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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-01510-WYD-BNB

**AMERICAN CANINE FOUNDATION** and  
FLORENCE VIANZON,

Plaintiffs,

vs.

CITY OF AURORA, COLORADO,

Defendant.

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REPORTER'S TRANSCRIPT  
TRIAL TO COURT  
DAY TWO  
TESTIMONY OF JAMES CROSBY ONLY

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Proceedings before the HONORABLE WILEY Y. DANIEL,  
Chief Judge, United States District Court for the District of  
Colorado, continued on the 18th day of November, 2008, in  
Courtroom A1002, United States Courthouse, Denver, Colorado.

APPEARANCES

For the Plaintiffs                      CAROLYN CHAN, ESQ.  
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Chico, California

For the Defendant                      DANA R. SPADE, ESQ.  
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P R O C E E D I N G S

*THE COURT:* Call your next witness.

*MS. CHAN:* Good morning, Your Honor. Plaintiff calls Mr. Jim Crosby.

**(JAMES CROSBY, PLAINTIFFS' WITNESS, SWORN)**

*COURTROOM DEPUTY:* Please be seated.

*THE WITNESS:* Thank you.

*COURTROOM DEPUTY:* Please state your full name and spell your full name for the record.

*THE WITNESS:* My name is James W. Crosby, J-A-M-E-S, C-R-O-S-B-Y.

**DIRECT EXAMINATION**

*BY MS. CHAN:*

*Q.* Good morning, Mr. Crosby. Could you please tell the Court what your current job is.

*A.* I am the director of animal control for Bay County, Florida.



*Q.* And how long have you done that?

*A.* I've been the director there since February of this year.

*Q.* And did you do something different prior to that?

*A.* Oh, yes.

*Q.* Could you please tell me what that is.

*A.* Yes, I'll go through it. I was a police officer with the department of the Jacksonville Sheriff's Office, Jacksonville, Florida, for 23 years between 1977 and 1999. During that time

James Crosby - Direct

1 I served as a patrol officer, a sergeant, and a lieutenant. At  
2 the time I retired I was a watch commander in charge of an area  
3 of town that had a population of about 160,000. I had four  
4 sergeants and four -- I'm sorry, 40 police officers under my  
5 direct command.

6 On the -- on my retirement from the police department,  
7 I went into working as a professional dog trainer. I became  
8 certified as a certified pet dog trainer under the Council for  
9 Certification of Pet Dog Trainers. Went into professional  
10 training, both obedience, field dogs for competitions,  
11 including hunt tests and field trials, show handling on a  
12 limited basis, not very good at it. Also training and working  
13 with behaviorally challenged and difficult animals.

14 Over time I became much more involved in working with  
15 aggressive and dangerous animals.

16 I've consulted with veterinarians and animal control  
17 agencies around the country and in Canada on aggressive and  
18 dangerous dog issues. I have given educational seminars and  
19 taught regarding aggressive and dangerous dogs and fatal dog  
20 attacks in places such as the National Animal Control  
21 Association's national conference, the Ban of Urban Animal  
22 Strategies conference in Banff, Canada, and many other venues,  
23 both for law enforcement, animal control, and civilians.

24 I have trained a number of dogs, probably over 2,000  
25 animals. I went to New Orleans after Hurricane Katrina and

James Crosby - Direct

1 worked with approximately 1,200 animals in the shelter which I  
2 was assigned, developing a new protocol for the handling and --  
3 safe handling and treatment of apparently aggressive and  
4 dangerous dogs, some of which were simply stressed by the  
5 trauma of having had to literally fight for their lives on the  
6 streets of New Orleans post-storm.

7 I have a bachelor's in science degree from Charter Oak  
8 State College with a concentration in psychology. I have  
9 attended Jacksonville University, Duke University, and the  
10 University of North Florida in preparation for that. I have  
11 conducted on-scene investigations in ten different fatal  
12 attacks on humans across the United States, more than any other  
13 investigator has ever done. Those involved 23 animals that I  
14 have handled, that have killed human beings, after the attack  
15 and have evaluated those animals behaviorally after the  
16 attacks.

17 *THE COURT:* Are these all dogs who have attacked?

18 *THE WITNESS:* These are all dogs who have attacked and  
19 killed human beings.

20 I've conducted more of those evaluations than any  
21 investigator has ever done.

22 I have a number of memberships and certifications,  
23 including a member of the executive board of the National  
24 Animal Interest Alliance Trust of Florida, I am a consultant  
25 for the National Animal Interest Alliance and their directive

James Crosby - Direct

1 for companion animal issues, consultant with the National  
2 Canine Research Council, a member of the National Animal  
3 Control Association, a member of the Florida Animal Control  
4 Association, a member of the American College of Forensic  
5 Examiners, a member of the International Institute for Applied  
6 Companion Animal Behavior, a member of the International  
7 Association of Animal Behavior Consultants, I am a past  
8 president of the Curly-Coated Retriever Club of America, I'm a  
9 certified animal control officer in Florida, I'm a certified  
10 euthanasia technician.

11 I recently attended certification training in  
12 clandestine graves investigations at the University of  
13 Florida's veterinary forensics division of their vet school.  
14 Also been certified in bite mark investigation comparison  
15 through the University of Florida veterinary forensics program.

16 THE COURT: What are you reading from?

17 THE WITNESS: I have a written resume.

18 THE COURT: Is that an exhibit in this case, this  
19 resume? I'm asking. If it's not --

20 MS. CHAN: I don't believe --

21 THE COURT: I didn't see it on the list. I'm just  
22 saying, if you want to -- just in the interest of time, if you  
23 want to mark that and move to admit it as an exhibit at some  
24 point before you rest, at least I'll have that. Because there  
25 is no way I can write all of that down. I hear what you are

James Crosby - Direct

1 saying, but it appears he's reading his resume.

2 *THE WITNESS:* I kind of had to read it myself to keep  
3 track.

4 *THE COURT:* That's fine. I'm not criticizing your  
5 doing that. I'm just saying, we'd save time if you'd mark  
6 that.

7 *MS. CHAN:* Your Honor, we could mark it as an exhibit  
8 that is not listed. It would be new exhibit number, I guess  
9 13.

10 *THE COURT:* All right. Why don't we mark it. I'll  
11 have Mr. Keech mark it. And perhaps he can make a copy at the  
12 break.

13 Is there any objection to admitting Exhibit 13?

14 *MS. SPADE:* City has no objection.

15 *THE COURT:* All right. So we'll admit Exhibit No. 13,  
16 which is his resume. That way we can get into the substance of  
17 his testimony.

18 Where Is Bay County, Florida?

19 *THE WITNESS:* Bay County, the largest town is Panama  
20 City. We're located on the panhandle between Pensacola and  
21 Tallahassee.

22 *THE COURT:* Okay.

23 All right. Let's continue.

24 *MS. CHAN:* Thank you.

25 *BY MS. CHAN:*

James Crosby - Direct

1 Q. Mr. Crosby, have you ever been accepted as an expert in any  
2 other legal proceeding?

3 A. Yes, ma'am. I've been accepted as an expert both for court  
4 testimony and for written testimony in the states of Florida,  
5 Georgia, South Carolina, North Carolina, Virginia, West  
6 Virginia, Michigan, Washington state, Texas, and I think I'm  
7 forgetting a couple. But I believe it's a total of 13 states.

8 Q. Okay. Thank you. Mr. Crosby, in regard to the specific  
9 case that we're here for today, have you reviewed the ordinance  
10 that was promulgated by the City of Aurora, the city council,  
11 of which I believe it consists of four -- well, let's see, it's  
12 right here. It's called Article 1, general provisions.

13 May I ask the witness to look at this to see if he has  
14 reviewed it?

15 *THE COURT:* Let's do this: The ordinance, if it's the  
16 same ordinance is Exhibit C on defendant's list --

17 *MS. CHAN:* Okay.

18 *THE COURT:* Is there any objection to admitting  
19 Exhibit C? I just want to move some things along here.

20 *MS. SPADE:* Your Honor, it was our understanding it  
21 had been stipulated to.

22 *THE COURT:* Okay. Exhibit C will be received. So the  
23 ordinance is now in evidence.

24 (Exhibit C admitted.)

25 *BY MS. CHAN:*

James Crosby - Direct

1 Q. Mr. Crosby, if you would look there at ordinance C, I'm  
2 going to ask you questions.

3 A. Exhibit C?

4 Q. Have you found it?

5 A. Yes, ma'am.

6 Q. Okay. Do you see on what my copy says page 1, at the top  
7 it says "A Bill."

8 A. Yes.

9 Q. Okay. And then we have the first four paragraphs, where it  
10 says, and I quote, finds that pit bulls tend to be stronger  
11 than other dogs, and has a few sentences there. In the first  
12 two sentences on page 1, I'd like you to look -- and I will  
13 state, this is -- this is all in one sentence, so I'm going to  
14 read straight from here, "The City Council of the City of  
15 Aurora, Colorado, finds that pit bulls tend to be stronger than  
16 other dogs."

17 I would ask you at this time, do you have any belief  
18 as to this sentence, that the pit bulls tend to be stronger  
19 than other dogs?

20 *THE COURT:* Hold on. Before he gives opinions, even  
21 though you use that word, I want you to designate him as an  
22 expert in some area so I can understand the scope of this  
23 expert testimony. So what -- designate him in some area or  
24 areas consistent with his background, experience, and training.

25 *MS. CHAN:* Okay. Thank you.



James Crosby - Direct

1 BY MS. CHAN:

2 Q. Mr. Crosby, do you have any direct experience with the type  
3 of dog known commonly, generically as, quote, pit bulls, as I  
4 just stated from that page?

5 A. Yes, ma'am.

6 Q. Can you give me an example, so we could get an idea of the  
7 scope.


8 A. Within probably better than 2,000 dogs that I have trained  
9 during my career as a professional trainer, I have dealt with  
10 several hundred of the dogs commonly lumped under the umbrella,  
11 including those specifically listed by the City of Aurora, as  
12 pit bulls. In that time, I have observed most of the breeds --  
13 at least many of the breeds listed specifically in this  
14 ordinance.

15 During my investigations of fatal dog attacks, I have  
16 also encountered a number of dogs identified by their owners  
17 and other means as pit bulls and part of the pit bull complex  
18 of dogs.

19 Further, in my evaluations of potentially dangerous,  
20 dangerous and aggressive dogs, both before my employment with  
21 Bay County and during my employment with Bay County, I have  
22 encountered a number of those animals. And while serving as  
23 the director of animal control at the animal control division  
24 of Bay County, I have had occasion to evaluate, handle and deal  
25 with a large number of those animals.

James Crosby - Direct

1 Q. Okay. And have you actually personally trained any?

2 A. I've personally trained them, I have personally evaluated  
3 them, both -- not only limited to, but including animals that  
4 have bitten people and have attacked people and killed them. 

5 Q. Okay. Is there any other training in your background,  
6 including being at the shelter where you directly work with  
7 dogs known, quote, in a term of, quote, pit bull, which would  
8 encompass probably quite a few types of dogs?

9 A. Some of my clients, as far as behavior problems and  
10 obedience problems, also possess dogs of that breed complex.  
11 So, yes, I've --

12 Q. Okay. I believe you stated that you have evaluated dogs.

13 A. Yes.

14 Q. Okay.

15 A. I've evaluated dogs both for courts, for animal controls,  
16 and for individuals, as to -- and also for municipal agencies,  
17 such as the Jacksonville Housing Authority in Jacksonville,  
18 Florida, as to whether dogs were or were not vicious,  
19 dangerous, or potentially so.

20 Q. And in some of the other cases where you testified, were  
21 any of those involving the subject matter today, dangerous dogs  
22 or dogs or -- or a dog that may be known as a pit bull?

23 A. Yes.

24 Q. Thank you. Mr. Crosby, yesterday one of the animal control  
25 officers testified that the American Pit Bull Terrier, or,

James Crosby - Direct

1 quote, pit bull, is responsible for the majority of severe  
2 injuries in city of Aurora. And I believe that you have  
3 reviewed dog bite incidents from Aurora?

4 A. Yes. I was provided 459 dog bite reports as part of the  
5 preparation for this case, went through those, and evaluated  
6 them based on a bite continuum tool, originally established by  
7 Dr. Ian Dunbar of California, who -- excuse me. Dr. Ian  
8 Dunbar, who is a Ph.D. veterinarian in California. With his  
9 permission, I have tweaked that slightly and have taught that  
10 evaluation form across the country and in Canada.

11 I evaluated the 459 bite reports that I was given as  
12 part of preparation for this court and found that --

13 *THE COURT:* Hold on. I just -- I know there are no  
14 objections, but she only asked if you had evaluated the  
15 documents.

16 *THE WITNESS:* I'm sorry. Yes, I did.

17 *THE COURT:* And I'm going to insist, Ms. Chan, before  
18 you ask him opinion questions, I want you to simply tell me  
19 through request for designation, the areas in which or for  
20 which you're seeking to elicit opinions. If you don't do that,  
21 I won't let him answer any questions about opinions. I want to  
22 understand the scope of the areas where you seek to have him  
23 give opinions.

24 *BY MS. CHAN:*

25 Q. Mr. Crosby, in your tenure working as an animal control --

James Crosby - Direct

1 working as a director of the animal control -- you said that's  
2 what you do?

3 A. That is my job right now.

4 Q. Okay. Do you have cause to have to work with animals being  
5 impounded and dog bite reports?

6 A. Yes.

7 Q. Okay. And would that encompass almost any kind of dog?

8 A. That would encompass all animals brought in --

9 Q. Okay.

10 A. -- during the course of which I evaluate the behavior,  
11 observe behavior, and evaluate the dangerous or not dangerous  
12 or adoptable behaviors of those animals.

13 Q. Okay. And would that include the, quote, generic term of a  
14 pit bull dog? Would you have cause to take such dog into the  
15 shelter?

16 A. Yes, we do. And as part of my duties at the shelter, I do  
17 evaluate the behavior of pit bull and other type animals that  
18 come in.

19 Q. Okay. And are you also doing that with another person, or  
20 just you?

21 A. My staff participates in the process, but I have the final  
22 say so.

23 Q. Okay. And do you help do any training?

24 A. Currently, I'm not doing any active training. However, I  
25 have ten years of active training behind me.

James Crosby - Direct

1 Q. Okay. And so when dogs come in and you have to evaluate  
2 them, how long does that take?

3 A. Depends on the dog and how much time we have.


4 Q. Okay. Is there a procedure that you use?

5 A. At my shelter, we do not have a specific temperament test  
6 that we use, no.

7 Q. Okay. And the reason for that is?

8 A. I don't have the staff.

9 Q. Oh, okay. So you do have a procedure that you use, though,  
10 for temperament testing?

11 A. I have procedures that I personally use, having been   
12 trained in such, which include the American Temperament Testing  
13 Society evaluation, the canine good citizen evaluations taught  
14 by the American Kennel Club, I have been trained in Sue  
15 Sternberg's save-a-pet method. I'm also familiar with the  
16 safer dog evaluation temperament testing.

17 Q. Okay. I believe the safer dog method, could you briefly  
18 say what that is.

19 MS. SPADE: Objection, Your Honor. Relevance.

20 THE COURT: How is that relevant to any opinions he  
21 may give in this case?

22 MS. CHAN: Your Honor, that particular program that  
23 he's speaking of is a tool that is used in most shelters for  
24 rescued dogs, because they have to try to take out the marginal  
25 dogs from the non-marginal. And because this ordinance is

James Crosby - Direct

1 saying that these dogs are more than marginal, when they come  
2 in, they have to be evaluated. Knowing how to use that  
3 particular testing method is something that shows they have to  
4 have the ability to do that.

5 *THE COURT:* Okay.

6 *MS. CHAN:* Not everybody has that ability.

7 *THE COURT:* Okay. Objection overruled. Go ahead.

8 *THE WITNESS:* I am not certified in the safer method.  
9 I have been run through it. I can't give you the process off  
10 the top of my head. But it's something that if I was going to  
11 do a safer test, I would refer to the reference material that  
12 is out there for it.

13 *BY MS. CHAN:*

14 *Q.* Okay. So when you have the dogs come in, then, apparently  
15 it sounds like your shelter is rather small, but --

16 *A.* Yes.

17 *Q.* You get a lot of dogs.

18 *A.* We have -- we will have taken in almost 10,000 dogs by  
19 the -- dogs and cats by the end of this year.

20 *Q.* Okay. And in your evaluation of, I guess, less than 10,000  
21 dogs, because you said you took another animals --

22 *A.* Uh-huh.

23 *Q.* -- you probably have helped evaluate quite a few dogs?

24 *A.* In the course of my tenure there, and in the course of my  
25 other duties, yes, I have evaluated quite a few dogs. And in

James Crosby - Direct

1 other cases where I've been certified as an expert, it has been  
2 in the fields of animal behavior, dangerous animals --  
3 dangerous dogs, particularly, and in the area of dangerous dog  
4 attacks and dog aggression.

5 Q. Okay. As to dog aggression and dangerous attacks, I  
6 believe you stated at the beginning on your CV, that you had --  
7 I believe you said you were one of the persons in the United  
8 States that had done the most -- you said you had done the  
9 most, I believe you said it was examinations on dogs.

10 A. To the best of my knowledge, and I've talked to most of the  
11 other experts and so-called experts, I have individually  
12 on-scene investigated more fatal dog attacks and handled more  
13 animals who have killed humans after such attack than has ever  
14 been done before.

15 Q. And when you said "more than anyone else," you mean, hands  
16 on, touching a dead dog; is that what you mean?

17 A. The ones that I do hands-on evaluation of the dogs, it  
18 means I go in and physically handle and evaluate hands on the  
19 live dog that has killed a person.

20 Q. Okay.

21 A. Before it's euthanized.

22 Q. Do you do autopsies on the dogs?

23 A. I am not trained to do necropsies on dogs, no. I'm not a  
24 veterinarian.

25 Q. Okay.

James Crosby - Direct

1 A. I have, however, harvested tissue samples and brain matter  
2 and harvested other samples for study at the University of  
3 Florida, of which I am part through the McKnight Brain  
4 Institute, the department of psychiatry, University of Florida.

5 Q. Okay. I think what I'm trying to establish is that, when  
6 you said you were the one who had done the most, and you went  
7 into it very briefly exactly what you did in regard to  
8 dangerous dogs and the fatal attacks, I assume that the fatal  
9 attack is involving what we would call a dangerous dog. Am I  
10 correct in saying it was a dangerous dog that allegedly --  
11 since -- is this the case you're working on, am I understanding  
12 that?

13 A. We need to define dangerous dog. When I use the words  
14 "dangerous dog," I mean a dog which has been found by a  
15 competent authority under the statute or ordinances of that  
16 jurisdiction as being legally a dangerous dog.

17 Q. Okay.

18 A. That is what constitutes, when I'm discussing a dangerous  
19 dog, what is dangerous.

20 Very few -- in fact, I don't recall any of the dogs  
21 that I have evaluated or dealt with that have killed people or  
22 previously adjudged or adjudicated by a competent authority as  
23 being dangerous animals.

24 Q. Is that unusual?

25 A. Actually, what it seems to be is that the dangerous dog



James Crosby - Direct

1 ordinances and legislation, as they apply to specific,  
2 individual dogs, based on their behavior, works. And that once  
3 those animals are individually labeled through process as  
4 dangerous animals, they become less a threat to the public in  
5 general.

6 Q. You're talking about generically speaking?

7 A. I'm talking about adjudged dangerous animals who have been  
8 through the legal process. At that point it seems that the  
9 process of addressing those individual animals works quite  
10 well.

11 Q. Okay. So -- I just want to make sure I understand it. You  
12 mean, like, if there was a dog, let's just say it was a lab,  
13 and it did certain things, and according to the code, it  
14 became, quote, dangerous, in the dog code for that state, then  
15 you're saying the law -- that would say, okay, now this dog has  
16 to have these restrictions?

17 A. Yes.

18 Q. Based on what the dog did.

19 A. Yes.

20 Q. Okay.

21 A. And those laws in my direct observation seem to work well.  
22 Either the people do not keep that animal, or the animal is  
23 very aggressively managed and maintained. The penalties for  
24 violating those laws range from felonies to misdemeanors in  
25 most states.

James Crosby - Direct

1 Q. Okay. Now, seeing as how you're the director of the  
2 shelter, and apparently you have -- sounds like you have a lot  
3 of hands on because you said you didn't have a direct helper to  
4 do something there. If you have impounded dogs, and you said  
5 that you've impounded even pit bull dogs in your shelter, have  
6 you had any direct experience with impounding dogs that would  
7 be, quote, of the pit bull type, that would -- have expressed  
8 something such as they were more destructive because they were  
9 impounded?

10 A. Across a class of dogs, I cannot say that any particular  
11 breed is more destructive than any other breed.

12 Q. Okay. How about if one of the, quote, generic pit bull  
13 dogs comes in, have you seen any -- are there different type  
14 behavior the dog would express?

15 MS. SPADE: Objection to the form, Your Honor. I'm  
16 getting confused.

17 THE COURT: Sustained. I don't understand --  
18 Ms. Chan, what are you doing? I don't understand what you're  
19 doing.

20 This witness, you spent a lot of time telling me what  
21 his qualifications were. All I asked you to do was to  
22 designate the areas where you seek to elicit opinions. And I  
23 think it would be helpful to then elicit the opinions, because  
24 I don't know what he's saying. Maybe you don't want me to  
25 know.

James Crosby - Direct

1 Do you understand what I mean when I say, designate  
2 him as an expert?

3 MS. CHAN: Your Honor, I thought that Mr. Crosby, even  
4 though he was designated, I was trying to elicit things that  
5 were specific to the ordinance. I was concentrating on these  
6 three paragraphs.

7 THE COURT: Let me explain: In this court, before a  
8 witnesses give opinions -- and, of course, if we had a jury  
9 trial, I wouldn't be saying this -- I just need to know the  
10 areas where you're designating him as someone to give opinions  
11 based on background, experience, and training under Rule 702 so  
12 that if he give opinions outside that scope, I have ability to  
13 rule on an objection if made.

14 I'm simply asking you to designate the areas where you  
15 believe, based on what the Court has already heard, he's  
16 qualified under Rule 702 to give opinions.

17 So you have to do that through questions. And so the  
18 simple thing I'm asking you to do is to designate him as  
19 someone who can give opinions in the areas of, and then you  
20 have to fill in the blank.

21 Now, I sort of have a sense what he's saying already.  
22 He's already said he has experience in animal behavior,  
23 dangerous animals, dangerous dogs, dangerous dog attacks and  
24 dog aggression, plus the things he does as an animal control  
25 officer. But I haven't heard you request that he be designated

James Crosby - Direct

1 to give opinions in those areas and any other areas. So I want  
2 you to do that next. And then after you do that, you need to  
3 then ask some questions that will elicit from him what his  
4 opinions are.

5 MS. CHAN: I would need a copy of the CV. Since we  
6 didn't submit it, I don't have that here.

7 THE COURT: Well, his CV is not the issue. You heard  
8 what he said.

9 Let's do this: I'm going to move this along. This is  
10 frustrating --

11 Go ahead, take a seat. I'm not going to ask the  
12 questions. You need to ask your own questions. Take his CV,  
13 if you need to, which is Exhibit 13. But I've already heard  
14 what he said. I'm not asking you to regurgitate what I already  
15 heard. I'm asking you to simply ask a threshold procedural  
16 question that will help me understand the subject matter or  
17 categories or areas where you seek to get opinions from him.  
18 No more, no less than that. It could be some of the areas I  
19 already designated a moment ago, because I heard that with my  
20 own ears.

21 But it's not my role to do the direct examination or  
22 cross-examination of any witness, although I tend to ask  
23 questions in trials to the Court so I can understand what a  
24 witness is saying.

25 BY MS. CHAN:

James Crosby - Direct

1 Q. Mr. Crosby, with your qualifications that you stated to the  
2 Court and with your past experience and what you've given to  
3 the Court, including working as a director at the animal care  
4 shelter and having trained dogs, having done the attack bite, I  
5 think you said, examinations, and having done more than any  
6 other person with the hands-on that you said at the beginning,  
7 I think it would be fair to say that plaintiff would hold out  
8 Mr. Crosby as having expert experience and first-hand  
9 experience in probably dog bite injuries, fatal attack studies,  
10 canine behavior, in particular --

11 MS. SPADE: Objection, Your Honor. Is counsel  
12 testifying, or is the witness being asked a question?

13 THE COURT: I'm not sure what she's doing.

14 MS. CHAN: Your Honor, I'm just trying to state the --  
15 I tried to narrow it down to four. We're talking about  
16 dangerous dogs, and I believe that --

17 THE WITNESS: To kind of answer your question: I have  
18 been previously accepted as an expert in the areas of dog  
19 behavior, aggressive and dangerous dogs, fatal dog attacks,  
20 fatal dog evaluation -- bite evaluation, bite comparison, and  
21 also in the duties and normal procedures of an animal control  
22 director.

23 MS. CHAN: Your Honor, plaintiffs submit that  
24 Mr. Crosby, then, be considered as an expert on the areas that  
25 he testified to prior, including the four that I just stated.

James Crosby - Direct

1 And all of the -- all of the items that he listed in the  
2 beginning, which there were so many. But particularly in the  
3 area of dangerous dogs, fatal attacks, dog bite injuries, and  
4 also working in animal control. He's got over 10 years, I  
5 believe, he said.

6 *THE COURT:* All right. So you're seeking to have him  
7 designated in the areas of dog behavior, aggressive and  
8 dangerous dogs, fatal dog attacks, fatal dog evaluation, bite  
9 evaluation, bite comparison, and the duties and procedures that  
10 he's familiar with in his capacity as an animal control  
11 director; is that your designation?

12 *MS. CHAN:* Yes, Your Honor.

13 *THE COURT:* All right. Any objection?

14 *MS. SPADE:* No objection.

15 *THE COURT:* The witness then may give opinions in  
16 those areas.

17 *MS. CHAN:* Thank you, Your Honor.

18 *THE WITNESS:* Thank you.

19 *BY MS. CHAN:*

20 Q. Earlier, Mr. Crosby, I asked you the question that had you  
21 reviewed the dog bite incident reports from the City of Aurora,  
22 and you stated you had.

23 A. Yes. I've reviewed 459 separate reports of dog bites  
24 provided.

25 Q. Thank you. Now, my question is, after having reviewed all

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1 the reports, is it -- is it your opinion, or do you have an  
2 opinion that the pit bull terrier -- that's a generic term -- I  
3 have to say this because it consists of --

4 *MS. SPADE:* Objection, Your Honor, leading.

5 *THE COURT:* Well, let me hear the entire question.

6 *MS. CHAN:* I have to just say -- I always qualify "pit  
7 bull" as a generic term because it also encompasses four  
8 separate breeds so I don't have to name the four breeds.  
9 That's part of the ordinance.

10 *THE COURT:* Ms. Chan, reask your question. You  
11 started to ask a question, then you interrupted it by defining  
12 what "pit bull" meant. Let's just have you ask a question, so  
13 if there is an objection, I could hear the question.

14 *BY MS. CHAN:*

15 Q. Mr. Crosby, you reviewed the Aurora dog bite incident  
16 reports. And my question was, as to the pit bull terrier --  
17 and that's when I insert the generic type, meaning it  
18 encompasses all the other four breeds, without naming them all  
19 out -- do you believe that they are responsible for the severe  
20 injuries in the reports that you saw?

21 A. Not significantly, no.

22 *THE COURT:* I'm not interested in his beliefs. I'm  
23 interested in his opinions. Let's hear his opinions.

24 *BY MS. CHAN:*

25 Q. What would be your opinion of what you saw regarding the --

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1 A. My professional opinion, based on the review of the 459 dog  
2 bites I was given, comparing the bite severity based upon a  
3 quantifiable scale that I used to evaluate dog bites, I do not  
4 see any significant difference between the class of breeds  
5 known as pit bull terriers and many of the other breeds  
6 expressed in those reports.

7 Pit bull -- the generic group of breeds known as pit  
8 bull terriers -- which I must assume are the breeds contained  
9 in the Aurora statute, because that's the label used by Aurora  
10 Animal Control -- comprise 1.9 percent of the level 5, or  
11 serious, dog bites reported in that group of dog bite reports  
12 by Aurora. These same percentage as the chow. So only  
13 slightly greater than the number by the labrador retriever.

14 *BY MS. CHAN:*

15 Q. Okay. As to -- as to the impounding of the dog, did you  
16 look at each piece of paper where they had the list of the  
17 breed in there?

18 A. Yes, I reviewed each one of those physical reports.

19 Q. Okay.

20 A. And looked at the description of the bite and of the listed  
21 and described breed as according to Aurora Animal Control.

22 Q. Okay. And would it be your opinion, then, that the, quote,  
23 pit bull terrier dogs, would inflict more damage when  
24 attacking?


25 A. I would have to answer that question based on my



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1 observations of pit bull attacks, not on the basis of the  
2 reports by animal control in Aurora.

3 Q. Your personal experience.

4 A. In my personal observation and contact and investigations  
5 of far more attacks than just these, it is my opinion that pit  
6 bull terriers, or the pit bull group of dogs, do not inflict  
7 more serious injury than any other breed of dog of a similar  
8 size. 

9 Q. Mr. Crosby, have you reviewed what's listed as Plaintiffs'  
10 Exhibit No. 7, Bates 3000 to 3029, which is a canine genetics  
11 written academic paper by Dr. Stur?

12 A. Yes, I have looked over that.

13 MS. SPADE: Objection, Your Honor? That was not  
14 disclosed in Mr. Crosby's report. I believe Rule 26(a)(2)(B)  
15 requires that any data or information considered by the witness  
16 be disclosed. And this report was not disclosed in his report,  
17 sir.

18 THE COURT: Respond, Ms. Chan. Because, obviously, I  
19 haven't seen his expert report, so I don't know what it says or  
20 doesn't say.

21 MS. CHAN: This particular exhibit is a -- actually,  
22 is part of a learned treatise from Dr. Stur. And so I think it  
23 would -- I don't even have to admit it, actually, for purposes  
24 of him testifying about it. I'm not going to ask him to  
25 testify about the report. Just ask him, had he read it.

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1           *THE COURT:* Well, I'm confused here. Reask your  
2 question so I can understand what you're asking him regarding  
3 this exhibit.

4           I'll sustain the objection, but I'll let Ms. Chan  
5 rephrase it.

6           *MS. CHAN:* Thank you.

7 *BY MS. CHAN:*

8 Q. Mr. Crosby, I asked you on Exhibit No. 7, which is  
9 plaintiffs' exhibit, Bates No. 3000 to 3029, canine genetics,  
10 it's a written academic paper, and it's by Dr. Stur. I asked  
11 you, have you read that?

12 A. Yes, I've looked over it.

13 Q. Okay. Now I'm going to ask you a question regarding dogs,  
14 not just the American Pit Bull Terrier. But you did say you  
15 looked at the Aurora ordinance, and you noticed there were  
16 other breeds listed?

17 A. Yes. I don't have it in front of me. But there is ten  
18 breeds, I believe, that they mention.

19           *THE COURT:* It's Exhibit C.

20           *THE WITNESS:* I'm sorry.

21           Yes, this does list several breeds of dogs.

22 *BY MS. CHAN:*

23 Q. Okay. Do you know what those other dog breeds look like?

24 A. Yes, I do. I have not personally encountered a Tosa  
25 fighting dog or a Cane di Macellaio or the Sicilian Branchiero.

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1 However, I have either seen or physically come in contact with  
2 the other breeds.

3 Q. Okay. And then I'd like to ask you, on Exhibit No. 8,  
4 Bates 3033 to 3053, which is talking about the mechanical  
5 advantage in a pit bull dog by Jesse M. Bridgers III, that was  
6 submitted by Aurora. Have you ever read or looked at that  
7 particular study, that is Exhibit No. 8?

8 A. Yes, I've looked over that, after I was given it, when I  
9 got here.

10 Q. Okay. Now --

11 *MS. SPADE:* Again, Your Honor, we would raise the same  
12 objection. This was not disclosed in the expert's report. So  
13 again, we are invoking Rule 26(a)(2)(B).

14 *THE COURT:* Well, the question was simply, has he read  
15 it. And he said he read it, but I've not heard him say he's  
16 basing any of his opinions on this. So I don't know that the  
17 objection really relates to what he's saying regarding Exhibit  
18 8. So objection is overruled. So the --

19 *MS. CHAN:* Mr. --

20 *THE COURT:* Hold on. So the Court will accept as a  
21 proper question and answer the fact that he's reviewed this,  
22 whatever that may mean.

23 *BY MS. CHAN:*

24 Q. Mr. Crosby, have you ever done any personal work in the  
25 realm of your dog experience, where you actually worked on

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1 canine skulls, including the part of the jaw?

2 A. I have dissected canine skulls, and including the jaw, and  
3 also been taught how to take dental impressions and make dental  
4 comparisons by a human forensics odontologist.

5 Q. The scientific words you used in the beginning part of the  
6 sentence, could you explain that? I didn't understand what you  
7 meant.

8 A. Yes. In the course of the course of research, I have cut  
9 off dogs' heads and cut them apart and looked at how they were  
10 put together.

11 Q. So it would be the head and --

12 A. Including the jaw.

13 Q. Okay. When you do that, do you have any cause to have --  
14 answering a question regarding the amount of pressure the dog  
15 uses on the jaw, biting?

16 A. I can't answer the amount of pressure based on what I  
17 observed.

18 Q. No. Do you ever do that? Have you ever been asked to do  
19 it?

20 A. I have never conducted a pressure study on those jaws, no.

21 Q. Have you done any other kind of studies on the jaws?

22 A. I have looked at the jaws and physically examined those  
23 jaws that I have taken apart, be it from a pit bull or from a  
24 Rottweiler or a similar-sized dog. And to my eye, I have  
25 observed no significant difference, no special mechanisms that

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1 would identify a pit bull jaw from the other jaws.

2 Q. Okay. Do you have any opinion as to whether the pit bull  
3 terrier, quote, generic pit bull terrier, has a stronger bite?

4 A. Based on the jaws I have observed and the bites I have  
5 seen, it's my opinion that a pit bull bite, given the same  
6 intensity and intent of the dog during the attack is  
7 approximately the same as any dog of approximately the same  
8 size. Bite intensity or bite damage, bite severity, if you  
9 want to use that term, in my opinion depends on three things:  
10 The intensity of the bite, which is related to the intent of  
11 the animal. Is this a warning, or is this a predatory action?  
12 And the frequency of the bites, the number of bites. Four  
13 hundred Dachshund bites are going to do far more damage than  
14 one Great Dane bite.

15 Q. And that's in regard to the -- which element?

16 A. In regard to what I have observed as the physical injuries  
17 and damage to the human body caused by those bites.

18 Q. Is it possible to look, in your opinion -- you said you  
19 were reviewing fatalities, which would be dogs killing people;  
20 is that correct?

21 A. That's what dog -- dog fatalities, yes.

22 Q. Yes, okay. When you review what the dog did to the  
23 person -- let's say we had a smaller dog -- and you've seen  
24 smaller dogs that have killed?

25 A. Humans have been killed by dogs ranging from Dachshunds and

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1 Pomeranians to 140-pound Presa Canarios and wolf hybrids.

2 Q. Okay. When you take an autopsy report, do you get to see  
3 pictures of the damage?

4 A. Yes, I do.

5 Q. Okay. When you look at the picture, and if it didn't tell  
6 you what dog did the damage, can you tell by looking that it  
7 might be a pit bull?

8 A. No.

9 Q. Why is that?

10 A. Because it could be any dog with a similar -- of similar  
11 size, with a similar sized jaw. If you have a jaw that's  
12 4 inches long and 3 inches deep, it's pretty much going to make  
13 the same size of hole no matter what is attached to it.

14 Q. When you say "hole," are you referring to canine incisors?

15 A. I'm talking about the damage to the human body, not just  
16 the incisors or the canines or the molars, but simply the  
17 physical damage done. If you hit something with a 40-pound  
18 sledgehammer versus a 16-pound roofing hammer, the 40-pound  
19 sledgehammer is going to make a bigger hole in what you hit.


20 Q. Okay. So, then, you're saying, then, that when you look at  
21 the picture of damage done, even if it's really severe and --  
22 you can't conclude automatically what dog had did it?

23 A. No. In fact, in training from the human forensic  
24 odontologist, dog bites -- the court has recognized, at least  
25 in Florida, if not in other states, that dog bites are

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1 exclusionary evidence, not identifying evidence. A dog bite  
2 does not identify -- I cannot look at a dog bite and tell you  
3 what breed did it. I can only use a dog bite and the pattern  
4 of bite to exclude potential dogs to a reasonable medical  
5 certainty.

6 *THE COURT:* Let the Court ask a couple of questions  
7 here. I'm trying to understand what you're saying and not  
8 saying.

9 If you go to Exhibit C, if you look at the whereas's  
10 in the Aurora ordinance. The first one says: "Whereas the  
11 City Council of the City of Aurora, Colorado, finds that pit  
12 bulls tend to be stronger than other dogs, often give no  
13 warning signals before attacking, and are less willing than  
14 other dogs to retreat from an attack." 

15 Now, I want to ask you some questions about this so I  
16 can understand what you're saying or not saying about this.

17 Do you have an opinion as to whether or not pit bulls  
18 tend to be stronger than other dogs?

19 *THE WITNESS:* Yes, I do have an opinion.

20 *THE COURT:* What's your opinion?

21 *THE WITNESS:* That opinion is no, sir, they do not.

22 *THE COURT:* Why not?

23 *THE WITNESS:* They are as strong or as not strong as  
24 they are trained to be. If I have a 140-pound Rottweiler that  
25 has been trained to pull carts in a weight-pulling competition

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1 and has been exercised as an athlete, versus a 50-pound pit  
2 bull that is a couch potato, there is going to be a lot more  
3 strength on that Rottweiler's side than on that pit bull's.  
4 They're not magically endowed with superstrength.

5 Just like people of similar sizes and similar  
6 backgrounds and similar training. There is no difference. If  
7 it's a 50-pound pit bull and a 50-pound standard poodle and a  
8 50-pound Rottweiler, I don't see any significant difference in  
9 the overall strength. One dog can be trained to be stronger  
10 than another.

11 *THE COURT:* Well, but, let's assume all of them are  
12 trained the same way. You used three dogs, you said a  
13 Rottweiler, a poodle and a pit bull. Suppose they're all  
14 trained the same way, and the training requires them to be in  
15 good shape, and they engage in training that exercises their  
16 jaws and their biting mechanisms so that they are more acute  
17 than otherwise. Do you -- would pit bulls tend to be stronger  
18 than those other two dogs, if all of them are trained the same  
19 way?

20 *THE WITNESS:* Not -- not in the cases I've observed,  
21 no, sir. If all three of those dogs were trained by, as some  
22 of the irresponsible people will do, hanging from an object to  
23 make them hang on as long as possible and were then reinforced  
24 behaviorally for hanging on for an extended time, all three of  
25 them would have the potential for hanging for just as long as




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1 the other two and biting just as hard.

2 *THE COURT:* Are you saying -- are you aware of any --  
3 what is your opinion as to whether or not there is evidence  
4 that exists anywhere that would support the finding in this  
5 ordinance that pit bulls tend to be stronger than other dogs?

6 *THE WITNESS:* I believe that's -- my opinion is that's  
7 an urban myth with no scientific basis at all.


8 *THE COURT:* The next thing is "pit bulls often give no  
9 warning signals before attacking." What is your opinion as to  
10 the accuracy of that portion of the --

11 *THE WITNESS:* My opinion as to the accuracy of that,  
12 based on my studies and also studies into canine body language  
13 and behavior is, no, pit bulls do give submissive licks like  
14 any other dog. They will give appeasement signals such as   
15 yawning. They will growl. Their ears, even though they may be  
16 severely cropped by irresponsible human intervention, still  
17 move forward and backwards in various attacks attitudes. Their  
18 tails, even if cropped, may be up or down or tucked between  
19 their legs. Their body posture, they may be facing you  
20 frontally, or they may be facing you at an angle. Each of  
21 those behaviors that are readable by other dogs and humans are  
22 present in the grouping of dogs that we call pit bulls, just as  
23 much as in other dogs. You just have to look for it to see it  
24 and know what you're looking at.

25 Dogs to dogs understand each other quite well. People

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1 to dogs sometimes don't pay attention.

2 **THE COURT:** Well, the next prong of this first whereas  
3 talks about "pit bulls are less willing than other dogs to  
4 retreat from an attack." What is your opinion about the  
5 accuracy of that statement? 

6 **THE WITNESS:** My opinion is, that is an inaccurate  
7 statement. If it was true, police agencies would strictly use  
8 pit bulls to hold suspects. In my experience as a police  
9 officer and working -- although not as a canine handler,  
10 working with the canine units, those dogs are trained and  
11 reinforced to trap and hold a suspect for an extended period of  
12 time until the handler gets there.

13 The dogs of choice are not pit bulls, because pit  
14 bulls are not any more likely to hold on for a long period than  
15 any other dog, especially if the dogs have been reinforced for  
16 those behaviors or not reinforced for those behaviors.

17 **THE COURT:** All right. Hold on a second.

18 Now, the next whereas is "Whereas, the City Council  
19 finds pit bull attacks more often than other types of dogs  
20 result in multiple bites and attacks of greater severity."

21 So the City Council for the City of Aurora, makes a  
22 finding here in its preamble, that pit bull attacks more often  
23 than other types of dogs result in multiple bites and attacks  
24 of greater severity. What is your opinion on the accuracy of  
25 that statement?

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1           THE WITNESS: My opinion on the accuracy of that  
2 statement, is it is inaccurate, both based on my personal  
3 observation and on the numbers and reports provided by the City  
4 of Aurora. In the City of Aurora, if that was true, then,  
5 labrador bites would not outnumber pit bull bites.

6           THE COURT: So you're basing your testimony here on  
7 the bite incident reports you reviewed?

8           THE WITNESS: On both the bite incident reports I  
9 reviewed, the bite incident reports that I have observed in  
10 other locations, and the behavior of animals I have observed in  
11 other locations. Pit bulls are not the number one biter in my  
12 jurisdiction either.


13           THE COURT: All right. Next whereas, whereas -- well,  
14 no, I don't need to ask you about that one.

15           All right. Go ahead. Ms. Chan, you can ask some  
16 questions.

17           MS. CHAN: Thank you.

18 BY MS. CHAN:

19 Q. Let's see. I think, Mr. Crosby, your last question was in  
20 regard to whether they retreated from an attack; is that  
21 correct?

22 A. In my opinion, pit bulls are no less likely to retreat from  
23 an attack that any other dog. 

24 Q. Okay. And your observation in the shelter, is it your  
25 opinion from all of your time spent with dogs, would the


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1 generic term of, quote, pit bull dogs be more likely to  
2 actually bite people more times?

3 A. No, ma'am.

4 Q. And why is that?

5 A. Dog bites revolve around the behavioral intent, what the  
6 dog wants to achieve. Your typical dog bite, which makes up  
7 the most huge percentage, no matter where you look, is what I  
8 call an engage and release. It is a single bite of very, very  
9 limited power that serves as the dog's behavioral warning to  
10 whatever has frightened, scared, bothered, anger, whatever, the  
11 dog, to basically back up and get out of my face. That is the  
12 largest number of bites across every breed out there. That is  
13 how dogs communicate. When body language communication breaks  
14 down and the other side isn't listening, that's the way they  
15 raise their voices.

16 That is the most common bite. And pit bulls are no  
17 more likely in my observation to proceed beyond that than any  
18 other kind of dog. 

19 Q. In reviewing the Aurora -- I'm going to go back to the  
20 reports of which you stated you read over 400 of them. Did you  
21 find that there was any discrepancies as to the purported bite  
22 severities alleged by Aurora in these dogs that you talked  
23 about? When you looked at these reports, were you of the  
24 opinion that they did in fact, then, do more severe bites  
25 overall, looking at those dog bite reports?

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1 A. My review of Aurora's claims that they do more damage  
2 versus my overview of the bite reports I have, the claims are  
3 not supported by their own data.

4 Q. Why is that?

5 A. The numbers just simply don't agree. They're claiming  
6 something that they're -- the data provided to me in those bite  
7 reports does not support.

8 Q. Okay. So we're looking at a number of factors it could be.

9 When you got your dog bite reports that you looked at  
10 from Aurora, how far back -- what years did you look at?

11 A. The reports that they gave -- that I was provided as part  
12 of this case dated from within 2003 through 2004 and into 2005.

13 Q. Okay. And in the year 2003 report, you have that in -- do  
14 you have that up there with you? If you don't, it's Exhibit 6.

15 THE COURT: It's Exhibit 6 in the big notebook.

16 THE WITNESS: I do have -- of the ones I was provided,  
17 I do have a folder that is the bites that I was provided, that  
18 are listed as 2003.

19 BY MS. CHAN:

20 Q. Okay.

21 A. I don't know if these are the same as are in Exhibit 6.

22 Q. How many bites do you -- did you count?

23 MS. SPADE: Objection, Your Honor. If he could  
24 possibly look at the exhibit so that we could figure out if  
25 they are in fact the same items.

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1           THE WITNESS: Sure.

2           THE COURT: I'll let him do that.

3           THE WITNESS: Counsel, do you have a list of how many  
4 bites are -- so I don't have to waste the Court's time counting  
5 pages -- are in the Exhibit 6 listing of the 2003 bites? So I  
6 know how many I counted that I was given.

7           MS. CHAN: We're looking for it.

8           THE WITNESS: I have that -- what I was asking to  
9 see -- asking the City of Aurora how many bites that they  
10 showed that they provided so that we're talking about the same  
11 number. Unless you want me to count the pages here.

12          MS. SPADE: Your Honor, I guess I'm confused. I was  
13 under the impression this witness had the 2003 reports with  
14 him. And I was just asking him to cross-correlate them with  
15 Exhibit 6.

16          THE COURT: Why don't you come -- why don't counsel  
17 come up and look at what he has versus what you understand to  
18 be in Exhibit 6. Approach the witness. Don't ask him any  
19 questions, but look at what he has versus what is in Exhibit  
20 6 --

21          THE WITNESS: I can answer your question. I was  
22 provided 99 bite reports for 2003. Your written claims show  
23 213. The numbers just simply don't agree.

24 BY MS. CHAN:

25 Q. Okay.

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1 A. That's why I was asking if another set of bite reports  
2 differ from what I had seen has been provided by Aurora. But  
3 we'll go with what I've got here, that's fine.

4 I'm sorry, Your Honor.

5 Q. So that was for the year 2003. And could you please repeat  
6 the numbers for me, for 2003, what you had --

7 A. I found -- I was provided 99 human bite reports, one animal  
8 victim that occurred in 2003.

9 Q. And you found -- you counted it was --

10 A. That's what I counted.

11 Q. Okay.

12 A. The paper that I was provided apparently from the City of  
13 Aurora was that they claim 213 bites occurred in 2003, which I  
14 find no verification of.

15 *BY MS. CHAN:*

16 Q. At this time, Mr. Crosby, I have to ask you, have you read  
17 Exhibit Plaintiffs' No. 12, the handwritten dog bite tally done  
18 by Rita Grable, with affidavit by Ms. Conway of the Aurora  
19 Animal Care Facility?

20 A. Yes, I have.

21 Q. Okay. When you looked at it, did you look at page 3?

22 A. Yes, I did.

23 Q. Okay. What did you see on page 3?

24 A. It's a handwritten piece of paper with a bunch of hash  
25 marks next to what appear to be dog breed names, with no

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1 further explanation noted.

2 Q. And on the front or the back, depending on how you received  
3 it, but it's marked Bates No. 3281 and 3282, a two-page  
4 affidavit executed by Cheryl A. Conway.

5 A. Yes. I have that.

6 Q. Okay. And did you read that affidavit with the two pages  
7 there?

8 A. Yes, I did.

9 Q. In particular, did you read -- well, there is four  
10 delineated numbers, 1 through 4. In particular, did you read  
11 No. 2, 3 and 4?

12 A. Yes, I did.

13 Q. What was your opinion upon reading No. 2, 3 and 4, after  
14 you read it?

15 A. My opinion is that based on my experience with the proper  
16 professional standards and controls in an animal control  
17 shelter, this document is completely unacceptable and would  
18 not -- in my shelter, we would not allow it. Hash marks on a  
19 piece of paper is not how you account for the disposition of  
20 other people's legal property, which dogs are in all states, I  
21 believe.

22 Q. Does this affidavit mention anything about dog bite  
23 reports?

24 A. There is a notation on the bottom of the piece of paper  
25 that I don't know if it was added contemporaneously with the



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1 rest or not. This is 2003 DBI, whatever that would indicate.

2 Q. What about on the affidavit, page 1 of the affidavit, No.

3 3.

4 A. It seems to indicate that they have computerized dog bite  
5 reports, but states that they seem to have somehow lost five  
6 months of bite cards.

7 Q. So for the year 2003, where you just said where you  
8 counted, where Aurora claimed 213 bites allegedly for whichever  
9 breeds, you only could find 99?

10 A. I only have records for 99, which, according to that  
11 deposition, seems to be missing almost half of the year.

12 Q. Could this affidavit with these attached pieces of paper  
13 that list breeds out with hash marks, like you -- you tried to  
14 describe it for the Court, it looks like a No. 1, a slash, and  
15 then after four, it slashes through 5, and it says "pit" there.  
16 Could this be the numbers that are missing that we don't have  
17 reports for?

18 A. I have no way to know what these numbers are. They're not  
19 specific enough. They're not described as far as breed, as far  
20 as the name of the owner of the dog, the date of the incident,  
21 the severity of the incident. There is just simply -- this is  
22 not the way business is done.

23 Q. When you said you read on there that they used a computer  
24 to enter data, do you use a computer at your shelter?

25 A. Yes, we do.

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1 Q. Do you have a specific program for that?

2 A. Our entire shelter is run under what is called Chameleon  
3 software. It is probably the most common and, as far as I  
4 know, the current state of the art in shelter management tools.  
5 There are several others out there, but Chameleon seems to be  
6 the most that I've encountered.

7 Q. If Chameleon was used widespread, do you know the cost of  
8 buying that program?

9 A. My understanding is current cost of Chameleon is somewhere  
10 in the neighborhood of over \$10,000. I do know that I pay  
11 approximately \$4,000 per year for the licensed usage for Bay  
12 County Animal Control, because I just wrote them a check for  
13 3,800 and change.

14 Q. In your opinion, at your own shelter, your Chameleon  
15 software program, which you say you run, if it were to go down,  
16 and you had no computer, and you had no way to input, let's  
17 just say, dog bite reports, how soon would it be before you got  
18 that program back running?

19 A. I would be immediately on the phone to technical support  
20 for Chameleon. We have had that happen once or twice. It's  
21 been up within a matter of hours or days. And during that time  
22 we have maintained duplicate hard copies until such information  
23 could be put into Chameleon. We don't just leave holes in the  
24 record.

25 Q. So for the dog bite reports for 2003, then, would you say,

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1 in your opinion, after you looked at that, you read the  
2 affidavit --

3 *MS. SPADE:* Objection, Your Honor. Leading.

4 *THE COURT:* Well, it seems to be leading. But I  
5 didn't hear the entire question. So sustained. Let's ask a  
6 non-leading question.

7 *BY MS. CHAN:*

8 *Q.* In your opinion, if you were running a shelter, and your  
9 computer system broke down, your software broke down, and you  
10 had no way to report bite data, you said you would probably let  
11 it go for a day, but you would get the system back up. In your  
12 opinion, would it be -- would it be a good business decision to  
13 leave the computer not working for a year?

14 *MS. SPADE:* Objection, Your Honor. Again, leading.

15 *THE COURT:* Sustained.

16 *BY MS. CHAN:*

17 *Q.* What would be the longest amount of time you would leave  
18 your computer down?

19 *A.* If my computer, which it has done, went down, we are  
20 working on getting it up as soon as humanly possible, whether  
21 it be hours or a matter of a couple of days.

22 *Q.* What's the reason for that?

23 *A.* Because as a public agency, and as an agency that is tasked  
24 with keeping stray animals for a specific period of time until  
25 they legally become my property, I cannot allow gaps in the

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1 record keeping. Because, number one, I would not know when a  
2 specific animal came in, when it was mine, if I -- if I was  
3 ever authorized to euthanize it, if necessary, whether it was  
4 adoptable, what its temperament was, because all of those  
5 things are noted in Chameleon.

6 Plus, under at least Florida law, I am required to  
7 track and to clear with the health department any dog bites for  
8 the public safety reason of rabies prevention. Therefore, I  
9 have to also keep accurate hard copy data, reports, showing if  
10 a dog has bitten -- or a cat, or a raccoon, or a squirrel, has  
11 bitten someone, what the disposition of that animal was, if it  
12 was checked for rabies infection, if it was, what the outcome  
13 was, if it was quarantined, if it was quarantined at my  
14 shelter, or if it was allowed to be quarantined at home. There  
15 are a whole host of factors that legally have to be monitored  
16 on a case-by-case basis, especially in a public safety and  
17 public health issue like dog and cat bites.

18 Q. In your opinion for your shelter and how you keep data for  
19 the computer, and you said you would not let more than one day  
20 go by. When you looked at Aurora's 2003 dog bite reports --  
21 because it appears to be a discrepancy, I believe, you stated,  
22 you counted 99 bites that had data, that have a bite report for  
23 it in that exhibit folder. And you said Aurora counted 213  
24 bites, of which, apparently, we don't have in that folder about  
25 112 -- we're missing 112 dog bite reports that you couldn't

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1 look at; is that correct?

2 A. It -- if the figures provided on this spreadsheet form by  
3 Aurora are accurate, there are approximately 114 pieces of  
4 paper, individual bites, that were not included in the material  
5 provided under discovery.

6 Q. So in your opinion, by looking at that, Aurora's claiming  
7 of 213 bites, can you substantiate it?

8 A. Based on the paperwork I was given, I could not -- I could  
9 not substantiate those numbers at all, and, frankly, would have  
10 to throw them out.

11 Q. Would you consider the reliability of a handwritten item  
12 that was never put in a computer reliable?

13 A. I would not consider a handwritten item that is not  
14 documented, stamped, no forms attached, no -- nothing more than  
15 a hash mark as being evidence of anything other than a hash  
16 mark.

17 Q. Would you find that the dog bite reports starting for the  
18 year 2003 for what you could see, would you consider that they  
19 were reliable as a whole, overall?

20 A. Based on the information I've been provided, no.

21 Q. But yet you were still able to tell us that you found that  
22 restrictive breeds only did 1.9 percent?

23 A. Based on the information which I was given, which I  
24 considered to be incomplete for that year. There are also  
25 problems with the information provided for 2004 and 2005, where

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1 their numbers that they published are different from the  
2 numbers that I got when I did the review myself.

3 And to go back to 2003, all I could evaluate were the  
4 bites -- the bite reports placed in front of me. So I could  
5 only establish that 1.9 percent of severe bites, based on the  
6 credible or semi-credible information provided by those written  
7 reports.

8 Q. Okay. Thank you. Mr. Crosby, I think you testified  
9 earlier you had been admitted as an expert in some states, and  
10 you named the states.

11 A. Yes.

12 Q. Okay. And that you have a designation in dealing with  
13 fatal attacks and taking apart the dogs and completing reports  
14 on those dogs, I think you mentioned.

15 A. Yes.

16 Q. Now, with that background, and keeping in mind that there  
17 are other types of logs available, is it your opinion that this  
18 type of ordinance, which zeros in on, quote, the American Pit  
19 Bull Terrier type dogs, and then delineated other named breeds  
20 of which there are several, seven, eight or nine, I can't  
21 pronounce the names, but I know you saw them listed earlier on  
22 the ordinance because you said you read that, would it be your  
23 opinion that --

24 MS. SPADE: Objection, Your Honor, as to the form.

25 I've gotten quite lost as to what she's asking.

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1           THE COURT: Well, if your objection is leading,  
2 sustained. The witness needs to testify, not counsel.  
3 Objection is sustained. Let's ask a non-leading question.

4 BY MS. CHAN:

5 Q. Mr. Crosby, after reading the Aurora ordinance the way it  
6 was written and the dogs it named, do you believe in your own  
7 opinion that this type of law would protect the public?

8 A. No. There are better ways to do it. Specifically, in the  
9 individual dangerous dog laws that are scattered around the  
10 country. Florida has a very strong dangerous dog law that  
11 under Florida statute is prohibited from taking breed into  
12 consideration as establishing dangerous nature.

13           Dangerous dog laws, especially the most effective  
14 ones, address the individual documentable behavior of an  
15 individual dog. Just like crimes are specific to humans, we  
16 cannot go, for instance, claiming that a group of humans,  
17 particular -- always act a certain way. We only arrest people  
18 for the crimes they commit, not for what their racial or ethnic  
19 or other background might be.

20 Q. In your tenure as a director for the shelter --

21           THE COURT: Hold on. Let me understand why you're  
22 saying that. You're saying that breed specific -- if I  
23 understand -- tell me what your opinion is, in your own words,  
24 about whether or not breed-specific laws or dangerous dog laws  
25 are better.

James Crosby - Direct

1           THE WITNESS: Your Honor, dangerous dog laws are much  
2 better.

3           THE COURT: Why?

4           THE WITNESS: Because they address the actions of a  
5 specific dog and what it's done, and then punish it, just like  
6 in the criminal human -- human criminal justice system. We  
7 cannot say that we're going to arrest all left-handed people  
8 because they have a propensity to run with scissors. What we  
9 do is, we say, you broke this specific law, and this is your  
10 punishment. We should do the same -- and it works in other  
11 places with -- the same with animals.

12           If you've got a dangerous dog, if you've got a dog  
13 that has mauled a child, I don't quite frankly care whether  
14 it's a wolf or a Chihuahua, that dog needs to be specifically  
15 regulated, and your actions with that dog need to be regulated,  
16 and you need to be held individually responsible for what that  
17 animal does.


18           Breed bans don't place responsibility on anybody. It  
19 avoids the whole question of the responsibility of owners. It  
20 just makes it somebody else's problem. It puts it in somebody  
21 else's backyard, instead of just shifting it, let's make the  
22 individual dog owner answer for what their dogs are doing or  
23 not doing.

24           That works a heck of a lot better. You can't --  
25 legislative things doesn't work. Nobody has been shot in New



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1 York City in 100 years, has there? Just outlawing things like  
2 pit bulls or Rottweilers or scissors doesn't stop Rottweiler or  
3 pit bull or scissor crimes. You have to regulate what the  
4 humans do. And by doing that, with a dangerous dog law, you  
5 establish that if your dog has been raised, and whether it's  
6 got a screw loose or you've abused it or you've never trained  
7 it or whatever, if it does X, then you have to either do Y or  
8 put the dog down. You have to meet that standard. And if  
9 after Y happens, your dog bites again, your -- you go to jail.

10 **THE COURT:** Let me ask this question: Are you aware  
11 of any literature in the public domain, even if you disagree  
12 with it, as to its rationale and its basis, which would support  
13 the enactment of breed-specific legislation, such as the Aurora  
14 ordinance? 

15 **THE WITNESS:** I have read no studies that I find to be  
16 sufficiently documented that indicate that breed-specific  
17 ordinances actually increase the public safety by one whit.

18 For instance, Miami-Dade is one of the two cities,  
19 along with Hollywood, Florida, that passed a breed ban just  
20 before Florida enacted its non-BSL provisions. People are  
21 still bitten by pit bulls every day in Miami, and they're  
22 bitten by other dogs too. The number of dog bites in  
23 Miami-Dade has continued to rise every year since the  
24 implementation of the pit bull ban there.

25 If I can use a human analogy. If you've got a bunch

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1 of drive-bys where the suspects are all driving low-rider  
2 Chevrolets, you don't ban Chevrolets. They just shift. The  
3 irresponsible people, even if they follow the ban, are just  
4 going to pick another breed of dog. They're going to treat  
5 them the same way, and you're going to have the same result.

6 In Hollywood, Florida, as far as I know, the bites  
7 there continue to go up, despite the fact that they're not  
8 allowing pit bulls there.

9 In Canada, there are pit bulls there. And yet in  
10 Canada, almost all of the fatal dog attacks in Canada are by  
11 sled dogs. Different people, different ownerships, different  
12 strategies, different way they treat their animals. If you go  
13 into certain areas, people are treating German Shepherds or  
14 Dobermans or Rottweilers poorly, and those animals wind up  
15 having behavioral issues. It has to do with -- it increases  
16 public safety more by regulating the humans and what they do  
17 with whatever dog they have.

18 People have been killed by falling into a nest of  
19 wiener dogs, literally. It's not just a Gary Larsen cartoon.  
20 If you've got people that are treating those dogs irresponsibly  
21 and acting irresponsibly, they're going to be just as much of a  
22 threat. It may take more of them, but they're still going to  
23 be a problem. Instead, address the individual dog.

24 I have personally since I've been in Bay County  
25 declared a golden retriever, a Rottweiler, pit bull, and --

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1 what was the other dog -- a generalized mixed breed as  
2 dangerous animals based on their behavior, not on what kind  
3 they are.

4 *THE COURT:* All right. Let me do it differently.  
5 Suppose the City of Aurora, rather than the plaintiffs, had  
6 called you as an expert in this case, and you had to give your  
7 best opinion as to why the Aurora ordinance in question in this  
8 case is reasonable, what would you say in support of that  
9 ordinance?

10 *THE WITNESS:* I'd have a tough time with it because --

11 *THE COURT:* What would you say?

12 *THE WITNESS:* Why it's reasonable?

13 *THE COURT:* Why it's reasonable, from a public health  
14 and safety standpoint.

15 *THE WITNESS:* The only way I could justify it as being  
16 reasonable would be to say that the politicians that passed it  
17 could be perceived as having done something, even if it was  
18 ineffective. That would be the positive of that. I would,  
19 instead -- and I have in other cities -- recommended that  
20 instead of going down this path, they go for an aggressive,  
21 clear dangerous dog statute.

22 *THE COURT:* All right. Ms. Chan, back to you.

23 *MS. CHAN:* Thank you.

24 *BY MS. CHAN:*

25 Q. In your experience, Mr. Crosby, with shelters and laws

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1 involving canines, do you believe, and is it your opinion that  
2 the dangerous dog laws, what we call, quote, generic dog laws,  
3 where a breed is not mentioned, when you say that you believe  
4 they work well, are you aware of a particular place that they  
5 have had put this type of law in, and it's working great?

6 A. There are a number of places where it works quite well.  
7 Jacksonville, Florida has an aggressive dog law that I helped  
8 write. Multnomah County, Oregon has a dangerous dog law.  
9 There are places in Washington state, there are places all over  
10 the country where dangerous dog laws, based on the model both  
11 produced by, for instance, the National Animal Interest  
12 Alliance, the type of models endorsed by the American Kennel  
13 Club, the type of model that's being presented by Best Friends  
14 Animal Society, all of those are good, solid models that can be  
15 applied and can actually work.

16 Q. Do they -- those type of generic dog laws work the best  
17 where animal control enforces them?

18 A. In my observation and opinion, yes. Instead of trying to  
19 spend your day driving around, deciding whether you're looking  
20 at the banned dog of the moment, you simply go to the calls,  
21 you investigate it, you look at the behavior of the dog, and  
22 then you make your recommendations as to whether this  
23 individual dog is something we want to have on our streets.  
24 That's what improves public health, whether that individual dog  
25 is a threat. And if it is, it needs to be taken off the

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1 street, because we have that responsibility as animal control  
2 officers to protect the public from animals.

3 Q. What is one thing that a shelter could do in your opinion  
4 to actually make those dogs more known to people?

5 A. In Florida, if you have a dangerous dog, one of the things  
6 you have to do is, your yard must be posted that you have a  
7 dangerous dog on that property. You have to have specific  
8 secure enclosures so that the dog is not able to get out and  
9 run at large. If you have a dangerous dog, and it is running  
10 at large, you go to jail. If you have a dangerous dog, and  
11 you're going to take it out of your yard, it has to not only  
12 have a leash on it, it has to be muzzled, and it has to be in  
13 the presence of not your 6-year-old nephew, but a responsible,  
14 competent adult. There are plenty of measures that are put in.

15 One of the things we are adding in my county that is  
16 in place in other places such as Jacksonville, Tallahassee,  
17 Parker, Springfield, and other places in Florida, is a  
18 mandatory requirement for specific liability insurance so that  
19 if you have a dog that's been declared dangerous, you have to  
20 buy what is expensive insurance to make sure that your dog's  
21 next victim isn't going to lose because you're an irresponsible  
22 owner.

23 Q. So the insurance, in your opinion, if they were required to  
24 get it for a dangerous dog, then, would that tend to help the  
25 victim, if there ended up being a victim of the actual

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1 dangerous dog?

2 A. It winds up helping the victim. And it also winds up  
3 winnowing out those people who are willing to spend 2 to 3 to  
4 \$4,000 a year to maintain a dangerous dog. It's expensive to  
5 keep a dangerous dog, and it should be. A dog that has  
6 fulfilled those requirements is a potential threat to the next  
7 person coming down the street. And those people should be held  
8 responsible for that, and that dog should be regulated  
9 strongly.

10 Q. One last question, Mr. Crosby. In your experience as a  
11 shelter director, have you ever seen any particular dogs  
12 destroy property in the shelter, in their kennel?

13 A. We actually have dogs that tear up toys all the time.

14 Q. You give them toys?

15 A. Yeah, we give them toys and blankets and things to sleep  
16 on. We try to enrich the shelter environment as much as  
17 possible to try to make them adoptable. Because, after all, I  
18 don't want to kill one more dog than I have to.

19 Q. Do you give pit bulls toys?

20 A. We give all of them toys.

21 Q. Do you put pit bulls in a kennel fencing like other dogs?

22 A. The only differential containment we have is the dogs who  
23 have proved they're climbers. We recently had a German  
24 Shepherd that was. We put them in a kennel run that has a  
25 secure top so she couldn't get out and play with other dogs.

James Crosby - Direct

1 Q. Has it been your experience at your shelter and in your  
2 opinion, have you viewed any pit bull dogs that destroyed the  
3 fencing of their own kennel?

4 A. In my shelter, I have not seen any damage caused by any of  
5 the dogs that we have. In other shelters and other  
6 situations -- for instance, I own an AKC champion curly-coated  
7 retriever, that if he's mad at you, will chew his way through a  
8 chain-link fence. He's got no pit bull in him.

9 Q. In your opinion, Mr. Crosby, do all dogs have the -- well,  
10 this is probably a fact -- do all dogs have the same amount of  
11 teeth?

12 A. I would have to check with a veterinarian to make sure. I  
13 believe so, but that's not within my training or education to  
14 know that exactly.

15 Q. Okay.

16 A. I know that breed standards, in the AKC and UKC, which I'm  
17 most familiar with, some of them do give a specific number of  
18 teeth that are required. So apparently there is some  
19 variation, even within breeds of individuals that do not meet  
20 the breed standard. It's like you or I might have a missing  
21 tooth or an extra tooth.

22 Q. You mentioned earlier, Mr. Crosby, that in doing the fatal  
23 attacks, I believe you said that a smaller dog versus a bigger  
24 dog, you named some factors that would cause -- have some kind  
25 of implication as to the damage done to a person.

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1 A. Yes.

2 Q. Okay. So in your opinion, if you had a shelter dog that  
3 came in that was 15 pounds, let's just say he has teeth  
4 relative to his size, whatever the number of teeth they have,  
5 let's just pretend it's 32, and that dog, you know, damaged --  
6 that dog damaged one of your shelter workers, could he -- could  
7 that dog possibly do extreme damage to a person?

8 A. I've seen extreme damage done by dogs, again, ranging from  
9 Presa Canarios at 140 plus pounds, to Dachshunds and  
10 Pomeranians at 6 to 10.

11 Q. Could you please tell the Court, there may be people that  
12 don't know the sizes of those breeds you mentioned.

13 A. Presa Canarios -- one of the fatal attacks I'm aware of,  
14 the Presa Canarios that killed a woman in Coral Springs,  
15 Florida, was around 140 pounds.

16 Q. And --

17 A. Pomeranian that I worked with that had bitten someone  
18 severely several times was about 7 1/2 pounds.

19 Q. And the other one? I think you said Chihuahua.

20 A. Chihuahua, what, 5 or 6 pounds. You know, if -- again, if  
21 it's got teeth, it can bite.

22 Q. Last question for you Mr. Crosby. In your -- in your  
23 statement earlier, I believe you testified that you have done  
24 the most on-hands reports of anybody in the country on  
25 fatalities of dogs against humans.



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1 A. Right.

2 Q. And is the number of people killed in the United States --  
3 keep it to the United States -- is that a large number?

4 A. Last year, in 2007, there were a total of 33 humans killed  
5 by dogs. That is out of a population what we -- somewhere  
6 between 270 and 300 million. The year before it was a few less  
7 than that. This year, as of -- and I haven't seen this  
8 morning's media reports or anything. But as of yesterday,  
9 there were 21, the 21<sup>st</sup> being the one that I just left up in  
10 Muncie, Indiana, before I came here.

11 The amount -- the number of people actually killed by  
12 canines is tiny in comparison to other causes of death. For  
13 instance, 120 people about every year are killed by cows. 300  
14 some odd people on an average year die falling in bathtubs, and  
15 I don't think we're going to ban the bathtubs.

16 Q. In your fatal attack personal experience, can you recall if  
17 there was, in your opinion, one of the worst attacks you've  
18 ever seen?


19 A. The worst -- the worst attack that I have seen involved a  
20 10-year-old child that was partially consumed and killed -- was  
21 killed on the spot, and then consumed by the dogs that attacked  
22 him.

23 Q. Does "consumed" mean that whatever dog --

24 A. Eaten. There were massive amounts of tissue gone. He was  
25 eaten on the scene.

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1 THE COURT: What kind of dogs?

2 THE WITNESS: Four boxers and two generic Heinz-57  
3 brown dogs, about half their size. 

4 THE COURT: How many dogs attacked the kid?

5 THE WITNESS: Total of six.

6 THE COURT: Where did this happen?


7 THE WITNESS: Dillon, South Carolina. I was on scene  
8 that one, and that -- that's the most gruesome one, and the  
9 most egregious one I've seen.

10 THE COURT: Were those dogs killed?

11 THE WITNESS: Yes, except for the one that was stolen  
12 before I got there. Somebody broke into animal control and  
13 stole one of those dogs.

14 BY MS. CHAN:

15 Q. Mr. Crosby, was there any fatal attack that you are aware  
16 of that you participated in investigating involving a small  
17 dog?

18 A. There was one -- I didn't go to the scene, but there was  
19 one last year that involved a Dachshund. The first one of this  
20 year was a Jack Russell terrier in Brooklyn, New York -- I'm  
21 sorry, the Dachshund was in Brooklyn. The Jack Russell was in  
22 Kentucky, I believe. 

23 Q. How much does a Jack Russell terrier weigh?

24 A. 8, 9, 10, 12 pounds. The movie, *My Dog Spot*, that was  
25 running around popular a few months back or a year back, that

James Crosby - Direct

1 was a Jack Russell terrier.

2 MS. CHAN: Okay. I have nothing further, Your Honor.

3 THE COURT: Cross-examination.

4 MS. SPADE: Thank you, Your Honor.

5 **CROSS-EXAMINATION**

6 BY MS. SPADE:

7 Q. Sir, I believe you said you had retired as a police  
8 officer?

9 A. Yes.

10 Q. But you also told us that you were not in the canine unit;  
11 is that correct?

12 A. That's correct. I was never actually assigned to the  
13 canine unit.

14 Q. Thank you, sir. So your experience is primarily after your  
15 retirement?

16 A. While I was still on the police department, I would go out  
17 on training days with the Jacksonville police canine unit. I  
18 would talk to the trainers. I would observe what they were  
19 doing. I would help them from time to time. I was not  
20 actually assigned there, but when I had the time, I would spend  
21 some time with them, and also participated with them in  
22 evaluating dogs with potential for, as detector dogs, both for  
23 drugs and bombs, and also evaluated animals as suitable for  
24 patrol dogs.

25 Q. But, again, the majority your experience, that you've

James Crosby - Cross

1 testified to today, comes from the time frame after your  
2 retirement; is that correct?

3 A. Yes.

4 Q. Okay. And have you ever been to Aurora, Colorado?

5 A. Actually, my former in-laws live in Broomfield. So I've  
6 probably driven through it, but wasn't aware of it at the time.

7 Q. So you were not aware of ever having been to Aurora,  
8 Colorado, correct?

9 A. To the best of my knowledge, I've never come to visit, no.

10 Q. And have you ever spoken to any of Aurora's animal care  
11 officers?

12 A. No.

13 Q. Have you ever spoken to any Aurora City Council members?

14 A. No.

15 Q. Have you ever investigated any fatal cases in Aurora,  
16 Colorado?

17 A. During the time I've been doing this, there has not been a  
18 fatal case in Aurora that I'm aware of, so, no.

19 Q. Have you ever spoken to any victims of dog attacks in  
20 Aurora, Colorado?

21 A. In Aurora? No.

22 Q. So without ever talking to any of these people, you know  
23 better than anyone else what the rational basis is of a law,  
24 correct, sir?

25 A. I know what the rational basis of the law is based on those

James Crosby - Cross

1 places that I've observed it. And I don't believe that Aurora,  
2 Colorado is Mars. I think it's part of the country and pretty  
3 much like everywhere else.

4 Q. Now, sir, do you know if Aurora, Colorado has a dangerous  
5 dog law?

6 A. Haven't asked them. If they don't, they should.

7 Q. Just never occurred to you to even ask?

8 A. I was not asked to review their dangerous dog law.

9 Q. And so if you were told that Aurora does in fact have a  
10 dangerous dog law, would that surprise you?

11 A. Wouldn't surprise me or not surprise me. Plenty of places  
12 do. The entire state of Indiana does not.

13 Q. And so for a jurisdiction that has a dangerous dog law, in  
14 fact, those dangerous dog laws are not addressing citizen  
15 concerns, do you have a fallback position, sir, on how to keep  
16 the citizenry safe?

17 A. Try enforcing the law you have. Citizen perception is not  
18 necessarily backed up by data. Citizens believe things all the  
19 time. Do you go with what people feel, or do you go with what  
20 the information says?

21 Q. Speaking of beliefs, you were asked by the judge if there  
22 are any reports or data that do support the opposite position  
23 to what you have. And as I understood your responses, you said  
24 that there were no studies that you found sufficiently  
25 documented; is that correct, sir?

James Crosby - Cross

1 A. That's correct. I have not seen anything that seems to  
2 have been backed up by hard data.

3 Q. So there are studies that exist; is that correct?

4 A. I have not read any, no.

5 Q. You just said that they weren't backed up by hard data. So  
6 you must have read something, sir?

7 A. There have been allegations that breed bans work in various  
8 places that I have not seen any written, backed up, hard data  
9 on. So I have not read any studies with hard data on them that  
10 state that this works.

11 Q. So, basically, the things that you have read that support  
12 breed-specific legislation, you don't agree with. And so you  
13 don't do any further investigation on those; is that correct,  
14 sir?

15 *MS. CHAN:* Objection, argumentative.

16 *THE COURT:* Overruled.

17 *THE WITNESS:* I -- I have seen claims such as the City  
18 of Aurora's claim that a breed ban is necessary and somehow  
19 works. However, I have not seen any of those claims backed up  
20 by hard data.

21 If you have such a study, I would love to see it.

22 *BY MS. SPADE:*

23 Q. Now, you were given the dog bite reports from the City of  
24 Aurora, correct?

25 A. Correct.

James Crosby - Cross

1 Q. And you noted that you were informed that there were five  
2 months of cards that were missing; is that correct?

3 A. Actually, the affidavit that was provided by the Aurora  
4 Animal Control officers stated that there were five months of  
5 data missing. Other than that, I have no knowledge if there is  
6 or how much data is missing.

7 Q. And you have no reason to disbelieve that, do you?

8 A. I have no reason to have an opinion either way.

9 Q. Did you sit and match the cards up and see if there were  
10 five months that were missing?

11 A. If they don't have the cards, it seems that's kind of hard  
12 to do.

13 Q. Well, you can see where there aren't cards for, say, March,  
14 April, and May, correct?

15 A. If the stuff that's missing is sequential.

16 Q. So you didn't bother to put the dog bite cards in a stack  
17 by year and then match them up against month?

18 A. I didn't go day by day, no, ma'am, I did not. I took what  
19 I was provided, believing that to be the total of what Aurora  
20 had. The evidence -- the statement that those things are  
21 missing came much later, and I only became aware of it  
22 yesterday.

23 Q. And do you know what was going on in 2003 at Aurora Animal  
24 Care?

25 A. No idea.

James Crosby - Cross

1 Q. Never spoke to animal care to find out why those things  
2 might be missing?

3 A. I was asked to review the documents I was given, not to  
4 investigate Aurora Animal Control.

5 Q. And I'm guessing you don't know what the records retention  
6 policies are regarding Aurora Animal Care?

7 A. I do not know what Colorado requires. I know that Florida  
8 requires 75 years.

9 Q. But you don't know what Colorado law is?

10 A. I'm not in Colorado. I don't work in Colorado.

11 Q. So if you heard that the retention period was three years,  
12 and then people are expected to purge them, would that surprise  
13 you?

14 A. Honestly, yes. Even the IRS tells you to keep seven years  
15 of receipts.

16 Q. And do you know if Aurora Animal Care was going through a  
17 renovation in that time period?

18 A. I don't know anything about Aurora Animal Control, even if  
19 they're certified.

20 Q. Now, you have been the director of the Dade County shelter  
21 since February of this year, correct?

22 A. I've never been in the Dade County shelter. I am at the  
23 Bay County, Florida --

24 Q. Bay County?

25 A. And took over as director in February of this year, that is



1 correct.

2 Q. You know what, preconceptions. I misheard you, sir. So  
3 Bay County. You've been there since February, correct?

4 A. Correct.

5 Q. Have you ever had occasion to move your entire animal care  
6 shelter out of the building you're currently in and move it  
7 physically to another building?

8 A. No, ma'am. I've been fortunate that I've actually got a  
9 nice building that was built about three years ago.

10 Q. So you would have no idea what effect moving animal care  
11 from one building into a totally different building might have  
12 on, say, a computer system?

13 A. Here in Aurora, no. I can tell you that the records from  
14 Bay County animal control that predate the move to the shelter  
15 that I am in are in boxes at my shelter and can still be looked  
16 up. We did not put in the computer until 2006. And from the  
17 day the computer was started, all of our records are in place.

18 Q. You told us about your curly-coated retriever; do you  
19 recall that?

20 A. I did mention that he will chew his way through a  
21 chain-link fence, yes.

22 Q. And do you think that's a problem that should be addressed,  
23 if he's doing that consistently, sir?

24 A. If I catch him doing it, he is corrected. And he has  
25 stopped doing it, because he's been repeatedly corrected.

James Crosby - Cross

1 Q. And it has a physical impact, right?

2 A. Certainly. It makes me fix the fence, and it wears down  
3 his teeth.

4 Q. And would you agree that if an animal care shelter was  
5 having that kind of physical impact, that would be a cause of  
6 concern on a regular basis if that happened?

7 A. Sure.

8 Q. All right.


9 A. Try and replace whatever was being destroyed with something  
10 that wasn't quite as vulnerable.

11 Q. Have you done any fatal animal research in Colorado at all?

12 A. Since I started this, I have not responded to the state of  
13 Colorado on a fatal dog attack, no.

14 Q. Did you respond to the attack in Elbert County?

15 A. Was that the little boy that's arm was taken off by the two  
16 chows?

17 Q. No, sir. That was a woman who was killed by three pit  
18 bulls when she went to go feed her horse. 

19 A. What date was that? I did not come out for it. I just  
20 don't know if it was before I started responding or not.

21 Q. So, basically, since you aren't familiar with the case, you  
22 didn't come out and view --

23 A. No, I didn't come out.

24 Q. And you told us that you found 1.9 percent of the serious  
25 dog bites in the Aurora dog bite cards were the same percentage

James Crosby - Cross

1 as chows; is that correct?

2 A. That is correct. Nine, what I term level 5. Which if  
3 you'll let me read it in is, multiple bites, one to four holes  
4 from a single bite, one hole deeper than one-half the length of  
5 a canine tooth, typically contact and punctures from more than  
6 the canines only, black bruising, tears and/or slashing wounds,  
7 dog clamp down or shook or slashed victims. Level 5, there  
8 were nine level 5 bites, as best I could tell from your  
9 figures, and nine pit bull bites at that level, the same  
10 percentage of the total. However, that makes it 40 percent of  
11 the bites by chows were severe, as opposed to only 21 percent  
12 of the bites by pit bulls.

13 Q. And you only concerned yourself as far as looking at level  
14 5 bites; is that correct, sir?

15 A. No, I looked at level 3, 4, 5 and 6, 6 being fatalities of  
16 which there are none documented in the time period in Aurora,  
17 Colorado.

18 Q. And so --

19 A. Let --

20 Q. Your base of complaint is that we should have outlawed  
21 chows too?

22 A. No. My base of complaint was outlawing pit bulls was a  
23 waste of time, effort and money and didn't accomplish anything.  
24 It was based on flawed data.

25 Q. This despite the fact that you didn't speak to any of the

James Crosby - Cross

1 City Council people who passed this, correct?

2 A. Based on the review of the data. The data supports itself.

3 Q. And do you know if the City Council only relied on dog bite  
4 reports?

5 A. I don't know what the City Council made their determination  
6 on. I did not speak to them.

7 Q. Do you know how many City Council people are in Aurora?

8 A. No.

9 Q. I believe you said that in your vitae, you had looked at a  
10 number of fatal dog bites; is that correct?

11 A. That's correct.

12 Q. And in your vitae, four of those involve pit bull type  
13 dogs, don't they?

14 A. Actually, I'd have to look back through each one. I don't  
15 remember exactly how many. I could tell you in just a few  
16 minutes, because I could pull it up. But I have investigated  
17 fatals by pit bull type dogs, yes.

18 Q. Pit bulls can inflict fatal injuries, correct, sir?

19 A. Correct.

20 Q. And in the case of 2006, Montgomery County, Texas, that was  
21 a fatal dog attack on an adult victim?

22 A. That's correct.

23 Q. That was a pit bull, right?

24 A. That's correct.

25 Q. And in 2006, DeKalb County, Georgia, that was a serious

James Crosby - Cross

1 mauling, there was an allegation that that was a pit bull-type  
2 dog?

3 A. Yes, it was a pit bull-type dog.

4 Q. And in 2005, Huntington, West, Virginia, that was a fatal  
5 dog attack on a 2-year-old?

6 A. That's correct.

7 Q. Again, that was a pit bull-type dog?

8 A. Actually, the owner claimed it was a Staffordshire Terrier.

9 Q. A Staffordshire Terrier is defined as a pit bull under the  
10 ordinance, correct, sir?

11 A. Then it is a pit bull-type dog, yes.

12 Q. In 2004, Nassau County, Florida, serious dog attack by pit  
13 bull terrier on an adult?

14 A. That's correct.

15 Q. Now, you told us that pit bulls are no stronger than any  
16 other particular dog; is that correct?

17 A. In my observation, no, they're not.

18 Q. And as part of your example, you told us about  
19 weight-pulling competitions, right?

20 A. I used that as a generalized example, that if you -- in my  
21 observation, although I'm not a weight-pull judge, if you had  
22 similar-sized dogs that were similarly athletic, they would be  
23 pulling similar-sized objects, if they were so prone to do.

24 Q. So have you been to these weight-pulling competitions?

25 A. No. I'm not a weight-pulling participant, no. But I have

James Crosby - Cross

1 handled pulling dogs, pretty much most breeds out there, and  
2 don't find that any one breed pulls on the leash based -- based  
3 on breed any more than a dog of a similar size.

4 Q. I was going to ask you, sir, how many poodles you've seen  
5 pulling weighted sleds at these weight-pulling competitions.  
6 But it sounds like you've never been to one, correct?

7 A. I have not attended one, no.

8 Q. Would it surprise you to learn that pit bull-type terrier  
9 dogs are a very popular breed when it comes to weight pulling?

10 A. No, it would not.

11 Q. Would it surprise you to hear that poodles are not used in  
12 weight pulling?

13 A. Poodles are actually used in an awful lot of things,  
14 including retrieving competition and other physical activity.  
15 So it actually surprises me if a poodle has never tried.

16 Q. But that's what poodles are bred for, right, sir,  
17 retrieving? They're hunting dogs.

18 A. Poodles are hunting dogs, yes. Poodles are also used in  
19 hearing competition, something they weren't bred for.

20 Q. But dogs are bred for purposes, correct?

21 A. Breeds have been established with general requirements,  
22 general desires behind their use, yes.

23 Q. So --

24 A. I have yet to see a dog, however, that is a single-purpose  
25 animal.

James Crosby - Cross

1 Q. But they are more prone to doing one thing. For instance,  
2 your curly-coated retriever is very good at water sports, I'm  
3 guessing.

4 A. That particular one is, yes. I have another one that can't  
5 swim to save its own life.

6 Q. And being a retriever, it retrieves, correct?

7 A. He does, yes.

8 Q. And the pit bull-type dogs were bred to fight; isn't that  
9 correct, sir?

10 A. Some of the pit bulls were selected for the ability to  
11 fight other animals, yes, that is true.

12 Q. Now, I'm going to take you back to the bite cards. You  
13 observed that --

14 *THE COURT:* I'll tell you what, why don't we go ahead  
15 and stop for lunch. We're going to break for an hour and a  
16 half, start again at 1:25.

17 How many more witnesses will the plaintiff call?

18 *MS. CHAN:* One expert and two more animal control  
19 people.

20 *THE COURT:* Okay. All right.

21 We'll resume in an hour and a half.

22 (Recess from 11:56 a.m. to 1:39 p.m.)

23 *THE COURT:* Let's continue with the cross-examination  
24 of Mr. Crosby.

25 *MS. SPADE:* Thank you, Your Honor.

James Crosby - Cross

1           THE WITNESS: I'm ready whenever you are.

2 BY MS. SPADE:

3 Q. Super. Do you know how many labrador retrievers live in  
4 the City of Aurora, Colorado, sir?

5 A. Not for sure, ma'am. I know that the information provided  
6 on the 2005 registrations showed that 919 labrador retrievers  
7 were, according to the City of Aurora, Colorado, registered --  
8 licensed, I'm sorry.

9 Q. And you had noted earlier that there were slightly more  
10 labrador retriever bites than pit bull-type bites, correct?

11 A. Yes, according to the records, that's correct.

12 Q. So if there are three times more labrador retrievers living  
13 in the city of Aurora than a slightly higher number of bites  
14 would actually be disproportionate statistically, wouldn't it,  
15 sir?

16 A. I'm not a statistician. I can't state statistically how it  
17 would fit within tolerances or what those tolerances would be.

18 Q. Kind of makes sense, sir, if you had 900 labradors and 300  
19 pit bulls and about the same number of bites, then the  
20 statistics are skewed, wouldn't they?

21 A. I wouldn't be surprised to see more bites from labradors  
22 than pit bulls, no.


23 Q. You had also testified earlier that all dogs give warning  
24 signs and that it's a myth that pit bulls never attack without  
25 warning.



James Crosby - Cross

1 A. In my experience, that is correct.

2 Q. So you, yourself, have never seen a pit bull attack without  
3 warning?

4 A. No. 

5 Q. Thus, you draw the conclusion it becomes impossible for  
6 that to happen?

7 A. I did not say impossible. Impossible is a word that is  
8 very difficult to apply. I can't say it's impossible you won't  
9 be abducted by aliens.

10 Q. But you were doing --

11 A. I have never observed that.

12 Q. Sir, you were giving your expert opinion that all dogs give  
13 off signals before they attack, correct?

14 A. In my experience, yes.

15 Q. And have you ever seen a pit bull wagging its tail and  
16 basically acting like a really happy dog right before it  
17 attacked?

18 A. Personally, no.

19 Q. So, again, because it's outside the realm of your  
20 experience, you can't say whether that does or does not happen?

21 A. I can say that I've never observed it.

22 Q. You were also talking at one point about the majority of  
23 bites in Canada coming from sled dogs, I believe. Do you  
24 recall that?

25 A. Yes. That's what I was told by the director of Calgary,

James Crosby - Cross

1 Alberta's animal control, Mr. Bill Bruce.

2 Q. And were you aware that the Ontario Court of Appeals has  
3 recently upheld a province-wide ban against pit bulls in  
4 Ontario?

5 A. Yes, I am.

6 Q. This despite the fact that it's primarily sled dogs that  
7 engage in fatal attacks there, correct, sir?

8 A. Yes. Which goes to the proof that the legislation isn't  
9 always carried by the data.

10 Q. Now, you're testifying here as an expert, correct?

11 A. Yes, ma'am.

12 Q. And as an expert, you had to submit a report on your  
13 findings, correct?

14 A. Yes, ma'am.

15 Q. As a matter of fact, you submitted two reports, didn't you,  
16 sir?

17 A. I submitted a report, and then a cover sheet was amended to  
18 that report that I did not write, as I addressed in the  
19 deposition.

20 Q. Your first report was dated March 17, 2007, correct?

21 A. I'm not sure, but I'll accept your word on that.

22 Q. And that did not have the cover sheet.

23 A. That's correct.

24 Q. And the second report was not dated, but it came with the  
25 cover sheet, correct?

James Crosby - Cross

1 A. Correct. Which, as I said, I did not write.

2 Q. Who did you get that from?

3 A. The cover sheet was provided for me by Mr. Bui.

4 Q. Did you get that by fax, e-mail, how did you get that?

5 A. At this point, I honestly don't remember whether he  
6 e-mailed it to me or faxed it to me. Possibly e-mailed it.

7 But I was given it for the purposes of proper form as far as  
8 submission to the Court.

9 Q. And you wrote not a single word of that cover sheet?

10 A. Not of the front page, no. I was provided that cover  
11 sheet.

12 Q. And I believe you kind of characterized the difference in  
13 the two reports as reformatting; is that correct?

14 A. That is the difference. Reformatting, I was given the  
15 format that the Court would require it to be in so that it was  
16 properly worded and -- not -- I'm sorry, not worded, but  
17 properly constructed.

18 Q. I guess I'm wondering, sir, how in reformatting, Report 1  
19 goes from being slightly over half a page to being reformatted  
20 to slightly over two pages in Report No. 2.

21 A. I don't have Report No. 1 in front of me. But the  
22 information contained is the same in both reports. There are  
23 no differences of fact.

24 Q. I'm going to ask the clerk to hand you Report No. 1 and  
25 Report No. 2.

James Crosby - Cross

1 First of all, in Report No. 1, sir, do you cite to any  
2 scientific reports, materials or data? Do you name any  
3 reports, sir?

4 A. I do not name any reports in the first one, no. I  
5 mentioned my investigations.

6 Q. So it's based solely on your experience, your  
7 investigations, correct?

8 A. This report states that, based on my investigations. I do  
9 not go into the other supporting documents, no.

10 Q. If you could take a look at Report No. 2. I'll give you a  
11 moment to look that over. And absent the cover page, which you  
12 did not write, in the report itself, do you cite to any  
13 scientific materials, publications, or data, sir?

14 A. No. As you can see here, I have based this report and my  
15 opinions on primarily my own observations and research.

16 Q. Okay. Now, Report No. 1 is written rather informally;  
17 would you agree with that statement, sir?

18 A. Yes, it was.

19 Q. And Report No. 2, you have formal delineations of areas  
20 that you're addressing, correct?

21 A. Yes, I do.

22 Q. That does not appear in Report No. 1, does it, sir?

23 A. No. It's actually a clearer, more properly formatted and  
24 explained report.

25 Q. When you said "reformatted," you're actually expounding on

James Crosby - Cross

1 Report No. 1 and kind of going beyond the ambit of Report No.  
2 1; would you agree with that, sir?

3 A. I would agree that this is the first report I prepared for  
4 the federal court and was not sure in how much detail to go.  
5 Had I wanted to, I could have gone for many more pages, but I  
6 focused on the high points of what I would be addressing.

7 Q. So you didn't think to check with counsel before you  
8 tendered that report, sir, the first report?

9 A. I didn't think I needed counsel's permission to issue the  
10 report that I was going to sign off on.

11 Q. That's --

12 A. Counsel didn't do the research; I did.

13 Q. But that's who you ended up sending both of these reports  
14 to, correct?

15 A. Both of these reports were sent to Mr. Bui. He forwarded  
16 them on to counsel, which I believe initially was a different  
17 attorney.

18 Q. It was after you sent Report No. 1 that you received  
19 information from Mr. Bui that you needed to reformat things?

20 A. That I needed to reformat it, yes.

21 Q. Expand your areas of concern, such as -- I believe it talks  
22 about physical jaw structure in Report No. 2, correct?

23 A. It talks about what I have observed in the pit bull dogs,  
24 including their jaws, yes.

25 Q. And you didn't specifically home in on that in Report No.

James Crosby - Cross

1 1, do you, sir?

2 A. I don't specifically mention that issue here. I mention  
3 that my investigation of numerous fatal attacks, but did not  
4 expound on the part of those investigations that dealt with the  
5 observations of the physical skulls and jaws of the dog.

6 Q. None of that is in Report No. 1, right?

7 A. Report No. 1, no, it's not. Report No. 1 was not a report  
8 submitted to the Court.

9 Q. Did you consult with Mr. Bui before doing Report No. 2,  
10 sir?

11 A. As to the format, yes. As to the information, no.

12 Q. So under format, did you talk about expanding your headings  
13 and getting more in depth about what your research had shown?

14 A. Yes. I was asked to expand a bit on the information, but I  
15 had originally sketched out in the preliminary report, No. 1 --

16 *MS. CHAN:* Objection, Your Honor, relevancy.

17 Exhibit --

18 *THE COURT:* Overruled -- go ahead, finish your  
19 exhibit.

20 *MS. CHAN:* The exhibit has not been -- the exhibit  
21 she's talking about is not even listed on the exhibit list. I  
22 don't -- I've not -- you know, I don't have it here.

23 *THE COURT:* These are his reports, aren't they?

24 *MS. SPADE:* Yes, Your Honor, they are.

25 *THE COURT:* I realize they're not marked as exhibits,

James Crosby - Cross

1 but she can ask him about what he wrote in his report. It's  
2 proper cross-examination.

3 Objection is overruled.

4 *BY MS. SPADE:*

5 Q. Now, in Report No. 1, I believe it's in the top paragraph,  
6 you say you've investigated a variety of fatal dog attacks.

7 And those include pit bulls, correct, sir?

8 A. Those include pit bull terriers, yes.

9 Q. And that kind of takes us back to your vitae, in terms of  
10 pit bull-type dogs can be dangerous, correct?

11 A. Yes, ma'am, absolutely.

12 Q. And in your vitae, you only list level 5 or level 6  
13 attacks; is that correct?

14 A. Actually, in my vitae, I do not list all of the attacks  
15 I've consulted on, spoken to people, or worked on. If you'll  
16 notice on there, it says "selected consulting duties."

17 Q. I understand that, sir. But of the ones that you selected  
18 to put in your vitae, you've chosen level 5 or level 6 attacks,  
19 correct?

20 A. Yes.

21 Q. And of those -- we went over several of them -- I believe  
22 four of them involved pit bull-type dogs.

23 A. Yes.

24 Q. And of these selected cases, there are 12. So that means  
25 that one out of every three of these level 5 or level 6 attacks

James Crosby - Cross

1 is a pit bull-type dog, correct?

2 A. Depends on the year. Actually, this year, it's a slightly  
3 different rate. Last year it was a different rate. Over time,  
4 it appears to be hovering around the 30 percent mark.

5 *THE COURT:* Just so the Court is clear, what are level  
6 5 and level 6 attacks?

7 *THE WITNESS:* Your Honor, they are classification of  
8 dog bite that I read from before. That explains bites, rather  
9 than, ooh, that's bad, or ooh, that's minor, gives a standard  
10 of engagement of the dog -- and I'm looking for my copy of it  
11 right now -- that can be compared across jurisdictions, across  
12 legal cases, across animal control agencies, and so forth, so  
13 that we can more appropriately quantify what one person thinks  
14 is a bad bite, the next person may not.

15 And as I'm sure Your Honor is aware, different -- even  
16 medical treatments or sutures is not consistent, because if,  
17 for instance, a dog bites a person who is not a model of some  
18 kind, in a non-visible area, the doctor may elect, based on  
19 their best judgment, to put a staple or two in. Where,  
20 frankly, if you have a small child with a facial bite of the  
21 same size, they may put a whole bunch of teeny, tiny sutures in  
22 so the child bears no scars through its life.

23 If you'd like, sir, this is a copy of the bite  
24 continuum. If you'd like the clerk to see that.

25 *THE COURT:* Yes, I would like to see that.



James Crosby - Cross

1 Are level 5 and 6 bites the more serious?

2 *THE WITNESS:* Yes, sir. A level 5 bite, as defined --  
3 as you'll see defined, there is multiple bites of a serious  
4 nature, multiple level 4 or above bites. And a level 6 bite is  
5 any bite that results in the death of a human.

6 *THE COURT:* Okay.

7 *BY MS. SPADE:*

8 Q. So a level 6 bite is a fatality?

9 A. Correct.

10 Q. And in your investigation of fatal dog attacks, I believe I  
11 heard you say that most of the fatal dog attacks were  
12 first-time bites; is that correct, sir?

13 A. The largest -- I would have to say that there are a  
14 substantial number that are first-time bites. However, when  
15 one looks into the backgrounds of these dogs, there are  
16 behaviors that should have been a warning in those attacks,  
17 aggression focused on humans that may not have resulted in a  
18 bite, aggression focused on other animals that may not have  
19 been resulting in a human bite.

20 Q. So the dangerous dog laws that you're advocating don't  
21 really protect the first-bite victim, do they, sir?

22 A. Sure they do. Because you don't have to have a bite to a  
23 human to judge a dog dangerous. For instance, in my state, if  
24 a dog kills two or more domestic animals, it can be judged  
25 dangerous. If a dog charges in a means or mode of attack or

James Crosby - Cross

1 threatening manner, and such attack -- such charge, even though  
2 there is no contact, is witnessed by at least one person who  
3 gives written affidavit, that dog may be adjudged as a  
4 dangerous dog. There is no prerequisite for a human bite to  
5 judge a dog dangerous. It's on its behavior.

6 Q. And, again, you aren't certain if Aurora has a law like  
7 that, correct?

8 A. I haven't looked for it. If it does, I think it's a good  
9 idea.

10 MS. SPADE: Thank you, sir.

11 THE COURT: Redirect.

12 **REDIRECT EXAMINATION**

13 BY MS. CHAN:

14 Q. Mr. Crosby, you looked at -- you testified before that you  
15 had looked at all of the Aurora dog bite data for the years  
16 2003, 4 and 5; is that correct?

17 A. I looked at all of the dog bite data that I was provided.

18 Q. Okay. Going on the assumption that you looked at what was  
19 provided, and you testified already as to what you saw, are you  
20 able to in your opinion look at the data that you were given on  
21 licensed dogs, or if they were licensed, to determine a  
22 population of how many breeds are in a city?

23 A. I have no way to guess that. Dog licensing is erratic  
24 across the country. The best program I know of is Calgary,  
25 Alberta, where 95 percent of all animals are licensed. In the

1 town I lived in, Jacksonville, they would have been lucky and  
2 thrilled to get 10 percent. So there is no way to judge how  
3 many of what, or what the actual population is.

4 Q. And in your opinion, is there a correlation between  
5 licensed dogs and how many breeds of one type are in a city?

6 A. I know of no such correlation, no, ma'am.

7 Q. Thank you. Are you aware -- in your fatal attack, all of  
8 the stuff you have done, that you testified to earlier, are you  
9 aware of or do you know in your own opinion from what you have  
10 seen and done personally, about how many breeds might be  
11 responsible for fatal attacks overall?

12 A. Most all of them. For instance, I've got a list that this  
13 year so far includes -- if I can find that piece of paper. So  
14 far this year, the fatal attacks include Dobermans -- I'm  
15 sorry, in 2007, they included --

16 Q. Let me interrupt you just one moment. The question was, in  
17 your opinion, you know, how many breeds are responsible? I'm  
18 just asking you for a number.

19 A. Many, most of them --

20 Q. More than ten?

21 A. They're not limited -- there is 153 AKC breeds now and an  
22 incredible number of other registry breeds. Again, all I can  
23 say is, I've seen everything from Pomeranians and Dachshunds to  
24 Presa Canarios and wolf hybrids. I've never broken it down to  
25 exactly how many breeds were involved.

James Crosby - Redirect

1 Q. Okay.

2 A. Other than by specific year.

3 Q. Oh, I see. Okay. Well, we're not going to go that far  
4 back.

5 Okay. I have nothing further. Thank you.

6 MS. SPADE: I have nothing. Thank you, Your Honor.

7 THE COURT: All right. Mr. Crosby, you may step down.  
8 You're excused.

9 \* \* \* \* \*

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21 REPORTER'S CERTIFICATE

22 I certify that the foregoing is a correct transcript from  
the record of proceedings in the above-entitled matter.

23 Dated at Denver, Colorado, this 1st day of December,  
24 2009.

24 s/Therese Lindblom

25 

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Therese Lindblom, CSR, RMR, CRR