



Procedure for Citizen Complaint Affidavits Involving Animal Code Violations

1. Citizen contacts Animal Services concerning the problem.
2. A warning letter may be sent to the suspect. If there are no future complaints within a reasonable period of time, then the case may be closed at the discretion of Animal Services.
3. If the animal violation continues, the citizen may complete the Animal Code Violation Complaint Affidavit and sign it under oath voluntarily before a notary. Upon completion of the Animal Code Violation Complaint Affidavit, the citizen will return it to Animal Services. The citizen must attach a copy of his/her driver's license or other photo identification to the affidavit. If any documentary evidence exists, such as video, audio, photographs, text messages, etc., Animal Services requests that copies of that evidence be submitted with the affidavit. Any video and audio evidence must be saved onto a DVD. All photographic and video evidence must be time and date stamped. If a citation is issued, it will be the citizen's responsibility to preserve and present the original evidence in the event that the case proceeds to a trial in municipal court. **For complaints involving animal noise, video and audio evidence is required before the complaint can be evaluated.**
4. Animal Services will assign a Code Compliance Officer who qualifies as an Animal Services Officer to investigate the complaint.
5. If the affidavit is not filled out completely, the case will be closed. The Code Compliance Officer will notify the citizen that the case has been closed, due to incomplete information.
6. If the Code Compliance Officer attempts to contact the citizen, and the citizen does not respond or somehow does not cooperate with the investigation, the case will be closed.
7. After the investigation is complete, the Code Compliance Officer will evaluate the case. If the Code Compliance Officer finds that probable cause exists that a violation has occurred, the Officer may issue a citation to the suspect. If the Code Compliance Officer finds that no probable cause exists or that the case is otherwise unlikely to prevail in court, the case will be closed.
8. Once a citation is issued, the Code Compliance Officer will file a copy of the citation with the Arlington Municipal Court. The suspect has a constitutional right to plead "Not Guilty" and request a trial by judge or jury. If the case proceeds to a trial, the citizen will be notified and required to testify at trial. If the citizen cannot attend trial on the date set by the Court, the citizen must contact Animal Services as soon as possible and at least 10 days in advance of the court date so that a new court date can be requested. It is also the citizen's responsibility to ensure that Animal Services has the citizen's most current contact information. If Animal Services or other City officials cannot successfully contact the citizen or the citizen does not appear at trial to testify, the case may be dismissed.



Procedure for Citizen Complaint Affidavits Involving Animal Code Violations

9. In lieu of trial, the suspect may resolve the case by qualifying for deferred disposition, a type of informal probation. The suspect may also resolve the case by paying the fine.

10. **WARNING NOTICE:** A citizen's statements may be used against him/her as evidence. A citizen may be charged with a criminal offense, or may face other legal action if any of the following conditions apply: (1) the citizen's sworn statement contains a false report; (2) the citizen's sworn statement constitutes a retaliation for reports made against the citizen; or (3) if the citizen's sworn statement includes an admission of a criminal offense committed by the citizen.