

SPECIAL COUNCIL
June 2, 2016

Mayor Henry said the purpose of the meeting was a hearing for an appeal under Nampa City Code Title 6, Chapter 2, Section 12, Determination of Vicious Animal for Corina Wyatt.

The Mayor asked Wyatt to come forward to present her case.

Corina Wyatt lives at 1312 7th St South in Nampa.

Wyatt said she didn't want her dog to die. They say that it is unprovoked, but he just because the person that beat me up that he was protecting me from that he was on lease. My Ex and I just barely moved in this house with my dogs. He got on narcotics and took off with his sister and went on a runner while I locked him out. He broke in to the home at about 2 o'clock in the morning and said that he was going to kill me. He started to smash my face in to a wall. His sister then grabbed my dog. She got bit and he broke her arm. He was not unprovoked. He was doing his job. Even though he has been gone so long I can't afford to get him out of jail now. He doesn't deserve to die. He is a good dog. He has had a rough life. He just needs someone to understand. Thank you.

Mayor Henry asked Animal Control Officer Kimberly Mink to present her testimony.

Officer Mink said she has been an Animal Control Officer with the Nampa Police department for six years.

The last case that we had for this dog was what really initiated us putting a lot of puzzle pieces together. We had numerous dog bites in the area and there was a mysterious dog involved. The animal description was always very similar. Unfortunately, the victims were less than cooperative. Two of the reported bites were reported at the Maverick County Store on 12th Avenue Road and Lake Lowell. That was an indicator that obviously the dog had to live in the area. We could not make any other links to that. We never could find a dog at large so we just kind of reported the information and tucked it away for future reference.

However, the last bite did change things for us. We did have a victim that was willing to be a victim. We had a victim who was willing to tell us the whole story of what actually happened. The victim in this case happens to be Ms. Wyatt's significant other's sister. According to her there was a verbal altercation that was going on between Ms. Wyatt and her boyfriend. The verbal altercation was happening in the kitchen area. According to both Ms. Wyatt and the victim, the normal routine when this sort of commotion was going on at the residence is to escort the dogs into another room towards the other side of the apartment. The reason given for this was that they did not want to get the dogs agitated. This was normal process that had been done numerous times for a really tumultuous environment. So the sister according to Ms. Wyatt was doing a normal routine of escorting the dogs in area that was away from the commotion. According to Ms. Wyatt, that is when the dog decided to act out, biting the victim. This bite was significant enough that it actually fractured her forearm. This was not a bite and release. This was a bite, clamp down and shake violently. That is Ms. Wyatt's testimony.

The victim's testimony is somewhat different than that. The victim's testimony is such that as the verbal altercation was going on, the sister decided to go back to her bedroom. It appears that at that time, she was staying there with her brother and Ms. Wyatt. While she was in the confines of her bedroom, the dog came in to the bedroom which also was, I understand, a fairly normal thing. The dog would often times sleep with the sister in her bedroom. While the dog was in the bedroom, the victim reached down to grab the charger. The victim was sitting on her bed. She reached down to grab the charger. The dog snaps, reacts, grabs and latches on to her hand. The dog dragged her off the bed. The dog would not let her go. The bite caused enough pressure to fracture her forearm. That is the last case we had.

After that case, we did get further testimony from Troy Henderson who is Ms. Wyatt's significant other. He indicated that there many more bites. At that time, we started to put the puzzle pieces together. We were able to verify two other bites linked to the dog. I did find a "Spike". Those bites resulted in traumatic injury. One of the victims can no longer use her ring or pinky finger effectively. One of the bites also fractured bones in the victim's hand.

Once we stated to put all of the puzzle pieces together, we went over to the prosecutor's office and said this is what we got. Normally it is an easy case for us when we are talking about what we need to show for a vicious dog. Under state code it states any dog when unprovoked attacks another person and causes injury that is considered a vicious animal. It is laid out in our state code. I believe that it is also laid in our city code. It is one of the things that we use in determining a vicious dog when we have our vicious dog board hearings. We discussed it with the prosecutors and they agreed that at this time Ms. Wyatt should receive the charges for a vicious animal under Idaho State code and that we should impound the dog for our civil process of the vicious dog board hearing. We did do that. We impounded the dog at the West Valley Humane Society where the dog has remained since that date. I spoke with staff at the shelter today and they have not been able to interact with the dog because of his level of aggression. The vicious dog board determined that under Nampa City code, the dog met criteria for two parts of the code for being vicious. In order for us to proceed with deeming the dog vicious, they only need to meet one of the criteria of the Nampa City code. Do you have any questions for me?

Councilmember White asked if the dog was licensed.

Officer Mink said no.

Councilmember White asked if the dog was leash trained.

Officer Mink said she was not able to see the dog walk on a leash by anybody other than Ms. Wyatt.

Councilmember White asked if the dog was collared.

Officer Mink said she didn't recall.

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Councilmember White asked if where the dog was confined, fenced or tied up besides being confined in the house.

Officer Mink said there is no fenced in area at the apartment that Ms. Wyatt is currently on a lease. There is no kenneling, there is no other enclosure or containment other than being inside the residence.

Councilmember Skaug asked if Officer Mink had an opinion as to whether the dog was indeed vicious based on her experience, training, her investigation and her interview with the witnesses.

Officer Mink said that based on all of the testimony that she had heard and with her experience being an animal control officer for the last six years, the multiple dog bites that she had investigated or been a part of the investigation, she thought the dog was indeed vicious.

Councilmember Raymond asked what would the police department have done if there hadn't been a dog board.

Officer Mink said that if there was not a vicious dog board, Animal Control was still empowered to impound the dog through the criminal process. So Ms. Wyatt was charged with the vicious dog. One of two things would have been done. They could have gone through bond forfeiture where the courts would have been petitioned to release the dog to the Nampa Police Department based on the facts of the case. Or Nampa Police Department could encourage Wyatt to sign the dog over. The third option would be to see the process completely adjudicated and request that the judge have the dog turned over to the Nampa Police Department.

Wyatt said that Spike was trained. He wears a collar. His rabies shots and tag were expired. Wyatt said she is homeless and has been preoccupied. Spike is leash trained. He has a cable that he is placed on when is goes outside. He is not a dog at large. They are not able to prove that. She said there are many stray dogs in that neighborhood that fit his description, brown and white. She has had the dog since he was four weeks old. Wyatt said he has been her protector, her child, her everything. She stated they have never been a part in the last seven years.

She said it wasn't right that Spike was being accused of all of the other bites because her ex is being vindictive. She said her ex had got thrown out and tried to kill her. Her dog reacted. She said her dog was not vicious. He has had rough road. He was nearly beaten to death. He has some people trust issues. Wyatt was the one who pulled him out of that and tried to help him. She said she just didn't him to die.

Councilmember Bruner said that what he was hearing Wyatt say was that the dog had never been free.

Wyatt said when she took him to the river or lake, she would take Spike off his leash and let him run. She said he had never been free around her house.

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Councilmember Bruner asked what Wyatt's other dog was. (Black lab.) He asked which dog was the dominate dog. (The lab.) He then asked Officer Mink if there were any challenges with the black lab. (No.)

Councilmember White asked Officer Mink if a dog were being vicious, aside from death, if there were other alternatives where organizations could rehabilitate the dog.

Officer Mink said she had heard of that with other agencies. That was not an option that the police department has ever pursued because once a dog is found vicious, it wouldn't be fair to pass that on to somebody else. She said there was an alternative to being put down. The owner needs to come into compliance with housing a vicious animal. There are very detailed instructions and time frames of what needs to be done which includes fencing, kenneling, signage and liability insurance. Once those requirements are met, the dog is released back to the owner and periodic checks are done.

Councilmember White asked the amount of the insurance policy was. (Minimum of \$500,000.)

Mayor Henry said that kind of insurance cannot be bought. No certificate of insurance will be issued on a dog that has bitten someone. There is one "free" bite and then you are canceled. The only way that they are issuing a certificate of insurance for \$500,000 is if the insurance company doesn't know there is a dog involved.

Officer Mink said that in order to have your dog released back to you, you must meet all of the requirements for housing which includes the insurance.

Mayor Henry said there are things that agents do that companies are not aware of.

Officer Mink said they wanted to have all of their ducks in a row. She said Wyatt has been convicted of dog at large previously

Councilmember White asked Wyatt if she would be able to get insurance, shots and license for the dog.

Wyatt said she couldn't afford it. Her landlord said she couldn't put up a seven-foot cage in the yard.

Councilmember White said she didn't doubt the dog was Wyatt's friend. She believed Wyatt when she said she didn't think her dog was viscous and was her protector. The dog has triggers and Wyatt had explained some of them. The dog was reacting aggressively. The Council will make a decision and if the vote is to have Spike put down, Wyatt would be doing him a favor because it would be done in a very gentle and humane way. She said that aggressive as he was, it could be hurt worse by having his head kicked or something very vicious done to him. It would be in the best interest of the most humane treatment that the dog would receive.

Councilmember Skaug said it wasn't an easy decision because someone is going to lose their pet. He said it was an easy decision regarding the evidence and said it was a vicious dog.

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MOVED by Skaug and **SECONDED** by Bruner to **uphold** the **decision** made by the **Vicious Dog Board** which deemed the dog as vicious. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the
MOTION CARRIED

The Mayor adjourned the meeting at 5:55 p.m.

PASSED this 17th day of October, 2016.

MAYOR

ATTEST:

CITY CLERK