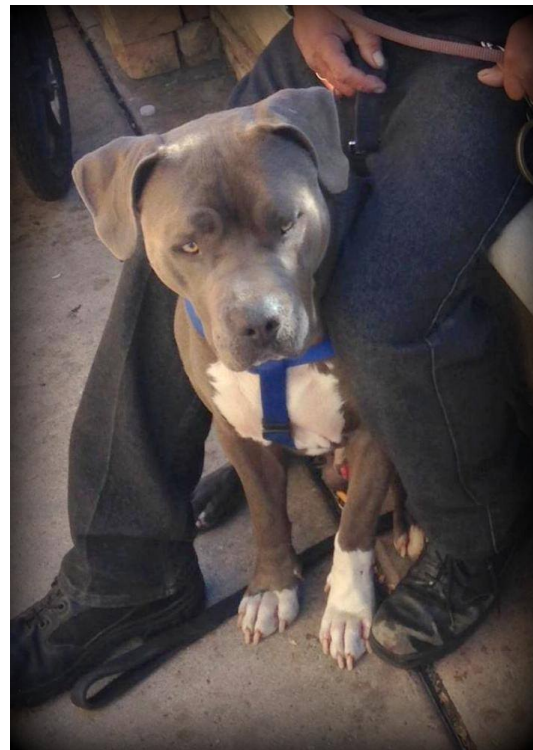


We need your help!! A dog just trying to protect his loved one faces a possible death sentence - and the process by which his fate will be decided is deeply flawed. You can help us bring these issues to light – letters, emails, and calls to local politicians, councilmembers, animal rights groups and activists, rescues, news outlets, papers, etc. If you could share our message with your friends and family, on Facebook/Twitter, or any other platform to help raise awareness and funds (see <http://gfwd.at/1IZxU11>) in case we can get him released, a very scared dog and all those who care about him and any other animal would be so thankful.

Dear Animal Lovers, Animal Owners, and Animal Rights Advocates & Groups:

Currently, there is an animal nuisance case pending hearing in Ventura County, California involving a pit bull belonging to a homeless man. The pittie's name is Shadow and he is a GREAT dog.

One night, the Ventura Police Department engaged in a scuffle with one of Shadow's family members and Shadow went to help his human "brother." It is alleged that Shadow bit one of the officers using physical force to "control" his human family member and that another officer pulled his gun and shot Shadow in the neck. Eyewitness accounts and court documentation indicate that Shadow's human had been physically assaulted BEFORE Shadow made one move. Now, the officer claiming to have been bitten is objecting to the disclosure of her medical records from that night to prove that the bite ever happened despite the fact her bite complaint is a public record and she will have to testify about it at a public hearing.



The hearing to determine whether Shadow should be deemed a public nuisance (and, then, what should happen to him) will be held on September 4, 2015. We have been trying to get information from various City and County agencies about Shadow's owner's right to gather evidence in support of Shadow since May. The City of San Buenaventura Municipal Code section governing Animal Nuisance hearings (8.050.610) provides some general rules about gathering this information but only vague instructions as to how they should be implemented or followed.

The information we seek is crucial to determining several key issues in the case. The most important of which is whether or not Shadow was "provoked." While the California Penal Code provides a definition for criminal animal bite cases, the Municipal Code contains NO DEFINITION of that word and does not adopt the Penal Code definition. Other counties in California – including Los Angeles, which is a high-kill county – have indicated that they also do not define the word so that the interpretation can be "subjective."

The burden of proof is **on the owner** to show that the animal in question was unprovoked. How can that be done when the definition of provocation is whatever the hearing officer that day wants it to be???? How is it fair to allow different hearing officers to apply their own definition of a word used in legislation to determine whether a dog was provoked? Does the law governing the life and death of our pets really rest on the whim of administrative hearing officers that tend to have no legal background whatsoever and are not bound by a professional code of legal ethics?

The Municipal Code requires that the "poundmaster" aka "Director" issue any subpoenas to require witnesses to appear and/or documents to be produced at the hearing. However, the information produced in connection with the subpoenas is required to be produced to the poundmaster **instead of to the party requesting the documentation.**

Further hampering the ability to prepare a defense for a beloved animal, the information subpoenaed does not have to be provided to the requesting party UNTIL THE HEARING. Adding insult to injury, the party requesting the information has to be prepared to assess, utilize, and present the unknown information at the hearing with no indication prior to that time regarding what was produced (if anything), the manner in which it was produced (hard copy, CD/DVD, USB drive, etc.), and what technology will be needed to utilize the information during the hearing itself. There is no opportunity to make copies for witnesses or review video footage to determine what portions (if any) are relevant or even determine if the information could lead to the need to seek out additional evidence and/or witnesses. Despite this deprivation of information to the defense, the County is demanding to interview all witnesses in Shadow's defense prior to the hearing and refusing to allow defense counsel to be present unless representing the witness as well.

The County also has decided that it shall be the administrative hearing officer who will rule on any legal objections to the issued subpoenas – not an impartial judge. How is it fair and impartial to allow an employee of the agency putting the dog on "trial" to rule on objections submitted to information subpoenaed on behalf of that dog? Even worse, the designated hearing

officer is not a member of the California State Bar and does not appear to have any legal education, training, or background.

Moreover, one of our subpoenas seeks the attendance of the Director of the Animal Shelter at the hearing. How is it not a conflict of interest for her to be the one issuing her own subpoena and having her employee ruling on her objections to that subpoena, if any??

Finally, the agency trying the dog has the ability to comb through any information provided before the hearing. This deprives the party requesting the information of the right to determine what, if any, portion of it would be used in the animal's defense.

There are a myriad of other issues plaguing this system. These are just some of the most egregious. In short, the administrative process outlined for the determination of whether an animal has violated a section of the Municipal Code is unconstitutional – it is vague, riddled with due process issues, and inherently biased.

Attempts to address these issues have been met with staunch reliance on the Code and efforts to “construe” the relevant legal provisions in a manner best benefitting the City and County. If that were not enough, we were recently told that our request for police body-camera footage allegedly taken during the incident will be the first received since Ventura Police Department started using them. Without precedent, it appears the laws that are in place regarding our ability to access this information will also have to be “construed” as well.

Until these issues are settled, Shadow remains confined to the Shelter. While he is a happy boy, it will be more than 4 months that he has been there when the hearing date arrives. Should there be further problems with the hearing and/or subpoena processes, it could be longer.

Each day he is there, Shadow is racking up boarding fees (which are presently somewhere in the neighborhood of \$1,200). While the attorney working on Shadow's behalf has undertaken the legal leg-work pro bono, we still have expenses associated with subpoenas for information and attendance and will likely have to rent equipment and expend money on the preparation of exhibits for the hearing. To date, those fees have exceeded \$800. Should we need to take any of the foregoing issues in front of an actual judge, there will be filing fees, etc. that will accompany that as well.

A fundraiser has been started to help defray these costs. If you wish to contribute, please visit <http://gfwd.at/1IZxU11>. If there are funds left over at the end of the case, they will be utilized to help other animal rights groups and rescue organizations. Also, if you know of any available

grants for legal services addressing these issues or on behalf of homeless pets, pitbulls, etc. please let us know.

Our plea is not primarily for funds, however. What we really need is to call attention to these inadequacies in a larger forum. A peaceful public uprising, so to speak, against the patent unfairness of the laws that will govern not only the life and potential death of a dog who was only protecting his family member but for **every other animal in the County that is ever accused of being a nuisance for any reason**. For those of you who live in other California counties, a brief search of other Municipal Code provisions and laws indicates many of the same problems exist in those areas as well.

If you would like further information about the case or would like to help us address these issues, please contact us at HelpSaveShadow@gmail.com. We are asking people to write letters, emails, and call local politicians, councilmembers, animal rights groups and activists, rescues, news outlets, papers, etc. Even just sharing our message with your friends and family and other animal lovers is a great help.

Thank you for considering our request and, hopefully, your support.

Some Relevant Links:

City of San Buenaventura Municipal Code section 8.050.610 – Animal Nuisances:

[https://www.municode.com/library/ca/san_buenaventura/codes/code_of_ordinances?searchRequest={%22searchText%22:%22%22due%20process%22%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypes%22:\[%22CODES%22\],%22productIds%22:\[\]}&nodeId=DIV8PUHESARE_CH8.050AN_ART6CODOANOTHOPE_S8.050.610ANNU](https://www.municode.com/library/ca/san_buenaventura/codes/code_of_ordinances?searchRequest={%22searchText%22:%22%22due%20process%22%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypes%22:[%22CODES%22],%22productIds%22:[]}&nodeId=DIV8PUHESARE_CH8.050AN_ART6CODOANOTHOPE_S8.050.610ANNU)
<https://www.municode.com/library/ca/san_buenaventura/codes/code_of_ordinances?searchRequest=%7b%22searchText%22:%22%22due%20process%22%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypes%22:%5b%22CODES%22%5d,%22productIds%22:%5b%5d%7d&nodeId=DIV8PUHESARE_CH8.050AN_ART6CODOANOTHOPE_S8.050.610ANNU>

County of Ventura Code of Ordinances Chapter 4, Article 5, section 4467 – Animal Nuisances:

https://www.municode.com/library/ca/ventura_county/codes/code_of_ordinances?searchRequest={%22searchText%22:%224457%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22con

[tentTypes%22:\[%22CODES%22\],%22productIds%22:\[\]}&nodeId=DIV4PUHE_CH4AN_ART5ANCO](https://www.municode.com/library/ca/ventura_county/codes/code_of_ordinances?searchRequest=%7b%22searchText%22:%224457%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypes%22:%5b%22CODES%22%5d,%22productIds%22:%5b%5d%7d&nodeId=DIV4PUHE_CH4AN_ART5ANCO)

<https://www.municode.com/library/ca/ventura_county/codes/code_of_ordinances?searchRequest=%7b%22searchText%22:%224457%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypes%22:%5b%22CODES%22%5d,%22productIds%22:%5b%5d%7d&nodeId=DIV4PUHE_CH4AN_ART5ANCO>

Some Relevant Contact Information:

Ventura County Officials & Board of Supervisors

Michael Powers, Ventura County Executive Officer

Phone: 805 654-2681

Email: Michael.Powers@ventura.org

Address: 800 S. Victoria Avenue
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Ventura, CA 93009

District 1 Steve Bennett

Phone: 805 654-2703

Fax: 805 654-2226

Email: Steve.Bennett@ventura.org

Address: 800 S. Victoria Avenue
L-Suite 1900
Ventura, CA 93009

District 2 Linda Parks

Phone: 805 214-2510

Fax: 805 480-0585

Email: Linda.Parks@ventura.org

Address: 625 W. Hillcrest Drive
Thousand Oaks, CA 91360

District 3 Kathy Long

Phone: 805 654-2276

Fax: 805 654-2226

Email: Kathy.Long@ventura.org

Address: 800 S. Victoria Avenue
L-Suite 1880
Ventura, CA 93009

District 4 Peter Foy

Phone: 805 995-2300

Fax: 805 578-1822

Email: Supervisor.Foy@ventura.org

Address: 980 Enchanted Way
Suite 203
Simi Valley, CA 93065

District 5 John C. Zaragoza

Phone: 805 654-2613

Fax: 805 658-4515

Email: Supervisor.Zaragoza@ventura.org

Address: 800 S. Victoria Avenue
4th Floor
Ventura, CA 93009

Ventura City Officials:

Cheryl Heitmann, Mayor

Email: cheitmann@ci.ventura.ca.us

Ventura City Council Members (<http://www.cityofventura.net/about/citycouncil>)

Phone: 805 654-7827

Email: council@cityofventura.net

Other City & County Entities:

The following are links to the contact information for other City and County entities that may be contacted regarding the foregoing concerns:

-The City Halls of Ventura County: <http://www.ventura.org/department-directory?cc=994>

-Ventura County Counsel: <http://www.ventura.org/department-directory?cc=180>

-Ventura County Grand Jury: <http://www.ventura.org/department-directory?cc=950>

-Ventura City Attorney: <http://www.cityofventura.net/ca/about>