TOWN OF KILL DEVIL HILLS

NOTICE OF MEETING OF THE
TOWN OF KILL DEVIL HILLS
DANGEROUS ANIMAL APPEAL BOARD

NOTICE is hereby given that on Thursday, February 18, 2021 at 6:00 p.m. the Kill Devil Hills Dangerous Animal Appeal Board will hold a meeting in the Meeting Room of the Administration Building, 102 Town Hall Drive, off Colington Road.

In order to maintain the safety of all parties the Board will follow all COVID-19 regulations and requirements currently in place for public meetings. This includes distancing, masks, and the limitation on attendance capacity.

Call to Order
Organizational Procedures
- Oath(s) of Office
- Selection of Chair

Statement of Rules
Statement of the Case
Identify Parties to the Proceeding
Swearing of Witnesses
Presentation of the Case
Deliberation and Determination by the Board
Adjournment

Posted this 10th day of February 2021.

Mary E. Quidley
Town Clerk

Copies to: Mayor and Board of Commissioners; Town Manager; Town Attorney; DAAB; KDH Electronic Distribution Lists and Sunshine List, including all local news media; KDH Website and Facebook page; Chief Britt, Asst. Chief Harris, Lt. Pierce, Animal Control Officers Wynn and Olving; Appellant; Victim; Town Bulletin Boards; file

Town of Kill Devil Hills
Dangerous Animal Appeal Board
Preliminary Procedures
February 18, 2021

Generally

Due to the nature of this meeting, which includes sworn testimony and appeal of any decision to the Dare County Courts, this meeting will be held in the Meeting Room at 102 Town Hall Drive.

Measures will be taken to ensure the health and welfare of those attending. Face masks are required of anyone entering the Meeting Room. Body temperature will be taken of all meeting participants and attendees. Social distancing will be practiced, and if, at any time, it is determined the room is near social capacity, then arrangements will be made for a remote waiting area.

When you speak during the meeting – ask a question, make a motion, etc., please state your name and speak into the microphone at all times.

To ensure clarity and understanding, the Chair will restate each motion, stating the name of the member who made it, and the member who made the second. A roll call vote will be conducted and each member will respond with their vote.

1. Call to order by the Deputy Town Clerk (DTC)

This meeting of the Kill Devil Hills Dangerous Animal Appeal Board is hereby called to order and we will welcome all present. Today's date is _____ and it is _____ _____.m.

The Board will be hearing a case this evening, but there are a few administrative

items that must be taken care of first.

2. Organizational Procedures

   a. Oaths of Office

   b. Selection of Chair

This will be the Board's first official act of business. (Note: it is appropriate to nominate yourself to hold the Chair position if you so desire.)

A motion will be in order to nominate a member of the DAAB to serve as chair:

I make a motion to nominate_____ to serve a _____ -year appointment as Chair of the Animal Appeal Board. A second to that motion would then be appropriate simply by someone else saying "I second that motion." If there is not a second, then the motion dies on the floor and another motion would need to be entertained. If seconded, then the DTC will call for a vote.

"There is a motion and a second on the floor to nominate _____ to serve a one-year term as Chair to the DAAB. All those in favor, please signify by saying "aye;" all those opposed, "nay." The ayes have it and _____ will be the chair of the DAAB for a one-year period, which ends on _____.

All oaths of office will be administered by the DTC and at the conclusion, the meeting will be turned over to the newly selected Chair.

Town of Kill Devil Hills
Dangerous Animal Appeal Board
Case Rules of Procedure
February 18, 2021

Please use the agenda as the guidelines for conducting the meeting. If at any point you have a question on how to proceed, please let us know and Staff will assist.

The Dangerous Animal Appeal Board (DAAB) hereby informs the owner of the animal, Murphy, the Dogo Argentino, that it has 10 days to appeal any decision made by the Board to the Superior Court of Dare County."

1. This statement of the rules of procedure for this meeting will be included with the record of this meeting

2. Statement of the Case

Briefly, on January 11, 2021 the Town's Animal Control Officers responded to the Town's Dog Park to investigate a dog attack. Upon investigation, they found that Murphy, a Dogo Argentino, allegedly attacked Steffani Black, causing Ms. Black to seek medical treatment. Police Chief Gary Britt subsequently determined the Dogo Argentino to be a dangerous and potentially dangerous animal based on his findings.

3. Identify the parties to the proceeding

- Are the Complainants (town officials / private citizen(s) present?
- Is the Appellant, owner / owners of the Dogo Argentino present?
- Is the Victim, Steffani Black, present?

Others

- Is anyone else present who desires to submit relevant testimony on this matter? Please state your name for the record.

4. Swearing in of Witnesses

(by the Deputy Town Clerk)

All evidence and witness testimony must be limited to the specific matter in question. You may offer documents, photographs, reports, video, and other tangible evidence. You may object to the introduction of evidence on the basis of relevancy or lack of verification.

Anyone who will provide testimony in this matter please come forward to be sworn in.

Place your left hand on the Bible and raise your right hand. (Any person desiring to "affirm" may forego placing their left hand on the Bible, but shall raise their right hand for the oath.)

"Do you solemnly (swear) (affirm) that the testimony you are about to give is true and correct to the best of your knowledge (so help you God)?"

5. Presentation of the Case

(please state your name and address for the record)

- Complainant(s) to speak
- Witness(es) to speak
- Victim to speak
- Appellant / Owner(s) to speak
- Complainant(s) to provide a conclusion
- Appellant / Owner(s) to provide a conclusion

- Are there questions from the members of the DAAB?

6. Concluding statements

- Complainant
- Appellant

7. DAAB deliberations; render a decision.

The DAAB will conduct any discussions necessary. At the conclusion of discussions, a motion will be in order as to the sufficiency of existing evidence to uphold the Chief of Police's declaration that the Dogo Argentino, Murphy, is dangerous and potentially dangerous. A second to the motion will be called for and the vote taken.

The Dangerous Animal Appeal Board (DAAB) hereby informs the owner of the animal, Murphy, the Dogo Argentino, that it has 10 days to appeal any decision made by the Board to the Superior Court of Dare County."

8. Final statement to Appellant

Based on the information provided at this meeting, we, the Town of Kill Devil Hills Dangerous Animal Appeal Board:

- Uphold the determination that the Dogo Argentino, named Murphy, is a potentially dangerous animal; or
- Find that insufficient evidence exists to deem the Dogo Argentino, named Murphy, a potentially dangerous animal.

9. Adjourn the Meeting

There being no further business before the Dangerous Animal Appeal Board, is there a motion to adjourn? Is there a second? This meeting is adjourned at _____ _____.m. on Thursday, February 18, 2021.

The Dangerous Animal Appeal Board meets on an as-needed basis in the Meeting Room of the Administration Building, at 102 Town Hall Drive, off Colington Road. The Chair is elected by the membership.

DANGEROUS ANIMAL APPEAL BOARD – Three Regular Members, One Alternate Member

Farless, Jerry, Alternate 223 W. Aycock Street P. O. Box 1194 Kill Devil Hills, NC 27948	Cell: 252-619-6540 Term Expires: October 2021
Heggie, Temple 909 Cedar Drive Kill Devil Hills, NC 27948	Home: 252-441-2616 Term Expires: June 2021
Kelly, Susanne "Sue" 211 Sea Village Lane Kill Devil Hills P. O. Box 743 Kitty Hawk, NC 27949	Home: 252-441-7795 Term Expires: June 2023
Stafford, Christine 412 Truxton Street Kill Devil Hills, NC 27948	Home: 252-441-7323 Term Expires: May 2021

Town Code. Chapter 94. Animals. Section 94.20. Dangerous and *Potentially Dangerous Animals.*

§ 94.20 DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS.

(A) The Chief of Police is the person designated to determine when a dog or an animal is dangerous or potentially dangerous under the provisions of G.S. § 67-4.1 and to determine when an animal is dangerous or potentially dangerous as defined herein. The Kill Devil Hills Board of Commissioners shall designate as needed, three members to serve as the Dangerous Animal Appeal Board to hear appeals from the Police Chief's determination that a dog or an animal is dangerous or potentially dangerous.

(B) Upon receipt of a report that an animal is dangerous or potentially dangerous:

(1) The Animal Control Officer shall promptly investigate the report and upon completion of the investigation present the findings of such investigation to the Chief of Police.

(2) Upon receipt of the investigative report, the Chief of Police shall determine whether there is probably cause to believe that the animal which is the subject of the report is a dangerous or potentially dangerous animal.

(3) Upon determining that an animal is a dangerous animal or a potentially dangerous animal the Chief of Police shall:

(a) Notify the owner in writing, giving the reasons for the determination, before the animal may be considered dangerous or potentially dangerous.

(b) Notify Animal Control of the Police Chief's determination and direct that the animal be seized and impounded until final disposition is deemed.

(c) Give the owner notice that owner may appeal the determination by filing written objections with the Dangerous Animal Appeal Board within three days and provide the address at which to deliver such notice of appeal.

(d) Direct the owner to immediately deliver the animal to Kill Devil Hills Animal Shelter if not previously seized by Kill Devil Hills Animal Control to be impounded until the animal's disposition is determined as provided herein.

(e) If after reasonable efforts the owner or the whereabouts of the owner cannot be determined, the Chief of Police and Kill Devil Hills Animal Control shall proceed as provided herein as if such notice was properly given.

(C) An animal control officer is authorized to serve a copy of the Police Chief's notice upon the owner of the animal and to seize and impound the animal upon the Police Chief's determination that the animal is dangerous or potentially dangerous.

(D) Within three days of receipt of notice of the Police Chief's determination that an animal is dangerous or potentially dangerous, the owner may appeal the determination to the Dangerous Animal Appeal Board. In the event the written notice of appeal is not received within the times prescribed herein, the determination of the Chief of Police shall be final. Upon a timely appeal, the Dangerous Animal Appeal Board shall convene within ten days and conduct a hearing to determine whether the determination of the Chief of Police is affirmed. The hearing shall be conducted pursuant to the procedures adopted by Dangerous Animal Appeal Board may be appealed to the superior court by filing notice of appeal and a petition for review within ten days of the final decision of the appellate Board and shall be heard de novo before a superior court judge sitting in Dare County. In the event that the notice of appeal and petition for review are not timely filed, the decision of the Dangerous Animal Appeal Board shall be final.

(E) Upon final determination that an animal is dangerous, the animal shall be humanely destroyed and the owner shall be responsible for all costs and expenses of impoundment and destruction as set forth on the schedule of fees adopted by Kill Devil Hills Board of Commissioners. Upon a final determination that an animal is not dangerous or potentially dangerous, the animal shall be returned to the owner.

(F) Notwithstanding any of the foregoing, the provisions of this chapter do not apply to:

(1) An animal being used by a law enforcement officer to carry out the law enforcement officer's official duties:

(2) An animal being used in a lawful hunt;

(3) An animal where the injury or damage inflicted by the animal was sustained by a domestic animal while the animal was working as a hunting animal, herding animal, or predator control animal 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 animal; or

(4) An animal where the injury inflicted by the animal was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was

tormenting, abusing, or assaulting the animal, had tormented, abused, or assaulted the animal, or was committing or attempting to commit a crime.
(Ord. 09-04, passed 3-25-09)

Chief Britt,

This is My Letter of Appeal. I understand your decision to want to put him down because of what happened. I however do not want him to pay for my stupidity. Yes I had a Bad moment of judgement that led to a terrible accident and he acted out because he was not at his best in that moment. He was playing fine before. I am at fault here not him even though he acted out.

My request is he be allowed to be a Dangerous Dog in My Care. That is He will Live out his life on my property and will have a wide variety of activities in His enclosure, and home to keep him mentally and physically stimulated. He will not leave my property, and I will Comply with all the laws to house a dangerous Dog. I already have a 50x80 pen for him and a New Baskerville Muzzle, that he can't bite through or get off. I also have a One hended thousand dollar liability Dangerous Dog Policy Ready to enact Pending a Decision if Your Board will let him Live. I will bring the muzzle to the hearing and a copy of intent of the Policy.

I have never had a family, my animals are my family. They are all I have. To think that I murdered my child is killing me. I would give my life for thier. Thats why I rescue the hard ones.

Murphy has been in Germany with one family his whole life then he comes over here to the US everything is new and strange. He goes from house, to house, then his dad goes away. Then he ends up in a shelter then with me. He was broken, upset, angry, sad, and unsure of everything. I have had him for eight manths. I have tried to be the best for him. Have I made mistakes Yes. But he's my Patient. He deserves to Be Treated and healed not Destroyed. If he were a person who went through the same Trama they would be sent to an ~~[illegible]~~ instotution if they acted out and hurt someone or themselves. He deserves to be Treated. Let him Live please. Please let him be a Sanctuary Dog. I ~~[illegible]~~ promise on my Life he will never come into your Town or Dare County again unless its for his Vet appointment

at Martins Point Vets office. If you wish I will ever change his vet for you. Please Don't let my child Die for this. I can let him live out his days on my property where he will cause no one any harm.

I also want you to know that I am devastated by what happend. I don't want you to think that I am not. I have been inquiring about Stephanie through Dana. She Knows anything she needs I will provide it. I just don't want you to think I have not inquired about her.

I know you are following the law, but I'm hoping a mothers plea will count for something. Yes I made a stupid mistake.

I promise you, It will not happen again. Please let him be a Santray Dog.

Sincerely, Michelle Surrette
on behalf of Murphy
252-548-7576

KILL DEVIL HILLS POLICE DEPARTMENT

Post Office Box 1605, 102 Town Hall Drive
Kill Devil Hills, North Carolina 27948
252-449-5337
www.kdhnc.com

Chief
GARY L. BRITT

Michelle Surrette
148 N. Ferebee Ln.
Powells Point, NC 27966

Dear Ms. Surrette

On January 11, 2021 A/C Officer Olving and A/C Officer Wynn responded to the Kill Devil Hills dog park to investigate a dog attack. Upon investigating, A/C Officers Wynn and Olving determined that the Dogo Argentino who allegedly attacked the victim (Steffani Black) belongs to you. The purpose of this letter is to inform you that it is my duty as Chief of Police, and as directed by Town Ordinance Code 94.20 (Dangerous and Potentially Dangerous Animals), to investigate animal attacks.

A/C Officers Wynn and Olving have collected statements from the victim of the incident and several witnesses. Photographs of the wounds from the attack have also been taken. I have reviewed the facts surrounding the case and have made the following determination as outlined in the Town Ordinance Code 94.20 and NC State GS 67-4.1.

The Dogo Argentino that attacked and bit Steffani Black while off of your property and out of your control is determined to be a dangerous and potentially dangerous animal based on the following:

1. The Dogo Argentino attacked Steffani Black, who had her 6-year-old daughter with her, when not on the owner's real property in a vicious or terrorizing manner in an apparent attitude of attack.
2. The Dogo Argentino, owned by you, had to be pulled off of the victim by the owner and a bystander.
3. The Dogo Argentino owned by you did inflict injury to Steffani Black causing her to seek medical treatment.
4. According to information provided by you, the Dogo Argentino was rescued from Dogs of Destiny and you were told by Dogs of Destiny not to take the Dogo Argentino to a dog park after the dog attacked an eleven-year-old child at the Kitty Hawk dog park.

Other issues and concerns for public safety are:

My concern is your responsibility as a pet owner to ensure that your pet does not injure nor terrorize other people or animals. It is obvious that on this day you were not acting as a responsible pet owner. Issues that make that apparent are; you took a dog known to be vicious to a public dog park after being advised not to, you placed an approximately 130 pound dog in the area determined to be for dogs 35 pounds or less and the dog was affixed with a pinch collar which is in direct violation of the Kill Devil Hills dog parks rules.

My next concern is that while A/C Officers have been conducting their investigation into this matter it was found that this is the second person that your Dogo Argentino has attacked in the last six months. The other attack being an eleven-year-old child who suffered injuries to the arm. That attack occurred in the Kitty Hawk dog park where again you were directly going against the guidance of Dogs of Destiny by taking the dog to a public dog park.

My decision in this matter is based on the totality of the circumstances in this case and the facts surrounding it. I am very sympathetic to you as a pet owner; however, it is my duty and responsibility to ensure the safety and security of the public. It is well within your right to file an appeal to my decision to the dangerous and potentially dangerous appeals board. Below is the procedure you will need to follow if you wish to file an appeal.

You have three days from today's date, which will be January 28th, 2021 at 5pm to appeal my decision. You may notify my office, or the Town of Kill Devil Hills, Town Clerk in writing of your appeal notice. The appeals board will have ten days from the time you file your appeal to convene and hear the case. You will then be contacted and notified of the date and time that the appeals board will convene and have the opportunity to present any evidence and to hear the evidence presented in this case. Per Town Code 94-20 (d) the dog will be impounded until a final disposition is determined. If you fail to file an appeal within three days of this notification my decision will be final and the dog will be humanely destroyed. I am attaching the Town Ordinance Code 94.20 so there will be no misunderstanding. Thank you for your understanding in this matter.

Sincerely

Gary L. Britt/Chief of Police

I have received a copy of the Dangerous/Potentially Dangerous Animal Determination sent by the Chief of Police of Kill Devil Hills, NC.

Michelle F. Surrette
Printed Name

Michelle F. Surrette
Signature

1-25-21
Date

Kelley M Wynn
Witness (Printed)

Kelley M Wynn 1-25-2021
Witness signature and Date

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KILL DEVIL HILLS POLICE DEPARTMENT
Animal Control Division
Animal Bite Report

Investigator Olving./Wynn

OCA# _____
Date 01 11 2021

Type of Animal ✓ Dog
___ Cat
___ Other

Source of Information Victim

Bitten Subject ✓ Human
___ Dog
___ Cat
___ Other

Date of Source 01 11 2021

Other Animals Involved: ___ Yes
✓ No
___ Unknown

Photos:	Yes	No
Victim	✓	
Animal	✓	
Medical Report: (attached)		✓

If yes, how many? _____ Breeds: _____

Incident/Bite Location:
Kill Devil Hills Dog Park
Kill Devil Hills
State NC County Dare

Quarantine Location:
Kill Devil Hills Animal Shelter
701 Bermuda Bay Blvd
OUT Quarantine 01 22 2021

Victim(s) Information:

#1. Name Steffani Black Age 27
Address 204 Lillian St Kitty Hawk, NC 27949
Phone 252-305-9102
Injuries 2 bites on Right calf, 1 bite Right Buttock
Medical Treatment
location Urgent Care Southern Shores Date 01 11 2021

#2.
Name _____ Age _____
Address _____
Phone _____
Injuries _____
Medical Treatment location _____ Date _____

Biting Animal(s) Owner(s) Information:

Breed DOGO Argentinian Mastiff Sex N M Age 5 yrs
Town Tag#_____ Rabies Tag#_____ Rabies Expiration 12 09 2022
Misc Information_____

Owner Name/Address Michelle Surrette/148 N. Ferebee Lane
City Powells Point State NC Zip 27966
Home Phone 252-548-7576 Work Phone 252 261-6011
Soc.Sec. 4883 OLN/State 8585207 NC

Breed_____ Sex_____ Age_____
Town Tag#_____ Rabies Tag#_____ Expires____/____/____
Misc. Information_____

Owner Name_____
Address_____
City_____ State_____ Zip_____
Home Phone_____ Work Phone_____
Soc. Sec._____ OLN/State_____

Location: ___Victim's Property ___Animal Owner's Property
___Other Private Property ___Public Property
/ Other KDH Dog Park ___Unknown

Description and Details of Attack: See Narrative

(continue on back or attach additional)

Previous Incidents: / Yes
___No

OCA References: 2020-0005569

Disposition Information:

Charges Filed: ___ Yes
___ No
✓ Pending Further Investigation

Charge_____ Court Disposition_____
Charge_____ Court Disposition_____
Charge_____ Court Disposition_____

Animal Disposition: _____

Notes: _____

Does this appear to meet the definition of:

Yes No Dangerous Animal
___ ✓ If yes ___ (1) Has killed or inflicted severe injury on _____ (person)
_____ or
___ (2) Is determined by _____ (Chief or Dangerous Animal Appeal Board) to be potentially dangerous
___ (3) An animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting.

Yes No Potentially Dangerous Animal
✓ ___ If yes ___ Infliced a bit on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization OR
___ Killed or infliced severe injury upon a domestic animal when not on the owner's real property: OR
✓ Approached a person when not on the owners property in a vicious or terrorizing manner in an apparent attitude of attack.

___ ___ Chief of Police (or designee) notified 16:02/01/1/2021
time / date
copy given 01/21/2021
to Chief date

KILL DEVIL HILLS POLICE DEPARTMENT **ANIMAL CONTROL OPERATIONS REPORT**

1. ANIMAL TYPE	2. PERSON RECEIVING COMPLAINT	3. DATE/TIME RECEIVED	5. TIME ARRIVED	7. DISPATCH NUMBER
K9		01112021/1400 HRS	1410	
ANIMAL NAME	886	4. TIME DISPATCHED	6. TIME COMPLETE 1620	8. CITATION NUMBER

9. NATURE OF INCIDENT	DOG BITE
10. LOCATION OF INCIDENT (INCLUDE ZONE)	KDH DOG PARK
11. VICTIM, COMPLAINTANT (ADDRESS, PHONE)	V_STEFFANI BLACK 204 LILLIAN ST KITTY HAWK,NC 27949 252-305-9102
12. ACCUSED (ADDRESS, PHONE)	A_MICHELLE SURRETTE 148 N FEREBEE LANE, POWELLS POINT NC 27966 252-548-7576

13. BREED	ARGENTINIAN MASTIFF
14. SEX	NM
15. COLOR	WHITE
16. WEIGHT	130-150
17. COLLAR	
18. RABIES #	
19. CO. TAG #	
20. INJURED	

21. ACTION TAKEN

ACO WYNN WAS NOTIFIED OF A DOG BITE THAT OCCURRED AT THE KDH DOG PARK. UPON ARRIVAL I WAS MET WITH AC HARRIS AND THE VICTIM STEFFANI BLACK. MS.BLACK STATED THAT SHE WAS IN THE PARK WITH HER DOG AND DAUGHTER. SHE WASN'T THERE LONG WHEN A LARGE WHITE DOG WITH A RED MUZZLE APPROACHED HER AND BEGAN TO SNIFF HER. HE WENT BEHIND HER AND HIT THE BACK OF HER LEGS THEN JUMPED ON HER BACK KNOCKING HER TO THE GROUND AND BEGAN BITTING HER ON THE BACK OF HER RIGHT CALF. HE LET GO FOR A SECOND AND THEN BIT HER ON HER RIGHT BUTTOCK. OFFICER OLVING AND I THEN SPOKE TO THE OWNER OF THE DOG MICHELLE SURRETTE AND ASKED HER FOR A RABIES CERTIFICATE FOR HER DOG NAMED MURPHY. SHE COULD NOT PRODUCE A RABIES CERTIFICATE AND WE ADVISED HER WE WERE IMPOUNDING THE K9 AT THE KDH ANIMAL SHELTER FOR A 10 QUARANTINE AND FURTHER INVESTIGATNG. SURRETTE ADVISED ANIMAL CONTROL THAT MURPHY HAD BITTEN BEFORE AT THE DOG PARK IN KITTY HAWK FIVE MONTHS AGO. MY REPORT INCLUDES PHOTOS OF THE VICTIMS INJURIES, PHOTOS OF THE DOG AND STATEMENTS FROM SEVERAL WITNESSES. ALSO INCLUDED IS A BITE REPORT FROM THE SPCA FOR THE PREVIOUS BITE AND REPORTS FROM THE KITTY HAWK POLICE DEPARTMENT.

22. ANIMAL DISPOSITION		23. HOW RECEIVED	24. CASE DISPOSITION	25. OFFICER ASSIGNED	27. DATE SUBMITTED (MM/DD/YYYY)
✓ IMPOUNDED	DECEASED, BURIED	CENTRAL	✓ PENDING	WYNN	
RETURNED TO OWNER	AT LARGE	✓ KDHPD	COMPLETE	26. OFFICER SIGNATURE	01112021
DECEASED, OWNER NOTIFIED			SEE INV. REPORT		

Revision 02/11/2019

DARE COUNTY

Nature	Date	Disp.	Enroute	Arrive	Clear	Total	Location	Report #	Event #	Disp. Comments
ANIM	01/11/2021	11:04	11:05	11:11	11:20	0:15	VIRGINIA AVE/W THIRD ST		2021004734	NON
OV	01/11/2021	16:11			16:46	0:35	AVIATION PARK			
ANIM	01/11/2021	16:46	17:05	17:10	17:15	0:28	1508 SMALL PL		2021004814	NON NON
OV	01/11/2021	16:48			17:05	0:17	AVIATION PARK			
INFO	01/11/2021	17:05	17:05				722 W KITTY HAWK RD	20210000267	2021004826	
ANIM	01/11/2021	17:19			17:38	0:19	701 BERMUDA BAY BLVD		2021004830	NON NON

CAD Related Statistics									RMS Related Statistics				
# Primarys	# Backups	No Report	Domestics	Traffic Stops	Intoxicated Person				Incident Reports	Accident Reports	Field Contacts	Citations	Arrests
3	1	0	0	0	0				0	0	0	0	0

KILL DEVIL HILLS POLICE DEPARTMENT

Post Office Box 1605, 102 Town Hall Drive
Kill Devil Hills, North Carolina 27948
252-449-5337
Fax 252-441-8281
www.kdhnc.com

On January 11, 2021 at approximately 16:00 hours I, ACO Olving was notified by Assistant Chief Harris concerning a dog bite at the Kill Devil Hills dog park. ACO Wynn was also notified and responded. When I arrived I met with AC Harris, Steffani Black who is the victim and the owner of the dog Michelle Surrette. ACO Wynn arrived minutes later. Steffani Black stated she was in the enclosure for small dogs under 35 pounds. After a few minutes a large white dog approached her from the front and began sniffing her. He then went behind her and hit the back of her legs and she started to fall backwards. At that point he jumped on her back and knocked her to the ground biting her twice on her right calf and then on her right buttock. The K9 named Murphy was eventually pulled off of her by Michelle Surrette and Robert Holt who was a witness to the attack. Robert Holt instructed Michelle Surrette to put Murphy in the enclosure for large dogs over 35 pounds until animal control could arrived. ACO Wynn and I spoke with Michelle Surrette about the actions of Murphy and asked her for a rabies certificate which she could not produce. She adopted Murphy from Dogs of Destiny rescue group and stated she did not receive a rabies certificate from them. During this encounter she appeared shaken and upset about the incident and informed us that Murphy had previously bitten someone on August 22, 2020 at the dog park in Kitty Hawk. At that point we informed her that Murphy would be impounded at the Kill Devil Hills Animal shelter for the required 10- day quarantine. ACO Wynn and I proceeded to investigate by taking pictures of the victims wounds and receiving statements from witnesses, Robert Holt, Antonela Sandu and Patricia Dobson.

ACO Wynn later spoke to Destiny from Dogs of Destiny and learned that Michelle Surrette was advised not to take Murphy to any dog park after the bite that occurred in Kitty Hawk. Michelle Surrette also confirmed to myself and ACO Wynn that she was advised by Dogs of Destiny not to take Murphy to any dog park. Under G.S. 67-4.1 local government may conclude that a dog is a potentially dangerous dog if it approaches a person in a vicious or terrorizing manner in an apparent attitude of attack when not on the owner's property. This report contains photos of the victim's injuries, photos of Murphy, photos of signage at the dog park, victim and witness statements, a bite report from the SPCA for the previous bite, an incident/ investigation report from SGT. Wiggins, Kitty Hawk Police Department.

Steffani Black

Monday Jan 17th 2021
at approximately 3:30pm
I was standing in the fine KDH Dog Park
small dog section. I threw
a tennis Ball for my dog at
which point the bull mastiff was
not near me, it then approached
me sniffed my front retricted
behind me stuck its head under
my butt between my legs and
shoved me forward full force.
It then put front paws on
my back and pushed me face
down onto the ground had
an aggressive growl and started
biting at my legs. My daughter
Screamed and ran towards me
when Patty Dobson grabbed
her and threw her over the
fence. I then started pulling
myself away from the dog
and noticed a man approaching
the dog and I and I grabbed
his pants and jacket and
pulled myself out of the dogs
grip and off the ground,

at which point the owner
got the dog and I got away
from it grabbed my child and
called for animal control.

To Whom it may concern:

on 1-11-21 I was at the Colington dog park with Stephanie Black We watched a lady walk up with an extra large white dog. She came in the 1st gate and put a muzzle on the dog and than she opened the gate to the 35 lbs or less side and let her 100 plus pound dog in. After about 2 minutes the dog for no Reason tackled ~~Mrs.~~ ms. Black to the ground totally on top of ms. Black trying to bite her. The owner just stood there a man that was also at the park finally pulled the dog off her. ms Black did nothing to provoke the dog we called 911 and

Animal Control Came.
If there Dogs are
any questions please
contact me.

Thanks
Ms. Dobson

Patricia Dobson
4312 S. Va Dare trail
apt 4
Nags Head NC 27959

(704) 942-7604

Wynn, Kelley K

From: obx robert <obxrobert@gmail.com>
Sent: Wednesday, January 13, 2021 9:56 PM
To: Wynn, Kelley K
Subject: Dog attack at Paws Park

This attack happened around 4 oclock on Monday January 11 2021 at Paws Park.

This lady with the dog arrived at the park at the same time I did at about 3:30. She had a coat and some type of cloth
muzzle over its mouth and a steel choke chain for a collar.

I did not feel comfortable having my golden retriever playing close to this dog. I watched very closely as my dog greated it as he seemed not to like it.

After that we started playing fetch over by the wooden hoop type thing. I did not pay much attention to the dog then as it was mostly running and playing with other dogs. I did not see him fetch any balls myself.

My dog Dusty had just returned the ball back when he ran over toward the wooden bridge, dropped his ball on the ground and ran over to the other side of the park to play and run with another dog. As I was walking over to retrieve his ball the lady that was attacked started toward it also from over toward the gate. When she was close to the bridge I saw the attack dog that was about ten feet and behind her, over to her side, runnig toward her. Something set him off because she did nothing to provoke it as she did not see him. I do not think it was after my dog's ball because other people were between him and the ball. It grabbed her by the back of her leg and pulled her down on the ground. I was about six feet away and looking right at him when grabbed her. While she was going down he let go and moved up and bit her on the butt and was shaking his head. I kinda caught her then and helped pull her up and then tried to get to the dog. Someone else then started helping her. I then tried to grab the dog's collar but the owner was able to pull it back enough that we were able to get her away from it. The dog still acted as though it wanted to bite her again, it did not want to stop.

When it was over and the lady that was bit was outside the dog park, I demanded the dog owner to remove her dog and put it in the big pen by itself as I was afraid it would attack one of the other dogs.

Wynn, Kelley K

From: Antonela Sandu <antonela.sandu1@gmail.com>
Sent: Wednesday, January 13, 2021 6:13 PM
To: Wynn, Kelley K
Subject: Statement

To whom it may concern,

On January 11th, 2021, around 4 PM, I was at the Dog Park in Kill Devil Hills, NC, with my dog, where I witnessed a woman being bit by a big dog.

I remember I was heading to the trash can to dispose of a bag when I saw a lady with a big dog coming into the pan. After she entered, I noticed that she was putting a muzzle on her dog. Everyone in the park seemed scared to see the big dog with a muzzle, but he acted like a giant puppy. The dog did not show any signs of aggression towards the other dogs. I continued to play with my dog when I heard a scream and saw a lady on the ground and the big dog biting through the muzzle and pulling from her jacket. One man present at the scene helped separate the dog from the injured lady. The owner was asked to take her aggressive dog in the other pan so nobody else would get hurt. She was asked to wait there until the police officer arrived at the scene. After a couple of minutes, the police showed up to interrogate the owner of the aggressive dog.

January 13th, 2021
Antonela Sandu

39 Amt für Verbraucherschutz,
Veterinärwesen
und Lebensmittelüberwachung
50124 Bergheim
Telefon: 02271 83-3901
Fax: 02271 83-2340
E-Mail: veterinaeramt@rhein-erft-kreis.de

Rhein-Erft-Kreis

Authorized Veterinary Certificate of Health

Tierart / *Species:* DOGO ARGENTINO

Rasse / *Breed:* DOGO

Geschlecht / *Sex:* Male

Geburtsdatum / *Date of birth:* 1. 6. 2015

Name des Tieres / *Name of animal:* MURPHY

Farbe des Haarkleides / *Coat colour:* WHITE

Kennzeichen / *Markings :*

Mikro Chip 616093900149853

Besitzer/Halter / *Owner / Keeper :*

Name / *Name:*

Adresse / *Address:*

On the date of issue of this certificate of health I examined the animal described above and found no symptoms of contagious diseases or reason to suspect such disease.
There have been no certified cases of rabies in the locality of origin or surrounding area within a radius of 50 km for 24 months prior to issue of this certificate of health.

Ausgefertigt in / *done at:* Bergheim (Rhein-Erft-Kreis) **am / *on:*** 06.05.2020
(Ort / *Place*) **(Datum/ Date)**

Amtsstempel (Siegel) ***Official stamp (seal)***

Rhein-Erft-Kreis 38

(Unterschrift des zuständigen amtlichen Tierarztes / *Signature of the competent Veterinary Officer)*

Dr. Roos-von Darwitz
Ltd. Kreisveterinärdirektorin

V. SZCZEPIENIE PRZECIWKO WŚCIEKLIŹNIE

V. VACCINATION AGAINST RABIES

PRODUCENT I NAZWA SZCZEPIONKI MANUFACTURER & NAME OF VACCINE	NUMER PARTII BATCH NUMBER	DATA SZCZEPIENIA[1] WAŻNE OD[2] WAŻNE DO[3] VACCINATION DATE[1] VALID FROM[2] VALID UNTIL[3]	UPOWAŻNIONY LEKARZ WETERYNARZ AUTHORISED VETERINARIAN
Inactivated virus rabies ≥ 2 I.U./ml zoetis	Lot: 425122A04 EXP 14.01.2017	1. 24. 08. 2015 2. 14. 05. 2015 3. 24. 08. 2016	* Pieczątka i podpis / * Stamp &
Nobivac	Ch.-B. A511B01 Verw.bis 02-2023	1. 09. 12. 2019 2. 30. 12. 2019 3. 09. 12. 2022	Kleintierpr Dr. Kings & Dr. Kämmerstr. 10 - 50 27 Telefon: 02271-8 * Pieczątka i podpis / * Stamp &

*Przynajmniej imię, nazwisko, adres, numer telefonu i podpis *At least name, address, telephone number and

Dangerous Animal Appeal Board

Town Code. Chapter 94. Animals. Section 94.20. Dangerous and

Potentially Dangerous Animals.

§ 94.20 DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS.

(A) The Chief of Police is the person designated to determine when a dog or an animal is dangerous or potentially dangerous under the provisions of G.S. § 67-4.1 and to determine when an animal is dangerous or potentially dangerous as defined herein. The Kill Devil Hills Board of Commissioners shall designate as needed, three members to serve as the Dangerous Animal Appeal Board to hear appeals from the Police Chief's determination that a dog or an animal is dangerous or potentially dangerous.

(B) Upon receipt of a report that an animal is dangerous or potentially dangerous:

(1) The Animal Control Officer shall promptly investigate the report and upon completion of the investigation present the findings of such investigation to the Chief of Police.

(2) Upon receipt of the investigative report, the Chief of Police shall determine whether there is probably cause to believe that the animal which is the subject of the report is a dangerous or potentially dangerous animal.

(3) Upon determining that an animal is a dangerous animal or a potentially dangerous animal the Chief of Police shall:

(a) Notify the owner in writing, giving the reasons for the determination, before the animal may be considered dangerous or potentially dangerous.

(b) Notify Animal Control of the Police Chief's determination and direct that the animal be seized and impounded until final disposition is deemed.

(c) Give the owner notice that owner may appeal the determination by filing written objections with the Dangerous Animal Appeal Board within three days and provide the address at which to deliver such notice of appeal.

(d) Direct the owner to immediately deliver the animal to Kill Devil Hills Animal Shelter if not previously seized by Kill Devil Hills Animal Control to be impounded until the animal's disposition is determined as provided herein.

(e) If after reasonable efforts the owner or the whereabouts of the owner cannot be determined, the Chief of Police and Kill Devil Hills Animal Control shall proceed as provided herein as if such notice was properly given.

(C) An animal control officer is authorized to serve a copy of the Police Chief's notice upon the owner of the animal and to seize and impound the animal upon the Police Chief's determination that the animal is dangerous or potentially dangerous.

(D) Within three days of receipt of notice of the Police Chief's determination that an animal is dangerous or potentially dangerous, the owner may appeal the determination to the Dangerous Animal Appeal Board. In the event the written notice of appeal is not received within the times prescribed herein, the determination of the Chief of Police shall be final. Upon a timely appeal, the Dangerous Animal Appeal Board shall convene within ten days and conduct a hearing to determine whether the determination of the Chief of Police is affirmed. The hearing shall be conducted pursuant to the procedures adopted by Dangerous Animal Appeal Board may be appealed to the superior court by filing notice of appeal and a petition for review within ten days of the final decision of the appellate Board and shall be heard de novo before a superior court judge sitting in Dare County. In the event that the notice of appeal and petition for review are not timely filed, the decision of the Dangerous Animal Appeal Board shall be final.

(E) Upon final determination that an animal is dangerous, the animal shall be humanely destroyed and the owner shall be responsible for all costs and expenses of impoundment and destruction as set forth on the schedule of fees adopted by Kill Devil Hills Board of Commissioners. Upon a final determination that an animal is not dangerous or potentially dangerous, the animal shall be returned to the owner.

(F) Notwithstanding any of the foregoing, the provisions of this chapter do not apply to:

(1) An animal being used by a law enforcement officer to carry out the law enforcement officer's official duties:

(2) An animal being used in a lawful hunt;

(3) An animal where the injury or damage inflicted by the animal was sustained by a domestic animal while the animal was working as a hunting animal, herding animal, or predator control animal 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 animal; or

(4) An animal where the injury inflicted by the animal was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the animal, had tormented, abused, or assaulted the animal, or was committing or attempting to commit a crime.

(Ord. 09-04, passed 3-25-09)

Article 1A.

Dangerous Dogs.

§ 67-4.1. Definitions and procedures.

(a) As used in this Article, unless the context clearly requires otherwise and except as modified in subsection (b) of this section, the term:

(1) "Dangerous dog" means

a. A dog that:

1. Without provocation has killed or inflicted severe injury on a person; or

2. Is determined by the person or Board designated by the county or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subdivision (2) of this subsection.

b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(2) "Potentially dangerous dog" means a dog that the person or Board designated by the county or municipal authority responsible for animal control determines to have:

a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or

b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

(3) "Owner" means any person or legal entity that has a possessory property right in a dog.

(4) "Owner's real property" means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(5) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

(b) The provisions of this Article do not apply to:

(1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;

(2) A dog being used in a lawful hunt;

(3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal 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; or

(4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(c) The county or municipal authority responsible for animal control shall designate a person or a Board to be responsible for determining when a dog is a "potentially dangerous dog"

and shall designate a separate Board to hear any appeal. The person or Board making the determination that a dog is a "potentially dangerous dog" must notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous under this Article. The owner may appeal the determination by filing written objections with the appellate Board within three days. The appellate Board shall schedule a hearing within 10 days of the filing of the objections. Any appeal from the final decision of such appellate Board shall be taken to the superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the appellate Board. Appeals from rulings of the appellate Board shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in the county in which the appellate Board whose ruling is being appealed is located. (1989 (Reg. Sess., 1990), c. 1023, s. 1.)

§ 67-4.2. Precautions against attacks by dangerous dogs.

(a) It is unlawful for an owner to:

(1) Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog;

(2) Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

(b) If the owner of a dangerous dog transfers ownership or possession of the dog to another person (as defined in G.S. 12-3(6)), the owner shall provide written notice to:

(1) The authority that made the determination under this Article, stating the name and address of the new owner or possessor of the dog; and

(2) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.

(c) Violation of this section is a Class 3 misdemeanor. (1989 (Reg. Sess., 1990), c. 1023; 1993, c. 539, s. 532; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 67-4.3. Penalty for attacks by dangerous dogs.

The owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars ($100.00) shall be guilty of a Class 1 misdemeanor. (1989 (Reg. Sess., 1990), c. 1023; 1993, c. 539, s. 533; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 67-4.4. Strict liability.

The owner of a dangerous dog shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, his property, or another animal. (1989 (Reg. Sess., 1990), c. 1023, s. 1.)

§ 67-4.5. Local ordinances.

Nothing in this Article shall be construed to prevent a city or county from adopting or enforcing its own program for control of dangerous dogs. (1989 (Reg. Sess., 1990), c. 1023, s. 1.)

POTENTIALLY DANGEROUS ANIMAL. An animal that the Chief of Police or the Dangerous Animal Board determines to have:

(1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or

(2) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

(3) Approached a person when not on the owner's real property in a vicious or terrorizing manner in an apparent attitude of attack.

PREMISES OF ITS OWNER. Real property owned or leased by the owner of the animal, but not including any public property, right-of-way, or common areas in any subdivision, multi-family dwelling, multi-family development or planned unit developed as defined in § 153.002.

DANGEROUS ANIMAL. An animal that:

(1) Has killed or inflicted severe injury on a person; or

(2) Is determined by the Chief of Police or the Dangerous Animal Appeal Board to be potentially dangerous as defined herein.

(3) Any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting.

THE PAWS PARK RULES

Human Rules

- USE PARK AT YOUR OWN RISK— Attendants are legally responsible for the actions and behavior of their dog(s) at all times. Attendants must supervise their dog(s) at all times and have a leash ready, in-hand.
- Children under the age of 12 shall be under the supervision of an adult who is physically present within the park
- Limit three (3) dogs per attendant.
- Attendants must promptly remove dog waste and dispose of it in designated receptacles.
- Attendants should fill in any hole dug by dog(s) under their control.
- Attendants must immediately remove his or her dog(s) from the park if they become engaged in excessive barking or exhibit aggressive behavior toward any human or other dog.

Dog Rules

- Dogs may not enter the park unless they are wearing a collar with the dog's valid license and rabies tag.
- Excessive barking is not allowed. Dogs should be under voice control by their owners.
- Dogs must play nice— ABSOLUTELY NO dog fighting tolerated. No aggressive dogs are allowed in the park.
- Dog treats and food of any kind are not permissible in the park (except training treats given by the dog's attendant).

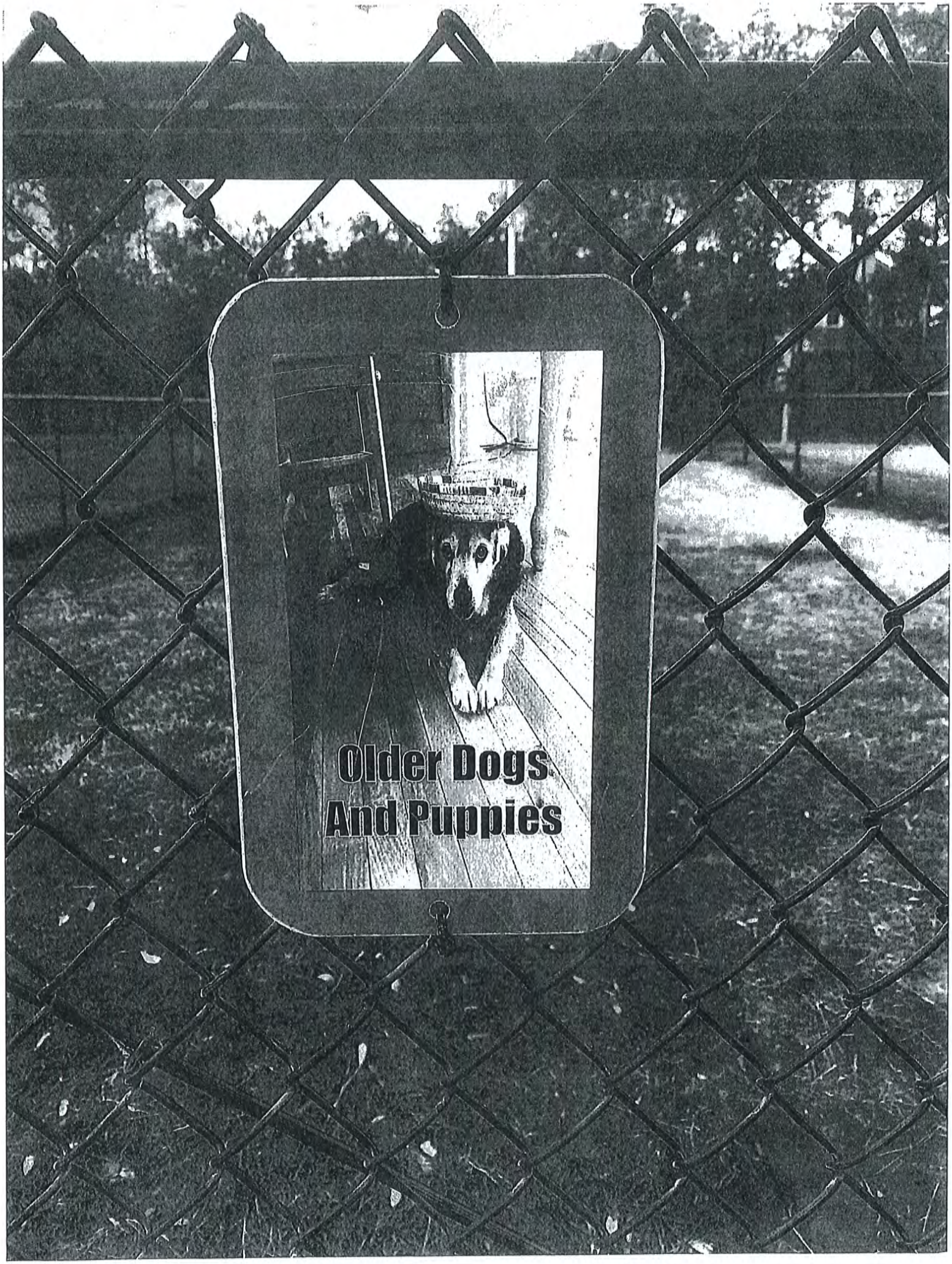
For emergencies dial 911
For other issues, contact KDH Animal Control at 252-480-4047

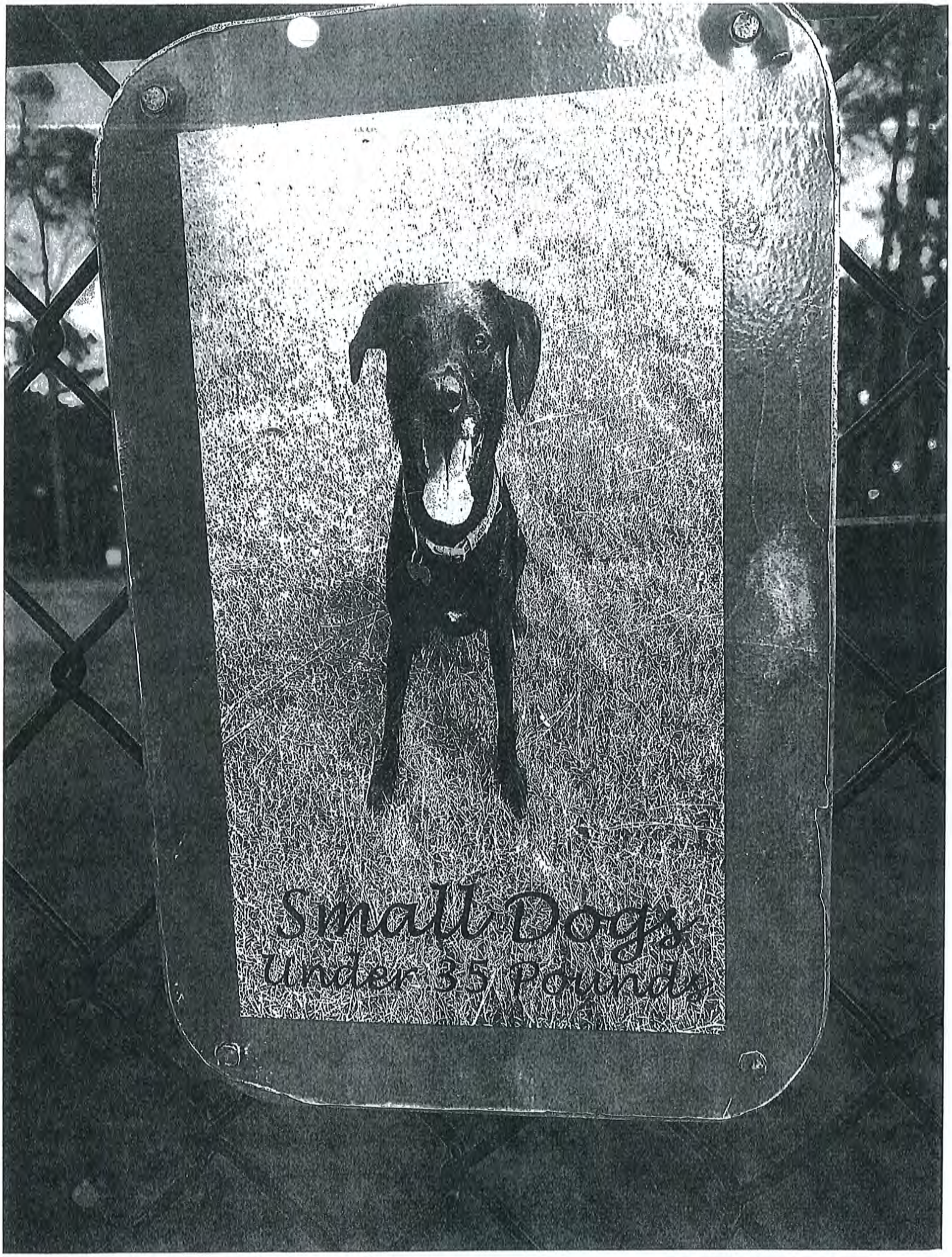
PROHIBITED

⊘ ANIMALS OTHER THAN DOGS ⊘ HUMAN AND DOG FOOD/TREATS ⊘ GLASS CONTAINERS ⊘ ⊘ ALCOHOL ⊘ SMOKING ⊘ SICK DOGS ⊘ DOGS IN HEAT ⊘ AGGRESSIVE DOGS ⊘ ⊘ PUPPIES UNDER FOUR (4) MONTHS ⊘ SPIKED, CHOKE, PRONG, OR ELECTRONIC COLLARS ⊘

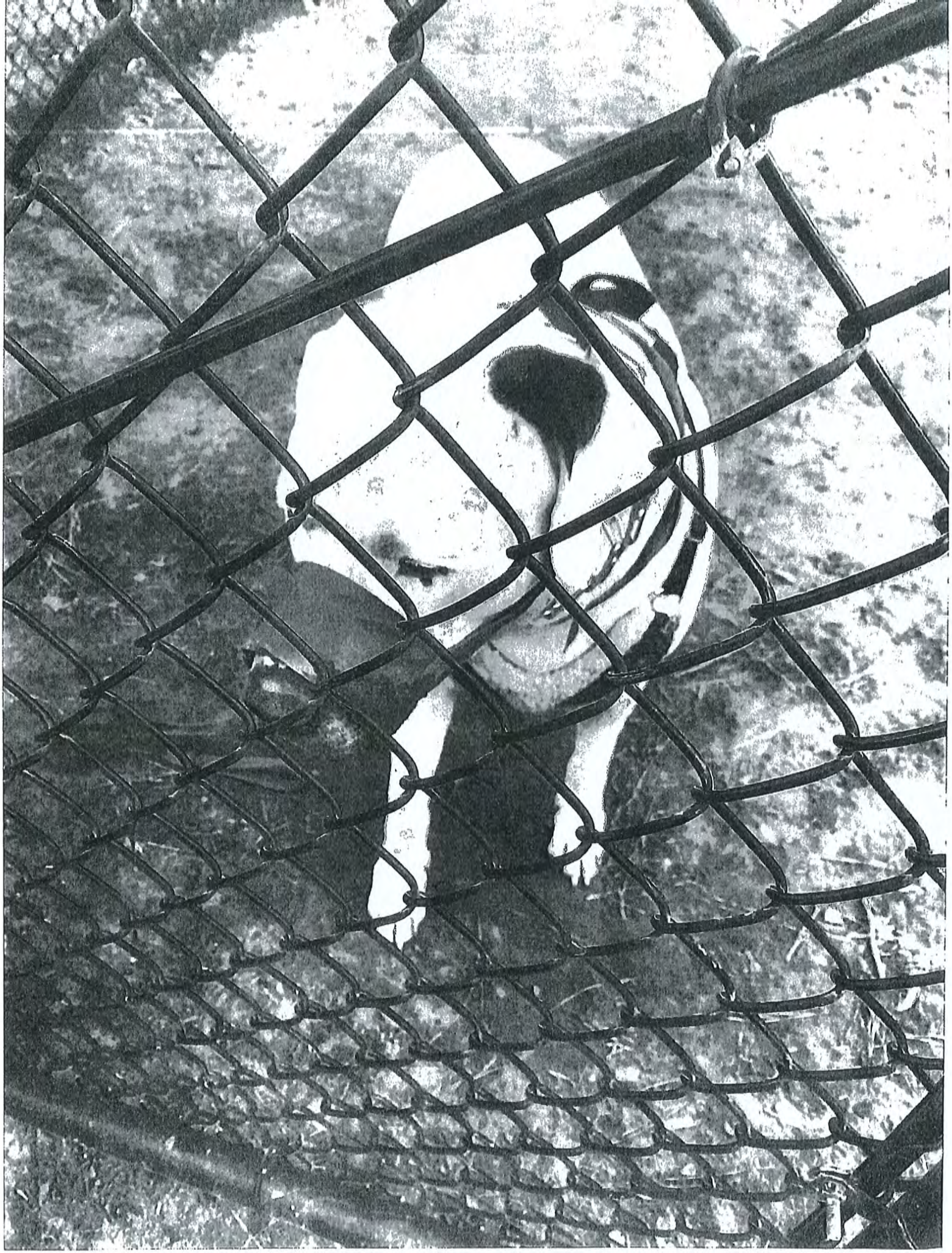
www.KDHPawsPark.com

Large Dogs
Over 35 Pounds


Older Dogs
And Puppies


Small Dogs
Under 35 Pounds

Large Dogs
Over 35 Pounds



INCIDENT/INVESTIGATION REPORT

Agency Name	Kitty Hawk Police Department
ORI	NC 0280500
Case#	2020-0005569
Date / Time Reported	08/22/2020 20:05 Sat
Last Known Secure	08/22/2020 19:30 Sat
At Found	08/22/2020 19:40 Sat

INCIDENT DATA

Location of Incident	Premise Type	Zone/Tract
900 W.kitty Hawk Rd, Kitty Hawk NC 27949-	Park/playground	Z5, T5

	Crime Incident(s)	Weapon / Tools	Activity
#1	Dog Bite 011 (Com)	Entry / Exit / Security	
#2	Crime Incident ( )	Entry / Exit / Security	
#3	Crime Incident ( )	Entry / Exit / Security	

MO

VICTIM

# of Victims 1 | Type: INDIVIDUAL (NOT A LE OFFICER) | Injury:

	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB / / Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
V1	JUVENILE	1,		W	F			

Home Address | Home Phone

Employer Name/Address | Business Phone | Mobile Phone

VYR	Make	Model	Style	Color	Lic/Lis	VIN

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: INDIVIDUAL (NOT A LE OFFICER) | Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
RP	FALLS, LARAE COLBY		[redacted]	W	F		Non-Resident	

Home Address: [redacted] Kill Devil Hills, NC 27948 | Home Phone: [redacted]

Employer Name/Address | Business Phone | Mobile Phone

Type: INDIVIDUAL (NOT A LE OFFICER) | Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
IO	SURRETTE, MICHELLE		[redacted]	W	F		Non-Resident	

Home Address: [redacted] Powells Point, NC 27966 | Home Phone: [redacted]

Employer Name/Address: WAL MART | Business Phone | Mobile Phone

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID# WIGGINS, J. W. (W9176)

Invest ID# STRICKLAND, K. B. (S5691) | Supervisor STRICKLAND, K. B. (S5691)

Status | Complainant Signature | Case Status Not Applicable 08/25/2020 | Case Disposition:

R_CS1IBR Printed By: SHARON, Sys#: 9370 01/13/2021 14:40

INCIDENT/INVESTIGATION REPORT

Kitty Hawk Police Department

Case # *2020-0005569*

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
DRUGS						

Assisting Officers

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 2020-0005569 *Kitty Hawk Police Department*

NARRATIVE

VICTIM WAS BIT BY A DOG.

On Saturday 08/22/2020 at 20:05 hours I (Sgt. Wiggins) was dispatched to call Larae Falls 252-267-2088 in reference to a dog bite that happened at the dog park on W. Kitty Hawk Rd.

I spoke with Falls who stated that she and the victim went to the dog park to meet her friend Michelle Surrette so that their dogs could play at the park. Michelle has a large breed dog and the victim was running in the fenced in area with the dog and the dog attacked the victim. The dog knocked her to the ground and bit her on her arm and chest area. Falls put her in the car and tried to get her to the hospital but the girl was screaming and traffic was so bad that she pulled into the Belk`s`s Parking lot and called 911 for EMS to come and take her the rest of the way to the hospital.

Falls is the girlfriend to the victims father and he went to the hospital with her. Falls and Michelle went to the house on Pine Grove Trl to drop off the dogs so they could go to the hospital together to be with the victim and her father.

I spoke with Chris with DCAC (252) 202-5710 and reported the incident to him. He was also in contact with Falls and Surrette about this dog bite.

Event Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
		TS	Time Spawned	08/22/2020 20:05:26	Initial call received at 08/22/2020 19:40:50		SCREECH
		RPT	Requested Report#	08/22/2020 20:05:26	KHPD Report #20200005569		SCREECH
		PAGE	Dispatch Page	08/22/2020 20:05:32	Paged PDKHADMIN		PAGESRV
		RSW	Reset Watchdog Timer	08/22/2020 20:20:02	Units: 802 >>> 999Min.		SCREECH
		ARM	Added Remarks	08/22/2020 20:23:33			Unit:802

Related Names

Last, First MI Suffix	Type	Race	Sex	HT	WT	Eyes	DOB	Age	Home Ph	Mobile Ph	Work Ph
COLBY, SMALLS	REPORTING PERSON				0				(911) 593-6570		

Address: MIRIAM LN WANCHESE NC

User: SDOUGH

KITTY HAWK POLICE

01/13/2021 14:33:46

Event Report

Event ID: **2020-110636** Call Ref #: 380 Date/Time Received: 08/22/2020 19:40:50

Rept #: Call Source : W911 Prime 618 Unit : GNAFAKIS, DILYANA

Service Involved: LAW | FIRE | EMS

Location: **1720 N CROATAN HWY** DIST: 172.3 FT (S) (N)DARE CENTER

X-ST: *SECOND ST* / *E THIRD ST*

Jur: CAD Service: LAW Agency: KHPD

St/Beat: KDH District: KDH RA: A07

Business: FOOD LION #1532 (KDH) Phone: (252) 480-1016

Nature: **ANIMAL BITE** Alarm Lvl: 1 Priority: 1 Medical Priority: 03B01

Caller: COLBY SMALLS Alarm: Call Taker: MDUNNIGAN

Addr: 99 MIRIAM LN Phone: (911) 593-6570 Alarm Type: Console: CAD08

Vehicle: St: Report Only: No Race: Sex: Age:

Geo-Verified Addr: Yes Nature Summary Code: Disposition: NON Close Comments:

Notes:

BIT BY A DOG [08/22/20 19:42:04 MDUNNIGAN]
[PROQA] 11-year-old, Female, Conscious, Breathing. Animal bite Code: : Caller Statement: BIT BY DOG. [08/22/20 19:43:19 MDUNNIGAN]
[PROQA] 11-year-old, Female, Conscious, Breathing. Animal bite Code: 3-B-1: Caller Statement: BIT BY DOG. 1. This is an animal bite. 2. This happened now (less than 6hrs ago). 3. She was injured/bitten by a dog. 4. The animal is reportedly far away. 5. There is no SERIOUS bleeding. 6. She is completely alert (responding appropriately). 7. The injury is to the head. 8. It's not known what kind of injuries she has. [08/22/20 19:44:14 MDUNNIGAN]
IN FRONT OF BELK [08/22/20 19:44:35 MDUNNIGAN]
IN A WHITE CAR [08/22/20 19:44:40 MDUNNIGAN]
PER 605 SINCE BITE OCC IN KITTY HAWK, ADV DARE ACO. [08/22/20 19:47:00 SCREECH]
[EMS] OCCURRED IN KITTY HAWK AT THE DOG PARK, CALLER WAS TRYING TO DRIVE HER TO THE HOSPITAL [08/22/20 19:47:03 MDUNNIGAN]
[EMS] COULD NOT DRIVE HER HERSELF AS TRAFFIC WAS TOO BAD AND THE CHILD WAS SCREAMING. PULLED INTO PVA FOR AMBULANCE [08/22/20 19:47:35 MDUNNIGAN]
[EMS] DC ACO ADV VIA AFTER HOURS NUMBER [08/22/20 19:52:29 SCREECH]
DC ACO REQ 618 10-21 IN REF 252 202 5710 [08/22/20 19:53:48 SCREECH]
CHRIS AT DCACO REQ KITTY HAWK OFFICER CALL HIM AT 252-202-5710 [08/22/20 20:04:40 MDUNNIGAN]
Event spawned for KHPD Event ID:2020110646, CallRef:391 [08/22/20 20:05:26 SCREECH]

Times

		Time From Call Received
Call Received:	08/22/2020 19:40:50	
Call Routed:	08/22/2020 19:44:14	000:03:24
Call Take Finished:	08/22/2020 19:44:14	000:03:24
1st Dispatch:	08/22/2020 19:44:40	000:03:50 *(Time Held):*
1st En-Route:	08/22/2020 19:45:09	000:04:19
1st Arrive:	08/22/2020 19:47:33	000:06:43 *(Reaction Time):*
Last Clear:	08/22/2020 20:05:45	000:24:55

Unit Reaction: 000:02:53 *(1st Dispatch to 1st Arrive)*
En-Route: 000:00:29 *(1st Dispatch to 1st En-Route)*
On-Scene: 000:18:12 *(1st Arrive to Last Clear)*

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
618	1192	D	Dispatched	08/22/2020 19:44:40	Stat/Beat: KDH		SCREECH
618	1192	E	En-Route	08/22/2020 19:45:09			Unit:618
618	1192	A	Arrived	08/22/2020 19:47:33			Unit:618
KHPD	KHPD	D	Dispatched	08/22/2020 19:48:27			Unit:KHPD
KHPD	KHPD	E	En-Route	08/22/2020 19:48:27			Unit:KHPD
618	1192	C	Cleared	08/22/2020 20:05:22		NON	Unit:618
KHPD	KHPD	X	Canceled	08/22/2020 20:05:37			SCREECH
KHPD	KHPD	C	Cleared	08/22/2020 20:05:45		AST	SCREECH

Event Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
		TR	Time Received	08/22/2020 19:40:50	By: E911		MDUNNIGAN
		COF	Uncertainty/Confidence	08/22/2020 19:40:50	COF:1453ft COP:90%		MDUNNIGAN
		ENT	Entered Street	08/22/2020 19:40:50	1 WIRELESS 911 CALLER		MDUNNIGAN
		VER	Verified Street	08/22/2020 19:40:57	99 MIRIAM LN		MDUNNIGAN
		ENT	Entered Nature	08/22/2020 19:41:07	ANIMAL BITE		MDUNNIGAN
		CHG	Changed Street	08/22/2020 19:41:53	99 MIRIAM LN --> 99 MIRIAM LN		MDUNNIGAN
		ENT	Entered Remarks	08/22/2020 19:42:04			MDUNNIGAN
		CHG	Changed CallerName_CallIn	08/22/2020 19:42:48	AT&T MOBILITY 800-635-6840 OP --> COLBY SMALLS		MDUNNIGAN
		CHG	Changed Street	08/22/2020 19:42:54	99 MIRIAM LN --> 1720 N CROATAN HWY		MDUNNIGAN
		CHG	Changed Agency	08/22/2020 19:42:54	DCSO --> KDPD		MDUNNIGAN
		CHG	Changed AddSt	08/22/2020 19:42:55	DIST: 172.3 FT --> DIST: 172.3 FT (S) (N)DARE CENT		MDUNNIGAN
		CHG	Changed Nature	08/22/2020 19:43:00	ANIMAL BITE --> EMS GENERAL CALL		MDUNNIGAN
		MPS	Med. Pri. Started	08/22/2020 19:43:00	Case Started		MDUNNIGAN
		ARM	Added Remarks	08/22/2020 19:43:19			MDUNNIGAN
		ENT	Entered CallerName_CallIn	08/22/2020 19:43:20	COLBY SMALLS		MDUNNIGAN
		MPF	Med. Pri. CE Finished	08/22/2020 19:43:20	Case Entry Finished		MDUNNIGAN
		CHG	Changed Nature Code	08/22/2020 19:44:14	EMS-->ABIT		MDUNNIGAN
		FIN	Finished Call Taking	08/22/2020 19:44:14			MDUNNIGAN
		SP	Spawned	08/22/2020 19:44:14	Spawned EMS event #2020110638, callref #382		MDUNNIGAN
		SP	Spawned	08/22/2020 19:44:14	Spawned FIRE event #2020110639, callref #383		MDUNNIGAN
		ARM	Added Remarks	08/22/2020 19:44:14			MDUNNIGAN
		MPD	Med. Pri. Dispatch	08/22/2020 19:44:14	Case Dispatched		MDUNNIGAN
		ARM	Added Remarks	08/22/2020 19:44:35			MDUNNIGAN
		ARM	Added Remarks	08/22/2020 19:44:35	Sent to: Linked Events		MDUNNIGAN
		ARM	Added Remarks	08/22/2020 19:44:40			MDUNNIGAN
		ARM	Added Remarks	08/22/2020 19:44:40	Sent to: Linked Events		MDUNNIGAN
		PAGE	Dispatch Page	08/22/2020 19:44:41	Paged PDKDADMIN		PAGESRV
		ARM	Added Remarks	08/22/2020 19:47:00			SCREECH

		ARM	Added Remarks	08/22/2020 19:47:00	Sent to: Linked Events		SCREECH
		ARM	Added Remarks	08/22/2020 19:47:03	Notes sent from EMS event #2020110638		MDUNNIGAN
		ARM	Added Remarks	08/22/2020 19:47:35	Notes sent from EMS event #2020110638		MDUNNIGAN
		ARM	Added Remarks	08/22/2020 19:52:29	Notes sent from EMS event #2020110638		SCREECH
		ARM	Added Remarks	08/22/2020 19:53:48			SCREECH
		ARM	Added Remarks	08/22/2020 19:53:48	Sent to: Linked Events		SCREECH
618	1192	NCIC	QRY:Vehicles	08/22/2020 19:59:54	UNIT:618 Tag=33627813 State=NC VIN=		Unit:618
618	1192	NCIC	QRY:Drivers	08/22/2020 20:00:13	UNIT:618 OLN=33627813		Unit:618
		ARM	Added Remarks	08/22/2020 20:04:40			MDUNNIGAN
		ARM	Added Remarks	08/22/2020 20:04:40	Sent to: Linked Events		MDUNNIGAN
		SP	Spawned	08/22/2020 20:05:26	Spawned LAW event #2020110646, callref #391		SCREECH
		ARM	Added Remarks	08/22/2020 20:05:26			SCREECH

Related Names

Last, First MI Suffix	Type	Race	Sex	HT	WT	Eyes	DOB	Age	Home Ph	Mobile Ph	Work Ph
COLBY, SMALLS	REPORTING PERSON				0				(911) 593-6570		

Address: MIRIAM LN WANCHESE NC

P.O. BOX 1000
MANTEO, NC 27954
OFFICE (252) 475-56..
FAX (252-473-5918

DARE COUNTY ANIMAL CONTROL

RABIES CONTROL REPORT

BITE CASE #:
IN QUAR. DATE: Aug. 22, 2020
OUT QUAR. DATE: Sep. 1, 2020

PERSON EXPOSED

Name: [redacted] Age: 11 Sex: F

Parent/Guardian: Francisco Dahoon Home #(252) 305 4949 Work #:

Physical Home Address: [redacted] Town: Manteo

Address Where Occurred: 856 Midgett Rd Town: Kitty Hawk

Date and Time of Exposure: August 22 2020 1930 How Occurred: Playing Ball with Dog Ran between Dog and Ball when the Dog Bite her arm and leg

Type of Wound and Location on Body: Leg (Right) Arm (left)

Medical Facility Treating Wound: The Outer Banks Hospital Address: 4800 S. Croatan Hwy Nags Head, NC

Physician: Dr. Kitch Phone #(252) 449-5600

Recommended Treatment: Keep it wrapped and Clean

I HEREBY DECLARE THAT ALL STATEMENTS AND FACTS SET FORTH IN THIS REPORT ARE TRUE AND COMPLETE.

PERSON EXPOSED OR GUARDIAN — DATE: 8/24/20

ANIMAL INFORMATION

Animal Owner or Custodian: Michelle Surrette Home #(252) 548-7576 Work #:

Physical Address: 148 Fereree In Town: Powells point, NC

Description of Animal: White & Brown Dogo 130/65 Color: White w/Brown spots Age: 5 Sex: M

Animal's Name: Murphy Vet:

Rabies Tag #: Exp. Date: 12/20/22 County License #:

ANIMAL QUARANTINED PER SECTION A ■ B ☐ C ☐ D ☐ (INSTRUCTIONS ON BACK)

Previous Bite History:

REMARKS: I got a muzzle for him so after this he will not go anywhere without it.

The undersigned owner or custodian of the animal understands and agrees to abide by the conditions and rules as explained by the Animal Control Officer and/or in writing located on the back of this form.

Michelle Surrette — ANIMAL OWNER OR CUSTODIAN — DATE: 8-23-20

Christopher Allen — (PRINT) ANIMAL CONTROL OFFICER (SIGN) — DATE: 8-24-20

DISPOSITION/RELEASE OF ANIMAL

DATE RELEASED FROM QUARANTINE: Sep. 1, 2020 CLINICAL SIGNS OF RABIES: YES ___ NO X

ANIMAL APPEARED IN GOOD HEALTH: YES X NO ___ ANIMAL RECLAIMED: ___ ANIMAL EUTHANIZED: ___

ANIMAL CONTROL OFFICER: DATE: Sep. 3, 2020

QUARANTINE PROCEDURE
as required by General Statute 130A-196
COUNTY OF DARE ORDINANCE 91.066 REPORT AND QUARANTINE:

Every animal which has bitten anyone or which shows symptoms of rabies shall be confined immediately by its owner and shall be promptly reported to the Health Department or designee by its owner or the person having the animal in charge, and thereupon shall be securely quarantined at the direction of the health department or designee for a period of ten (10) days and shall not be released from such quarantine except by written permission from the health department or designee. The biting animal and its records of vaccination and registration shall be inspected by the Health Director or designee, who will then observe the following policy:

☐ **(A)** A properly vaccinated and registered animal may be confined on the owner's premises; provided, that the Health Director or designee determines that the owner has an adequate means of confinement upon his own premises and the animal is subject to observation by the owner at any time during the ten day period. Owners of animals who are required to confine their animals for a 10-day rabies observation period may be authorized to confine their animals at home if the following conditions are met and agreed to:

1. The animal has a current rabies vaccination.
2. The owners premises has been inspected by an Animal Control Officer who has determined that the owners have adequate facilities for home confinement.
3. The owner agrees to confine animal, provided the Animal Control Officer, in his discretion, determines it can be in a securely confined enclosure or leashed under the owner's direct control.
4. The owner will keep the animal on a leash under his direct control while out for relief or exercise.
5. If the animal shows any symptoms of sickness, abnormal behavior, or if the animal escapes, the Animal Shelter will be notified immediately.
6. In the event the animal dies during the observation period, the carcass thereof shall immediately be turned over to the Animal Control Officer for necessary examination.
7. The owner of the animal understands and agrees to abide by the above conditions and rules and expressly agrees to hold harmless the Animal Shelter, and its agents, for any liability which might arise as a result of being allowed to keep the animal under confinement at home. The owner further understands that a breach of any of the above restrictions and conditions will subject the animal to being immediately placed in the Dare County Animal Shelter or veterinary clinic for the remainder of the observation period, at the expense of the owner.

☐ **(B)** An animal not properly vaccinated and registered but belonging to an owner shall immediately be confined in a veterinary hospital or the county animal shelter, in which case the expense shall be borne by the owner for the ten day confinement. It is the responsibility of the owner(s) to pick up their animal after the 10 day confinement period. Failure to do so will result in disposition of the animal at the discretion of the Animal Shelter. If sickness, illness or a drastic change in personality occurs within the quarantine period, the owner and the person exposed will be notified.

Animal Quarantined at: _____ FS# _____

Address: _____ Phone #: _____

☐ **(C)** A stray animal shall immediately be confined in the county animal shelter for a period of ten days.

FS#: _____

☐ **(D)** Laboratory fluorescent antibody test of the brain.

Date Sent: _____ Results: _____

User: SDOUGH

KITTY HAWK POLICE

01/13/2021 14:33:11

Event Report

Event ID: **2020-110646** Call Ref #: 391 Date/Time Received: 08/22/2020 20:05:26

Rept #: 2020-0005569 Call Source : W911 Prime 802 Unit : WIGGINS, JEFF

Service Involved: LAW | FIRE | EMS

Location: **1720 N CROATAN HWY** DIST: 172.3 FT (S) (N)DARE CENTER

X-ST: *SECOND ST* / *E THIRD ST*

Jur: CAD Service: LAW Agency: KHPD

St/Beat: KDH District: KDH RA: A07

Business: FOOD LION #1532 (KDH) Phone: (252) 480-1016

Nature: **ANIMAL BITE** Alarm Lvl: 1 Priority: 1 Medical Priority: 03B01

Caller: COLBY SMALLS Alarm: Call Taker: SCREECH

Addr: 99 MIRIAM LN Phone: (911) 593-6570 Alarm Type: Console: CAD02

Vehicle: St: Report Only: No Race: Sex: Age:

Geo-Verified Addr: Yes Nature Summary Code: Disposition: NON Close Comments:

Notes:

BIT BY A DOG [08/22/20 19:42:04 MDUNNIGAN]
[PROQA] 11-year-old, Female, Conscious, Breathing. Animal bite Code: : Caller Statement: BIT BY DOG. [08/22/20 19:43:19 MDUNNIGAN]
[PROQA] 11-year-old, Female, Conscious, Breathing. Animal bite Code: 3-B-1: Caller Statement: BIT BY DOG. 1. This is an animal bite. 2. This happened now (less than 6hrs ago). 3. She was injured/bitten by a dog. 4. The animal is reportedly far away. 5. There is no SERIOUS bleeding. 6. She is completely alert (responding appropriately). 7. The injury is to the head. 8. It's not known what kind of injuries she has. [08/22/20 19:44:14 MDUNNIGAN]
IN FRONT OF BELK [08/22/20 19:44:35 MDUNNIGAN]
IN A WHITE CAR [08/22/20 19:44:40 MDUNNIGAN]
PER 605 SINCE BITE OCC IN KITTY HAWK, ADV DARE ACO. [08/22/20 19:47:00 SCREECH]
[EMS] OCCURRED IN KITTY HAWK AT THE DOG PARK, CALLER WAS TRYING TO DRIVE HER TO THE HOSPITAL [08/22/20 19:47:03 MDUNNIGAN]
[EMS] COULD NOT DRIVE HER HERSELF AS TRAFFIC WAS TOO BAD AND THE CHILD WAS SCREAMING. PULLED INTO PVA FOR AMBULANCE [08/22/20 19:47:35 MDUNNIGAN]
[EMS] DC ACO ADV VIA AFTER HOURS NUMBER [08/22/20 19:52:29 SCREECH]
DC ACO REQ 618 10-21 IN REF 252 202 5710 [08/22/20 19:53:48 SCREECH]
CHRIS AT DCACO REQ KITTY HAWK OFFICER CALL HIM AT 252-202-5710 [08/22/20 20:04:40 MDUNNIGAN]
ANIM ZONE 5 A 11 YEAR OLD GRIL WAS BIT BY A DOG AT THE DOG PARK , SEE IR 202000069. [08/22/20 20:23:33 Unit:802]

Times

		Time From Call Received		
Call Received:	08/22/2020 20:05:26			
Call Routed:	08/22/2020 20:05:26	000:00:00	Unit Reaction:	: : *(1st Dispatch to 1st Arrive)*
Call Take Finished:	08/22/2020 20:05:26	000:00:00	En-Route:	: : *(1st Dispatch to 1st En-Route)*
1st Dispatch:	08/22/2020 20:05:31	000:00:05 *(Time Held):*	On-Scene:	: : *(1st Arrive to Last Clear)*
1st En-Route:		: :		
1st Arrive:		: : *(Reaction Time):*		
Last Clear:	08/22/2020 20:24:02	000:18:36		

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
802	W9176	D	Dispatched	08/22/2020 20:05:31	Stat/Beat: KHP		SCREECH
802	W9176	C	Cleared	08/22/2020 20:24:02		NON	Unit:802

O'Dell, Michael

From: Wynn, Kelley K
Sent: Thursday, February 18, 2021 10:52 AM
To: Harris, Dana
Subject: Fwd: Ms. Surrette and Murphy

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From: Destiny Shell <destiny@dogsofdestiny.com>
Sent: Wednesday, February 17, 2021 7:14:17 AM
To: Wynn, Kelley K <kwynn@kdhnc.com>
Subject: Fwd: Ms. Surrette and Murphy

Good morning,
This statement is from Vice President.
I have not forgotten about mine and will send it later today. I apologize for the delay in getting it to you, we have had a couple emergency cases we have been dealing with this past week.
I did call and ask about the hearing and was told only essential personnel would be able to attend. So if you need me to write a statement about anything else let me know and I will include it in what I send this afternoon.
Destiny

---------- Forwarded message ---------
From: **Zandra Longeway** <zandra@dogsofdestiny.com>
Date: Tue, Feb 16, 2021, 11:07
Subject: Ms. Surrette and Murphy
To: Destiny Shell <destiny@dogsofdestiny.com>

To whom this may concern,

On September 6th, 2020, I, Zandra Longeway, Vice President of Dogs of Destiny, conducted a home check with Ms. Surrette. Upon entering her home Murphy was in his kennel, in the kitchen. Ms. Surrette let him out to greet me.

Murphy was as sweet as could be. I immediately noticed that Murphy was in aprong collar. This goes against our policy, I stated such and asked her to remove the collar. She did as I asked. We talked about the devices our rescue is against using on our dogs and also that NO Dog Parks were allowed ever. I suggested a harness lead for her to use on Murphy and she ordered it right then and there from Amazon.

We talked about Murphy coming from Germany and he needed time to decompress and learn life in America. I told her, this could take and more than likely would, take several months for him to get comfortable and he needed to be at home to do this.

We walked her property and she showed me where she and her roommate were planning on installing a fence for Murphy to be able to run and play in while being off-leash. The landlord had given them permission and they were waiting on the lumber.

Thank you for your time,

Zandra Longeway
Vice President
Dogs of Destiny LCPBR Va Chapter

O'Dell, Michael

From: Wynn, Kelley K
Sent: Thursday, February 18, 2021 10:51 AM
To: Harris, Dana
Subject: Fwd: Discussions had with Michelle

Get Outlook for iOS

From: Destiny Shell <destiny@dogsofdestiny.com>
Sent: Thursday, February 18, 2021 4:24:38 AM
To: Wynn, Kelley K <kwynn@kdhnc.com>
Subject: Fwd: Discussions had with Michelle

Sending from this address bc i received notification that this message was blocked for delivery from my other email address.

---------- Forwarded message ---------
From: **Destiny Shell** <destiny@dogsofdestiny.com>
Date: Thu, Feb 18, 2021, 04:22
Subject: Discussions had with Michelle
To: Wynn, Kelley K <kwynn@kdhnc.com>

Murphy was initially supposed to be held for us by another rescue until we had availability for him to come to us. We learned, on the day we were scheduling a time to oick him up that this rescue had given him to someone, several months prior and we would learn it was Michelle, as a foster and once we would speak she would make her want to adopt him known. The other rescue also assured us Michelle was experienced with large breed dogs and those needing special considerations.
Immediately upon learning that, I got in touch with her to discuss Murphy our rescue policies, and processes and let her know she would need to go through our process to be approved as a foster. At that time a brief discussion was had concerning dog parks and that they were not an option and not allowed as Muprhy could become over stimulated, was still adjusting to huge changes in his life having moved from over seas, and the once moved here he and is family moved several other times in a matter of a few months as they got situated and settled. He needed some time to decompress and was not a dog that would benefit from being out in to social environments like dog parks anyway and would be perfectly content at home hanging out with her and going on walks. It was also instructed that he was to be on leash for his walks and any time outside as she did not have a fence for him yet but it was being built. We also discussed working with getting Murphy acclimated to a muzzle. Specifically a basket muzzle that way he would be able to wear it comfortably and would be secure if when meeting someone new, or at the vet, he was not comfortable or was put in a situation where he was a little over stimulated, he as well as those around him would all be ok. This was to be done to help with Murphy's adjustment period and as a precautionary measure as he adjusted to yet again, in a very short time, another new place and now with new people. His whole world had been turned upside down and he needed to be kept safe. It was also discussed that our rescue trains our dogs regularly with muzzles for a multitude of reasons. And that using a basket muzzle is not a negative thing nor does it mean a dog is bad or dangerous. We discussed how we work in breaking the stigma of a muzzle and understanding that there is a huge benefit in having a dog that is comfortable and trained with one. We explained specifically the basket muzzles were ideal bc it covers the dogs mouth while allowing them to be fully capable of breathing lroperly as well as having the

liberty to eat and drink. I also explained we were a positive reinforcement training rescue only and that no aversive methods or tools were allowed on our dogs.
An interview was donenwith our vice president and a home check was scheduled that was performed by our Vice President, Zandra.
Upon completion of the home check Zandra contacted me to let me know when she arrived that Murphy was wearing a prong collar. She let me know she had it removed from him immediately. I had asked if she had confiscated it or left it behind and she said she wasnt aware that she was able to take it so it had been left behind. But she also said that she had not only instructed Michelle never to use those or anything like it, but that she had also given her suggestions on what she could use and even made her purchase something acceptable(a harness lead) via amazon, while she was there. During the home check Zandra also stressed that we never recommend dog parks for any dog, but that Murphy was not a good dog park candidate anyway and that no dog parks would be allowed.
Upon learning about the prong collar I called Michelle. We spoke in great lengths about why that device,and those like it, were never to be used on one of our dogs and should never be used on any dog anyway. I explained that we felt so strongly about it that should we find he was wearing one it would not only be a violation of our policy within our contract but that it was also grounds for the rescue to reclaim him. During that phone call we also discussed why dog parks in general are bad ideas and why they were not suitable for Murphy.
Given the multiple discussions had,and at great lengths of which they had been had to say we were not only surprised but angry when we got the call from AC the FIRST time regarding a bite that had taken place at a dog park with Murphy, would be an understatement.
In speaking with Michelle and asking why he was somewhere he never should have been she explained she didnt think she was breaking any rules bc it was just him at the park with her friend and her friend's daughter. I explained that i was unsure how the words he should never be in that position had any other room for o terpretation and discussed taking Murphy back in to the rescue if she was unable to provide for him properly to keep him, and those around him safe. I made ot very clear of the risk she placed on Murphy and that putting his life at risk bc she wanted to be careless was completely unacceptable a d definitely not a move from someone who supposedly had a lot of experience with large breed working dogs.
She explained how remorseful and guilty she felt and the she understood and would never do it again. She begged me to not take him that she would do right by him from here on out and would do everything she was supposed to do.
With this most recent incident, I once again asked her why he was somewhere he never should have been. She of course failed to mention that he was in a prong collar and a muzzle that he shouldnt have been wearing anyway as those muzzles are not meant for long term wear since they prevent the dog from breathing properly and is not the muzzle she was instructed to use. Once we learned these things from animal control we were extremely upset. In the discussion i had with Michelle I let her know that should they spare Muprhy's life, he deserved better than what she had done to him and he would be coming back to the rescue. She had failed him multiple times and with this last failure his life was literally now at stake and he would most likely pay the ultimate price for her negligence and that was unacceptable. She said she would never do it again and she understood, the fence was almost done and she would just let him play in their yard and keep him there once it was if he made it outof this, to which I told her that she never should have done this to begin with, and the last time she did it she said she would never do it again. That last time was supposed to be the last time and that she clearly didnt care about putting Murphy in compromising positions and bc of that he was now waiting for what would most likely be a death sentence, bc of her.
Since my last conversation with Officer Wynn, where i learned he was wearing a prong collar I have not spoken to Michelle. I do not believe there is anything left to say that she would actually hear and take in to be the responsible guardian that Murphy needs as she has proven on more than one occasion, with more than one thing, that she will just do whatever she wants to anyway regardless of how high the stakes are for Murphy.
We understand the judgment on Murphy may very well mean his life is taken from him. But we want it understood that this not Murphy's fault. That Murphy is not a bad dog and that he did not fail, but was failed, multiple times, by the person that was supposed to be doing right by him.

Destiny Shell
Director/President
Dogs of Destiny-LCPBR VA Chapter
I can be changed by what happens to me but I refuse to be reduced by it-Maya Angelou