



Coeur d'Alene Police

Report for CDA Incident 14C21483

Nature: ANIMAL VICIOUS
Location: 82

Address: 819 E SHERMAN AVE
COEUR D'ALENE ID 83814

Offense Codes: ANPR

Received By: T.MOYER

How Received: T

Agency: CDA

Responding Officers:

Responsible Officers: D.KELLEY

Disposition: ACT 07/09/14

When Reported: 10:54:47 07/09/14

Occurred Between: 11:23:00 07/09/14 and 11:23:00 07/09/14

Assigned To:

Detail: AOI

Date Assigned: 07/17/14

Status: AC

Status Date: 07/17/14

Due Date: 07/17/15

Complainant: 114395

Last: JAVA ON
SHERMAN

First:

Mid:

DOB: **/**/**

Dr Lic:

Address: 819 E SHERMAN AVE

Race:

Sex:

Phone: (208)667-0010

City: COEUR D'ALENE, ID 83814

Offense Codes

Reported: NC Not Classified

Observed: ANPR Animal Problem

Additional Offense: ANPR Animal Problem

Circumstances

VIPR VIPR EVIDENCE STORAGE - CDAPD

Responding Officers:

Unit :

M.RIOS

K22

D.KELLEY

K76

J.STERLING

K41

J.WALTHER

K68

S.AVRIETT

K32

L.DEUS

K251

Responsible Officer: D.KELLEY

Agency: CDA

Received By: T.MOYER

Last Radio Log: **:**:** **/**/**

How Received: T Telephone

Clearance: 6 REPORT TAKEN

When Reported: 10:54:47 07/09/14

Disposition: ACT **Date:** 07/09/14

Judicial Status:

Occurred between: 11:23:00 07/09/14

Misc Entry:

and: 11:23:00 07/09/14

Modus Operandi:

Description :

Method :

LT	LOCATION TYPE	LT18 PARKING/GAR- AGE
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Involvements

Date	Type	Description	
07/24/14	Law Incident	DISORDERLY 14C21505	RELATED INCIDENT
07/14/14	Law Incident	THREATENING 14C22149	RELATED INCIDENT
07/09/14	Name	JONES, JOSEPH CRAIG	MENTIONED
07/09/14	Name	JAVA ON SHERMAN,	Complainant
07/09/14	Name	PATTERSON, DAVID MATTHEW	MENTIONED
07/09/14	Vehicle	WIII 1999 FORD VAN CO	III
07/09/14	Cad Call	10:54:47 07/09/14 SUSPICIOUS	Initiating Call
07/09/14	Property	Bullet .40 CAL 0	EVIDENCE
07/10/14	Evidence	ONE .40 CAL SPENT ROUND	Evidence Incident

Narrative

OFFICER: D. Kelley #K76

CRIME: Vicious Dog

NARRATIVE:

Officer Wiedebush and I were working as a two man unit, driving a marked CDAPD patrol car, when we were dispatched to 819 E Sherman Avenue for a suspicious vehicle. It was reported there was a white van with Colorado license plate 771YVF, that was reportedly following children in the area. I am familiar with similar reports of a white van possible trying to entice children.

Upon arrival, I located the above vehicle parked in the north side of the parking lot. I could see that the front drivers side window was partially rolled down, approx 8-10 inches. There were no other windows on the drivers side of the vehicle.

I approached the vehicle on the drivers side and Ofc Wiedebush approached from the passenger side. There were two windows on the rear passenger door as well as two windows on the rear doors. All of the windows had a dark tint and I was not able to see inside. I could not hear or see any movement from inside the vehicle. Due to my height, I was unable to peer over the open driver's window to see inside of the van, as the vehicle was high off the ground. I did not want to try to stand on my tip-toes, and expose my head to the open window.

Due to it being unknown whether or not the rear of the van was occupied, I decided to walk around to the front of the van, in hopes of seeing through the windshield, so I could clear the van. I saw that Ofc Wiedebush was still positioned behind the B pillar of the passenger's side.

I was concerned that if the van was in fact occupied with a possible child enticing suspect, then I wanted to have the element of surprise, so I chose not to knock on the side of the van. Also due to my thoughts of walking to the front of the vehicle, I knew that I would be exposing myself even more, so I decide to draw my service weapon (Glock 22, .40 caliber). My handgun was held with my

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elbow bent at approx 90 degrees, which kept the handgun close to my waist area. I also had the handgun canted outward slightly, so in the event I had to discharge my weapon, the cycling of the slide would not catch on my uniform shirt. (This technique was taught to me at the police academy.) I was at the driver's side door/window, when suddenly I saw a black dog's head and neck lunge through the open window. The dog was aggressively barking and growling, and it's mouth was within inches of my face. I had the split second thought that this dog is going to bite me, and bite me immediately. I also had the split second thought that due to the large opening in the window, I was unsure how far the dog could fit, if not completely exit the opening in the window. I was scared, and in the immediate defense of great bodily injury I fired one round from my handgun. The dog instantly retreated back into the van, and seemed as if it went to the rear of the van.

Due to the aggressive nature of the dog, coupled with his apparent attempt to bite me, the dog forced me to make a split second decision in circumstances that were tense, uncertain, and rapidly evolving.

At this point, Ofc Wiedebush came around to my side of the van, via the rear bumper, to ensure I was okay. I advised him I was not injured, but had to "shoot a dog."

Sergeant Walther was advised of the incident and responded to the scene. Ofc Wiedebush and I assisted other officers in photographing the vehicle.

I requested that dispatch attempt to notify the registered owner, Joseph Jones. Dispatch telephoned Jones, but had to leave a message.

Entry was made into the vehicle, which was unlocked, so we could check on the welfare of the dog. The dog was located in the rear of the van, deceased.

Officers remained on scene, after the shooting, for over 35 minutes, but Jones never returned to the van.

I was subsequently contacted by David Patterson, who phoned in the suspicious call. Patterson stated he works at "Java on Sherman" (819 E Sherman Ave), and when he arrived for work this morning at 0930 hours, the van was parked in the parking lot, in the same spot it was currently at. Patterson never saw the van driving, nor did he ever see anyone near the van. Patterson said he called because he was concerned the van was related to recent child enticing reports in the area.

It should be noted this incident was not recorded on my body camera, as my attention was on the nature of the call, the fact that there were two white vans in the parking lot, my surroundings, my safety, Ofc Wiedebush's safety, and I was unsure if the owner of the van was on foot in the parking lot, possibly watching us. These above factors were officer safety issues that I had to address, and the thought of making a swiping motion to activate my body camera did not occur to me.

I was directed by Sgt Walther to take photographs of the scene. All photographs were uploaded into Viper as evidence.

It should be noted, in approx 2006, while employed with the Irvine Police Dept, in California, I was trained as a police K-9 agitator. In this training I learned how dog's mannerism's and behavior is just prior to biting. I also know

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first hand the amount of force, and injury a dog bite can cause.

Supplement

Incident Number: 14C21483 **Nature:** ANIMAL VICIOUS **Incident Date:** 17:25:35 07/11/2014

Name: J.WIEDEBUSH **Date:** 13:58:07 07/09/2014

Supplemental Report

Assigned DetectiveNone

On 07/09/2014 I was riding with Officer Kelley. We were dispatched to 819 E Sherman Avenue for a suspicious vehicle. It was reported there was a white van with Colorado license plates in the parking lot. The reporting party stated that this van has been following children in the area. I had been dispatched to this area recently for similar reports.

Upon arrival, we located the vehicle parked in the north side of the parking lot. I could see that the front drivers side window was partially rolled down. There were no other windows on the drivers side of the vehicle.

Officer Kelley approached the vehicle on the drivers side as I approached on the passenger side. I could now see that the front passenger window was partially rolled down. There were two windows on the rear passenger door as well as two windows on the rear doors. These windows had a dark tint and I was not able to see inside of them. I could not hear or see any movement from inside the vehicle. From my vantage point, I could not see anyone in the front seat or passenger seat of the vehicle.

I began walking toward the rear of the vehicle when I saw the van begin to wobble from side to side. A very short time later, I heard a gunshot. The gunshot was followed by a dog whimpering. The gunshot came from the drivers side of the vehicle and appeared to be from outside of the vehicle. I did not know if Officer Kelley fired his weapon or had been fired upon.

I went to the drivers side of the vehicle to see Officer Kelley with his weapon un holstered and in his hand. Officer Kelley told me he was ok and that a dog was coming at him from out of the window.

Sergeant Walther was advised of the incident and responded to the scene. I assisted other officers in photographing the vehicle. Entry was made into the vehicle, which was unlocked. The dog was located in the rear of the van, deceased.

Attempts were made to contact the registered owner of the vehicle without success.

I had no further involvement in this incident. See Officer Kelley's report for further details.

Ofc. J. Wiedebush, K84

Supplement

Incident Number: 14C21483 **Nature:** ANIMAL VICIOUS **Incident Date:** 09:37:47 07/11/2014

Name: L.DEUS **Date:** 10:55:47 07/10/2014

070914 - ACO L.Deus - K251

At approximately 1130 hours, I was dispatched to assist officers at Java parking

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lot on Sherman Avenue, at N 8th Street with a dog shooting incident. When I arrived on scene, several police officers, Officer M.Rios, Officer D.Kelley, Officer J.Wiedeubush, and Sgt J.Walther were already there.

I was informed that a dog inside a white van was shot. It was decided that we needed to somehow determine if the dog was simply injured or was deceased. Finally, after opening the passenger door, one officer walked inside the van and saw the dog lying at the very back. He was able to unlatch the back doors and once they were opened, we could see the dog lying there. The dog was not breathing.

The doors opened outward, like French doors. Since there were people coming out of Java, they wanted to keep it private, attempting to not upset anyone viewing the van. Officers Rios and Kelley took photos of the dog, while I waited outside, further back, with the black garbage bag that is used to contain deceased animals.

From my view, I could only see the dog's body - his head was hidden by the left side door. The dog appeared to be a black male dog, possibly Pit Bull or Pit Bull mix dog. He had very short hair and a muscular body. I was unable to see his head. Both officers placed the dog into the plastic bag and tied it shut. They carried it to the back of my truck and placed it inside.

I was asked to transport him to KHS and place him in their freezer.

L.Deus

Supplement

Incident Number: 14C21483 **Nature:** ANIMAL VICIOUS **Incident Date:** 10:13:34 07/31/2014

Name: D.KELLEY **Date:** 14:50:37 07/29/2014

DATE: 7/29/14

OFFICER: KELLEY #K76

On this date, I went to upload one video from my Viewu, as I had just interviewed a suspect from a separate case. While uploading, which I only expected one video to be on file, it was discovered that several other videos were now present. I was surprised by this because the last time I tried to upload any videos from my Viewu, I received a message that no videos were found.

I reviewed the videos now present, and there was one video specific to this case where I interviewed the reporting party, David Patterson. There was not a video found from when I initially approached the van.

On 7/9/14, While interviewing Patterson, I remember turning on the Viewu, and after the interview I remember turning it off. On a later date, when I tried to upload the video into Viper I was surprised there was no video. I merely assumed the battery was dead and did not record.

I do not know why the video did not appear the first time I tried to upload it.

Upon this discovery, I immediately notified Sgt Alleman that the above mentioned video was found.

The video was subsequently uploaded into Viper as evidence.

Vehicles