



Steven A. Braatz, Jr.  
City Clerk  
City Clerk's Office  
sbraatz@westalliswi.gov  
414.302.8220

January 4, 2018

Tim and Cassey M. Dutton  
2409 S. 95<sup>th</sup> St.  
West Allis, WI 53227

**RE: Appeal of Dangerous Dog Order, Tim and Cassey M. Dutton, 2409 S. 95<sup>th</sup> St.**

Dear Tim and Cassey Dutton:

The Administrative Appeals Review Board will meet on **Wednesday, January 16, 2019 at 4:00 p.m.** to hear your appeal of the Dangerous Dog Order for your dog, Willis. The hearing will take place at West Allis City Hall, Room 128, 7525 W. Greenfield Ave., West Allis, WI 53214.

The hearing is in regards to the appeal submitted on November 29, 2018 for the Dangerous Dog Order issued on November 1, 2018. You are expected to be present at the time listed above. Should you have any exhibits to present, please bring an additional five (5) copies with you.

Failure to appear will result in dismissal of your appeal, and the Dangerous Dog Order will be upheld.

Please call Laura Ramsak at (414) 302-8205 to confirm your appearance. You can also contact me at (414) 302-8201 if you have any questions. Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Sincerely,

Steven A. Braatz, Jr.  
City Clerk

Administrative Review Board

Wednesday, November 28, 2018

**RECEIVED**  
**NOV 29 2018**  
**CITY OF WEST ALLIS**  
**CITY CLERK**

Hello,

We appreciate the Administrative Review Board reviewing this appeal of Order# 18-0450092, "Dangerous Dog" for our 26-pound Australian Shepard/Miniature Poodle ("Aussiedoodle") mix named Willis. (Addendum A picture)

The very unfortunate incident that my wife and I deeply regret occurred November 1, 2018 inside our 2-story bungalow in West Allis to one of our only child's in-home Applied Behavior Analysis (ABA) therapists. For young children, ABA therapy includes several intervention strategies focusing initially on imitation, interaction, and play to treat our child's diagnosed autism.<sup>1</sup>

Our young child's treatment program involves one-on-one in-home intervention for more than 24 hours per week. Up to eight therapists rotate daily throughout a week into our home for three-hour morning and afternoon sessions. Prior to beginning ABA therapy in the home, the company discussed the need to limit distractions during sessions. Since our two dogs are used to being involved in our daily life including play times it was decided to confine the dogs until the new situation became the new normal. Prior to the unfortunate incident Willis had only occasional brief interactions with some of the therapists. To limit our child's distraction during these sessions as focus is needed and our child easily distracted by the love of the dogs, our two dogs had been locked in our master bedroom across a small hallway from our child's bedroom. For the incident that occurred, two therapists and our child had gone upstairs to the bedroom for play-based therapy. My wife informed the therapists she was closing the door to our child's room as she was going to let the dogs outside to relieve themselves. Upon letting them back in, my wife discovered the child's bedroom door open, and that Willis had traversed upstairs without her and had nipped the back of the lead therapist's leg while in proximity to our child.

The unfortunately affected individual is the Program Manager of the ABA therapy program. She has been a phenomenal benefactor to our child's growth and we are deeply upset that she was affected. Within the week of the occurrence, she had already returned to our home and continued therapy with no reservations. She had informed her therapist team of the situation and no team member has actively stopped coming because of the incident. To this day she displays no ill will toward the dog.

Aussies are often quite protective of their family and property, a desirable trait in some situations but not acceptable in others. The breed was developed to serve on the ranch, a job which includes being protective of its area.<sup>2</sup> Probably the most often-remarked differences between Aussies

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<sup>1</sup> Corcello, C. "Early Intervention in Autism : Infants & Young Children." LWW, Oxford University Press, OAD, [journals.lww.com/iycjournal/Fulltext/2005/04000/Early\\_Intervention\\_in\\_Autism.2.aspx](http://journals.lww.com/iycjournal/Fulltext/2005/04000/Early_Intervention_in_Autism.2.aspx).

<sup>2</sup> Cole, Kathleen. "Personality And Character." Australian Shepherd Club of America Information, 1998, [www.asca.org/the-australian-shepherd/about-aussies/personality-and-character/](http://www.asca.org/the-australian-shepherd/about-aussies/personality-and-character/).

and some other herding breeds are their natural protectiveness and loyalty.<sup>3</sup> Herding dogs can work in a variety of ways and some breeds in the Aussie family typically nip at the heels of animals to herd or corral them (for this reason they are called heelers).<sup>4</sup> The bite location was in the back of the leg. While aware of this breed's trait, we have never seen this behavior until this incident. There was no further sustained attack, and no need to restrain Willis from inflicting further injury to any of the two adults and child present.

A combination of factors may have led to this unfortunate event. One of the main critiques of an intensive ABA therapy program is the stress placed on children, families and all entities in the household.<sup>5</sup> The dog may have perceived a threat to his owner's person (our child) or territory (our child's room) and was attempting to only herd an individual away from his owner in a way conducive with its breed. Willis was not acclimated to being separated from his family for extended periods of time and had been hearing intense noises during the therapy session. The incident occurred inside our own residence, not in a public setting. Willis has never shown to be a nuisance to the community, is always leashed outside of our fenced backyard, and has displayed no previous incidence of violence to go with his smaller size (26 pounds) and loveable disposition. Willis is an excited, affectionate dog wanting to lick your face (over and over) and crawl into your lap for unending hugs.

In accordance with the CDC guideline procedure, the animal was seen by the fine veterinarians at the local West Allis Animal Hospital, whom have seen Willis since he was a puppy. In the veterinarian assessment Dr. Selbert stated Willis "Does NOT appear to be a dangerous dog: seems anxious and probably fear reactive" (Addendum B). Also, the veterinarian had consulted Cheri Burger, a Certified Professional Dog Trainer whom we had reached out to after the incident. Dr. Selbert also noted she had "discussed (the) case with Trainer Cherie Clawson Burger who saw the family this weekend: Have a management plan in place." For the dogs to remain present at home during sessions, they are now on the main floor back room with direct access to be let outside in our fenced backyard. They have availability to enrichment activities and engagement toys to reduce anxiety. We also have also arranged with family and friends to take care of the dogs during these ABA treatment time slots to remove them from any further distraction.

Included is an example of another Wisconsin municipality that had overturned a dangerous dog determination. Addendum C outlines a dog in Wausau who had bitten two different children on two separate occasions with the dangerous dog determination was overturned. Our dog Willis has never bitten a child nor had a previous violent occurrence.

As a West Allis resident my entire life, Nathan Hale High School graduate, deciding to purchase a home and raise a family in the city, I hope the Board understands we are trying to create a safe, nurturing, healing environment for our child to grow up in West Allis. Having Willis registered as a

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<sup>3</sup> "Working Description." Australian Shepherd Club of America Information, 2018, [www.asca.org/the-australian-shepherd/about-aussies/working-description/](http://www.asca.org/the-australian-shepherd/about-aussies/working-description/).

<sup>4</sup> Renna, Christine Hartnagle (2008). *Herding Dogs: Selection and Training the Working Farm Dog*. Kennel Club Books (KCB). ISBN 978-1-59378-737-0.

<sup>5</sup> Schwichtenberg, A. and Poehlmann, J. (2007), Applied behaviour analysis: does intervention intensity relate to family stressors and maternal well-being?. *Journal of Intellectual Disability Research*, 51: 598-605. doi:10.1111/j.1365-2788.2006.00940.x

dangerous dog may be prohibitive to being able to have Willis off the premises to have him at commercial "doggie daycares". Furthermore, with our child's behavioral needs, not having Willis able to participate in normal activities outside the home may be a detriment to our child's further developmental milestones we are so strongly pursuing.

We do wish to thank West Allis Police Officer Ketterhagen for his professionalism and communication throughout the process.

Measures recommended by the Veterinarian and Behavioralist have been implemented and agreed to with the ABA company to continue services whether Willis is in or out of the home during sessions. Willis is a cherished family member to our family, extended family and friends. We have enacted measures to move forward to ensure the safety of our community and our little Willis. We hope this letter has given ample proof that Willis is not a threat to fellow city residents and request that the "dangerous dog" determination be revoked. Character witness statements can be acquired if they will assist in the determination. For any further needs before the final determination is rendered, please contact me directly at your convenience.

Best regards,

Tim Dutton

A handwritten signature in black ink, appearing to read 'Tim Dutton', with a stylized, cursive script.

2409 S. 95<sup>th</sup> St.  
West Allis, WI 53327  
414-659-2203





Date: 11-07-18  
Date of Visit: 11-06-18

West Allis Animal Hospital  
MEDICAL CONDITION

Page: 1

Client: Dutton, Tim

Patient: Willis

Species: CANINE Breed: Australian Shepherd Mix Sex: N

Age: 5y Weight: 26.60

## SUBJECTIVE SECTION

1. Symptoms: He has been having diarrhea since the 31st. The other dog in the home was having diarrhea on the 29th but it has since subsided. Also check ear as it has an odor and seems itchy. Has anxiety and possible allergies.
2. Appetite/H2O intake: normal
3. Activity: normal
4. Urination/Defecation: more frequent urination
5. Coughing/Sneezing: nothing abnormal
6. Vomiting: none
7. Diet: added bones the week before he started diarrhea: still eating them
8. Medications: benadryl
9. Preventatives: on flea/tick and heartworm (last given 3 weeks ago)
10. Flea Comb: none seen
11. Microchip:

## OBJECTIVE SECTION

KCS: 11-06-18 at 3:49p:  
BAR, anxious pacing, did take treats when thrown to him.  
chunky: still fat pads present on thorax  
mm pink, mild dental calculus  
rectal: formed stool at tip of finger  
abd palp: tense: suspect anxiety, not pain  
H/L: WNL

does feed dogs together; has varied feeding schedule: leaves food out free  
choice right now, switched food 2 months ago to a different brand,  
concerned about probiotics and allergies her son may have to the  
ingredients.

switched to Natural Balance Lamb and Rice (but thinks its duck) months ago due to owner's home research:  
previously on Taste of Nature Seafood.

## ASSESSMENT SECTION

### NOTES

anxiety: jumpy in room and reactive to sudden noises, and especially movement.  
colitis: dietary indiscretion, stress, parasites, other  
Does NOT appear to be a dangerous dog: seems anxious and probably fear reactive  
ears: NSF

## PLAN SECTION

### NOTES

Consider trazodone or alprazolam for future use  
consider i/d: client defers due to perceived chicken allergies (no known diet trial or testing has been performed)  
Rx: Metronidazole 250mg 1 BID #20, i/d diet if no improvement

Discussed case with Trainer Cherie Clawson Burger who saw the family this weekend: Have a management plan in

**Date:** 11-07-18  
**Date of Visit:** 11-06-18

**West Allis Animal Hospital**  
**MEDICAL CONDITION**

**Page:** 2

**Client:** Dutton, Tim

**Patient:** Willis

**Species:** CANINE

**Breed:** Australian Shepherd Mix

**Sex:** N

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**place.** Will follow up with her. KCS: 11-06-18 at 4:04p:

## UPDATE: Chihuahua deemed not dangerous in Wausau after owner's appeal

By Emily Davies | Posted: Mon 5:34 PM, Mar 20, 2017 | Updated: Mon 11:03 PM, Mar 20, 2017

**WAUSAU, Wis. (WSAW)** -- A chihuahua is no longer deemed dangerous in Wausau after his owner appealed the label to the Public Health and Safety Committee on Monday.



At Wausau City Hall, Ya Yang and his daughter, who own the dog, Hunter, gave testimony to the most recent incident of biting, saying the dog had been provoked.

In January, Wausau Humane Officer Ashley Bishop received a report of a vicious dog. The chihuahua bit Yang's 4-year-old great nephew's upper lip during a large family gathering at Yang's home on the 1100 block of Gilbert Street and was declared dangerous. During testimony Monday, Bishop said when she attended the call, the dog was standoffish. Yang explained during his testimony the dog had bitten the child while underneath a table where the dog was likely trying to get away from the many children that were under there.

The committee deliberated in closed session and determined the dog not dangerous, considering the circumstances and that the owners are willing to take measure to ensure the dog is kept away from people during large gatherings at the home and on a leash when outside.

In the owner's letter of appeal, Ya Yang wrote Hunter "is not a dangerous animal, rather a loving member of my family for the past ten plus years."

This is the second bite the dog has delivered to a child. The first instance happened in September of 2014. Hunter had bitten a 14-year-old neighbor girl in the calf while in his yard and off leash. Hunter was not declared dangerous following that incident.



Date: 11/28/18 01  
 Receipt no: 80147  
 APPL-GRS  
 1.00  
 CK CHECK PAYMEN  
 3025  
 Total tendered  
 \$50.00  
 Total payment  
 \$50.00  
 Trans date: 11/29/18  
 Time: 16:58:02

18045092

## West Allis Health Department Rabies Quarantine Order

Animal Owner's Name: Cassey M. DuttonAnimal Owner's Address: 2409 S. 95 ST. WESTALLIS, WI 53227Animal Owner's Telephone Number: 414 331-1380Name of Animal: Willis Type of Pet: ☒ Dog ☐ Cat ☐ Other (List) \_\_\_\_\_Date Bite Occurred: 11-01-18 Was a person bitten? ☒ Y ☐ N Did the Bite Break the Skin? ☒ Y ☐ NDate of Animal's Rabies Vaccination: 08-01-17 Dog/Cat License Tag Number: \_\_\_\_\_Victim's Name: Natalie JA Schuster Victim's Address: 279 E. Gauer Cir. Milwaukee WI 53207Victim's Phone/Cell: 414 651-0828 Treated by: ☒ Medical Provider ☐ Self ☐ Parent ☐ NA

Per the Revised Municipal Code of the City of West Allis 7.12(5) the animal identified above and owned/harbored by you at the indicated address is hereby ordered confined, under the conditions defined below, for purposes of quarantine for possible rabies exposure.

☒ This animal has bitten or otherwise potentially exposed a person or other animal to rabies virus and is quarantined for a minimum of **10 days** from the date of the incident. Animal owner is responsible for all costs associated with quarantine/impoundment of the animal.

☒ Proof of valid rabies vaccination provided. In home quarantine ordered. See Quarantine conditions below.

☐ Proof of valid rabies vaccination is **NOT** provided. Animal is ordered to be impounded at:

☐ MADACC

☐ Local Veterinarian Clinic: \_\_\_\_\_

☐ This animal has bitten or otherwise potentially exposed a person or other animal to rabies virus **AND** is exhibiting symptoms consistent with rabies. This animal is ordered to be euthanized for rabies testing. Animal owner is responsible for all costs associated with euthanization and testing.

## Quarantine conditions:

- ☐ The animal must be seen by a veterinarian within 24 hours for a health clearance. A copy of the veterinarian's report must be submitted to the West Allis Health Department.
- ☐ The animal must be confined at all times in an enclosed space that prevents contact with people, other pets, and wild animals. Animal may only be outside only for purposes of toileting and must be kept on a leash.
- ☐ At no time may the animal be removed from the premises without prior written permission of the West Allis Health Department. In an emergency, the animal may be taken to a vet. Immediately notify the Health Department.
- ☐ If at any time during the quarantine period the animal becomes ill, shows signs of abnormal behavior, or dies, the West Allis Health Department must be notified immediately. The Health Commissioner may authorize, at any time that the animal be euthanized for purposes of laboratory testing for rabies.
- ☐ Animals without a valid rabies vaccination must be vaccinated after the quarantine period, prior to being released to the owner. Also, if the animal does not have a valid Milwaukee County Animal License the owner must obtain the license and submit proof of license to the West Allis Health Department.
- ☐ The animal will be released from quarantine only upon completion of the prescribed requirements and by written authorization of the West Allis Health Department.

I understand and agree to abide by the conditions under which the above named animal, for which I am the responsible owner or custodian, is to be quarantined. I understand that violation of the conditions of this quarantine order, whether by volition or negligence, is punishable under the Revised Municipal Code for the City West Allis.

Cassey Dutton  
Animal owner name (print)

Cassey Dutton  
Animal owner signature

11-03-18  
Date

Officer Todd Kettnerhagen  
Serving official name (print)

Todd Kettnerhagen  
Serving official signature

11-03-18  
Date

White - Police Department Copy

Pink - Health Department Copy

Yellow - Owner's Copy

Submit completed report to the Health Department within 24 hours.

7120 W National Ave, West Allis, WI 53214

Fax - 414-302-8628

OFFICE OF THE COMMISSIONER OF HEALTH  
CITY OF WEST ALLIS  
**SUSPECT RABIES REPORT**

18-045092

Date 11-01-18  
Owner's Name Cassey M. Dutton Address 2409 S. 95th  
West Allis, WI 53227 Phone 414 331 1380

A report has been made that an animal owned by you has bitten—

Victim's Name Natalie JH Schuster Address 279 E. Gauer Cir  
Milwaukee WI 53207 Phone 414 651 0828

Type of Animal DOG Breed medium sized long haired dog  
Black, Gray and white Date of Bite 11-01-18

Where Bitten back of left thigh - back of  
left knee Treated By St. Luke's Hospital Victim's D.O.B. 10-14-89

In order to be assured that the animal is not infected with rabies, it will be necessary that the animal be restricted to your premises for a period of ten days. You are instructed to keep the animal under observation during this period for any evidence of illness, lameness, or paralysis.

If such condition should develop, you are instructed to report this situation immediately to the Health Department. An inspection of the animal will be made by the Health Department at the end of ten days, and you are instructed not to release the animal until the Health Department gives you such a release.

Served by Officer

A Wagner Commissioner of Health, City of West Allis

Owner's Signature Cassey Dutton

—SEE OTHER SIDE—

WHITE - POLICE DEPARTMENT COPY

PINK - HEALTH DEPARTMENT COPY

BUFF - OWNER'S COPY

## **NOTICE TO ANIMAL OWNERS**

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The ordinances of the City of West Allis pertaining to animals provide as follows:

1. Every dog or cat over six months of age must be licensed each year. (Obtain license at City Treasurer's office, City Hall, 7525 West Greenfield Avenue, West Allis.)
2. No vicious animal may be harbored.
3. A barking, howling or yelping dog is a nuisance and is not to be harbored.
4. Not more than two dogs and/or four cats may be kept at any residence, except by special permit.
5. A dog or cat shall not run at large on private premises, street, alleys, public grounds or parks of the City.

**WEST ALLIS POLICE DEPARTMENT**

18-045092

## ORDER DANGEROUS DOG

Date: 11-01-18

Owner's Name(s): Cassey M. Dutton

Address: 2409 S. 95 St

Address: West Allis WI 53227

Name of Dog: - Willis

Description of Dog: Black, gray, white long haired  
medium sized dog - Australian Shepherd/Poodle mix

Pursuant to West Allis Revised Municipal Code Section 7.126, your dog, described above, is hereby declared to be a **dangerous dog**.

Within **30 days** of the date of this order, you must comply with the requirements of 7.126(6) (see back of sheet). A West Allis police officer will conduct a follow-up investigation to ensure compliance with the requirements.

If you wish to contest this order or any of the requirements of 7.126(6), you must file an appeal pursuant to the provisions of Section 7.126(5)(b).

If you have questions about this order, please contact Assistant City Attorney Jenna Merten at (414) 302-8450.

Signature: Todd Kettehagen West Allis P.O.  
Name of Officer / Department

**Service: (check one)**

☒ in-person

☐ mail

If in person, complete the following:

Date/Time: 11-1-18 1722hs - by AW 2570

Name of person served: Cassey M Dutton

Location: 2409 95 St



(6) Harboring Dangerous Dogs.

(a) Dangerous Dogs Regulated.

1. Prohibited dangerous dogs are not allowed in the City. No person may bring into or keep in the city any dog that is a prohibited dangerous dog under this section.
2. No person may harbor or keep a dangerous dog within the city unless all provisions of this section are complied with.
3. No person shall obstruct, provide false information, or otherwise unreasonably interfere with officers of the department in the enforcement section or in the capture of any dog suspected of being dangerous.
4. The issuance of a citation for a violation of this section need not be predicated on a determination that a dog is a dangerous dog.

(b) Registration. The owner of any dog declared dangerous, shall register it with the Police Department upon disposition, and annually thereafter on or before April 1<sup>st</sup> of each year, by providing a current color photograph of the dog and payment of a seventy-five (\$75.00) registration fee.

(c) Leash and Muzzle.

1. No owner or caretaker, harboring or having the care of a dangerous dog may permit such a dog to go outside its dwelling, kennel or pen unless the dog is securely restrained with a leash no longer than ten (10) feet in length.
2. No person may permit a dangerous dog to be kept on a chain, rope or other type of leash outside its dwelling, kennel, or pen unless a person who is sixteen (16) years of age or older, competent to govern the dog and capable of physically controlling and restraining the dog, is in physical control of the leash.
3. A dangerous dog may be securely leashed or chained to an immovable object, with the owner or caretaker being in the physical presence of the dog at all times when it is so leashed or chained.
4. A dangerous dog outside of the dog's dwelling, kennel or pen shall be muzzled in a humane way by a muzzling device sufficient to prevent the dog from biting persons or other animals.

(d) Confinement.

1. Except when leashed and muzzled, all dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner or caretaker and constructed in a manner that does not allow the dog to exit the pen or kennel on its own volition.
2. When constructed in a yard, the pen or kennel shall, at a minimum, be constructed to conform to the requirements of this paragraph. The pen or kennel shall be childproof from the outside and animal-proof from the inside. A strong metal double fence with adequate space between fences (at least two (2) feet) shall be provided so that a child cannot reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two (2) feet. All structures erected to house dangerous dogs shall comply with all city zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. Indoor confinement. No dangerous dog may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the dog to exit the building on its own volition. No dangerous dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only

obstacles preventing the dog from exiting the structure.

(e) Signs. The owner or caretaker of a dangerous dog shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of not less than two (2) inches high warning that there is a dangerous dog on the property. A similar sign is required to be posted on the kennel or pen of the dog. In addition, the owner or caretaker shall conspicuously display a sign with a symbol warning children of the presence of a dangerous dog.

(f) Spay and neuter requirements. Within thirty (30) days after a dog has been designated dangerous, the owner or caretaker of the dog shall provide written proof from a licensed veterinarian that the dog has been spayed or neutered.

(g) Microchip Requirements. Within thirty (30) days after dog has been designated dangerous, the owner must provide written proof from a licensed veterinarian that a microchip has been placed in the dog so that the dog can be easily identified. The microchip must be numbered, and the number must be provided to the Police Department within twenty-four (24) hours of placement.

(h) Liability insurance. The owner or caretaker of a dangerous dog shall present to the Health Officer or Humane Officer a certificate of insurance that the owner has procured liability insurance in an amount not less than \$1,000,000.00 for any personal injuries inflicted by the dangerous dog. Whenever such policy is cancelled or not renewed, the insurer and dog's owner or caretaker shall notify the Health Officer or Humane officer of such cancellation or non-renewal in writing by certified mail.

(i) Waiver.

1. Upon request, by the owner or caretaker, the Administrative Review Board may waive any requirement specified in subsections (b) to (h) that is deemed to be inappropriate for a particular dangerous dog.
2. The Health Officer may waive the provisions of subsections (b) to (h) for a military dog, or circuses, zoos or other animal shows or exhibitions, which are properly licensed, upon presentation by the dog's owner or handler of satisfactory arrangement for safe keeping of the dog.

(j) Notification. The owner or caretaker shall notify the Police Department within twenty-four (24) hours if a dangerous dog is unconfined, has attacked another animal, has attacked a human being or has died. The owner or caretaker shall notify the Police Department immediately if a dangerous dog is at large. No person may sell or transfer possession of a dangerous dog to another person without first notifying the person to whom the dangerous dog is being sold or transferred of the fact that such dog is a dangerous dog and of any requirement imposed upon the selling or transferring party by this division. No person may sell or transfer possession of a dangerous dog to another person, agency, organization or the like without first notifying the Police Department in writing, at least three (3) days in advance of the sale or transfer of possession with the name, address, and telephone number of the new owner of the dangerous dog. If the dangerous dog is sold or given away to a person residing outside the City, the owner or caretaker shall present evidence to the Police Department that he or she has notified the Police Department or other law enforcement agency of the dog's new residence, including the name, address and telephone number of the new owner of the dangerous dog.

(k) Euthanasia.

1. If the owner or caretaker of a dog that has been designated a dangerous dog is unwilling or unable to comply with the regulations for keeping the dog in accordance with this section, he or she may have the dog humanely euthanized by an animal shelter, the humane society or a licensed veterinarian.
2. Any dog that has caused bodily harm to a person, persons or a domestic animal on two (2) separate occasions off the owner's premises, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under sec. 174.02(3), Wis. Stats. The City Attorney may petition an appropriate court to obtain a court order to destroy such a dog.

**West Allis Police Department****Incident Report**

Incident:

**Dog/Cat/Animal Bite**

Incident Report Number:

**18-045092**

Between: Date - Time

And/At: Date-Time

**11/1/18****09:06**

Incident Location:

**2409 S 95 St, West Allis, WI, 53227**

CFS Code-1:

**7399G**

CFS Code-2:

**ZMS9872**

CFS Code-3:

Offense Code-4:

CFS Code-5:

CFS Code-6:

CFS Code-7:

CFS Code-8:

**O**

Name (Last, First, Middle)

**Dutton, Cassey M**

DOB:

**01/23/1986**

Race/Sex

**W/F**

Address: (Address, City, State, Zip)

**2409 S 95 St, West Allis, WI, 53227**

Home Phone Number

Employer

Work Phone Number

Employer Address

Cell Phone Number

**(414) 331-1380****V**

Name (Last, First, Middle)

**Schuster, Natalie JH**

DOB:

**10/14/1989**

Race/Sex

**W/F**

Address: (Address, City, State, Zip)

**279 E Gauer Cir, Milwaukee, WI, 53207**

Home Phone Number

Employer

Work Phone Number

Employer Address

Cell Phone Number

**(414) 651-0828****SUMMARY**

A dog bit a woman which broke the skin at 2409 S. 95 St. on 11/01/18. The dog is current on its Rabies vaccination and a Dangerous Dog Order was issued.

Vehicle Information: (Year, Make, Model, Style, Color)

License Number:

State:

Expiration Year:

Vin:

Insurance Company:

Other Vehicle Information:

NCIC#

Reporting Officer(s):

**Ketterhagen, Todd**

Payroll Number :

**2106**

Report Date:

**11/01/2018**

Time Received:

**14:21:25**

Time Cleared:

**14:21:36**

Unit(s) Assigned:

**132, 199, 235**

Pages:

**1 Of 3**

Reviewed by:

**Clerical and Coding Manz, Tra**

Payroll Number :

**9656**

Copy To

Date:

**11/01/2018**CFS Code-1: **7399G**

Incident Report Number:

**18-045092**

**West Allis Police Department****Continuation**

Incident Report Number

18-045092

Incident Location:

2409 S 95 St, West Allis, WI, 53227

Incident Date:

11/01/2018

**NAMES****Business**

FamilyPath Autism Services of 1017 W Glen Oaks Lane, 110, Mequon, WI, 53092  
Business Phone: (608) 512-0780

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**NARRATIVE**

Officer Ketterhagen reports:

**DOG BITE COMPLAINT**

On 11/01/18 Natalie JH Schuster, f/w, 10/14/89, came into the WAPD and reported she was bitten by a dog.

Natalie is a regional manager with FamilyPath Autism Services and was conducting a home visit on 11/01/18 at 2409 S. 95 St. in the City of West Allis. While Natalie was upstairs at the residence at approximately 9:06AM one of the dogs that resides at the residence sniffed Natalie's hand and the other dog that resides at the residence ran toward Natalie in an aggressive manner, jumped up on her with his front paws on her chest, Natalie turned her body and the dog beared its teeth growling and barking. Natalie took three steps backwards in retreat. The dog ran up to Natalie and bit the back of her left thigh and the back of her left knee. Natalie was bitten without her consent.

The other dog was not acting aggressive.

The dog that attacked Natalie was acting aggressive and this was an unprovoked dog attack. Natalie had been to the residence in the past. The two dogs that reside at the residence look similar and are both owned by the resident, Cassey Dutton (phone #414 331-1380).

Both dog bites to her leg broke her skin and she went to St. Luke's Hospital for medical treatment. She didn't require any stitches.

Both dogs at the residence look similar. Natalie is not 100% certain however she strongly believes that the dog that bit her is the dog that has more gray color in its fur than the other one.

**PHOTOGRAPHS OF INJURIES**

On 11/01/18 Detective Wink took photographs of the injuries to Natalie. I uploaded those photographs to the WAPD DimS system.

Reporting Officer(s):

Ketterhagen, Todd

Payroll Number :

2106

Pages:

2 Of 3

**West Allis Police Department****Continuation**

Incident Report Number

18-045092

Incident Location:

2409 S 95 St, West Allis, WI, 53227

Incident Date:

11/01/2018

**INTERVIEW OF DOG OWNER**

On 11/01/18 via phone I spoke with Cassey M. Dutton of 2409 S. 95 St. West Allis who is the owner of the two dogs that reside at her residence. Willis is the name of an Australian Shepherd/Poodle mix. Willis has more gray hair than the other dog. Willis is up to date on his rabies vaccination. The Vet that administered the rabies vaccination was West Allis Animal Hospital 414 476-3544. Cassey was on a different level of the residence during the incident and she didn't witness the dog bite. Cassey's 3 year old son and a therapist named Janet Hernandez were present with the woman when she was bit. Cassey spoke with Janet who indicated she heard it but didn't see the dog bite incident. Willis has not bitten a person before. Willis had diarrhea this past week and did infact have diarrhea prior to the incident.

**DANGEROUS DOG & SUSPECT RABIES REPORT**

See supplemental report by Officer Wagner in regard to the issuance of the Dangerous Dog form and the Suspect Rabies Report. See attachments tab of this report to view images of those documents.

**RABIES VACCINATION DOCUMENT**

I received via email an invoice with a heading of West Allis Animal Hospital that indicated that Willis' last had a Rabies 3 year Vaccine on 08/01/17. This document is attached to the attachments tab of this report.

**ADDITIONAL INFORMATION**

On 11/03/18 I went to 2409 S. 95 St. and outside I met with Cassey Dutton who signed a West Allis Health Department Rabies Quarantine Order form which she was provided a copy of. I also gave her a West Allis Police Department Dangerous Dog Order informational letter.

**CASE DISPOSITION**

A dog bit a woman which broke the skin at 2409 S. 95 St. on 11/01/18. The dog is current on its Rabies vaccination and a Dangerous Dog Order was issued.

Reporting Officer(s):

Ketterhagen, Todd

Payroll Number:

2106

Pages:

3 Of 3

**West Allis Police Department****Supplementary Report**

Incident Report Number: 18-045092	Incident Location: 2409 S 95 St, West Allis, WI, 53227	Incident Date: 11/01/2018
New Incident:	Original CFS Code - 1:	New CFS Code -1 : New CFS Code - 2:

**NAMES****Offender**

Dutton, Cassey M W/F-32 of 2409 S 95 St, West Allis, WI, 53227

DOB: 01/23/1986

Cell Phone: (414) 331-1380

Other Phone: (414) 659-2203

**NARRATIVE**

Officer Wagner reports

**DOG BITE PAPERWORK**

On 11/01/18 I responded to 2409 S 95 St to assist Officer Ketterhagen with paperwork on this case. I met with dog owner, Cassey M Dutton, F/W 01/23/86, and served her with the Suspect Rabies report and the Dangerous Dog Order. She signed the forms as needed. Copies of the forms were forwarded to the Health Department.

**END OF SUPPLEMENT**

Reporting Officer(s): Wagner, Anthony	Payroll Number : 2570	Report Date: 11/01/2018
Reviewed by: Stikl, Megan	Payroll Number : 9872	Copy To: Page: 1 Of 1



**West Allis Police Department****Supplementary Report**

Incident Report Number: 18-045092	Incident Location: 2409 S 95 St, West Allis, WI, 53227	Incident Date: 11/01/2018
New Incident:	Original CFS Code - 1: 7399G	New CFS Code - 1 : New CFS Code - 2:

**NARRATIVE**

Officer Ketterhagen reports:

I attached to the attachments tab of this report a veterinary report that I received via email in regard to this case.

Reporting Officer(s): Ketterhagen, Todd	Payroll Number : 2106	Report Date: 11/07/2018
Reviewed by: Spath, Anthony	Payroll Number : 1813	Copy To: Page: 1 Of 1



City Attorney's Office  
attorney@westalliswi.gov  
Office: 414.302.8450  
Fax: 414.302.8444

January 4, 2019

Natalie Schuster  
279 East Gauer Circle  
Milwaukee, Wisconsin 53207

Re: Matter of the Appeal of the Dangerous Dog Order of Willis, owner, Cassey Dutton

Dear Ms. Schuster:

Enclosed please find an original and one copy of a subpoena for you to testify as a witness in regard to the above referenced case. Please sign and date the original and return it to this office in the enclosed, self-addressed, stamped envelope. The copy may be retained for your records.

If you have any questions, please feel free to contact me. Thank you for your cooperation in this matter.

Sincerely,

Nicholas S. Cerwin  
Assistant City Attorney

Enclosures

NSC:mj

**SUBPOENA**  
**CITY OF WEST ALLIS : ADMINISTRATIVE APPEALS REVIEW BOARD : MILWAUKEE COUNTY**

STATE OF WISCONSIN     )  
  ) ss  
COUNTY OF MILWAUKEE)

THE STATE OF WISCONSIN TO:

NATALIE SCHUSTER  
279 East Gauer Circle  
Milwaukee, Wisconsin 53207

PURSUANT TO SECTION 805.07 OF THE WISCONSIN STATUTES, you are hereby commanded to appear in person before the West Allis Administrative Appeals Review Board, 7525 West Greenfield Avenue, Room 128, West Allis, Wisconsin, on the **16th** day of **January 2019**, at **4:00 p.m.**, to give evidence in the matter of the appeal of the Dangerous Dog Order of Willis, owner Cassey Dutton. Failure to appear may result in punishment for contempt which may include monetary penalties, imprisonment and other sanctions.

Issued this 4th day of January, 2019.

CITY OF WEST ALLIS



\_\_\_\_\_  
Nicholas S. Cerwin, Assistant City Attorney

P.O. Address:  
7525 West Greenfield Avenue  
West Allis, Wisconsin 53214  
414/302-8450

Service admitted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

X \_\_\_\_\_  
Signature of Witness

**SUBPOENA**

**CITY OF WEST ALLIS : ADMINISTRATIVE APPEALS REVIEW BOARD : MILWAUKEE COUNTY**

STATE OF WISCONSIN     )  
  ) ss  
COUNTY OF MILWAUKEE)

THE STATE OF WISCONSIN TO:

NATALIE SCHUSTER  
279 East Gauer Circle  
Milwaukee, Wisconsin 53207

RECEIVED  
JAN 16 2019  
WEST ALLIS  
CITY ATTORNEY

PURSUANT TO SECTION 805.07 OF THE WISCONSIN STATUTES, you are hereby  
commanded to appear in person before the West Allis Administrative Appeals Review Board,  
7525 West Greenfield Avenue, Room 128, West Allis, Wisconsin, on the **16th** day of **January**  
**2019**, at **4:00 p.m.**, to give evidence in the matter of the appeal of the Dangerous Dog Order of  
Willis, owner Cassey Dutton. Failure to appear may result in punishment for contempt which  
may include monetary penalties, imprisonment and other sanctions.

Issued this 4th day of January, 2019.

CITY OF WEST ALLIS



Nicholas S. Cerwin, Assistant City Attorney

P.O. Address:  
7525 West Greenfield Avenue  
West Allis, Wisconsin 53214  
414/302-8450

Service admitted this 10<sup>th</sup> day of  
January, 2019.

x Natalie Schuster  
Signature of Witness

RECEIVED  
JAN 15 2019  
CITY OF WEST ALLIS  
CITY CLERK

**West Allis Police Department****Incident Report****Incident:****Harboring a Vicious Dog/Animal**

Incident Report Number:

**18-047424**

Between: Date - Time

And/At: Date-Time

**11/19/18****11:54**

Incident Location:

**1438 S 82 St, West Allis, WI, 53214**

CFS Code-1:

**7399E**

CFS Code-2:

**7399G**

CFS Code-3:

**ZAS1813**

Offense Code-4:

CFS Code-5:

CFS Code-6:

CFS Code-7:

CFS Code-8:

**O**

Name (Last, First, Middle)

**Hightire, Takarra T**

DOB:

**07/26/1987**

Race/Sex

**B/F**

Address: (Address, City, State, Zip)

**1438 S 82ND ST, WEST ALLIS, WI, 53214**

Home Phone Number

Employer

Work Phone Number

**(414) 768-3000**

Employer Address

Cell Phone Number

**V**

Name (Last, First, Middle)

**Robertson, Michael D**

DOB:

**08/22/1961**

Race/Sex

**W/M**

Address: (Address, City, State, Zip)

**7708 W National Ave, 13, West Allis, WI, 53214**

Home Phone Number

Employer

Work Phone Number

Employer Address

Cell Phone Number

**(920) 396-8501****SUMMARY**

Officer Tillman reports:

On 11/19/18 at 1238 hours, I was dispatched to McDonalds for a dog bite. Upon arrival, I made contact with Michael D. Robertson (M/W 08/22/61) who stated he was bitten in the back of his leg by a large brown Pitbull in the 1400 block of S. 82nd Street. The bite did not pierce Michael's jeans, but the pressure from the bite caused a small puncture wound in his leg. I made contact with Terrence C. Hightire (M/B 06/22/85) and Takarra T. Hightire (F/B 07/26/87) at 1438 S. 82nd Street who are the owners of Jesus, a 78 pound brown male Pitbull/Hound mix. Takarra stated Jesus bit someone while they lived in another municipality. A local check of Takarra revealed Jesus bit another dog on 10/30/17 (WAPD case 17-043179). A dangerous dog order was issued, rabies forms were completed, and a local citation was mailed to Takarra for harboring a dangerous dog.

- is she contesting this ?

Vehicle Information: (Year, Make, Model, Style, Color)

License Number:

State:

Expiration Year:

Vin:

Insurance Company:

Other Vehicle Information:

NCIC#

Reporting Officer(s):

**Tillman, Bradley**

Payroll Number :

**9877**

Report Date:

**11/19/2018**

Time Received:

**11:54:59**

Time Cleared:

**13:32:55**

Unit(s) Assigned:

**117, 122, 123, 136, 207, 222, 2**

Pages:

**1 Of 4**

Reviewed by:

**Clerical and Coding Manz, Tra**

Payroll Number :

**9656**

Copy To

Date:

11/19/2018

CFS Code-1: 7399E

Incident Report Number:

18-047424



