

WYCKOFF POLICE DEPARTMENT

Scott Plaza
Wyckoff, New Jersey 07481



Benjamin C. Fox
Chief of Police

To: All Local Media

From: Benjamin C. Fox, Chief of Police

Re: Investigation into the Shooting of a Dog on April 29

The recent incident of the shooting and death of a family dog is troubling for the officer involved and the entire Wyckoff Police Department. As the Chief of Police, I am taking the unusual step of explaining this incident, the resulting investigation and what conclusions were drawn following that investigation. Many facts have been misrepresented and it is my intention for this report to provide a level of transparency to the investigation that the dog's owner deserves. Additionally, due to the widespread media coverage and social media statements, I believe that it is in the public interest to provide an understanding of how this investigation has been handled by this police agency. The integrity of any police department is fundamental to the community it serves.

On April 29 at about 3:45pm, a resident walked into the Wyckoff Police Headquarters to report a possible burglary attempt at his home. The resident was advised that an officer would respond to conduct an investigation and prepare a report. The clerk contacted the Bergen County Communications Center and spoke with a dispatcher who dispatched two patrol cars. The address in question was 621 Lawlins Road and the address was correctly stated by the dispatcher. Ptl. Kyle Ferreira was dispatched and when he repeated back the street location he stated 622 Lawlins Road. The incorrect address he stated was not corrected by the dispatcher or anyone else on the radio frequency.

I have previously released the tape of the phone call between the Wyckoff clerk and the Bergen County Communications Center dispatcher, as well as the resulting police radio transmissions. The Wyckoff clerk states to the Bergen County dispatcher that a resident is reporting a burglary. The Wyckoff clerk further states that the homeowner had been cleaning up and "doesn't know how long it's been". After the Bergen County dispatcher dispatches the call, a supervising police officer asks – How long in the past? Meaning, is it known how long it has been since this burglary may have occurred. The Bergen County dispatcher responds – "According to the desk quite awhile in the past, like days". Although this information is completely erroneous, I acknowledge that it is the

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information that Ptl. Ferreira was working under. However, the fact that information from a dispatcher may be inaccurate is critical in understanding the actions and mindset of a police officer on a call.

Officer Ferreira then arrived at 622 Lawlins Road, believing that he was at the correct home of a burglary. He stated that he went to the front door, knocked on the door and received no answer. The officer also stated that he did not hear a dog at this point. A witness stated that he did in fact observe the officer around the front of the house and that he could not definitively say that the officer did not knock on the door. Receiving no answer at the door, the officer then proceeded to check the exterior of the home because his belief at this point was that he had arrived before the homeowner returned from police headquarters. The rear yard is fenced and the officer began checking the property by entering an unlocked gate. There was no sign to indicate the possible presence of a dog. When he got to the rear of the house, he observed an open window on the ground floor. With knowledge that there were no cars in the driveway, nobody answering the door, and his observation of what he believed to be the point of entry in a burglary, his concerns about what exactly was taking place caused him to unholster his firearm. Attorney General guidelines allow for such action when the circumstances create a reasonable belief that it may be necessary to use the firearm. He did not know what was going on other than he was at a burglary scene. Even though the dispatcher incorrectly informed the officer that the event was days old, a police officer is going to evaluate a situation based on their personal observations at that precise moment in time. Those personal observations and the requirement to protect oneself from potential harm are why a police officer should not be guided solely by the words of a radio transmission. The dispatcher stated it happened quite awhile in the past, like days. What does that mean? Was the homeowner on vacation for days and just discovered this? Why would a window be left standing open for days? Is a burglar still in the home? The officer did not know the full details of this situation. For his personal protection while he was there, alone; he chose to unholster his firearm.

Immediately after, Officer Ferreira heard what he described as aggressive barking of a dog coming from the inside of the home. A full grown German Shepherd jumped out of the window and charged at the officer in an aggressive manner. The officer stated that he began running towards the gate that he entered in an effort to escape. Near the edge of the patio area that he had been standing on, the dog bit him on his right boot latching on to him. He stated that the aggressiveness and large size of the dog, and having the dog bite and hang on to his foot; caused him to feel that if the dog took him down it could have mauled him causing serious bodily injury. In the justifications of the Attorney General guidelines for a police officer to fire a weapon, an officer may use deadly force when such action is immediately necessary to protect the officer from imminent danger of death or serious bodily harm. The officer believed that the dog could in fact cause serious bodily harm.

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With his firearm already in hand, the officer decided to defend himself and fired his gun at the dog. An inspection of his weapon determined that he fired four rounds. A police Lieutenant who heard the shots stated that they were four consecutive shots without pause. Officer Ferreira stated that he believes that the dog let him go after the first shot but it continued to come at him. He stopped firing after the dog turned and went back towards the house. The officer then exited the fenced area through the gate he entered and radioed for assistance.

The supervisory officers at the scene conducted the initial investigation. They contacted Wyckoff Animal Control who responded and took the dog to an animal hospital for medical care. As a matter of investigative procedure, this incident did not call for a ballistics or crime scene level investigation.

The following day there was social media information which reported that an eye witness to the incident stated that the police account of the event was not accurate. Since no one had come forward to the police department, I directed my officers to attempt to find anyone who may have seen something. We canvassed the homes adjacent to the incident and did in fact find an individual who stated that she witnessed the incident and she had provided information up to that point, to the family members of the dog. The witness was in a home across the street and had watched from a first floor window. It provided a limited partial view of the rear yard as much of the rear yard area was blocked by the house itself. An investigating officer looked out of that same window to confirm the witness view. I'm careful to point out that we do not discredit the witness. We simply needed to confirm what, exactly, did she observe. During her interview with detectives, she stated that she was only about 90% certain that she observed the entire incident. She further stated that she was pre-occupied with a grandchild and may have turned away at some point. She also stated that she never saw the officer unholster his firearm, and she did not see the dog biting the officer. That is consistent with the officer's statement that those actions took place in the rear of the home; an area that she was unable to view. The detectives concluded that as the officer ran from the rear portion of the home to a point that the witness could see, she likely did observe the officer after the dog let him go and observed one or more gunshots. This was an event that unfolded in only seconds.

Because of the allegations that were being made that the police department was not being truthful as to the facts of this event, I made a request of the Bergen County Prosecutors Office to assist us. It was intended to provide an oversight by an independent agency and eliminate any concerns or allegations of a bias investigation. After conferring with their office, they advised that this matter should be handled as an Internal Affairs investigation due to the public claims regarding the truth of the police officer's statement to investigators. Under the Attorney General guidelines governing Internal Affairs investigations, it is mandated that each police agency investigate itself when administrative functions are subject to question.

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The Internal Affairs investigators approached this in a manner similar to their initial investigation, which was to take all necessary actions to uncover the truth. Although we acknowledge that the officer went to the wrong home because he heard the street number incorrectly, the events that took place at the home must be looked at independently because the officer believed that he was at the correct home to investigate a burglary. Admittedly, going to the wrong house makes the shooting of the dog more difficult to accept.

The investigators also focused on the issue of whether the officer was being truthful. They uncovered nothing to suggest otherwise. The statement of Officer Ferreira at the scene when he was distraught about what had just happened was consistent with his written report and his statements to the investigators during a formal interview. We coupled this with the witness who, by her own admission, stated to investigators that she may not, in fact, have observed everything. The investigators concluded that the officer truthfully reported the events of that day and he had the right to defend himself against the potential of serious bodily injury. Although this was a family pet, those images of a family dog are not the same as the image the officer had when he was attacked by an animal that has been described by the owner as a guard dog. As a result, I have exonerated him from any claim questioning his truthfulness in this incident. The IA investigators also spoke with medical personnel at the animal hospital, and they obtained a Superior Court subpoena for the records of treatment for the dog. Nothing uncovered was inconsistent with the facts as they knew them. A complete and professional investigation has been conducted by experienced Wyckoff Police officers trained in Internal Affairs investigations. I trust in them and concur with their findings in the results of this investigation.

On the evening of the incident, I personally reached out to the family. Mayor Kevin Rooney and I were prepared to go to their home. We wanted to sit with them face to face, look them in the eye and tell them what we knew at that point had happened. They declined that request. I have continued to state that I wanted to discuss this with them and recently contacted them to arrange such a meeting. After that outreach had been made, an attorney for the family contacted the township. I was then directed by the Township Attorney and the insurance carrier for the township that all communications must be limited to attorneys. As a result, I advised the family, regrettably, that I had to rescind my offer to meet with them as the result of such direction.

Still, we are saddened that this incident ever took place. We are mindful that the family has lost a pet dog that they loved. We are upset that an error in hearing an incorrect house number put us on that property which allowed the successive events to unfold.

As the Chief of Police, I am responsible for the actions of my officers each and every day. Whenever anything of a negative nature happens, we hope to learn from it and make

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improvements. To do otherwise would be a failure. Immediately after this incident I spoke with the Director of the Bergen County Communications Center and agreed to a dispatch protocol change that will minimize the possibility of an officer going to an incorrect street address.

The Wyckoff Police Department is not defined by this incident. The officers of this agency serve this community proudly and with integrity. As with every police officer in this state and nation, police face many challenges on a daily basis. We'll continue to serve with pride and integrity.

A handwritten signature in blue ink, appearing to read "B. C. Fox". The signature is stylized and cursive.

Benjamin C. Fox
Chief of Police