

## **STATEMENT FORMS FOR ANIMAL NOISE COMPLAINTS**

Witnesses are requested to gather their observations for at least two weeks before returning the form to an Animal Control Officer. Witnesses are asked to fill out observations as they observe them (in “real time”), and not to record any observations from memory that may have occurred prior to receiving the statement form.

In order to convict a person of nuisance animal for noise, the evidence in court must prove beyond a reasonable doubt that the noise was EXCESSIVE, CONTINUOUS, DISTURBING, OR UNTIMELY. This is a very high standard of proof, which means that evidence must be very strong in order to proceed to court.

The purpose of the attached statement form is to help witnesses organize their observations regarding animal noise. Generalized statements that an animal is noisy are not enough to meet the very high standard of proof required in court. Much more useful are specific statements as to where the animal was, where the witness was in relation to the animal, and exactly what the animal was doing.

Also, now that video and audio recording devices are so prevalent, a recording of the animal often will help illustrate the issue in a much stronger way than any written statement or spoken testimony could do. If possible, safe, and legal, witnesses are encouraged to gather this additional evidence. However, under no circumstances should witnesses trespass on another’s property or put themselves or anyone else in danger.

Multiple witnesses are often more helpful than a single witness. If there are more than one member of a household that observe the noise, each member may fill out a statement. If more than one neighboring households observe the noise, statements from each of the different households may provide a stronger picture as to what is occurring.

While a useful tool to gather evidence, written statements generally are inadmissible in a court proceeding, unless the person who wrote the statement is available to testify in person at that hearing. Witnesses who submit statements may receive a subpoena to appear in court, if the case proceeds to trial.

Once completed, witnesses may call dispatch (435-882-5600) to request that the form be picked up from their residence, or witnesses may turn in the forms to the Tooele City Police Department at 50 North Garden Street, Tooele, Utah.

## STATEMENT FORM FOR ANIMAL NOISE COMPLAINT

**NOTICE: (76-6-506 UTAH CRIMINAL CODE)**

A person is guilty of a class B misdemeanor if he/she: (1) Knowingly gives or causes to be given false information to any peace officer with a purpose of inducing the officer to believe that another has committed an offense; or (2) Knowingly gives or causes to be given to any peace officer information concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense.

<p>Your Information:</p> <p>Name: _____</p> <p>Address: _____</p> <p>Phone #: _____</p> <p>Date of Birth: _____</p>	<p>Animal Owner Information:                      No              Yes (provide below)</p> <p>Do you know the animal owner's name?    [ ]              [ ]</p> <p>Do you know the animal owner's address?   [ ]              [ ]</p> <p>Name: _____</p> <p>Address: _____</p> <p style="padding-left: 40px;">Tooele, Utah</p> <p># of Animals: _____</p> <p>Description of Animals (species, color, size, breed, etc.): _____</p>
---	--

DATE	START TIME	WHERE WERE YOU LOCATED?	DESCRIBE ANIMAL NOISE (PROVIDE DETAILS – USE SEPARATE SHEET IF NEEDED)	STOP TIME	RECORDED?

## **STATEMENT FORM FOR ANIMAL NOISE COMPLAINT**

**NOTICE: (76-6-506 UTAH CRIMINAL CODE)**

A person is guilty of a class B misdemeanor if he/she: (1) Knowingly gives or causes to be given false information to any peace officer with a purpose of inducing the officer to believe that another has committed an offense; or (2) Knowingly gives or causes to be given to any peace officer information concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense.

DATE	START TIME	WHERE WERE YOU LOCATED?	DESCRIBE ANIMAL NOISE (PROVIDE DETAILS – USE SEPARATE SHEET IF NEEDED)	STOP TIME	RECORDED?