



CITY OF LOS ANGELES
L A ANIMAL SERVICES



Date: July 2, 2007

To: Board of Animal Services Commissioners

From: Edward A. Boks, General Manager

Subject: BACKGROUND AND STATUS - DOG "STU"

As you may recall, in March, 2006, the Board upheld the decision of the former General Manager to declare "Stu" a dangerous dog (Dangerous Animal Case No. 05331NC). At the Board meeting of June 25, 2007, remarks made during Public Comments prompted a request by the Board to schedule a discussion of the current status and issues surrounding the dog "Stu." Staff welcomes this opportunity to clarify the facts for the Board, since the Brown Act prohibited responses to the public's remarks made on June 25, 2007, because the matter was not on the published agenda. The Department supports bringing this matter to closure.

Much of the background on the case involving "Stu" has been summarized at previous public meetings and in other reports. The dog "Stu," licensed to Jeffrey DeLaRosa, was impounded by officers of LA Animal Services as a potentially dangerous dog, in accordance with Los Angeles Municipal Code (LAMC) 53.34.2(a), after attacking and severely biting a person, which caused permanent disfiguring injuries. Subsequently, an administrative hearing process was conducted in conformance with LAMC 53.18.5, and based upon evidence presented at the hearing, a Notice of Order was signed by the General Manager, Department of Animal Services, to Mr. DeLaRosa on December 8, 2005. This Notice of Order declared the animal dangerous as defined by LAMC 53.34.4(b) and ordered the animal humanely destroyed as required in LAMC 53.34.4(d)3.

The General Manager, in issuing the Notice of Order, and the Board, in upholding the General Manager's decision, acting on compelling evidence of the severity of the attack and irresponsibility of Mr. DeLaRosa in failing to comply with an earlier Notice of Order in regard to his dog "Maeve." Mr. DeLaRosa was in violation of the Notice of Order for "Maeve," who had been deemed dangerous after attacking another dog, in that "Maeve" was in the City, in Mr. DeLaRosa's house, and under the care of a person besides himself, a licensed kennel, or licensed veterinarian. The terrible injuries suffered by a young woman in the house ultimately come back to that failure, because the young woman was alone in charge of the dogs when "Maeve" fought with "Stu," which gave both minor injuries, prompting the victim to attempt to fix the harness on "Stu."

Mr. DeLaRosa filed an appeal to the Notice of Order, which was heard by the Board as provided for in the LAMC, and the Board upheld the decision of the General Manager. The Board may recall the details of that attack.

The young woman victim was attempting to get "Stu" to the vet for medical help. She had been working at Mr. DeLaRosa's house and had known "Stu" for several weeks. "Stu" grabbed the young woman by the right arm and would not release her. He kept biting her, moving higher and higher on her arm, dragging her across the room, shaking, ripping, and mauling her the entire time. She thought the dog would kill her. He did not stop the attack until she decided to play dead. "Stu's" behavior was not a nip or warning bite of an animal afraid, in pain, or avoiding pain. The Department recognizes that a scared, defensive, hurt dog is not the same as a dangerous dog. "Stu" was trying to kill, not merely bite as a scared or hurt dog might do.

After the Board's denial of the Appeal, a Notification of Euthanasia letter was delivered to Mr. DeLaRosa. However, the Department voluntarily abated this action temporarily at the request of Mr. DeLaRosa's insurance carrier, so that the insurance company's counsel could gather evidence in regard to a claim by the injured victim.

The Department accommodated the request of Mr. DeLaRosa's insurance company counsel to bring in a consultant to perform a behavioral assessment of the animal, as part of the defense against the claim. This consultant, Richard Polsky, Ph.D., evaluated "Stu" during a single visit and prepared a report based on information on the dog provided by the owner coupled with his interpretations of the various interactions and tests he performed with "Stu." At the time of the assessment, "Stu," was at a sanctuary for pit bull mix breeds operated by an experienced rescue organization, Villalobos Rescue Center. Dr. Polsky's report, as submitted to the counsel for Mr. DeLaRosa's insurance company, concludes that "Stu" should not be declared dangerous.

In regard to this hired report, please note that staff of Villalobos Rescue, who is locally known and respected for their successful rehabilitative work with animals and with people, was present for Dr. Polsky's assessment tests. Villalobos' observations were that, during the testing, "Stu" seemed manageable under his owner's control, and "Stu's" responses were not overtly human-aggressive. However, this was at the beginning of "Stu's" transfer to Villalobos, which had taken in the dog at the request of the Department. Over time, "Stu's" behavior was seen as unpredictable, from day to day or even from minute to minute. While an alleged aggressive dog would ordinarily be "on his guard" and act accordingly at the beginning, as the dog's stay lengthened, he or she eventually would let the guard down so that the staff can work with the dog. According to Villalobos staff, this was not the case with "Stu." He could be happy and out-going one minute, and act aggressively the next, without any behavioral consistency. For example, "Stu" was being fed dog treats his owner had dropped off, when suddenly "Stu" charged her, growling, barking, and showing teeth. In another incident, one of the kennel attendants was moving "Stu's" dog house during the daily cleaning around it and "Stu" attacked him, forcing the attendant to use the house as a shield to keep "Stu" back. After several months, Villalobos requested that the

Department pick up “Stu” from the sanctuary as too unpredictable. This request to return “Stu” included the admonishment that “‘Stu’ is a public safety risk and should not be allowed to go to another rescue facility as he is a risk to those around him.”

Meanwhile, Mr. DeLaRosa’s attorney filed in Superior Court a petition for Writ of Mandate to halt the Notice of Euthanasia, but the petition was denied. After almost a year and several appearances and different filings, and after weighing all the evidence, the Superior Court denied the petition once again on June 18, 2007. The Department expects a signed copy of the Court’s action shortly.

Throughout this long process of appeals by Mr. DeLaRosa, the Department has cared for “Stu” diligently. In addition to arranging the respite at the sanctuary for a time, Department staff monitor “Stu’s” condition daily. He is taken for regular fifteen or twenty minute walks, and staff interacts with him. The recorded experience at the animal care center substantiates other reports of unpredictability. For example, on the afternoon of June 14, 2007, one Animal Care Technician took “Stu” for a walk and found that he responded to commands well. After a few minutes, another Animal Care Technician approached in a non-threatening manner, and “Stu” displayed no aggression—until the second Technician came closer, and the dog “suddenly swell[ed] with deep low growl and attack[ed] with intent to seriously hurt.” From a medical standpoint, “Stu” has also received appropriate care. He is examined regularly, receives treatments as needed for everything from coughs to fleas, has his urine and feces monitored, and in January “Stu” was sent to VCA West LA, one of our top veterinarian organizations which provide treatment to animals in the Department’s custody, for a full battery of screening tests. Veterinarians and registered veterinary technicians working with “Stu” also frequently document his unpredictable and aggressive behavior.

On June 28, 2007, the Department received a proposal from Yin-Yang Animal Rescue Corporation to foster “Stu,” presumably as Mr. DeLaRosa pursues his remaining legal appeal options. Yin-Yang would pay to privately kennel “Stu” at Ken’s Canine Kennel on West Jefferson in Los Angeles. At the time of writing of this report, Ken’s Canine kennel does not have a permit. Ken’s had applied for a kennel permit with the City on May 16, 2007, but the permit has not been issued because the outdoor area used to exercise kenneled dogs is less than 500’ from residences, and therefore not in conformance with City codes. Staff may have an update on the kennel permit status, and other information about the proposal, at the meeting.

The Department and the Board do not lightly condemn dogs to death. The process has included the analysis and recommendation of a Hearing Officer, review and decision by the General Manager, and reexamination and consideration by the Board. However, the life of the dog must be considered against the safety of the general public. At this time, the Department has no legal option to return this dog to Mr. DeLaRosa as an alternative to euthanizing him, except as directed by order of a Judge.