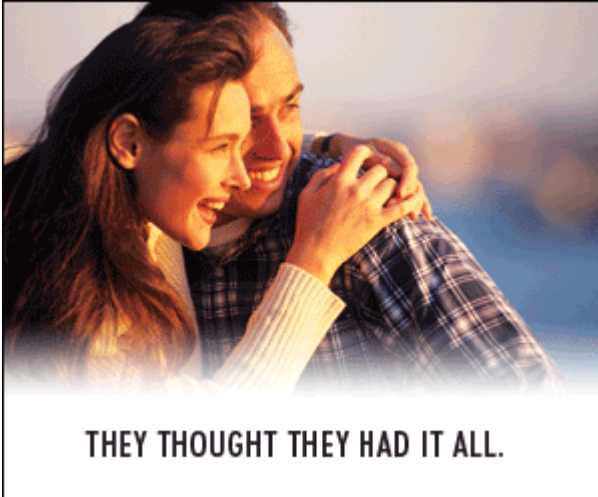


City may banish 'dangerous' dog

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By Nicole Haley/Daily News staff
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WALTHAM -

A Tomlin Street woman, whose dog is accused of attacking eight people in her neighborhood, says she is appealing an order to turn her pet over to police department's Animal Control Division.

"We need to take that dog away from her ... as long as that dog's at that house, the neighborhood is not safe," said Lt. Joseph Brooks Jr., one of the bite victims.

Police Capt. Donald Feeney, who supervises the Animal Control Division, ruled that Carol Howard's dog Ben, a labrador/pug mix, is "a dangerous and vicious dog" and "a high threat to the safety of residents."

Feeney issued an order Friday banishing the dog from the city and instructing Howard to turn the pet over to his department to be evaluated by an independent animal behaviorist. The dog could be placed in a shelter, adopted out, or destroyed depending on what the specialist decides.

"We want to do the humane and the best thing," said Brooks, who oversaw a dog dangerousness hearing about Ben two weeks ago in City Hall. "We have to look at this from a public safety perspective."

At the hearing witnesses testified regarding seven incidents over the past two years in which Ben allegedly attacked people, including postal worker and firefighter, in Howard's yard.

One of the more serious incidents occurred in June when Ben attacked 6-year-old Jamie Mills and her 8-year-old brother Christopher. According to a police report, the children went into Howard's yard after school with a friend who was locked out of his own house and was picking up a spare key from Howard. The dog went after the Mills children and Christopher ended up with three stitches in his buttocks; both were treated at Children's Hospital.

Mary Mills, who showed pictures of her children's injuries at the hearing, said no one is happy to see a neighbor lose a pet but at the same time she believes residents should not be afraid to walk by the home.

"I feel bad that she (Howard) is going to lose her dog but if something happened to someone else's kids I'd just be beside myself," she said.

Howard argues the dog is not vicious at all and is only being protective. She said the children came running in the yard and startled Ben, who is kept on a run in her side yard.

"I've been living in this neighborhood in this house since 1969 and I have never once had a problem with anybody," said Howard, who adopted Ben from a Hurricane Katrina rescue group three years ago.

Howard said she will appeal the police order in Waltham District Court. During the City Hall hearing, Howard said, she was not allowed to present her own witnesses to testify on the dog's disposition or present a report she received from a certified animal behaviorist ruling Ben is territorial but not vicious. Howard says she built a kennel for Ben so he would no longer have to be on the run.

But Brooks argues Howard is incapable of keeping the dog under control. According to police documents Howard has been given three separate orders to quarantine Ben: in April 2005, after he allegedly attacked an elderly woman walking by Howard's home when he got loose from his run; in June 2007 after the Mills children incident; and most recently on Sept. 6, when the dog was seen running loose around the neighborhood two days after Brooks and Feeney went to Howard's home to see Ben. The dog nipped Brooks in the crotch of his pants during that visit.

Linda Straggas, a neighbor on Dale Street, said she saw Ben running loose Sept. 6 and was afraid for her elderly parents who live across the street. Straggas said her 12-year-old daughter refuses to walk on the sidewalk in front of Howard's home, which is near a corner that has a public mailbox and is a school bus stop.

"I don't feel confident that she can keep the dog restrained," said Straggas, who has a labrador and keeps the dog in her fenced in backyard. "To restrain a dog on a leash out front makes them very aggressive and territorial."

Nicole Haley can be reached at nhaley@cnc.com or 781-398-8004.

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