

# El Mirage Police Department Officer Report for Incident E12121405

Nature: ANIMAL O Location: 13	CRUELTY	Address:	
Offense Codes:			
Received By: M D Lopez	How Received: T	Agency: EMPD	
Responding Officers:			
Responsible Officers: J A Kacer	Disposition: CAO	C 12/18/12	
When Reported: 14:14:20 12/18/12	2 Occurred Between: 10:3	0:00 12/18/12 and 14:13:29 12/18/12	
Assigned To:	Detail:	Date Assigned: **/**/**	
Status:	Status Date: **/**/**	Due Date: **/**/**	
Complainant: E16924			
Last:	First:	Mid:	
DOB:	Dr Lic:	Address:	
Race: Sex:	Phone:	City:	
Alert Codes:			
Offense Codes			
Reported: ANPR Animal Pro	blem	Observed: ANPR Animal Problem	
Additional Offense: ANPR Animal Pro	blem		
Circumstances			
LT20 Residence or Home			
DAY Day (6 a.m 6 p.m.)			
esponding Officers:	Unit :		
J A Kacer	2G14		
K M Mucci	2F11		
T M Slater	1A12		
A J Vanderwerf	1M11		
K A Walden	D101		
F A Cammarata	S20		
H D Karner	D103		
D A Swingle	D104		
Responsible Officer: J A Kacer		Agency: EMPD	
Received By: M D Lopez	La	ast Radio Log: **:**:** **/**/**	
How Received: T Telephone		Clearance: 1 ARREST	
When Reported: 14:14:20 12/18	/12	Disposition: CAC Date: 12/18/12	
Judicial Status:		rred between: 10:30:00 12/18/12	
Supervisor Approved:		and: 14:13:29 12/18/12	
Modus Operandi:	Description :	Method :	

Objective

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Criminal Objective

Violent Acts

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# Involvements

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Date	Туре	Description	
12/18/12	Name	SURPRISE ANIMAL HOSPITAL,	Mentioned
12/18/12	Name		Mentioned
12/18/12	Name		Mentioned
12/18/12	Name		Offender
12/18/12	Name		Complainant
12/18/12	Name		Mentioned
12/18/12	Name		Victim
01/10/13	Citation	89976	Citation
01/08/13	Cad Call	15:21:27 01/08/13 FOLLOW UP	Related Incident
12/18/12	Cad Call	14:14:20 12/18/12 ANIMAL CRUELTY	Initiating Call
01/09/13	Evidence	RECORDINGS OF MIRANDA RIGHTS	<b>Evidence</b> Incident
01/04/13	Evidence	METAL LEGHOLD TRAPS W/ SPIKES	<b>Evidence</b> Incident
01/04/13	Evidence	PHOTOS FROM SCENE	Evidence Incident
01/04/13	Evidence	PDF FILE W/ VET RECORDS	Evidence Incident
01/04/13	Evidence	PHOTOS FROM VET'S OFFICE	Evidence Incident

## Narrative

El Mirage Police Department Investigation Narrative

Incident/DR Number: E12121405

Date, Time, Reporting Officer: 12/18/12, 1918 Hours, J. Kacer #3321

Description of the Incident:

On 12/18/12 at approximately 1414 hours, I was dispatched to **service service** in regards to animal cruelty. Dispatch advised there is a dog with one front and one back leg trapped in a clamp-type trap and the dog was bleeding all over.

Upon my arrival, Officer Slater, Officer Vanderwerf, and Officer Mucci were already on scene. Detective Walden and Detective Swingle arrived a short time later. I went to the south side of the residence where Officer Mucci and Officer Vanderwerf were located. I observed a brown and white dog with blood all over its face and paws. The dog had a metal trap clamped on its front leg and back paw. There was blood on what appeared to be an elk head that still had fur on it right next to where the traps were set. I noticed there were numerous deer heads in the front yard of the residence, but the only one that still had fur on it was the one next to the traps. Animal control was called to remove the dog from the traps. I took photographs of the dog and placed them into evidence.

Officer Mucci spoke with a resident of the state of is the person who set the traps. Stated his father should be home shortly. See Officer Mucci's supplement for further information.

Officer Slater spoke to the neighbor who called the police, the state of the state

I contacted by telephone and asked if he had a brown and white dog. stated he did. I advised him his dog was stuck in a trap in front of his neighbors yard. I explained to two of his dog's feet were stuck in a metal trap and that his dog had blood on his face and paws. A sked if it was at the neighbor's house who lived across the street in the corner. When I told it was, he advised me that neighbor works for the government trapping animals. Said he was currently at work on the east side of town and would not be back to his residence for a while. I did state he was willing to aid in prosecution.

At approximately 1445 hours, arrived to his residence. Detective Walden spoke with See Detective Walden's supplement for further details.

At approximately 1500 hours, a Maricopa County Animal Control unit and two Surprise Animal Control units arrived on scene. The two Surprise Animal Control Officers placed a towel of the dog's head and controlled the dog's lower body with another towel while released the dog from the traps. The two Surprise Animal Control Officers placed the dog into their vehicle and stated the dog should be taken to the veterinarian to be observed immediately.

into the animal control vehicle. A arrived on scene as the dog was being put stated he wanted arrested. Stated he was contacted by his daughter, to asked him to check on her dog. told Surprise Animal Control it was okay for them to take the dog to the Surprise Animal Hospital.

I contacted and advised him his dog was being transported to the Surprise Animal Hospital. Stated he left work early and was on his way to the Surprise Animal Hospital to see his dog. I asked to contact Detective Walden when he learned the extent of his dog's injuries. . . . .

This concludes my involvement with this case. I have nothing further at this time.

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## Supplement

El Mirage Police Department Supplemental Narrative

Incident/DR Number: E12121405 Supplement Number: 1

Date, Time, Reporting Officer: 12-19-12, 1114 hours, K. Walden #3311

On 12-18-12 at approximately 1414 hours, officers responded the advantage of the state of the st

Detective Swingle and I responded to the scene. Upon arrival, I observed several officers already at the residence talking to all parties involved. Animal Control was dispatched at that time. Due to the time frame for Animal Control, Surprise Animal Control was also requested to respond.

I met with Officer Mucci #3302 who directed me to the area where the dog was trapped. The area was on the south side of the garage, outside of the fenced yard, near the trash can. As I walked to the side of the house, the following is a brief description of what I saw: There was a medium size dog, brown and white in color, lying down on the ground with what appeared to be two metal foot traps against the chest area.

The dog had blood covering both front legs and part of the back legs. Her face was also covered in blood including her tongue and mouth. As I stepped closer to her, I could see that one part of the trap was clamped onto several toes on the dogs back left paw. The other part of the trap was clamped onto the front left paw making it difficult for the dog to walk.

At one point, the dog attempted to get up but was unable to stand or walk. She instead moved her body backwards a very short distance and just laid there. She did not attempt to move again during the hour and a half I was at the scene.

I also noticed a partially decomposed animal head lying approximately 2 1/2 feet in front of the dog. There appeared to be fresh blood on several areas of the animal head which was photographed.

I then spoke to all officers on scene who had conducted an interview. The information I received was that the subject who set the trap, was upset because the neighbors dog kept coming onto his property and deficating. He had contacted Animal Control but nothing was done.

See Officer Kacer and Officer Mucci's reports for details on their interviews.

Approximately 1435 hours, total arrived home from work and I spoke to him about the incident. Total told me that the neighbors dog, the one who was in the trap, keeps getting out of her yard and "pooping" in his yard. He said he made a couple of complaints with Animal Control but nothing was done.

said he does trapping for the USDA and he decided to trap the neighbors dog when it came in his yard again. He claimed the traps were humane because they had a small amount of padding on the inside clamp area.

I told that a humane trap is one that does not cause injury. He said the dog would be fine once it got cleaned up. He also told me that he was allowed to trap the dog for human, health and safety reasons. I asked him what those reasons were and he said the dog bit his son and tried to bite him on one occasion. Said that Federal Law supercedes state and local law when it comes to human health and safety.

At approximately 1452 hours, the Maricopa County Animal Control arrived on scene. Several minutes later Surprise Animal Control arrived. I explained to them what had occurred and then I took them to where the dog was laying. They placed a towel over the dogs head to keep her calm while opened the traps and removed the dogs' leg and foot. Once the dog was freed, Officer Greenfield with Surprise Animal Control put the dog in their vehicle until we could locate the owner. As Officer Greenfield placed the dog in the vehicle, she defecated on herself due to fear.

At no time during the process of removing the traps or placing the dog in the Animal Control vehicle, did the dog show aggression or offer to bite. Once she was in her cage, she allowed me to pet her without any signs of aggression.

At that time, the owners father-in-law, the second arrived on scene. was very upset with and he told us he wanted him arrested. asked what he was thinking to do something like that? respond.

taken to a vet and treated. He said he would assume the financial responsibility on behalf of his daughter, the spontaneous officer Greenfield transported the dog to the Surprise Animal Hospital to be treated.

I then told to the index is a severe to collect the trap as evidence. We walked over to where the trap was and the severe had to use a shovel in order to get the trap out of the ground. It was held in the ground by two long metal spikes which the said were used to make sure the trap stayed in place.

Officer Mucci and I collected the trap and both spikes which were impounded as evidence at the El Mirage property room.

After clearing the scene, I returned to the police department where I attempted to contact the Maricopa County Animal Control. I wanted to check to see if any calls were made by regarding any dog bites or vicious dogs.

Due to the late hour of the day, I was unable to contact anyone with Maricopa Animal Control or the Maricopa County Attorney's office.

I then contacted the Surprise Animal Hospital and spoke to Jennifer (623-341-6200). Jennifer told me that the dog (1997), did not have any broken bones, however, she did have a crushing wound on her left front leg.

Jennifer said that that had tried to chew her way out of the metal traps which caused her to lose 17 teeth. The teeth were missing from her upper and lower jaw and she was going to need extensive oral surgery. She said the jaw bone was exposed in areas where the teeth were missing. Chewed at the traps until 17 of her teeth broke off and her gums broke open exposing the bone.

Jennifer sent me pictures that were taken during the surgery which confirmed her explanation.

Investigation continues

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El Mirage Police Department Supplemental Narrative

Incident/DR Number: E12121405 Supplement Number: 2

Date, Time, Reporting Officer: 12-19-12, 1700 hours, K. Walden #3311

On 12-19-12 I contacted Maricopa County Animal Control. Since stated that had bit his son and tried to bite him, I wanted to see if he made any reports of the incidents.

Animal Control Officer Soto #36 had given me two incident numbers from previous calls that made to their facility. These complaints were as follows:

11-04-12 Complaint# A12-037709: Caller stated two dogs were running loose in front of his residence

11-13-12 Complaint# A12-038826: Caller stated there was a stray dog outside. Owner was not home so a note was left.

At no time were there any complaints of a dog bite or vicious animal made to Maricopa County Animal Control or the El Mirage Police Department. I also spoke to the neighbor, **Marine Reserved**, via telephone and he stated that the dog(**1999**) has never displayed aggression toward him. He said as far as he knows, **1999** is a good dog.

I asked to be if the ever told him about the biting him (method) or his son ball. The said he thinks the way have mentioned it to him but he (tot) did not think the was being truthful. When asked why he felt that way, the said the was mad because the kept getting loose from her yard and coming into his yard. He said he thought the was just saying these things to make the look like a bad dog.

then told me he was upset because would not allow him to help to explained that when he saw caught in the traps, he went over to house to help her. He said was outside and told him to get off of his property. Said he was waiting for his dad to come home before getting out of the traps. Said he felt it was wrong to allow a dog to suffer that way without helping it.

On 12-20-12, I received the vet report from the animal hospital. A copy of the report was impounded as evidence.

Based on the condition of the dog, the use of leg traps on a domesticated animal and the use of bait to lure the dog to the traps, I am charging with the following:

ARS 13-2910.A9 Animal Cruelty (6 felony) for intentionally subjecting the dog to cruel mistreatment.

The trap was set intentionally for the dog ( ) and she was left in the trap until it was convenient for to release her. During that time, sustained serious injuries trying to get out of the trap.

Nothing further

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El Mirage Police Department Supplemental Narrative

Incident/DR Number:E12121405
Supplement Number:3

Date, Time, Reporting Officer:121912 2212 hours K. Mucci #3302

Details of Supplemental Narrative:

On 121812 at approximately 1414 hours, I responded to **preference** to an animal cruelty. The details of the call stated that there was a dog trapped in a trap and he was bleeding all over and trying to get out. The caller advised that one neighbor puts the trap out because the other neighbors dog was constantly getting out. The trap was described as a clamp type trap and it was clamped down on both of his paws, one front and one back. Dispatch advised that the caller was extremely upset at the cruelty and was yelling at the son of the neighbor who put the trap out.

Upon my arrival, Officer Slater and Officer Vanderwerf were already on scene and advised that the address of where the dog was, was arrived to the south side of the residence at walked to the south side of the residence at arrived to the ground near the wall observed a brown and white medium sized dog lying on the ground near the wall that separates the front yard from the backyard. I observed that the dog's face and front legs were covered in blood as well as a portion of her back legs. There was a lot of blood coming from the dogs mouth and tongue. I noticed that the dogs front left paw and back left paw were stuck in the metal traps that appeared to be partially buried in the ground.

The dog was unable to move and attempted to move at one point but instead, cried and layed back down. The dog was panting heavily and I noticed that her body was shaking on and off. The traps and dog were located in the front yard which was accessible to adults, children, and other animals. I also noticed that there was blood on the ground near the dog as well as an animal head that still had some of its fur on it. The animal head was lying on the ground to the right of the dog and there was also blood on the animal head that appeared to have been from the dog. I further observed an animal skull lying on the ground in the same area as the animal head and the dog.

While officer's stood by the dog, I knocked on the front door of the residence at the state of the state of the state of the trap of the dog. If the trap of the dog is the state of the the dog has been a nuisance and always comes into their yard. He also stated that his dad is allowed to set the traps on their property and it was humane. He said that his dad was tired of the dog coming into their yard and the dog had tried to bite him at one time. I asked if where his father was and he stated that he left the house at about 1000 hours and the dog was not there. He said that he left the house at about 1000 hours and the dog was not there. He said that he arrived home approximately 20 minutes prior to the police arriving on scene and noticed that the dog was in the trap. I asked him if he called anyone about the dog being stuck in the trap and he told me that he had to arrive home from work. I advised that he did not try to remove the dog from the trap. If then told me he had tried to call his dad several times but was unable to get ahold of him.

After speaking with the provide the speaking with the speaking with the speaking with the speaking again and also spoke with the speak as he arrived on scene a short time later. She then continued with the investigation.

Surprise Animal Control as well as Maricopa County Animal Control were requested through dispatch and arrived on scene a short time later. They were able to get the dog out of the trap and put her in their vehicle so she could be transported to the animal hospital for her injuries.

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Detective Walden told that he needed to remove the traps from the ground so that they could be impounded as evidence. The metal traps were held in the ground by two long metal spikes that the had to dig out of the ground using a shovel. Was having a hard time digging the spikes out of the ground because of the depth of the spikes in the ground.

After removing the traps and spikes, I took custody of the traps which were covered in blood and flesh from the dog. The traps were impounded as evidence at the El Mirage Police station.

The traps were made of metal and consisted of two separate pieces, both attached to heavy metal chains.

See the original report and all supplements for additional details.

This concludes my involvement in the case.

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## Supplement

El Mirage Police Department Supplemental Narrative

Incident/DR Number: E12121405 Supplement Number: 4

Date, Time, Reporting Officer: 01-08-13, 1310 hours, K. Walden #3311

On 01-04-13, I contacted the general number for the local Federal Wildlife office. I spoke with the female who answered the phone and I asked her if I could talk to someone about their trapping protocols. She said she would try to help me.

I asked her if there would ever be a time when they would trap a domesticated animal inside of a neighborhood? She said they only trap domesticated animals if it is for Health and Human Safety which includes animals that are feral or diseased. In those cases, she said the USDA would need to get permission from the County or State Health Department.

She then told me that they won't trap in populated area's, military bases or in area's where there is general public access. She told me to contact Arizona Game and Fish for additional information on trapping.

On 01-05-13 at approximately 1015 hours, I was contacted on my department issued cell phone by **Definition** (1997). He said he had received my message and he was returning my call. I told that I needed to speak to him again reference this case. I asked him if he could come to the El Mirage Police Department on Tuesday (01-08-13) for an interview. He asked me any citations were going to be issued and I told him "yes." I explained that his neighbor committed an infraction as did he. I told him I needed to talk to him again in order to close this case.

said he would call me around noon on Tuesday to set up a time for later in the afternoon. Our call was ended at that time.

On Tuesday (01-08-13) at approximately 1230 hours, I had not heard from so I called him. Lot told me that his supervisor was in the process of reviewing policies before he was able to talk to me. Said that he would need permission from his administration to talk to me since he works for the Federal Government.

He told me I could talk to his supervisor if I wanted to. I told him that the investigation involves him, the neighbor and the El Mirage Police Department. said it actually involves myself (Detective Walden), the neighbor and the Federal Government. I asked if he was on duty at the time he set the traps and he said "yes."

I asked him if he knew how long it would be before I would hear from him. He said he did not know.

Case pending contact and subsequent arrest of

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El Mirage Police Department Supplemental Narrative

Incident/DR Number: E12121405 Supplement Number: 5

Date, Time, Reporting Officer: 01/08/13, 2258 hours, J. Kacer #3321

Details of Supplemental Narrative:

On 01/08/13 at approximately 1533 hours, I contacted set to the state of the was under arrest for animal cruelty. I transported to the El Mirage Police Department. At approximately 1552 hours I read to the El Mirada Warning, verbatim, from a standard Miranda warnings card. I stated he understood and invoked his rights. My recorded interaction with the was placed into evidence.

Officer Williams transported to Maricopa County Fourth Avenue Jail.

I have nothing further at this time.

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El Mirage Police Department Supplemental Narrative

Incident/DR Number: E12121405

Supplement Number: 1

Date, Time, Reporting Officer: L. Pina

Details of Supplemental Narrative:

On 01-09-13 this case was submitted to the MCAO for charging.

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ANIMAL INTENTIONAL CRUELTY Nothing further

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El Mirage Police Department Supplemental Narrative

Incident/DR Number: E12121405 Supplement Number: 7

Date, Time, Reporting Officer: 01-10-13, 1115 hours, K. Walden #3311

On 01-09-13 at approximately 1840 hours, Detective Swingle and I responded to the victim's address located at **set of the set of the** 

was issued complaint #89976 for violating CC 91.02.A Dog at Large.

Before leaving the residence, I asked and his wife if they could get a copy of the vet bill for the report. They said they would work on it.

On 01-10-13 at 0930 hours, I responded to the Surprise Animal Hospital, located at 13654 W. Waddell Road in Surprise, to speak to Dr. Michele Johnson. Doctor Johnson was the Veterinarian who treated the when she was originally brought to the hospital. I wanted to talk to Dr, Johnson to ask her about the severity of injuries and what the severity of a the hospital.

Doctor Johnson said that seventeen teeth were missing from trying to chew her way out of the traps. She said the gums on both sides of her mouth, upper and lower, were open to the point of exposing the jaw bone. Doctor Johnson said the jaw bone was too damaged and infected to stitch up so she had to use a dental drill to drill and grind down to the healthy bone. This also helped remove shards of metal from the traps that were in the bone.

I asked Doctor Johnson how long was in surgery and she said "two hours".

Doctor Johnson told me that still has retained roots where her teeth used to be. She said these should be removed so they don't cause abscesses in the future.

I then asked Doctor Johnson what the behavior was like at the hospital. She said was the "perfect patient". She said normally when animals are injured, they need to be muzzled in order to be handled. Doctor Johnson said did not show any signs of aggression and was a sweet dog.

Nothing further.

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El Mirage Police Department Supplemental Narrative

Incident/DR Number: E12121405 Supplement Number: 8

Date, Time, Reporting Officer: 01/11/13 at 1417 hrs/VanderWerf #3292

Details of Supplemental Narrative:

On 01/11/13, **Contraction** came to the police station to be fingerprinted. had a court order stating he had to return to the arresting agency to have his fingerprints taken. I took two sets of fingerprints and have attached them to this supplement.

Nothing further. Officer VanderWerf #3292 102

