



Fighting for Animals and Their Advocates since 2009

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SENT VIA CERTIFIED MAIL, EMAIL, AND FAX TO:

Shasta County, County Counsel
Shasta County Administrative Office
1450 Court Street, Suite 332
Redding, CA 96001-1675

Via fax to: (530) 225-5817

Shasta County, District Attorney
District Attorney Stephanie Anne Bridgett
1355 West Street
Redding, CA 96001

Via fax to: (530) 245-6334

Shasta County, Sheriff's Office
Shasta County, Animal Regulations Office
Officer Jessica Valin
Lt. Jerry Fernandez
300 Park Marina Circle
Redding, CA 96001

Via fax to: (530) 245-6054

*Via email to: sbridgett@co.shasta.ca.us; jvalin@shastacounty.gov;
jfernandez@shastacounty.gov*

Re: Unlawful and Unfair Holding of Six Wolfdog Puppies Re Dangerous Dog Hearing

This letter is to advise you that the holding of the six wolfdog puppies by Shasta County is unlawful, and we demand their immediate release.

We are an animal rights law firm and have a sister nonprofit, Expand Animal Rights Now. We focus solely on cases that advance the rights of animals and have extensive experience in potentially dangerous and "vicious" dog hearings, representing many clients in such hearings, and

in ensuring that clients' constitutional rights are not violated by unlawful, arbitrary, and capricious practices. Apex Protection Project – as you know, since they have been in contact with you regarding this matter – is a Los Angeles based 501(c)3 nonprofit organization created to save the wolf species through education, rescue, and advocacy. We all have a vested interest in protecting these incredible animals, and Apex has the ability and desire to assist in placement of these six wolfdog puppies that are being wrongfully held by Shasta County.

I reached out yesterday via phone and spoke with Officer Valin. She was unable to provide me with much information; it remains unclear why these puppies are being held as “evidence” when they were not involved in the incident, and the owner is willing to relinquish them. I asked what authority Shasta County was relying upon in holding these animals, but she could not provide me with that information. She referred me to Lt. Fernandez. I left a message, but no one has called me back to discuss this matter.

You cannot possibly contend that these wolfdog puppies were involved in the incident. These puppies were nursing at the time. They cannot *reasonably* be considered part of the dangerous dog investigation or hearing. Indeed, dogs are only held for dangerous dog hearings when they are the subject of the hearing and have been impounded to determine whether they will be released with terms and conditions or euthanized. **These are ten-week-old puppies.** Any argument that they are dangerous dogs could only be based on the fact that they happen to be low content wolfdogs. However, that argument is discriminatory, speculative, and unlawful. That is akin to saying someone is violent simply because they look a certain way. Additionally, even if that was an argument you were trying to make (which is absurd), currently refusing to release them pending any such hearing is not supported by any legal authority.

Accordingly, a warrant for dangerous dog related issues cannot possibly have had a good faith basis that the puppies were dangerous dogs. Their seizure is unreasonable, lacks good faith, and is a violation of due process. We also contend this amounts to trespass to chattel at the very least.

There are no allegations regarding abuse or neglect that warranted seizure. (Penal Code § 597.1.) And since these dogs were not involved in the incident, they cannot be seized as an instrument of any crime. By way of analogy, the police cannot make an argument that they can impound all cars in a family if one car is involved in an accident that looks to be caused by the drivers' unlawfulness. Thus, you cannot do so with animals, which are far more susceptible to damage by their impoundment than a car. And, even if you were to claim these puppies were subjected to abuse or neglect, there is still no need to hold the dogs as the owner is willing to relinquish them and a legitimate 501(c)(3) organization is willing to properly take them in.

Animals are not the same as other physical evidence. They are not akin to drugs or money that can be shoved into an evidence locker for months or years collecting dust. These wolfdog puppies are living, breathing, sentient beings. They are never “introduced” as evidence in a hearing and, in fact, dogs are not even permitted to be brought to hearings. You have not made a case for why you believe you need to keep these puppies as “evidence”.

Even if you were to need them as “evidence”, you can take photographs, DNA, blood tests, obtain a veterinarian or behaviorist assessment and report, etc. The dogs themselves do not need to be held and doing so in under these circumstances is unlawful.

Indeed, being held as “evidence” is extraordinarily detrimental for the dogs. They are young puppies; as wolfdog puppies specifically (and with all dogs), this time is critical for them to bond with their human families and to ensure proper socialization. They have now been in the shelter for two weeks. Every day they remain in the shelter, they are at greater risk and could become less adoptable. You are failing to protect public safety by placing puppies in confinement for weeks on end that will likely degrade their behavior and require training that would otherwise be unnecessary. Those training costs would constitute damages for which we would seek compensation from Shasta County. And, again, the owner is willing to relinquish the animals.

You have no legal basis for holding these puppies, and it is a violation of the owner’s property rights and Apex’s property rights given the owner is willing to relinquish the animals to Apex.

The seizing of the puppies is a violation of procedural due process. To make this claim, as you know, the owner only need to show that he possesses a protected property right in the dogs, and that he was deprived of that interest without due process. Clearly, dogs are property under California law; thus, there is a protected property right.

First, the owner and Apex’s private interests in the dogs has been affected by your official action. You have taken the dogs from the owner, while they were still nursing, and you have placed them in an unsafe, unclean environment. You have prevented Apex from taking possession of the dogs. There is no doubt that the owner has a significant interest in these dogs, as does Apex Protection Project given the owner is willing to relinquish ownership of the dogs to Apex.

Second, while the government has an interest in protecting the public from dangerous dogs, as detailed above, there can be no valid claim that these puppies are dangerous to the public or that they were involved in any manner in any violation of law. Thus, the taking of these dogs is *prima facie* erroneously severe.

Third, the risk of erroneous deprivation is self-evident here.

Thus, in balancing the owner and Apex’s private interests and the government’s interests, there is nothing persuasive to find anything other than that both the owner and Apex have been deprived of their property interests. You, therefore, will be held liable for this constitutional deprivation.

You have also violated the owner’s Fourth Amendment rights. The Fourth Amendment protects against unreasonable searched and seizures. (See, *Graham v. Conner* (1989) 490 U.S. 386, 395.) Without question, there was a meaningful interference with the owner’s and now Apex’s possessory interests in their puppies. Thus, the taking of these dogs is a seizure within the meaning of the Fourth Amendment. (*Fuller v. Vines* (9th Cir. 1994) 36 F.3d 65, 67-68, cert. denied, 115 S.Ct. 1361 (1995).) A seizure alone does not, of course, constitute a Fourth Amendment violation. (*Soldal v. Cook County, III* (1992) 506 U.S. 56, 60.) The question is whether this seizure was reasonable under the circumstances. (*Id.*) Fourth Amendment claims are analyzed from an

objective viewpoint and must take into consideration all relevant facts and circumstances. The Fourth Amendment generally requires a “careful balancing of government and private interests.” (*Id.* at 70.)

In this instance, there were no exigent circumstances necessitating the taking of these puppies (they do not pose a threat to the public). There can be no legitimate argument that the seizure was unreasonable under the circumstances.

Should you continue to hold these puppies and we bring an action, we will seek to hold you liable for damages under the full extent of the law. It is well-settled that municipalities may be held liable under Section 1983 for their official customs or policies. (*Monell v. Department of Social Servs.* (1978) 436 U.S. 658, 694.) We will also likely sue individuals in their official capacities. (See for example, *DeCarlo v. Fry* (2d Cir. 1998) 141 F.3d 56, 61.)

Furthermore, your actions violate the *Hayden Law*. (See, Food & Agriculture Code § 31108 et seq.) If you euthanize these wolfdogs, you *absolutely* will violate *Hayden* as there is a nonprofit organization willing and able to take possession of the animals. (See, *Santa Paula Animal Rescue Center, Inc. v. County of Los Angeles* (2023) 313 Cal. Rptr. 3d 566, reh'g denied (Oct. 16, 2023), review denied (Dec. 13, 2023).)

We can provide you with resources for how to appropriately handle these types of investigations. The Animal Legal Defense Fund and other groups have published guides on this topic explaining that you do not need to hold the animals themselves.

If you do not immediately allow the relinquishment of these wolfdog puppies, we will file suit, and we will seek to have every single individual involved held *personally* liable. (43 US Code § 1983.) Indeed, immunity will not apply here. (Government Code section 821.6 does not broadly immunize police officers or other public employees for any and all harmful actions they may take in the course of investigating crimes.) **We therefore demand you allow the owner to relinquish these dogs to Apex Protection Project and release them at once.** Again, you have no legal basis or right to hold these animals, nor is there any need to keep them as “evidence”.

Further, we request all policies and procedures for your County’s dangerous dog hearing investigations, all policies and procedures for holding animals as evidence, and all legal authority you contend supports your withholding of these animals.

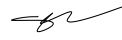
Finally, there is no statutory authority or caselaw preventing you from providing photographs of the puppies to help Apex prepare for their placement. **Please provide photographs of all the puppies forthwith.**

These actions by Shasta County are morally and legally wrong and constitute an abuse of power. We also intend to spread this story far and wide, reaching out to all media sources. This matter needs to be rectified immediately.

Please contact me **no later than close of business Monday**, so we can resolve this matter immediately, so these puppies are released from the shelter. If we are unable to resolve this matter

promptly, we may have no choice but to file suit requesting *ex parte* injunctive relief and all available damages under the law.

Cordially,



Sarah A. Thompson, Esq.
Ryther Law Group, LLP,
On behalf of Apex Protection Project

CC: Client