



West Virginia State Police  
725 Jefferson Road  
South Charleston, West Virginia 25309-1698  
Executive Office

Earl Ray Tomblin  
Governor

July 10, 2014

Colonel C. R. "Jay" Smithers  
Superintendent

VIA FACSIMILE 304-348-1233

David Gutman  
The Charleston Gazette  
1001 Virginia Street East  
Charleston, West Virginia 25301

RE: FOIA Request

Dear Mr. Gutman,

Please be advised that the West Virginia State Police has received your request dated July 5, 2014. You requested any policies related to the killing of dogs. The West Virginia State Police is not in possession of a specific policy to that effect. All responses to resistance or aggression are managed in the same manner whether the aggressor is a human, a wild animal or a domestic animal.

You have also requested to inspect or copy records showing how many dogs have been killed by members of the West Virginia State Police in the past 15 years and the use of force forms related to the same. Pursuant to the Code of State Rules, the West Virginia State Police only maintains records of responses to resistance or aggression for the past four years. In the past four years, the following responses to resistance or aggression have resulted in the killing of dogs:

8-24-10 Troopers responded to a vicious dog complaint wherein a woman called stating that she had been bitten by a Pit Bull dog that was still at large and that other residents were afraid of being bitten. Upon arrival, the Pit Bull ran toward the Troopers, Cpl. S.T. Harper shined a flashlight at the dog which stopped its forward progress. The Pit Bull then charged Trooper Matheny who fired two shots at the dog. Cpl. Harper then fired one shot, killing the Pit Bull.

9-9-10 A WVSP SRT team was serving a search and arrest warrant. A Pit Bull dog in the house was growling and barking at the troopers. After attempting to deter the dog, the Pit Bull was still aggressive. Cpl. Curran shot the Pit Bull one time in the head killing it.

Equal Opportunity Employer

5-2-11 Troopers were responding to two 911 calls involving the same individual. The first concerned the individual having drugs and a weapon and the second was for the same individual fleeing the scene of an accident. Upon locating the area to which the individual fled, Cpl. S.T. Harper was in the process of conducting a K-9 search for the individual. All neighbors had been told to secure their dogs in preparation for the search. As Cpl. Harper and his K-9, Jerry Lee, approached the trailer where the individual was eventually located a Pit Bull charged the K-9 officer, Jerry Lee. Cpl. Harper requested that the owners secure the dog and they did not. Therefore, Cpl. Harper shot the Pit Bull. The dog did not die at the scene but was euthanized by a veterinarian.

5-10-11 Troopers were assisting deputies in serving multiple felony arrest warrants on an individual with a violent history. The individual was preceded out of his home by two large dogs, one a Chow and the other a Pit Bull. The individual refused all commands to secure his dogs. The Pit Bull approached troopers aggressively with teeth bared while growling. TFC Kessel shot the Pit Bull twice killing it.

9-7-11 Troopers were assisting with the execution of a search warrant for a Meth Lab. Upon entering the house a Pit Bull charged Sr. Trooper Nazelrod aggressively in very close quarters. Unable to escape the area, Sr. Tpr. Nazelrod shot the Pit Bull.

12-2-11 A WVSP SRT team was executing a search warrant when a large Pit Bull dog prevented entry into the home and became aggressive lunging at and attempting to bite TFC McCarty. TFC McCarty shot the Pit Bull.

3-28-11 Troopers were sent to apprehend a fugitive from Illinois when they arrived there was a Pit Bull dog on the front porch. After apprehending the fugitive in the house, the Pit Bull came into the house and attempted to attack Sr. Trooper Harris who was securing the fugitive. Trooper Lowe shot the Pit Bull before it attacked Sr. Trooper Harris.

8-9-12 Troopers First Class M.L. Vance and J.R. Brewer were attempting to serve an arrest warrant for parole violation and fugitive from justice when a Pit Bull dog neither chained nor tied came from beneath the trailer and aggressively ran toward the officers growling and barking. Each officer shot the Pit Bull killing it.

4-6-13 Troopers were responding to a vicious dog call concerning two Pit Bull dogs running loose. As they approached the residence of the owner, one of the Pit Bulls charged Trooper W.H. File. Trooper File shot the dog twice. After contacting the owner, she requested that the dog be shot a third time to euthanize the Pit Bull.

11-22-13 A WVSP SRT team was executing four arrest warrants for child abuse. Upon entering the accused's bedroom, his Pit Bull dog aggressively leapt off of the bed and lunged at TFC White. Sgt. Curran shot the dog. The dog would not allow members to assist it and continued to act aggressively, therefore it was shot again to euthanize it.

1-14-14 Senior Trooper B.D. Gillespie was assisting the Sheriff's department with a call that an individual had discharged a firearm toward EMS personnel. Upon arrival the individual was at a neighbor's house. While trying to locate the individual a large dog approached Sr. Tpr. Gillespie on a small enclosed porch in an aggressive manner. The officers attempted to deter the dog using verbal commands, the dog became more aggressive with teeth showing and growling therefore Sr. Tpr. Gillespie shot the dog, killing it.

3-6-14 The WVSP was utilizing cadaver dogs from West Virginia K-9 Search and Rescue, Inc. during the execution of a search warrant. A Pit Bull dog tied on the property attacked one of the cadaver dogs grabbing it by the neck. Efforts were made by both the handler and Sgt. C.K. McKenzie to separate the two dogs. However, the Pit Bull would not release the cadaver dog's neck. Sgt. C.K. McKenzie shot the Pit Bull who then released the cadaver dog. However, the Pit Bull attempted to attack the cadaver dog again and Sgt. McKenzie shot and killed the dog.

3-12-14 Corporal M.A. Elswick responded to a 911 call concerning a vicious dog. The caller stated that a neighbor's Pit Bull dog was running loose and had jumped the fence into the caller's yard and was viciously attacking his dog. Upon arrival, the caller stated he had struck the Pit Bull multiple times but the Pit Bull would continue to attack his dog. Cpl. Elswick observed the victim dog get free and be attacked again. Cpl. Elswick shot the Pit Bull once and it continued to attack the other dog, therefore he fatally shot the Pit Bull.

6-6-14 Troopers responded to complaint of a vicious dog running at large and approaching people walking in their neighborhood. While Senior Trooper Gillespie was walking toward the owner, the Pit Bull dog ran toward Sr. Tpr. Gillespie in an aggressive manner. Attempts to deter the dog were unsuccessful. Due to the dog's aggressiveness Sr. Tpr. Gillespie shot the Pit Bull.

6-24-14 Sgt. S.T. Harper shot and killed the dog named Willie Pete. Information concerning this matter was previously provided in a press release.

Just as the above mentioned request, the West Virginia State Police only maintains the response to resistance or aggression forms for members for the past four years. In the last four years Sgt. S.T. Harper has been involved in five incidents which involve response to resistance or aggression. Two of those are detailed above one on 8-24-10 and the other on 5-2-11. A third is the incident on 6-24-14 about which information has previously been provided. Of the remaining two incidents one occurred on March 21, 2011 and the other occurred on June 26, 2013. On March 21, 2013 then Cpl. Harper was responding to a domestic situation with shots fired. Upon arriving on scene, the suspect attacked officers, the suspect was struck and continued to be aggressive. K-9 officer Jerry Lee was released and apprehended the aggressive suspect. On June 26, 2013 Sgt. Harper was a member of the WVSP SRT team that used deadly force when attempting to serve warrants on Richard Dale Kohler.

The information concerning training materials provided to, or used in the training of, K-9 handlers is denied based upon the fact that the request is overly broad. The materials provided and used are constantly changing as methods of training change and improve. Pursuant to West Virginia Code § 29B-1-3 (4), the Request must state with reasonable specificity the information sought. Further, the same must be denied because the materials you request would disclose

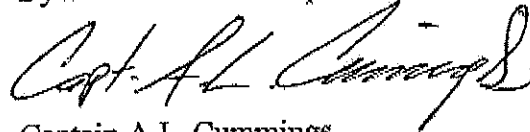
techniques, procedures and/or guidelines for law-enforcement investigations and/or prosecutions. Pursuant to West Virginia Code § 29B-1-4 the following apply:

(3) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination.

(4) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement.

Pursuant to West Virginia Code §29B-1-3(4) (c), the responsibility of the custodian of records for the West Virginia State Police to produce the requested records or documents is at an end.

By Direction of the Superintendent,



Captain A.L. Cummings  
Deputy Chief of Field Services