



# Vicious and Dangerous Dogs

Hearing Officer

## STATEMENT OF DECISION

December 10, 2024

Lieutenant Stephanie Ryer  
Department of Animal Care & Control  
1419 Bryant Street  
San Francisco, CA 94103

Re: “Elijah” (A515188)

Dear Lieutenant Ryer:

On November 25, 2024, a Vicious and Dangerous Dog Hearing was held to determine if “Elijah” (A515188), an American Staffordshire (aka Pit Bull) mix dog, owned by Ciara Davis, meets the “vicious and dangerous” criteria set forth in Article I, Section 42(a) of the San Francisco Health Code. The hearing was held in Room 400 at San Francisco City Hall.

The hearing was audio-recorded. The audio recording is part of the administrative record and is maintained by the San Francisco Police Department’s Vicious and Dangerous Dog Unit (SFPD VDDU) located in San Francisco, California.

All interested parties testified at the hearing and had the opportunity to present documentary evidence, photographs, and videos. All testimony and documentary evidence was carefully considered and incorporated in the within *Statement of Decision*. Both the San Francisco Department of Animal Care and Control (ACC) and the San Francisco Police Department (SFPD) were given the opportunity to make a recommendation as to the matter on the record.

The above-referenced hearing was calendared at the request of the complaining witnesses, Thomas Newbury, with the concurrence of the SFPD.

### EVIDENCE

The evidence from the SFPD’s file was thoroughly reviewed and considered in this matter. The file was submitted as evidence by Officer Greg Sutherland (#2404) of the SFPD VDDU and supplemented by the hearing participants. The records the undersigned reviewed and considered in issuing this Decision are as follows:

- Ex. 1: SFPD VDDU Complaint submitted by Thomas Newbury dated July 10, 2024 with Photos
- Ex. 2: SFPD Incident Report No. 240419477
- Ex. 3: SF Animal Care and Control Documents:
  - Tag Records for Ciara Davis
  - Memos for Animal A#519811
- Ex. 4: Pet License Proof for Elijah dated July 25, 2024

- Ex. 5: Footage of Incident
- Ex. 6: SFPD Chronological Report by Ofc. Gregory Sutherland #2404
- Ex. 7: Notice of Hearing to Ciara Davis dated October 29, 2024 with SFPD Case File, and SF Health Code sections 42 to 42.5, USB Drive Containing Footage of Incident, and proof of service
- Ex. 8: Notice of Hearing to Thomas Newbury dated October 29, 2024
- Ex. 9: Submission by Thomas Newbury:
- SF Animal Medical Center Invoice dated July 5, 2024
- Ex. 10: Submissions by Ciara Davis:
- Statement by Ciara Davis
  - Witness Statement by Elizabeth Jimenez
  - Letter of Support by Christopher Ian Davis Sr.
  - Letter of Support by Donovan Davi
  - Letter of Support by Persephone Peniche
  - Letter of Support by Elizabeth “Angel” Jimenez
  - Letter of Support by Christopher Davis Jr.

### **San Francisco Police Department’s Vicious and Dangerous Dog Complaint**

On July 10, 2024, Thomas Newbury submitted a complaint to SFPD VDDU regarding a dog bite that allegedly occurred on July 5, 2024. Newbury stated that on the date of the incident he was doing work in his garage while his dog, later identified as Ying Yang, was tied up in the garage as depicted in the video footage he submitted. (Ex. 5.) The attacking dog, later identified as Elijah, pulled the dog walker into Newbury’s garage. Elijah then bit Newbury’s dog’s face, locked on, and would not let go. Newbury ran outside and attempted to get Elijah to release by kicking and punching the dog.

Newbury alleged that the person walking Elijah did not try to pull Elijah off Newbury’s dog and just repeatedly said “I’m sorry.” When Elijah let go, Newbury wanted to call the police and obtain the dog walker’s information, but the dog walker insisted on going home. The dog walker left the scene stating she would return after returning Elijah back home. However, she did not return, and Newbury then took his dog to the hospital.

### **San Francisco Police Department Incident Report No. 240419477**

On July 5, 2024, Officers Castellanos #1173 and Sim #1052 responded to Thomas Newbury’s residence regarding a dog attack. Newbury told the police that he was in his garage with the garage door open while his dog, an Australian/Poodle mix weighing approximately 50lbs, while his dog sat in the garage facing the sidewalk. Suddenly, a leashed, white Pit Bull, Elijah, ran over and attacked Newbury’s dog. Elijah bit Newbury’s dog on and around the head and latched onto his dog’s mouth and punctured his neck. While Elijah was on leash, the walker did not have control over him.

Newbury claimed he had to strike Elijah multiple times before he finally let go of Newbury's dog. Newbury attempted to get the information of the walker, but she refused to provide it. She said she would have Elijah's owner return to the scene. Newbury rushed his dog to a veterinary clinic for treatment.

When Newbury returned home, he found Elijah's owner, Ciara Davis, exiting her apartment building along with the same dog walker Newbury had encountered earlier. Newbury approached them and an argument ensued. Once Newbury obtained Davis's information, he left the area and called 911 to report he incident.

Newbury showed the officers the footage of the incident. Officer Castellanos called Davis and responded to her home address but were unable to locate her.

### **Hearing Testimony**

The key portions of the hearing testimony are summarized and paraphrased below.

#### **Thomas Newbury**

Thomas Newbury testified that on the date of the incident, he was working on a project in his garage. His dog, Ying Yang, was leashed inside of the garage. Ying Yang is an Australian-Poodle mix dog and is not neutered. Elijah and a person walking him, later identified as Elizabeth Jimenez, walked up the street. Elijah latched onto Ying Yang's face and dragged Ying Yang outside of the garage. He further recalled that there is a large planter between the sidewalk and garage.

Elijah would have had to travel five to ten feet from the sidewalk to get to where Ying Yang was sitting. Newbury stated Jimenez froze up, had no control over Elijah, and just kept apologizing. Newbury then kicked and punched Elijah to get the dog to release Ying Yang. Newbury feared for Ying Yang's life as well as his own When Elijah finally unlatched, Newbury saw Ying Yang was bleeding from underneath his chin.

Newbury asked Jimenez for her information, but she refused to provide it. Jimenez told Newbury she was going to return Elijah to his home down the street and come back to Newbury's home. Newbury said he waited about ten to 15 minutes for Jimenez to return. Ying Yang was bleeding, so Newbury decided to leave and take Ying Yang to a veterinary hospital. Ying Yang received treatment with staples in his chin and a rabies shot since Newbury did not have Elijah's vaccination records.

About six hours later, he returned home and still had not heard from Jimenez or Elijah's owner. Newbury decided to circle the neighborhood to look for Elijah's owner. Newbury saw Jimenez, Elijah's owner, Ciara Davis, and Elijah stepping out of their apartment building. Newbury exited his car and confronted Jimenez and Davis. Newbury and Davis exchanged information. Newbury said that Davis agreed to pay for Ying Yang's veterinarian bill, but he never heard back from her. About two weeks later, Newbury saw a different person walking Elijah.

#### **Ciara Davis**

Ciara Davis, Elijah's owner, testified that Elijah is 7.5 years old, weighs 65lbs, and is neutered. Davis was not present at the time of the incident, but her roommate, Elizabeth "Angel" Jimenez,

told her what happened. Davis said that she and Jimenez walked back to Newbury's home, rang his doorbell but were unable to contact him.

Davis testified that Elijah has never bit in the 6.5 years that she has owned him. To prevent future incident, Davis intends to walk Elijah with multiple people. She also purchased a basket muzzle before the hearing for Elijah.

### **Elizabeth Jimenez**

Elizabeth Jimenez is Ciara Davis's roommate and identified herself as the dog walker with Elijah when incident occurred. Jimenez testified that when she walked Elijah by Newbury's house she did not see Ying Yang inside of the garage. When she did, she pulled Elijah back but did not have enough time to pick up Elijah. Jimenez claimed that Ying Yang ran towards Elijah and both of their mouths latched onto each other – Ying Yang holding onto the top of Elijah's mouth and Elijah clenched onto the bottom of Ying Yang's mouth. When the dogs separated, Jimenez fell to the floor. Jimenez told Newbury she was going to put Elijah away and was going to come back but admitted that she did not do so. Jimenez stated Davis was getting off work at 4:00p.m. and decided to wait until she came back so they could go together.

### **SFPD Recommendation**

On behalf of SFPD, Officer Sutherland recommended Elijah be deemed vicious and dangerous.

### **ACC Recommendation**

On behalf of ACC, Captain Rebecca Fenson recommended Elijah be muzzled in public, kept on a short leash, and that Davis and Elijah undergo training.

## **FINDINGS**

Jimenez's testimony differed from Newbury's testimony regarding the July 5, 2024, incident. After reviewing the evidence and observing the demeanor of both people at the hearing, the undersigned determined that Newbury was the more credible witness because his account was corroborated by the video footage he presented as evidence which Jimenez had not observed at the time Jimenez submitted a written statement. In the written statement, Jimenez's erroneously stated that Newbury's dog, Ying Yang, was off-leash and the initial aggressor, neither of which were true. To that end, the undersigned makes the below factual finding in #1.

1. On July 5, 2024, Elizabeth Jimenez walked Ciara Davis's leashed Pit Bull dog, Elijah, past Thomas Newbury's residence on Anza Street. As Jimenez and Elijah walked past Newbury's garage, Elijah lunged and dragged Jimenez toward the garage where Ying Yang, Newbury's Australian Shepherd/Poodle mix dog was tied up. Elijah bit Ying Yang in the face in a prolonged attack leaving puncture wounds and requiring emergency medical treatment.
2. The dog, Elijah's attack on Ying Yang, was unprovoked.

## **CONCLUSION AND ORDER**

Article 1, Section 42 of the San Francisco Health Code defines "vicious and dangerous dog" as the following:

1. Any dog that when unprovoked inflicts bites or attacks a human being or domestic animal either on public or private property, or in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
2. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
3. Any dog which engages in, or has found to have been trained to engage in, exhibitions of dogfighting; or
4. Any dog at large found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.

Based on the testimony at the hearing, the documents presented, and the above Findings, evidence presented is sufficient to prove, by a preponderance of evidence, that Elijah qualifies as vicious and dangerous under subdivision 1, of Section 42 because the attack (bites) to Ying Yang on July 5, 2024, was unprovoked. Notably, the footage that Newbury presented (Ex. 5) shows that this was a prolonged attack that only ended after Newbury struck the dog, Elijah, numerous times to save his own dog.

It was troubling that Elizabeth Jimenez left the scene without providing her identification to Newbury and that Ciara Davis did not immediately contact or leave a note with her contact information at Newbury's residence so that he could contact Davis. Jimenez and Davis are reminded of the duty to not leave the scene of a dog bite until they provide identification to the bite victim or owner of the victim dog. (SF Health Code, Art. 1, Section 39(a). Moreover, Jimenez and Davis are reminded of their duty to promptly report dog bites to SF Animal Care and Control. (SF Health Code, Art. 1, Section 39(b).)

Newbury is encouraged to discuss neutering with Ying Yang's veterinarian. It is well-settled that neutering is the best option for the overall health and longevity of the dog.

To protect public safety, Elijah will be subject to the below restrictions.

**THEREFORE, the undersigned makes the following ORDER:**

1. The Pit Bull dog, Elijah (A515188) meets the "vicious and dangerous" criteria set forth in Article I, Section 42(a) of the San Francisco Health Code and must be registered as vicious and dangerous pursuant to Article 1, Section 42.2 of the San Francisco Health Code within ten days of the date of this Order. The failure to do so subjects the dog to seizure and impoundment. Elijah must also be neutered within 30 days, if not already neutered.
2. Unless confined in the residence, Elijah must be kept on a leash that is no more than three feet.


3. Elijah must be muzzled when in public. The muzzle must be a rigid basket muzzle, or another muzzle approved by Animal Care and Control.
4. Elijah must always wear a front attaching harness when in public.
5. Elijah must only be walked by adults whom Davis has informed of the restrictions and who is physically capable of maintaining control of the dog.
6. Within one year from the date of this Order, Titan must be taken to 5 one-on-one hours of training to help Davis manage Elijah's dog aggression by a trainer approved by ACC. The trainer must use evidence-based, force-free techniques. Proof of completion of the training must be provided to SFPD VDDU for retention in the administrative file.
7. The undersigned considered the health, welfare, and safety of the community in making this Order.

### **APPEAL**

The decision of the Hearing Officer is final as to the terms of this Hearing Order. Any person or entity aggrieved by an administrative order of a Hearing Officer on an administrative citation may obtain review of the administrative order by filing a petition seeking review with the Superior Court of California, County of San Francisco, in accordance with the statutes of limitation and provisions set forth in the California Code of Civil Procedures, Section 1094.5 and 1094.6. A writ petition must be filed within 90-days from the date of this Decision. If one wishes to have this Order reviewed by a court, it is advisable to promptly seek and consult with an attorney.

**IT IS SO ORDERED:**

December 10, 2024



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JANELLE CAYWOOD  
HEARING OFFICER



## PROOF OF SERVICE

I, Victoria Weilhammer, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City of San Francisco, County of San Francisco, California. I am over the age of eighteen years, and not a party to or interested in the within-entitled action. I am an employee of the City and County of San Francisco, and my business address is 1 South Van Ness Avenue, 8<sup>th</sup> Floor, San Francisco, CA 94103.

On December 10, 2024, I served the following document(s):

### Statement of Decision

In the Following Matter:

*"Elijah" (A#515188)*

on the parties stated below by the following means of service:

Ciara Davis



Ofc. Gregory Sutherland #2404  
SFPD  
General Works  
850 Bryant Street  
San Francisco, CA 94103

Thomas Newbury



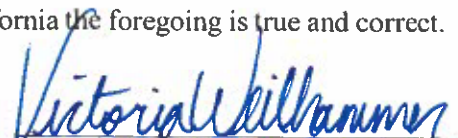
Lt. Stephanie Ryer  
SF ACC  
1419 Bryant Street  
San Francisco, CA 94103

**By United States mail.** I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**By United States mail.** I enclosed the above listed documents in sealed envelopes addressed to the persons listed above, and deposited the sealed envelopes with the United States Postal Service, with the postage fully prepaid.

**By personal service.** I personally delivered the documents to the persons at the addresses listed above. For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party by hand delivering a true copy to the person listed above at my place of employment, Vicious and Dangerous Dogs, 1 South Van Ness Avenue, 8<sup>th</sup> Floor, San Francisco, CA 94103, or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.  
Executed on December 10, 2024 at San Francisco, California.

  
Victoria Weilhammer, Declarant