
4 physical injuries, he now suffers from nightmares and anxiety attacks. These injuries meet the  
5 definition of "Severe Injury" as defined in the CA State Food and Agricultural Code § 31604.

- 6 7. CA State Food and Agricultural Code § 31645 (a) which states that "*A dog determined to be a*  
7 *Vicious Dog may be destroyed by the animal control department when it is found, after*  
8 *proceedings conducted under Article 2(commencing with Section 31621), that the release of the*  
9 *dog would create a significant threat to the public health, safety, and welfare.*" Due to the  
10 severity of the injures, the viciousness of the attack and the Dog Owner's lack of ability to  
11 monitor, control or vaccinate their dogs against rabies, releasing either of these dogs would create  
12 a significant threat to the public health, safety and welfare which consequently necessitates that  
13 both the dogs, "Jewels" and "Duke" be humanely euthanized.
- 14 8. On September 4, 2013, the Appellants appealed the Vicious Animal Declaration of both  
15 "Jewels" and "Duke," as well as the order for humane euthanasia. A Board of Administrative  
16 Appeals Hearing regarding the Appellant's appeal was held on September 26, 2013.
- 17 9. The City has the ability to declare a dog Vicious pursuant to CA State Food and Agricultural  
18 Code § 31603 (b) which in part defines a Vicious Dog as "*Any dog which, when unprovoked, in*  
19 *an aggressive manner inflicts severe injury on or kills a human being.*"

20 Based on a preponderance of evidence, the Board finds that there was probable cause for the City to declare the  
21 dogs known as "Jewels" and "Duke," Vicious Animals and mandate that both dogs be humanely euthanized and  
22 the appeal is denied.

23 III. NOTICE:

24 Notice of this decision shall be given to the Appellant, by mailing a copy of these Findings and  
25 Decision by first class U.S. Mail, addressed to Rodrick and Courtney De La Cruz, 2051 Reseda Way,  
26 Antioch, CA 94509 and to their attorney, Mark A. McLaughlin, 3012 Lone Tree Way, #300, Antioch,  
27 CA 94509.

28 Dated: September 26, 2013

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CHAIRPERSON OF THE BOARD

**Notice of Right To Appeal Decision:** Any person aggrieved by an Administrative Board of Appeals may obtain  
review of the decision by the Contra Costa Superior Court, 725 Court Street, Martinez, CA, 94553, by filing with  
the Court a petition for writ of mandate pursuant to section 1094.6 of the California Government Code.

**POLICE REPORT**  
**Antioch Police Department**

300 L Street  
Phone: (925)779-6900  
CA0070100

Event: 13074619

Case: 13-007468

**INCIDENT INFORMATION**

Report #: 1 of 3    Report Type: INFO    ☒ Incident   ☐ Arrest   ☐ Domestic Violence   ☐ Hate Crime  
Close Class: ANML - ANIMAL CALLS   Dept Dispo: O - Open  
Beat: 4    Zone: 403  
Occurred From: 08/11/13 11:44 Sun    Occurred To: 08/11/13 11:44 Sun    Received Date: 08/11/13 11:44 Sun  
Location: [REDACTED] RESEDA WY ANTIOCH  
Cross Street: ALVARADO DR  
How Rcv: P

**CASE FACTORS**

None

**NAMES**

Inv: Parent # 1    Adult/Juvenile: A    Type: PERSON  
Name: DE LA CRUZ, COURTNEY ANN  
Race: [REDACTED]    Sex: [REDACTED]    DOB: [REDACTED]    Age: [REDACTED]    Height: [REDACTED]    Weight: [REDACTED]    Hair: [REDACTED]    Eyes: [REDACTED]  
Language: ENGLISH  
Identification: DL - [REDACTED]  
Home: [REDACTED] RESEDA WY, ANTIOCH, CA 94509  
Phone: [REDACTED]  
SPOUSE: DE LA CRUZ, RODRICK

Inv: Parent # 2    Adult/Juvenile: A    Type: PERSON  
Name: RALLS, MELODY  
Race: [REDACTED]    Sex: [REDACTED]    DOB: [REDACTED]    Age: [REDACTED]    Height: [REDACTED]    Weight: [REDACTED]    Hair: [REDACTED]    Eyes: [REDACTED]  
Language: ENGLISH  
Identification: DL - [REDACTED]  
Home: [REDACTED] RESEDA WY, ANTIOCH, CA 94509  
Phone: [REDACTED]  
CHILD: [REDACTED]

Inv: Reporting Party # 1    Adult/Juvenile: A    Type: PERSON  
Name: DE LA CRUZ, RODRICK  
Race: [REDACTED]    Sex: [REDACTED]    DOB: [REDACTED]    Age: [REDACTED]    Height: [REDACTED]    Weight: [REDACTED]    Hair: [REDACTED]    Eyes: [REDACTED]  
Language: ENGLISH  
Identification: DL - [REDACTED]  
Home: [REDACTED] RESEDA WAY, ANTIOCH, CA 94509  
Phone: [REDACTED]  
CHILD: [REDACTED]  
CHILD: [REDACTED]  
SPOUSE: DE LA CRUZ, COURTNEY ANN



# Antioch Police Department

Event: 13074619

CA0070100

Case: 13-007468

## NAMES

Inv: Victim # 1 Adult/Juvenile: J Type: PERSON

Name: [REDACTED]  
 Race: [REDACTED] Sex: [REDACTED] DOB: [REDACTED] Age: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]  
 Language: [REDACTED]  
 Home: [REDACTED]  
 Phone: [REDACTED]  
 PARENT: [REDACTED]

Inv: Victim # 2 Adult/Juvenile: J Type: PERSON

Name: [REDACTED]  
 Race: [REDACTED] Sex: [REDACTED] DOB: [REDACTED] Age: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]  
 Language: [REDACTED]  
 Identification: - -  
 Home: [REDACTED]  
 Phone: [REDACTED]  
 PARENT: [REDACTED]

Inv: Witness # 1 Adult/Juvenile: J Type: PERSON

Name: [REDACTED]  
 Race: [REDACTED] Sex: [REDACTED] DOB: [REDACTED] Age: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]  
 Language: [REDACTED]  
 Home: [REDACTED]  
 Phone: [REDACTED]  
 PARENT: [REDACTED]

## MO

None

## OTHER FACTORS

None

## NARRATIVE

On 08/11/13, at approximately 1145 hours, I was working as 2X33 and was dispatch to [REDACTED] Reseda Way in Antioch on a report of a dog bite. Dispatch advised VIC [REDACTED] had been bitten on the face and head by the neighbor's dog.

Upon arrival, Confire was on scene treating [REDACTED] injuries to the left side of his face, head and arms. He was conscious and breathing. [REDACTED] was then Life flighted to the Children's Hospital in Oakland.

I first spoke to [REDACTED]'s mother, PAR-Ralls, Melody. She told me the following in summary:

*She lives at [REDACTED] Reseda Way and [REDACTED] is her son. This morning he went over to the neighbors house to play with his friend [REDACTED]. She was at home when her neighbor Courtney came over to her house crying and told her that her dog had bitten [REDACTED].*

*She came over to the neighbor's house and saw her son on the floor by the front door and called 911 for help.*

Officer: TINAJERO, ALMA #5258

Supervisor: WISECARVER, JR, JIMMY #2363

This concludes Courtney's statement.

Courtney told me her son [REDACTED] goes over to the neighbor's house often and he never had any similar incidents involving the neighbor's dog.

I then spoke to PAR-De La Cruz, Rodrick. He is the dog's owner. He told me the following in summary:

*This morning him and his wife Courtney were inside their garage when they heard loud noises inside their house. They exited the garage and entered the house through the front door and saw [REDACTED] laying on the stairwell. His pitbull "Jewels" was standing over [REDACTED] but not attacking him. His son was there next to [REDACTED] and the dog.*

*He noticed that [REDACTED] had been bitten by his dog several times on the face, arms, and head. He noticed that his son [REDACTED] had also been bitten on his right arm. He grabbed his dog and secured her in the garage. He then moved [REDACTED] outside his house by the front door so that he could get some air since he seemed to be in shock. His wife then called 911 and they waited for paramedics and APD to respond.*

Rodrick told me his dog "Jewels" is very friendly and he does not understand why she attacked [REDACTED] since [REDACTED] comes over to his house often and interacts with the dog. He also said all of his dog's shots are current.

I also spoke to VIC-[REDACTED]. He told me the following in summary:

*His friend [REDACTED] came over to his house this morning to play video games. Him and [REDACTED] were going up the stairs when all of the sudden "Jewels" came after [REDACTED] and bit him. He tried to help his friend by pulling the dog away from him but the dog bit him on his right arm.*

*"Jewels" attacked [REDACTED] for no reason. [REDACTED] never teased the dog or did anything to provoke the attack.*

After I obtained [REDACTED] statement, he was transported by AMR to SDMH to treat minor injuries to his arm.

I then spoke to PAR-De La Cruz, Courtney. She confirmed her husband's statement. She told me her and Rodrick were in the garage and went inside their house when they heard a loud noise. When they entered their home she saw [REDACTED] on the stairwell, conscious but bleeding from the bites to his face and head that were caused by their female dog. She told me she went next door to inform [REDACTED] mother of what had occurred and waited for APD and paramedics to arrive.

I then spoke to WIT-[REDACTED]. He told me the following in summary:

*He was upstairs inside his house when he heard screaming coming from the stairwell. He went to look and saw that "Jewels" was biting his brother's friend [REDACTED]. He then saw his brother [REDACTED] trying to help [REDACTED] by holding on to the dog but the dog bit him as well.*

*His parents then came in and his father removed the dog from the house. He did not see [REDACTED] provoking the dog and he doesn't know why "Jewels" attacked [REDACTED] since she is usually a friendly dog.*

Digital photos of the Victim's injuries were taken and attached to this report.

Animal control Ofc. Johnson [REDACTED] confiscated the dog.

I took no further action.

Ofc. Tinajero 5258.

**TO:** Monika Helgemo, Supervisor of Animal Services  
**FROM:** Gabrielle Johnson, Animal Control Officer  
**DATE:** August 15, 2013  
**SUBJECT:** Dog Attack at [REDACTED] Reseda Way

On the morning of August 11, 2013, I was dispatched to a call for service regarding a pit bull that attacked a child in the face. [See Event E13-074922] The dog was secured and needed to be picked up. When I arrived on scene, I found there were two victims of a dog bite and that the more serious victim had already been airlifted to the hospital. The Dog Owner brought the dog, "Jewels" out immediately. The Dog Owner placed "Jewels" in my van and I secured the dog. The Dog Owner identified himself as **Rodrick De La Cruz** and told me that his dog wasn't going to act friendly when she is away from the family. I advised him that it was ok, that our staff and I are equipped to handle a dog and that she would be placed in a kennel that has sliding doors so that our staff wouldn't have to handle "Jewels" during her quarantine with us.

I asked if he could tell me what happened. He asked if we could talk inside so his neighbors would not see. I agreed and took his report inside. He briefly showed me the stair case where the attacked happened. From what I saw, the carpet and walls of the staircase were splattered with blood. After **Mr. De La Cruz** showed me the stairs he then asked if we could talk right outside his door because his house smelled like flesh. I agreed and sat on a bench with **Mr. De La Cruz** right outside his front door. I asked **Mr. De La Cruz** to tell me what happened that day and he stated the following in summary:

[REDACTED] [Neighbor Victim Child] had been coming over to the house for the last three days and [REDACTED] [Neighbor Victim Child] is scared of the dogs so they were put in the backyard. [REDACTED] [Neighbor Victim Child] and his son, [REDACTED] [Dog Owner's Victim Child], were in the house and he (**Mr. De La Cruz**) was outside repotting plants in front of the garage with his wife. He heard some noise in the house and then heard screaming. They (him and his wife) ran inside and "Jewels" was on top of the boy. He did not know how the dog got back inside the house. He pulled his dog, "Jewels" off and put her in the backyard with the other dogs. He came back inside and wrapped a towel and rags around [REDACTED]'s [Neighbor Victim Child] face while he was still on the stairs. [REDACTED] [Neighbor Victim Child] was laying upside down on the stairs and he (**Mr. De La Cruz**) felt that [REDACTED] [Neighbor Victim Child] shouldn't have been on the stairs in that position, so he carried him outside and laid him

*down in front of the house while his wife went to go get [REDACTED]'s [Neighbor Victim Child] mother next door. Then the Police were called and now Animal Control.*

As his wife, **Courtney De La Cruz**, passed by her husband and me, she asked what her husband wanted her to do. He said to take his son, [REDACTED] *[Dog Owner's Victim Child]*, to the hospital and he will take care of the rest. She then asked her husband about cleaning up the mess inside and he said he would take care of it.

I asked them both while they were together what they wanted to do with "**Jewels**"? The husband indicated that he wanted her "**Jewels**" to be treated as a member of the family and that he wanted her taken care of.

I informed **Mr. and Mrs. De La Cruz** that the dog will first be impounded at Antioch Animal Services for at least a 10 day quarantine and that she will be housed there at our facility.

I asked **Mr. De La Cruz** how old "**Jewels**" was and if she was spayed? I also asked how long he had the dog. He said he has had "**Jewels**" since she was 10 weeks old; both her and her brother; and that "**Jewels**" is spayed.

I asked him if she had a current rabies vaccine. He said that his wife handles that stuff and that he will have her find it. I gave him my card and asked him to call or email that information to me as well as a written statement of an account of what happened.

I asked **Mr. De La Cruz** if I could photograph the stairs for myself even though APD had already done so and photograph the bloody towel. He agreed and let me back inside to photograph the steep stair case up-close. "**Precious**" the third dog on the property is a Poodle/Cocker Spaniel mix. She was inside in the living room barking at me. I photographed the entire stair case where the attack occurred. I noticed blood drops on the carpet starting at the top of the stairs, as well as blood and what appeared to be human tissue splatter on the walls near the top of the stairs. The blood drops trailed down the stairs as well as the blood splatters on the wall. About half way down the stair the drops concentrated in one area again. The blood splattering on the wall also concentrated. Larger portions of human flesh were also present on the wall in this area. I photographed a few drops on the linoleum floor parallel to the stair case. I proceeded outside and **Mr. De La Cruz** opened up the towel he used on [REDACTED] *[Neighbor Victim Child]* that was still sitting outside the front patio step.

I asked him how many dogs he has. He said that he had three dogs. The two Pit Bulls that they had since 10 weeks old and a small dog, the Poodle/Cocker Spaniel mix, I met inside.

The last APD unit left the scene and I pulled my van up to [REDACTED] where the victim lives. I was told by children sitting in between the two properties of [REDACTED] and [REDACTED] Reseda Way that one of the victim's parents was home. Two men were standing in the open garage to [REDACTED] Reseda Way and I asked if a parent for [REDACTED] *[Neighbor Victim Child]* was home and a man stepped forward and identified himself as William Ralls, [REDACTED]'s *[Neighbor Victim Child]* stepfather. I asked him some questions to start filling out a bite report form for his stepson, [REDACTED] *[Neighbor Victim Child]*. The mother, Melody Ralls, had left to follow [REDACTED] *[Neighbor Victim Child]* to the hospital. He did not have any knowledge of what happened to his stepson inside the neighbor's house. The only thing he saw were injuries [REDACTED] *[Neighbor Victim Child]* sustained when he came out on the gurney. He and a neighbor were talking about previous history with the dogs at [REDACTED] Reseda Way. They both indicated all the dogs at that house are aggressive and have been loose many times before. Mr. Ralls informed me that his German Shepherd was attacked by both Pit Bulls a few months earlier and that his dog almost died. I ask him if he had reported the incident to Animal Services or the Police Department. He said he had not. I asked him if he took his dog to a vet as proof of the dog's injuries. He did not. He self treated his dog. He also indicated he was bitten by one of the dogs once before and he hit the dog with his elbow and now the dog knows to stay away from him. He also did not report the incident nor was Mr. Ralls treated by a hospital to show proof of his injuries. I expressed the importance of documenting and reporting any incidents involving animals and especially showing escalating aggression. I asked if both men could email statements of these incidents they were referring for documentation. To date I have not received any documentation.

At that time I was unable to question any of the victims involved in the dog attack. I left the scene and brought "Jewels" to Antioch Animal Services for quarantine.

I had nothing further to do with the investigation of this case.

Antioch Police Department  
Event Report

Page 1 of 4

Time: 09/14/2013 16:45:24

Event: 13-074619

**INCIDENT INFORMATION**

Receive Time <b>08/11/2013 11:44:29</b>	Clear Time <b>8/11/2013 12:51:38 PM</b>	Call Taker <b>GACKOWSKI, NICOLE ID: 2701</b>	Position <b>CAD2</b>
Classification <b>1091B</b>	Priority <b>1</b>	How Receive <b>P</b>	Services <b>Police</b>
Address <b>RESEDA WY / ALVARADO DR, ANTIOCH</b>			
Police Agency <b>PD</b>	District	Beat <b>4</b>	Station <b>403</b>

**REPORTING PARTIES**

Name <b>RALLS, MELODI - VICS MOTHER</b>	Phone [REDACTED]
Address <b>RESEDA WY, ANTIOCH</b>	Info <b>911 Caller, Contact</b>

**911 Call Information**

Call Time <b>08/11/2013 11:45:24</b>	Phone No. [REDACTED]
Address <b>JAMES DONLON BL</b>	Community <b>ANTIOCH</b>
Customer [REDACTED]	Class of Service <b>WPH2</b>
State <b>CW</b>	Emergency Svc No. <b>736</b>
Confidence Factor % <b>63</b>	
Latitude [REDACTED]	Longitude [REDACTED]
Uncertainty Factor Code <b>METERS</b>	Uncertainty Factor Number <b>14</b>

Call Time <b>08/11/2013 11:48:40</b>	Phone No. [REDACTED]
Address <b>JAMES DONLON BL</b>	Community <b>ANTIOCH</b>
Customer <b>SPRINT NEXTEL-CDMA [REDACTED]</b>	Class of Service <b>W911</b>
State <b>CW</b>	Emergency Svc No. <b>736</b>
Confidence Factor % <b>0</b>	
Latitude [REDACTED]	Longitude [REDACTED]
Uncertainty Factor Code <b>METERS</b>	Uncertainty Factor Number <b>1164</b>

**SYNOPSIS**

**2ND HAND TO RP THAT HER 10YO SON WAS BIT BY NBR'S PITBULL...SON IS AT [REDACTED] RESEDA WY FA 49**

**DISPOSITIONS**

Closing Class <b>ANML</b>	Event Dispo <b>A</b>	Location	Unit Code	Agency: Case Number <b>PD: 13-007468</b>	Primary Staff <b>TINAJERO, ALMA 5258</b>
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**UNIT HISTORIES / SUPPLEMENTS**

Time <b>08/11/2013 11:46:21</b>	Unit <b>X33</b>	Status <b>D</b>	Operator <b>SOARES, ANITA ID: 3958</b>	Position <b>CAD4</b>
Location <b>RESEDA WY / ALVARADO DR, ANTIOCH</b>				
Time <b>08/11/2013 11:46:31</b>	Operator <b>GACKOWSKI, NICOLE ID: 2701</b>			Position <b>CAD2</b>
Supplement <b>PEOPLE TELLING RP THE SON IS MESSED UP BUT NO DETAILS</b>				

Antioch Police Department  
Event Report

Page 2 of 4

Time: 08/14/2013 16:45:24

Event: 13-074619

Time 08/11/2013 11:46:35	Unit X33	Status 49E	Operator TINAJERO, ALMA ID: 5258	Position VM15
Location RESEDA WY / ALVARADO DR, ANTIOCH				
Time 08/11/2013 11:50:13	Operator GACKOWSKI, NICOLE ID: 2701			Position CAD2
Supplement MOM CALLING AND SPEAKING TO FIRE NOW....BITE WAS TO FACE AND HEAD				
Time 08/11/2013 11:51:04	Operator GACKOWSKI, NICOLE ID: 2701			Position CAD2
Supplement MOTHER IS STATING BITES TO BOTH SIDES OF FACE AND POSS PART OF IT MISSING....				
Time 08/11/2013 11:51:19	Operator GACKOWSKI, NICOLE ID: 2701			Position CAD2
Supplement SHE IS PUTTING COMPRESSION ON BLEEDING				
Time 08/11/2013 11:51:56	Operator GACKOWSKI, NICOLE ID: 2701			Position CAD2
Supplement BITE IS CLOSE TO EYE AREA				
Time 08/11/2013 11:52:12	Operator MALSOM, STACEY ID: 4045			Position CAD3
Supplement RESEDA WY CALLING SAYING HER DOG BIT SOMEONE				
Time 08/11/2013 11:52:41	Operator MALSOM, STACEY ID: 4045			Position CAD3
Supplement TELLING RP TO PUT THE DOG AWAY				
Time 08/11/2013 11:52:48	Operator MALSOM, STACEY ID: 4045			Position CAD3
Supplement RP DISCONNECTED SAYING FIRE IS ONSCENE				
Time 08/11/2013 11:53:05	Unit C26	Status D	Operator SOARES, ANITA ID: 3958	Position CAD4
Time 08/11/2013 11:53:52	Operator MALSOM, STACEY ID: 4045			Position CAD3
Supplement LEFT MESSAGE FOR K4				
Time 08/11/2013 11:54:37	Unit K4	Status D	Operator GACKOWSKI, NICOLE ID: 2701	Position CAD2
Time 08/11/2013 11:55:23	Operator MALSOM, STACEY ID: 4045			Position CAD3
Supplement K4 ENROUTE				
Time 08/11/2013 11:58:57	Unit X33	Status 97E	Operator TINAJERO, ALMA ID: 5258	Position VM15
Location RESEDA WY / ALVARADO DR, ANTIOCH				
Time 08/11/2013 12:03:39	Operator SOARES, ANITA ID: 3958			Position CAD4
Supplement LIFE FLIGHT CHILD				
Time 08/11/2013 12:03:48	Operator SOARES, ANITA ID: 3958			Position CAD4
Supplement C26 ADVD				



Antioch Police Department  
Event Report

Page 3 of 4

Time: 08/14/2013 16:45:24

Event: 13-074619

Time 08/11/2013 12:03:50	Unit C26	Status D	Operator SOARES, ANITA ID: 3958	Position CAD4
Time 08/11/2013 12:04:24	Unit K4	Status 49E	Operator JOHNSON, GABRIELLE ID: 4486	Position VM765
Time 08/11/2013 12:05:04	Unit C26	Status 49E	Operator WISECARVER, JR, JIMMY ID: 2363	Position VM02
Time 08/11/2013 12:05:09	Unit K4	Status D	Operator SOARES, ANITA ID: 3958	Position CAD4
Time 08/11/2013 12:05:47	Unit K4	Status 49E	Operator JOHNSON, GABRIELLE ID: 4486	Position VM765
Time 08/11/2013 12:08:34	Unit C26	Status 97E	Operator WISECARVER, JR, JIMMY ID: 2363	Position VM02
Time 08/11/2013 12:10:07	Unit K4	Status 97E	Operator JOHNSON, GABRIELLE ID: 4486	Position VM765
Time 08/11/2013 12:30:52	Unit X33	Status ECOMM	Operator TINAJERO, ALMA ID: 5258	Position VM15

Location

RESEDA WY / ALVARADO DR, ANTIOCH

Comment

NAM:DE LA CRUZ,RODRICK

Time 08/11/2013 12:32:01	Unit X33	Status ECOMM	Operator TINAJERO, ALMA ID: 5258	Position VM15
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Location

RESEDA WY / ALVARADO DR, ANTIOCH

Comment

NAM:DELACRUZ,RODRICK

Time 08/11/2013 12:47:32	Operator JOHNSON, GABRIELLE ID: 4486	Position VM765
-----------------------------	---	-------------------

Supplement

DOG RESP WAS IMPOUNDED FOR QUARANTINE. TWO OTHER DOGS ON PROPERTY A MALE PITBULL AND MIX MED DOG.

Time 08/11/2013 12:48:52	Operator JOHNSON, GABRIELLE ID: 4486	Position VM765
-----------------------------	---	-------------------

Supplement

SPOKE WITH VIC FATHER AT HE INFORMED ME THAT THE DOG HAS BEEN OUT AND AGGRESSIVE RECENTLY AND WILL WRITE UP A STATEMENT ALONG WITH OTHER NEIGHBORS

Time 08/11/2013 12:49:12	Operator JOHNSON, GABRIELLE ID: 4486	Position VM765
-----------------------------	---	-------------------

Supplement

DOG WILL BE HELD AT AAS.

Time 08/11/2013 11:59:20	Unit C26	Dissociate Status 8
Time 08/11/2013 12:42:58	Unit C26	Dissociate Status 8
Time 08/11/2013 12:45:27	Unit X33	Dissociate Status 8
Time 08/11/2013 12:51:38	Unit K4	Dissociate Status D

**STAFF**

Police Unit C26	Staff WISECARVER, JR, JIMMY ID: 2363
Police Unit K4	Staff JOHNSON, GABRIELLE ID: 4486
Police Unit X33	Staff TINAJERO, ALMA ID: 5258
	Staff JOHNSON, ERIC ID: 4265

Antioch Police Department  
Event Report

Page 4 of 4

Time: 09/14/2013 16:45:24

Event: 13-074619

**RESPONSE TIMES**

	Event	Police	
Receive	08/11/2013 11:44:29		
Save	08/11/2013 11:45:24		
Dispatch	08/11/2013 11:46:21	08/11/2013 11:46:21	
Enroute	08/11/2013 11:46:35	08/11/2013 11:46:35	
Arrive	08/11/2013 11:58:57	08/11/2013 11:58:57	
Last Clear	08/11/2013 12:51:38	08/11/2013 12:51:38	
No. of Units	3	3	



## Kennel Card

8/13/2013 9:21AM

<u>ID</u>	<u>TAG</u>	<u>NAME</u>	<u>SEX</u>	<u>BREED</u>	<u>COLOR</u>
A108965	U13-0005	JEWELS	S	PIT BULL MIX	GRAY
<u>AGE</u>	<u>TYPE</u>	<u>CROSSING/COMMENTS</u>	<u>MARKINGS</u>		
2 YRS 5 MTHS	DOG	QUARANTINE			

**MICROCHIP NUMBER:** \_\_\_\_\_

INITIAL \_\_\_\_\_ DATE \_\_\_\_\_

<u>DATE &amp; TIME</u>	<u>INTAKE TYPE</u>	<u>SUBTYPE</u>	<u>BY</u>	<u>REASON</u>	<u>TOTAL</u>	<u>STATUS</u>	<u>HOLD?</u>	
8/11/2013	09:18 AM	QUARANTINE	FIELD	GJ		1	UNAVAIL	Y

**ADOPT:** \_\_\_\_\_  
**RTO:** \_\_\_\_\_  
**RESCUE:** \_\_\_\_\_  
**OTHER:** \_\_\_\_\_

A vertical strip of ten small, square images showing the progression of a plant growing from a seed to a mature plant. The images are arranged vertically, showing the stages from a small seedling to a fully developed plant with leaves and a stem.

[illegible]

**STATEMENT OF OWNERSHIP**  
 I CERTIFY I AM THE LAWFUL  
 OWNER/CUSTODIAN OF THIS ANIMAL OR I HAVE  
 THE LAWFUL OWNER'S AUTHORIZATION TO  
 RELINQUISH THIS ANIMAL. PROOF PROVIDED:  
 RECORD \_\_\_\_\_ PHOTO \_\_\_\_\_  
 NONE \_\_\_\_\_ OTHER \_\_\_\_\_  
 WAS ANIMAL ADOPTED FROM ANOTHER  
 SHELTER/RESCUE ORGANIZATION? YES / NO  
 NAME: \_\_\_\_\_  
 I AM NOT THE OWNER OF THIS ANIMAL.  
**FOOD & AGRICULTURE CODE**  
 ANY PERSON WHO PROVIDES FALSE  
 INFORMATION ABOUT OWNERSHIP OF AN ANIMAL  
 SHALL BE LIABLE TO THE TRUE OWNER IN THE  
 AMOUNT OF \$1,000.00  
 SIGNED: \_\_\_\_\_  
 ID: \_\_\_\_\_

# OBSERVING FOR RABIES



# RABIES VACCINATION CERTIFICATE

WELL-PET VET CLINIC  
4040 Railroad Ave.  
Pittsburg, CA, 94565

Date: **APR 23 12**

Time: **12:04**

925-427-4300  
925-427-4381

## RABIES CANINE 1 YEAR

Rabies Tag #: **27**

Manufacturer: **rabvac 3**

Date Vaccinated: **APR 23 12**

Lot / S/N: **1215358A**

Expiration Date: **APR 23 13**

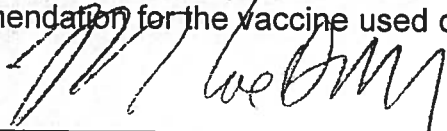
Discard Date: **JUN 15 13**

Owner  
**COURTNEY DE LA CRUZ**  
[REDACTED]  
[REDACTED]  
[REDACTED]

Patient  
Name: **JEWLES**  
Species: **CANINE**  
Breed: **PIT BULL**  
Color: **BLUE**  
Gender: **F**

DOB: **DEC 22 10** Weight: **0 lbs** ID1: **None** ID2: **None**

I hereby certify that this animal has been vaccinated in accordance with the manufacturers recommendation for the vaccine used on the above date.



LAURIE NOE, DVM License Number: 9019

# RABIES VACCINATION CERTIFICATE

WELL-PET VET CLINIC  
4040 Railroad Ave.  
Pittsburg, CA, 94565

Date: SEP 14 11

Time: 09:15

925-427-4300  
925-427-4381

## RABIES CANINE 1 YEAR

Rabies Tag #: 69

Manufacturer: rabvac 3

Date Vaccinated: SEP 14 11

Lot / S/N: 1215351A

Expiration Date: SEP 14 12

Discard Date: MAR 13 14

Owner

OWNER ASSIST TWO TECHS

Patient

Name: DUKE

Species: CANINE

Breed: PIT BULL

Color: BROWN

Gender: M

DOB: DEC 28 10 Weight: 0 lbs ID1: ID2:

I hereby certify that this animal has been vaccinated in accordance with the manufacturers recommendation for the vaccine used on the above date.

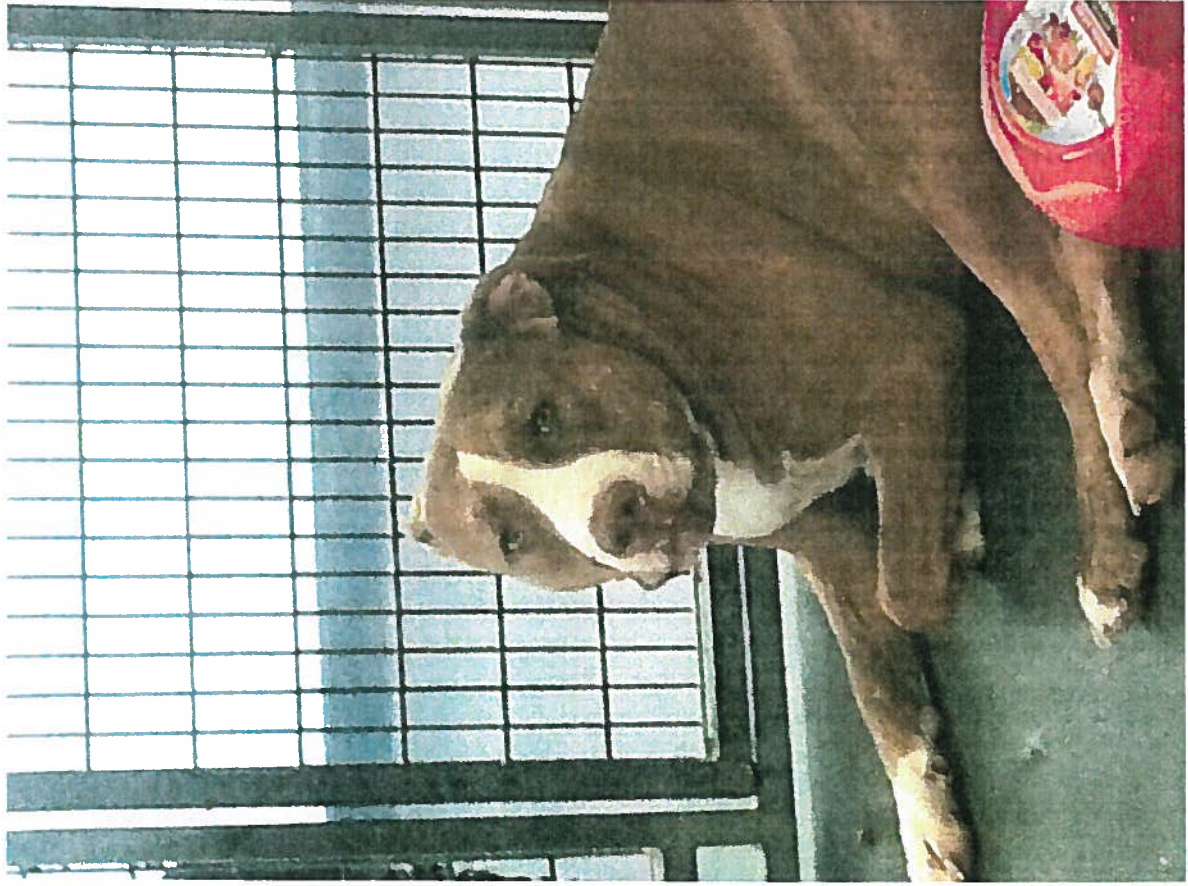
  
LAURIE NOE, DVM License Number: 9019



"Duke"



"Jewels"



**Helgemo, Monika**

---

**From:** Courtney De La Cruz [REDACTED]  
**Sent:** Saturday, August 17, 2013 10:46 AM  
**To:** Helgemo, Monika  
**Subject:** jewels and duke

Sunday August 11 around 11 I w

as getting ready to help my husband Rick do some gardening, we were out side talking in the front of the house when we started to hear noises, thinking it was our boys yelling at one another(that's what our boys do)Rick told me to go in and see what was going on (I was not aware [REDACTED] was in our home) as I went in side I headed to the stairs because that's where the noise was coming from, I had to focus my eyes on the stairs. At first it didn't compute who was laying on the stairs, and with in a second it hit me, I started yelling " O MY GOD.. O MY GOD!" Jewels, and [REDACTED] were over [REDACTED], [REDACTED] was crying and Jewels was looking at me, [REDACTED] (my other child), Duke and Precious (our other dogs) were at the top of the stairs.

At this time Rick (my husband) had come into the house to see what was going on, he went to the stairs and I could here him saying what's going on what happened?

I think I may have kind of blacked out, all I remember is doing circles in the kitchen and saying o my god and I was shaking.

The next thing I remember is Rick telling the dogs to get out," ALL YOU OUT SIDE!"

I wasn't sure what to do, I was shaking and in shock, I remember saying something about [REDACTED] mom, and then me going next door, ringing the door bell over and over tell she came to the door, I told her [REDACTED] was attacked, she asked should I call 911? I told her yes

I came back to the house, by the time I got back to the home [REDACTED] was in the front on our path way leading up to the front door, Rick asked me to watch him, he had to go check on our kids, [REDACTED] was talking to me and all I could say was baby im so sorry, I was holding the towel Rick had put over [REDACTED] and he told he I was hurting him and he felt hot, Rick came back out and I told him [REDACTED] is hot he's telling me he is hot, Rick told me to get him some water, Igot him some water.

When I came out Rick told me our child [REDACTED] was also bitten, I came back in side to see my oldest in silence, my little guy [REDACTED] was crying, I went in to the back room and called 911 for my child and also requester animal control.

I came back out side to inform my husband what was going on, at this time Melody, [REDACTED] mom was at the house.

Melody asked me to go to her home to check on her other 2 children, I stayed with them, at this time fire truck showed up to our home.

After 15 min or so I came back to my home to see what was going on, and gave my statement.

Now the only people who know what really happened are all 3 boys, they were the only ones inside the home, what my boys told me is this..

[REDACTED] told me he just woke up came down stairs to get his breakfast and [REDACTED] and [REDACTED] came inside the house and started to walk up the stairs when [REDACTED] asked [REDACTED] for something to drink, [REDACTED] and [REDACTED] stopped on the stairs, [REDACTED] came back down he told [REDACTED] to go to his room ([REDACTED]), [REDACTED] then turned around and started running and slipped as he slipped it made a loud noise that's when jewels came from the



other room followed by the other dogs, jewels started the attack and [REDACTED] told Duke and Precious back, back and both dogs stayed back.

Courtney A De La Cruz

## Helgemo, Monika

---

**From:** Courtney De La Cruz [REDACTED]  
**Sent:** Saturday, August 17, 2013 11:28 AM  
**To:** Helgemo, Monika  
**Subject:** after rereading rick's writing wasn't in order.

My side of [REDACTED] tragedy

My wife and I were in our garage getting ready to do some trans planting. When we heard stomping and thumping coming from our home inside. Figured it was our eleven year old and nine year old boys were planning around. Then seconds later heard more thumping noise and my wife headed in to see what was going on. As I was walking from the front of my garage to my front door, I heard yelling, that made me feel something was not right and started running inside. I could heard my wife yelling and screaming, and figure it was my boys fighting with each other as boys do. Got inside, heard dogs barking and found my wife standing away from the bottom of our stairs yelling o my god...o my god...i turned to look at our stair case to find a picture of someone laying upside down on our stairs with jewels to the left of his head area paused. Saw [REDACTED] my son to the left of him, next to jewels. Saw [REDACTED] my other son at the very top of our stairs standing with duke at his side along with our little black dog sitting next to him. Looked back to find it was [REDACTED] upside down. As I looked at him he was looking at me and slip down the stair a little. He was still upside down looking around mumbling. I walk up and picked up jewels around her waist lifted her, and I yelled out to all out side every one outside to my dogs. Had jewels in my arms against my chest and walk down backwards, and my other dogs followed me out to my backyard. Duke and our little dog walked from the top of our stair case, pass jewels and followed me outside to our backyard. When I got back my wife was still in shock and did not know what to do, told her as she ask if she should call for an ambulance, I could not answer. Then she ask should I tell the mom to call. Then I said yes go tell her to call. Seemed to be the right thing to do after taken in all. That seemed to be right we were all in shock, and with her gone I could move on. So my wife went next door were this child lives.

[REDACTED] was upside down with his head downward and his legs upwards. I went to him lifted him and slid him down into my lap and held him in my arms. Looked at him and kept asking him what happened, what happened over and over. With him saying jewels, jewels, jewels in my arms. He just kept saying her name. He never said any other name only jewels name.

[REDACTED] my son ask me from the top of the stair case, standing with our two other dogs, what can I do? I heard him but did not answer. He asked again and I said to him get me a towel. I wanted to cover his injured side of his face. He came back and I cover that side of his face and held the towel, and ask again and again what happened. Not what he did nor the dog but what happened. I did not know and wanted to know how this happened. I was I shock this happened and told him sorry. He started to thank me, like I saved him. He told me I was going to be his best friend after this. My son was sitting there and I looked and talked to him. I ask him if he was alright. He could not answer. [REDACTED] was in and out of a whimper. Looked at him over and saw he had a mark on hi whist area, a dot like mark. Asked him if he was ok, and he told me yes.

I told him I need his help. He looked at me and listened. I told him I need him to hold [REDACTED] So I helped [REDACTED] over and helped [REDACTED] to his lap holding [REDACTED] head. I stood back and walked back to take a second to grasp all, all figure out what was next. I had walk towards my front door and to my porch, to find this was not going to help...went back to find [REDACTED] in [REDACTED] lap white and gray. [REDACTED] was going in shock and he was still upside down, but his head was level. I went to lift him from my son to safe land for help in its way. Could not lift him and carry him out with my arms, do to my disability. So I lifted him up and over my shoulder and walk backwards down our stairs. Walk to our front door and out front of our home for help. Found no one to help, and wanted to protect him thinking a crowd could come, so I laid him down on our front walkway and head him again. Talked with him because I did not want him to go into much more shock. We talked. He kept saying I was going to be his best friend after this. We talked more and he just kept saying I do not like dogs, I just do not like dogs.

His mom should up talking on the phone and standing at our side walk. Saw she was talking and did not want to bother her. T stayed with [REDACTED] talking with him.

Finally I got mad and need to get jewels and get read to get rid of her. Knew it was the right thing to do, and need to get her and bring her out too. So I called out for his mom, she asked me talking on the phone, do you need me. I yell yes. She came over, from out of site, to me. I told her what I need her to do. Said I need you to hold his head, hold his head. As she came down I told her I need to get my dog, I need to get her out here. I need to take care of here. I help her hold [REDACTED] head, as she kneed down. I stood up and looked and saw they were ok together. She had put her head down to him and raised her head to hear him say I just do not like dogs mom....i just do not like them... he kept telling her as he had told me.

I turned and went to get jewels. Went to the garage and got a leash. Went and found that all three dogs were stand and staring at our sliding glass door. I went out and rapped a leash around her neck and proceeded to walk in the house with her. We walked threw the house and out our front door, and pass [REDACTED] and his mom. The paramedics still had not arrived. I sat outside to the far side of our home, and sat with jewels. Then my son [REDACTED] sat with me, and jewels.

A fire truck showed up to help, and an helicopter was coming and no ambulance. The fire men had help [REDACTED] We were all questioned about what happened and who was involved, by many fire men, animal control and police officers.

**Helgemo, Monika**

---

**From:** Courtney De La Cruz [REDACTED]  
**Sent:** Thursday, August 22, 2013 7:57 AM  
**To:** Helgemo, Monika  
**Subject:** statment

the family and I did some step by step of the incident and by doing so it helped jog some of what happened and how.

As I came into the house to check on the noise I heard from outside, instantly I walked to the 15 flight of stairs we have in the home.

As I focused my eyes I realized what was going on, up on the 8 stair jewels our female dog was sitting next to someone that was laying/sitting next to her, and [REDACTED] was sitting on the other side of Jewels (so Jewels was in the middle). When I realized what was going on and who it was I started to yell OMG!..OMG!. I walked over to the stairs and I remember feeling crowded and that's because everyone was on the stairs I was on the 3 stair with [REDACTED] and Duke and Precious (our other 2 dogs) were in front by 2 stairs barking and barking, I remember I felt crowded and told everyone to move get out of my way!

At that time [REDACTED], Duke, and Precious started up the stairs, as they got the top of the stairs the dogs were standing next to [REDACTED] facing down the stairs barking and barking

At that time Rick had come in to the house.

Thank you  
Courtney De La Cruz  
8/22/13

Helgemo, Monika

---

**From:** Courtney De La Cruz [REDACTED]  
**Sent:** Thursday, August 22, 2013 9:08 AM  
**To:** Helgemo, Monika  
**Subject:** from [REDACTED]

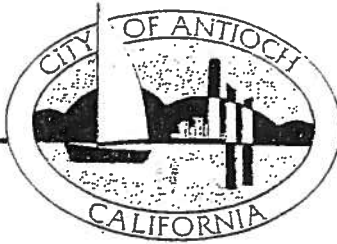
I [REDACTED] had just woken up and came down stairs to have my breakfast when [REDACTED] and [REDACTED] came into the house and started up the stairs, they stopped because [REDACTED] asked [REDACTED] for something to drink as [REDACTED] came back down to the kitchen he told [REDACTED] to go to his room. As [REDACTED] turned around he started to run he triped as he triped he turned and fell on his but and mad a loud noise, Jewels, Duke ad Precious came from the back room toward the stairs, Jewel being the leader headed up to [REDACTED] and came eye to eye, [REDACTED] started swinging arms forcefully and hit Jewels and she started to attack [REDACTED]. I yelled to Duke and Precious back! back! both dogs stayed by my side barking and barking. At this time my mom came into the house, she walked to the kitchen and looked at the stairs and started to yell what's going on? O MY GOD! MY GOD!

She walked to the stairs and told us get out of my way! Duke precious and my self walked up the stairs and stood at the top Duke And precious were barking and barking I told them NO.. BACK BACK! Duke and precious stayed by my side at the top of the stairs. My Dad came into the house and said what's gong on? He went to [REDACTED] and asked him what happened? what happened?, [REDACTED] just kept saying Jewels Jewels.

My dad picked up Jewels and told all the dogs out side so Duke and Precious went down the stairs to the back.

Police Department

300 L Street, Antioch, CA 94509-1100



JAMES HYDE  
Chief of Police

(925) 779-6900

## SURRENDER STATEMENT

I, the undersigned, am the owner of the below described animal, and I unconditionally surrender said animal to the Antioch Animal Shelter.

Jewels

I understand the City may dispose of this animal at any time by whatever means it deems advisable, including euthanasia (humane destruction).

I release the City from all liability, and I assume all responsibility for any and all damages to any nature whatsoever arising from my ownership of this animal prior to my surrendering said animal to Antioch Animal Services.

I certify said animal HAS ☒; HAS NOT ☐ bitten any other animal or human in the past 15 days.

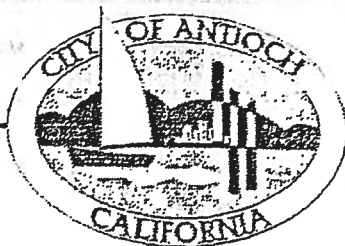
SIGNATURE: [Signature]

DATE: 8/14/13

ADDRESS: [Redacted] Reseda way Antioch CA 94509

DRIVER'S LICENSE NO.: [Redacted]

Police Department  
Antioch Animal Services  
300 L Street, Antioch, CA 94509



Allan Cantando  
Chief of Police  
(925) 779-6929

## EUTHANASIA NOTIFICATION

I have been notified that my animal Seures, which I am relinquishing to Antioch Animal Services, is not suitable for adoption and may be euthanized immediately without being made available for redemption or adoption.

Signature: *Pat Z* Date: 8/14/13

Address: [REDACTED] Reseda Way Antioch CA 94509

Driver's License No.: [REDACTED]

Reason animal is not suitable for adoption:

☒ Behavioral or Temperament Defect

☐ Medical Issue/Condition

By: *mt*  
Animal Services



August 22, 2013

Roderick/Courtney De La Cruz  
[REDACTED] Reseda Way  
Antioch, CA 94509

**RE: Declaration of Vicious Animals**

- “Jewels”, a spayed female, brindle/white Pit Bull mix ID# A108965
- “Duke”, a neutered male, tan/white Pit Bull mix ID# A108984

**Dear Mr./Mrs. De La Cruz:**

Your dogs, “Jewels” and “Duke,” have been found to be in violation of California Food and Agricultural Code § 31603 *Vicious Dog Defined* (b) based on an incident that occurred on August 11, 2013 at 2051 Reseda Way in Antioch.

*(b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.*

Accordingly, the Antioch Animal Services, a division of the Antioch Police Department, has determined that there exists probable cause that your dogs are “*Vicious Animals*” under Article 2 of Chapter 9 of the California Food and Agricultural Code.

Your dogs, having been declared “*Vicious Animals*,” shall not be returned to you as their release would create a significant threat to the health, safety and welfare of the public. Instead of being returned to you, the dogs shall be humanely euthanized.



To date the fees for your dog(s) are \$988.00 and board increases by \$17.00 per day per dog starting on August 22, 2013:

Qty	Item Code	Animal ID	Reference No	Fee Type	Dept.	Item Price
1		A108965				

JE/Rfnd	Qty	Item Code	Animal ID	Reference No	Fee Type	Dept.	Price	Subtotal	
	02	IMP PDA/VA	A108965	JEWLES/DUKI		ADMIN	150.00	300.00	IMP PDA/VA
	02	QUAR/DOG	A108965	JEWLES/DUKI		KENNEL	215.00	430.00	QUAR/DOG
	02	IMP1 NOLIC	A108965	JEWLES/DUKI		ADMIN	44.00	88.00	IMPOUND 1ST I
	02	EUTH NOLICDOG	A108965	JEWLES/DUKI		SHELTER	52.00	104.00	EUTH NOLIC DO
	02	DISPOS NOLIC	A108965	JEWLES/DUKI		ADMIN	33.00	66.00	DISPOSAL

Cash	Check	Credit	Total Due	Tendered	Change	Balance
			988.00	0.00	0.00	988.00

**Total: \$988.00 plus boarding fees**

If you wish to contest the finding that the dogs are "Vicious Animals," then you must file a written request and pay those fees listed above totaling \$988.00, plus a \$400 Dangerous Animal Investigation Fee, to the City Clerk's Office no later than **September 10, 2013 by 5:00 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. You may also mail your written request with full payment to the City Clerk's Office, P.O. Box 5007, Antioch, CA 94531-5007, to be received no later than **September 10, 2013 by 5:00 p.m.** The Clerk's Office hours are Monday through Thursday, 8:00 a.m. to 5:00 p.m. except City holidays. **If both the written appeal request and fees are not received by September 10, 2013, 5:00 p.m., then the City will deem that you have surrendered the dogs to the City to be humanely euthanized.**

Boarding fees for the dog(s) will still be due with the amount depending on the final action of the Board of Administrative Appeals.

The \$400 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 5:00 p.m. on September 10, 2013.**

Should you have any questions concerning this matter, please feel free to contact Antioch Animal Services at (925) 779-6989.

**Respectfully,**

A handwritten signature in cursive script, appearing to read "M. Helgemo".

**Monika Helgemo  
Supervisor of Animal Services  
Antioch Police Department  
300 L Street  
Antioch, CA 94509**

Enc.: Hardship Waiver Application

LAW OFFICES OF  
**MARK A. McLAUGHLIN**  
ATTORNEY AT LAW

3012 LONE TREE WAY, #300  
ANTIOCH, CALIFORNIA 94509  
TELEPHONE: (925) 754-2622  
FAX: (925) 754-1104  
EMAIL: NMCLAUG226@SBCGLOBAL.NET

MARK A McLAUGHLIN, ATTORNEY AT LAW  
NANCY M. BRODER, LEGAL ASSISTANT

• NOREEN J. McLAUGHLIN, CERTIFIED PARALEGAL  
• NANETTE DE ROSE, LEGAL ASSISTANT

TO ANTIOCH PD ANIMAL SERVICES

8-30-13

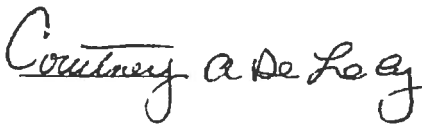
re JEWELS & DUKE

My clients request a hearing to appeal the APD  
determination that the above mentioned dogs are vicious animals as set forth  
in the cities 8-22-13 letter to Roderick and Courtney De La Cruz.

Very Truly Yours

  
Mark McLaughlin

We request a hearing





# City of Antioch

## Decision Appeal Application

CITY OF ANTIOCH  
ATTN: CITY CLERK  
P.O. BOX 5007  
ANTIOCH, CA 94531-5007  
(925) 779-7009

Date of Decision: August 22, 2013

Name: Rodrick De La Cruz, Courtney De La Cruz

Property Address: [REDACTED] Reseda Way, Antioch, CA 94509

Mailing Address: c/o Law Offices of Mark A. McLaughlin

3012 Lone Tree Way, #300, Antioch, CA 94509

Home Phone: (925) 757-6965

Work Phone: attorney: (925) 754-2622

### REASON FOR APPEAL

We own two dogs named Jewels and Duke. We do not believe Duke was involved in the August 11, 2013 incident. In regard to Jewels, a witness indicates the dog only bit [REDACTED] after he hit the dog on its head. Therefore, the attack was not unprovoked and neither dog is a vicious dog as defined in California Food And Agriculture Code Section 31603.

Counsel is not available on 9-19-13 in the afternoon

Signature

*Courtney De La Cruz*

Date September 3, 2013

**Helgemo, Monika**

---

**From:** Courtney De La Cruz [REDACTED]  
**Sent:** Saturday, August 17, 2013 3:33 PM  
**To:** Helgemo, Monika  
**Subject:** for duke, from family friend

I Oscar Gonzales, friend of Rick De La Cruz been around the family dogs for a while

now. Visited numerous of times with out any problems what so ever. Duke and Jewels all have been friendly with me throughout all my visitations within the past few years. About every visitation, they all played with me as well as friendly normal dog licks that brought no harm. I was never in danger with these pets before this incident occurred and therefore plead and assure that these dogs were raised as family loveable pets.

Date: August 17. 2013

Name: Oscar Gonzales

Signature: 14

Helgemo, Monika

---

From: [REDACTED]  
Sent: Friday, August 23, 2013 7:37 AM  
To: AntiochAS  
Subject: City Website Comment Form

Judith Roberts

[REDACTED]  
Antioch  
Ca  
94509  
[REDACTED]  
[REDACTED]

Fax:

The owners of Jules and Duke, should they choose to request a hearing instead of consent of euthanasia, are not responsible dog owners. I personally, have had to protect 3 children, on two different occasions, from dogs they have owned. I have also had to protect myself on one occasion. I witnessed them allowing their pit bulls, Jules and Duke, as well as two other dogs they had, to run loose and play in their front yard with no leashes. The dog owners also walk their dogs with no leashes but choose "shock collars" instead. On three of these above mentioned occasions, while I had to stand firm and yell to the dog, "GO HOME!", The owners yelled at ME and told me that I did not know how to treat dogs and to never yell at their dogs again. I responded to that with, "Well, keep your dogs at home so I won't have to yell at them to go home!" These incidences indicate to me that they have little regard for proper training and even less regard for people safety. Before they surrendered their labs, Robust and his mate, Robust would get out the front door and run rampant up and down the street with Courtney chasing him trying to get him back in the house. If they get Duke and Jules back, what is going to happen to the people in the neighborhood when these dogs get out and run rampant???? Not only will the dog owners be held responsible for any damages done, the Animal Control will also be held responsible for allowing the dogs to be placed in a home with little regard for proper containment or public safety.



September 10, 2013

Roderick De La Cruz  
Courtney De La Cruz  
2051 Reseda Way  
Antioch, CA 94509

Mark A. McLaughlin  
Law Offices of Mark A. McLaughlin  
3012 Lone Tree Way, #300  
Antioch, CA 94509

RE: Vicious Animal Appeal Hearing: Dogs: Jewels and Duke

Dear Appellants:

We are in receipt of your written appeal (copies enclosed) and payment regarding the determination that the dogs owned by Roderick De La Cruz and Courtney De La Cruz listed above are vicious animals.

Please be advised that your appeal is scheduled to be heard by the Board of Administrative Appeals that will be meeting on **Thursday, September 26, 2013, at 3:00 p.m.** in the Antioch City Council Chambers (across the breezeway from City Hall). This Board of Administrative Appeals is composed of volunteer residents of the City of Antioch.

A General Information sheet is enclosed to answer any questions you may have regarding the appeals.

Sincerely,

ARNE SIMONSEN  
City Clerk

Enclosures

cc: Animal Services Department (Enc.) ✓  
R/P (Enc.)

Office of the City Clerk  
200 H Street  
P. O. Box 5007  
Antioch CA 94531-5007  
(925) 779-7009







NEIGHBOR VICTIM CHIEF







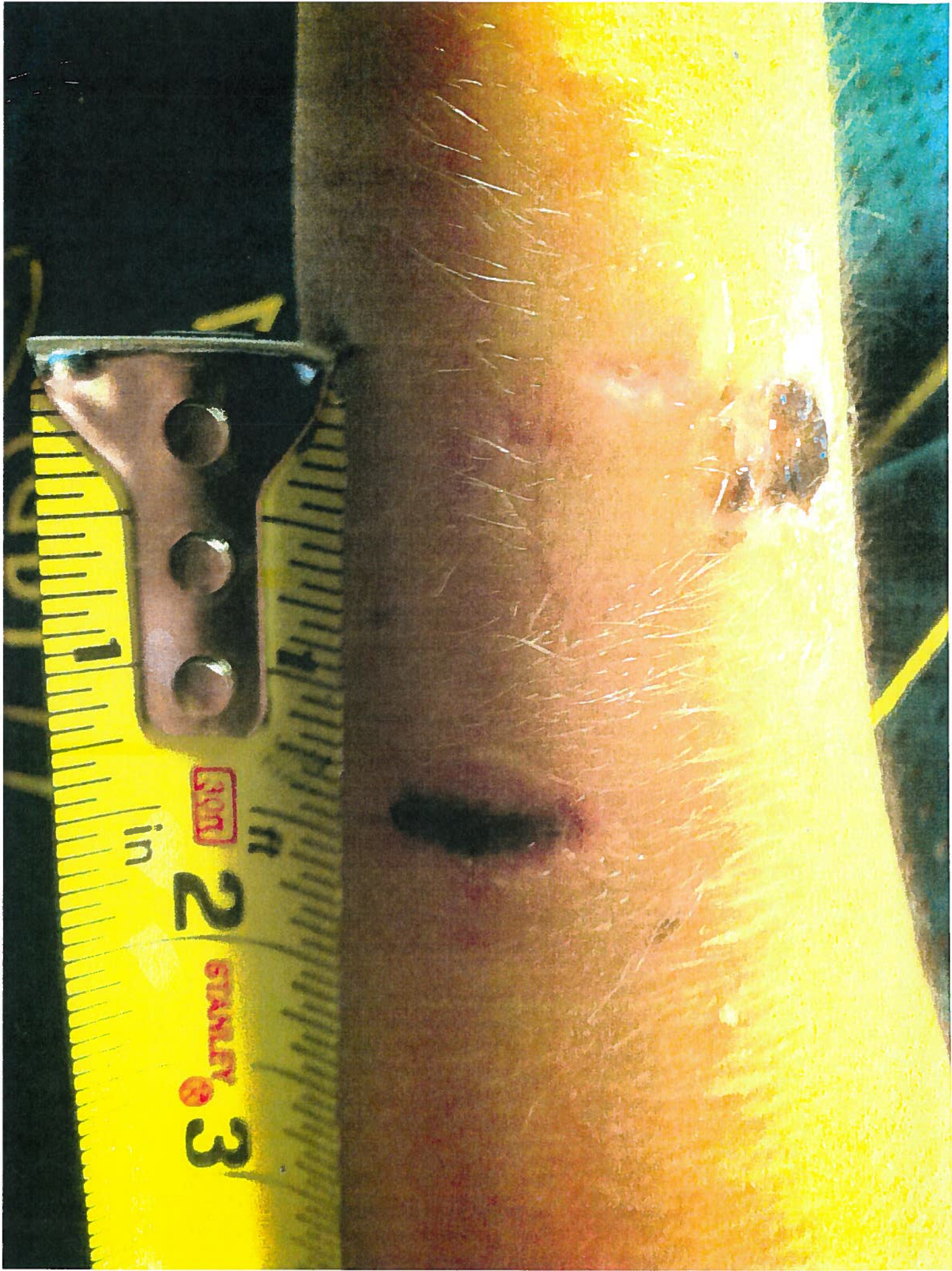
































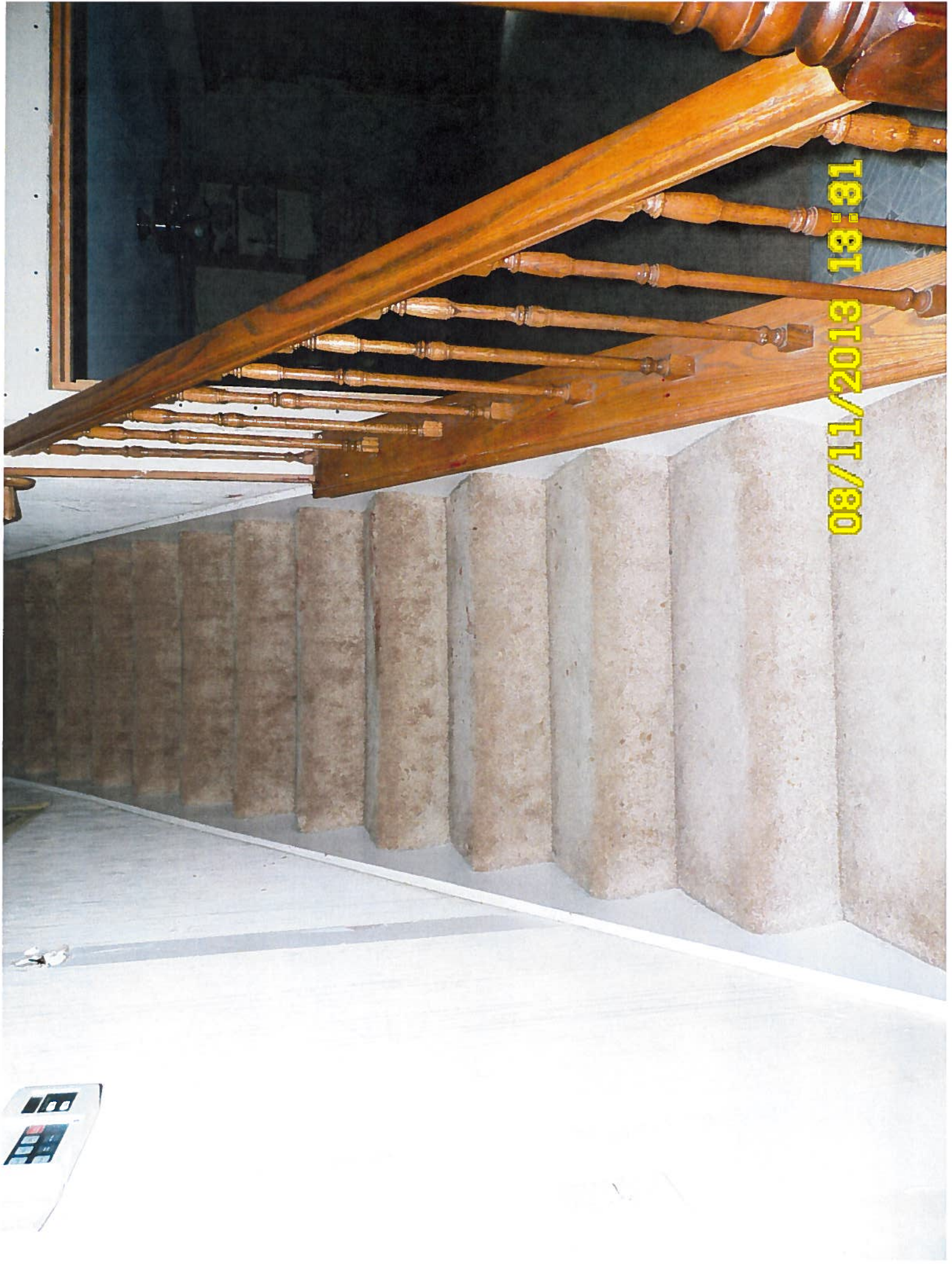












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DOG OWNER'S VICTIM CHILD



DOG OWNER'S VICTIM CHILD