



PRESS RELEASE

Release Date: March 25, 2016
2:00 p.m.

Media Contact: Patrick McGrath
District Attorney

(530) 749-7770
pmcgrath@co.yuba.ca.us

Subject:

On January 3rd, 2016, between the hours of 6:30 a.m. and 10:00 a.m., T.T.H, a 9 year old boy, suffered multiple domestic dog bites while inside a travel trailer located at 6216 Dunning Avenue, Linda, Yuba County. The bites resulted in his death.

The Yuba County District Attorney's Office has completed a review of the Yuba County Sheriff's office investigative reports related to the death of T.T.H. Based on the investigative facts and the applicable California law, no criminal charges will be filed related to his death.

Pursuant to Yuba County Juvenile Court Minute Order of June 11th, 1985, the Yuba County Superior Court has authorized the limited release of otherwise confidential information relative to the death of T.T.H.

Following is a summary of material information developed during the Yuba County Sheriff's Department investigation based on witness interviews, physical evidence obtained at the scene, medical records and forensic pathology reports.

Background

- At the time of his death, 9 year old T.T.H. was a dependent child under the California Welfare and Institutions code. His case was managed by a foster family agency under the supervision of Sacramento County Child Protective Services. That agency was attempting to transition T.T.H. from the foster care system to the possible care and custody of T.T.H.'s biological half-sister Alexandria Griffin-Heady, aged 24. T.T.H. began limited overnight visits with Griffin-Heady in October of 2015. T.T.H. began an extended visit on December 12th during the school holiday break.
- Ms. Griffin-Heady relocated to California in July, 2016, to pursue a possible adoption of T.T.H. Since relocating she was residing in a 25' by 8' travel trailer located on the side yard of 6216 Dunning Avenue in Linda, Yuba County. The residence at the address was occupied by four persons, two of whom were biologically related to Ms. Griffin-Heady. The homeowner owned the trailer and allowed her to reside in it.

Ms. Griffin-Heady owned three domestic dogs of the breed commonly known as "pit bulls": one female approximately 4 years old; one female approximately 18 months old; and one male approximately 18 months old. The younger animals were litter mates and whelped by the 4 year old female. The dogs resided in the trailer and had access to an outside fenced area which enclosed the trailer area.

- Ms. Griffin-Heady was employed by a local private security business. She was working a 7 a.m. to 9 a.m. shift beginning on January 1st, 2016, which required her to leave the trailer at approximately 6:30 a.m. Ms. Griffin-Heady related that she had obtained a rented home in Olivehurst and planned to move into it later in the week. In the interim, T.T.H. slept in the trailer with her as there was no available bedroom in the main house. Since beginning the new shift she had directed T.T.H. to go to the main residence upon waking up.

The events of January 3rd, 2016

Ms. Griffin-Heady left the trailer for her shift on January 3rd at approximately 6:30 a.m. T.T.H. was asleep on a bed located at the back of the trailer adjacent to the bathroom.

Per her practice, the two younger dogs were left in a wire kennel crate which was located on a long plywood bench directly across the trailer interior from the bed used by T.T.H. The crate is further described later in this document. The older female was unsecured and was reported by Griffin-Heady to be on Griffin-Heady's bed located at the front of the trailer when she left.

Ms. Griffin-Heady returned from her work shift to the trailer at approximately 9:55 a.m. Upon opening the trailer door she found T.T.H. lying unresponsive on the floor. His legs were immediately in front of the doorway and his torso was lying next to Griffin -Heady's bed. He was unclothed on his stomach and had visible wounds over his body. Griffin-Heady lifted T.T.H. to the bed and began CPR. She made a 9-1-1 call and was instructed to move him from the bed to a flat surface. She then moved T.T.H. to a flat ground surface outside the trailer.

YCSO deputies were dispatched at 9:56 a.m. The first responding YCSO deputy arrived on scene at 10:00 a.m. Griffin-Heady was seen performing CPR on T.T.H., who was lying on the ground adjacent to the trailer. Three dogs, later confirmed to be Griffin-Heady's pit bulls, were loose within the fenced area. Griffin-Heady was reported to be hysterically screaming and directing deputies to shoot one or more of the dogs.

T.T.H. was transported from the scene and arrived at the Rideout Memorial Hospital emergency department at 10:11 a.m. He was pronounced dead at 10:22 a.m.

Deputies secured the trailer and immediate scene. The four occupants of the main residence independently stated that they did not hear anything or become aware of what was happening until hearing Griffin-Heady's screams.

A responding deputy described the dogs as scared and panicked, but not aggressive. Two of the dogs – the older female and the younger male – were noted to have bloodied facial and body fur. The animals were secured and transported to Animal Control Services.

An examination of the interior of the trailer was conducted. The interior was noted to be in a state of disrepair and general uncleanliness, and smelled of urine and animal feces. Blood evidence was located on and about T.T.H.'s bedding, with additional blood evidence leading to the front of the trailer. Significant blood evidence was located in the area where T.T.H. was originally found. It appears that T.T.H. had attempted to take refuge in an approximately 18 inch wide and four foot long area between the foot of Griffin-Heady's bed and the side wall of the trailer, just forward of the trailer door.

The kennel crate noted earlier was located in an upright position on the long plywood bench directly across from T.T.H.'s bed. The crate was entirely constructed of coated wire in a grid pattern and was approximately 36 inches long, 22 inches wide, and 24 inches high. The crate has two hinged wire side doors which swing out away from the crate. Both are designed with two sliding latches located at the top and bottom of the door which secure to the fixed side of the crate. One door is on the long side of the crate and the other on the short side.

The long door was found to be facing toward T.T.H.'s bed and was secured with a locked keyed padlock on the bottom latch and a locked combination padlock on the top latch.

The short door was facing toward an interior bathroom trailer wall. There was approximately one foot between the door and the wall, with clothing on the bench between the two. The bottom latch of the short door was in a secured position. The top latch was unsecured. A plastic zip tie was noted securing a portion of the top corner of the crate frame by the top latch.

An examination of the wire crate found that top sections of the coated wire, originally attached to the side of the crate and forming its top edge, were broken from the frame and bent over and upwards. The damaged area was at the top corner of the crate immediately above the upper latch of the short door and created an irregular opening roughly 4 inches by 8 inches. According to Griffin-Heady, this damage did not exist prior to her leaving the trailer that morning.

The post-mortem examination of T.T.H. concluded he died of multiple domestic dog bites. Significant injury was inflicted to his right inner thigh, head and scalp.

Additional investigative information

The investigation included a focus on the behavioral history of the three dogs and the behavioral interaction of T.T.H. with domestic animals.

- The four occupants of the main residence, five neighbors, a CPS worker, a behavioral specialist with the foster family agency, an additional relative, and Griffin-Heady were interviewed regarding their personal observations of the three dog's behavior.

Witness statements generally described canine activities associated with typical dog behavior. There were no reported prior biting incidents, and no

reported specific pattern of conduct on the part of the dogs that could be characterized as a regular display of aggression or unpredictable behavior.

The two female dogs were generally characterized as not aggressive; the male was generally characterized as high energy, prone to barking, and protective of his territory. Griffin-Heady volunteered that she suspected the male dog had killed her cat in December, but had not actually witnessed anything. The older female was reported to have received local veterinary care for an eye infection and did not require any type of muzzling during the visit.

It was reported that one or more of the dogs had on occasion dug out of their fenced area and were difficult to catch. Consequently the dogs were often kept in the trailer, with the two younger dogs crated when Griffin-Heady was absent to prevent them from causing any damage to the interior furnishings or from urinating on the bedding. The dogs had escaped from the crate previously by pawing at the latches, causing Griffin-Heady to padlock the latches on the long side door.

One neighbor described an occasion in July where one of the dogs was out and aggressively chased her son, frightening both her and her son. She spoke with a resident of the main house but not with Griffin-Heady about the incident. Another neighbor described seeing one of the dogs barking at a person who was teasing the dog while walking the fenceline.

Both Griffin-Heady and other family members described an incident occurring at the residence in July or August. A visiting four year old female relative was descending the trailer steps into the fenced yard when one or more of the dogs jumped on her and knocked her down. She received scratches to her face. Witnesses described the event as a play injury. The father of the child stated he had no concerns about the dogs' behavior and the child was with the dogs during a Christmas visit without incident.

- The occupants of the main residence, a behavioral specialist with the foster family agency, members of T.T.H.'s foster agency treatment team, T.T.H.'s foster mother, and Griffin-Heady were interviewed regarding T.T.H.'s behavioral background and observations of his interactions with animals.

T.T.H. was described as having issues with social skills and attention deficit, but did not have a history of acting aggressively. His current foster placement had dogs and T.T.H. was never abusive or mean towards them. On occasion he would play roughly with the animals but overall his behavior with the dogs was uneventful.

Witnesses observing T.T.H.'s interaction with Griffin-Heady's dogs did not recall any occasion where his behavior was of concern or required intervention.

Griffin-Heady stated that she had seen T.T.H. playing roughly with the male dog by holding the dog in a headlock, with the dog responding by growling and shaking out of the hold. She had also observed him on one occasion kicking at one of the dogs, and on another time striking one of the dogs with a shoelace. Griffin-Heady counseled T.T.H., directed that he was not to play with dogs in her absence, and planned on having him raise a puppy to learn how to properly interact with animals.

Applicable law

California Penal Code section 273a(a) establishes the crime of felony child abuse or endangerment.

California law recognizes that felony child abuse or endangerment may be committed through a willful act done with criminal intent, or indirectly by placing a child in a dangerous situation through criminal negligence.

California law defines criminal negligence as conduct which is more than ordinary negligence, and not the result of inattention, mistaken judgment, or misadventure.

The conduct must be aggravated and such a flagrant departure from what would be the conduct of an ordinarily careful person under the same circumstances as to be "incompatible with a proper regard for human life or an indifference to the consequences." Additionally, the facts must be such that the consequences of the negligent acts could reasonably be foreseen.

California law also provides guidance to jurors concerning how to evaluate and weigh the evidence in a criminal case. Jurors are instructed that they may rely on circumstantial evidence in determining guilt. However, jurors are informed that:

"Before you may rely on circumstantial evidence to find a defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence."

CalCrim Instruction No. 224

The filing decision

The case was reviewed by District Attorney Patrick McGrath and two additional senior prosecutors with homicide experience.

The review was to determine whether, under the totality of the evidence that could be presented and heard by a jury, Griffin-Heady's behavior rose to the level of criminal negligence warranting criminal liability.

In order to secure a criminal conviction, prosecutors would be required to prove that Griffin-Heady's conduct – in this case leaving T.T.H. with the dogs, two of which were kenneled – was "incompatible with a proper regard for human life" or demonstrated "an indifference to the consequences" of her behavior.

In that regard, prosecutors noted that while public opinion is significantly split depending on one's experience and/or prejudice toward pit bulls, California case law holds that it is "improper to take judicial notice that all adult male pit bulls are dangerous." [*Yuzon v. Collins* (2004) 116 CA4th 149, at 168].

In order to address the question of dangerousness, reviewing prosecutors particularly examined the evidence in two areas – the behavioral history of the dogs and T.T.H.'s prior interactions with the animals – to determine whether an ordinary person would have reasonably foreseen the attack on T.T.H. The opinion was that the evidence was insufficient to make such a showing.

Prosecutors also determined that the evidence did not support a showing that the manner in which the two younger dogs apparently broke out of the wire kennel would be found to be "foreseeable" by a jury.

Finally, prosecutors also reviewed Griffin-Heady's subjective mental state and motivations. Although not a legal factor to be considered by a jury, there was a significant likelihood the emotional aspects of this case would color the deliberations of one or more jury members in her favor.

After review, and applying the investigative facts to the relevant statutory and case law, the unanimous opinion of the reviewing prosecutors was that the evidence was insufficient to prove beyond a reasonable doubt that Griffin-Heady's actions were "incompatible with a proper regard for human life" or demonstrated "an indifference to the consequences" of her behavior.

Accordingly, a criminal jury would be unable to unanimously agree that T.T.H.'s death was the result of criminal negligence. Given these conclusions, prosecutors are ethically obligated not to proceed with a criminal prosecution.

###