

Name.....: SETIKAS, ALGIS V DOB: [REDACTED]
Address.....: [REDACTED]
City/State/Zip: [REDACTED]
Phone Number..: [REDACTED]
Business Number..: [REDACTED] Mobile Number..: [REDACTED]
Sex.....: M Race:
Person Type...: INTERVIEWED

NARRATIVE

On April 29, 2015 at approximately 15:45 hours I was dispatched to 621 Lawlins Road for a reported burglary. The time frame of when this occurred was said to have been quite a while in the past, like days. At the time I had misheard the address as 622 Lawlins Road, and echoed the address, 622 Lawlins Road back to dispatch without being corrected.

I arrived on scene and parked directly in front of the driveway of 622 Lawlins Road. I approached the front door, and knocked for approximately 5 seconds. After hearing no answer, I attempted to open the door, which was locked. At this time I began a 360 walk around the house to look for any signs of a burglary.

I opened the right side fence gate which was unlocked and walked around to the back of the house. At this time there was no indication of a dog at the residence. I observed no "beware of dog" signs posted, no animal feces or play toys in the yard. When I reached the rear patio, I observed an open window on the ground floor. The window was approximately 6 inches off the patio, and appeared to be the point of entry. At this time I drew my firearm since it was unknown if there were any suspects still in the house.

I walked up to the rear patio door to continue my 360, and heard an aggressive barking coming from inside the house which sounded like a larger dog. I quickly stepped back, turned towards the barking, and saw a full grown German Shepherd, jump out the window and start charging at me in an aggressive manner. At this time he was less than 10 feet from me. I immediately sprinted in the direction of the side gate to try and escape, but only made it to the edge of the patio before the dog attacked me.

The dog lunged and bit me on the right foot, latching onto my boot. At this time I thought that if the dog had brought me down, that it would have mauled me and I would have become seriously injured. I turned and fired my duty weapon which was still in my hand, while running towards the gate in an effort to protect myself from the imminent threat. I stopped firing once the dog started to run back towards the house and was no longer a threat. It was determined later, upon a weapon inspection by Sgt. Soto, that I had discharged a total of 4 shots. At this time I opened the gate and exited the rear yard. I immediately advised dispatch that shots were fired at a dog, at which time multiple units started to respond. When I was walking back up the driveway trying to catch my breath, I observed a woman, running across the neighbors lawn screaming "what did you do!". I advised her to remain back on the grass. At this time I examined my right foot and only observed one puncture mark on the right instep of my boot. Lieutenant Murphy and PO Noon then arrived on the scene.

After approximately a few minutes, TYCO Animal Control responded and took over care of the dog with the assistance of the dog's owner Mr. Igor Vukobratovic. They both transported the dog to Oradell Animal Hospital.

It should also be noted that at approximately 1900 I was contacted by Kim from TYCO Animal Control who advised me that the homeowner responded to Oradell Animal Hospital and on more than one occasion, referred to the dog as her "guard dog".

PO Kyle Ferreira # 234

234:04/29/2015 20:16 -

Supplemental Report:

Lt. Murphy Reporting:

On Wednesday, April 29, 2015, Officer Noon #235 and I were working a private duty utility traffic detail on Franklin Avenue, across from Cresthaven Road. I monitored part of a radio transmission from County Communications assigning Officer Plisich #213 and Officer Ferreira #234 to an attempted burglary call on Lawlins Road. Subsequently, Detective Sergeant Soto #219 advised County Communications that he was responding as well. This street was only approximately a few thousand feet from our detail. I contacted dispatch and inquired as to how recent the burglary was, since we were in a position to start looking for suspects or vehicles leaving the area and possibly driving by our location. Dispatch advised that it may have occurred quite a while in the past and possibly to the extent of days. We then both continued to monitor the transmissions but, remained focused on providing traffic control. A short time later, while standing next to each other, Officer Noon and I heard several consecutive gun shots from the area of Lawlins Road. Immediately following, we monitored a radio transmission from Officer Ferreira that stated, "Shots fired up here, I had a dog come after me." After hearing this and confirming that the traffic workers were safely off the roadway, we both responded to assist. Sgt Kasak #229 was assigned to respond as the on duty patrol shift supervisor.

Upon arrival at the scene, I observed Officer Ferreira standing in the lower portion of the driveway of #622 Lawlins Road, with Officer Noon approaching him. As I exited my patrol vehicle, I was immediately confronted by an unknown female party repeatedly yelling at me that the officer is at the wrong home. I explained to her that I just arrived on scene and I am not sure as to what exactly had happened. While I was speaking with her, I monitored a radio transmission from Officer Noon advising dispatch that "all units could slow down as it was a dog and Officer Ferreira is ok." I then completed speaking with the woman and moved down the driveway toward Officer Ferreira. I observed him to be very distraught and pacing back and forth. He was shaking his head and several times, he put both hands on top of his head. To me, he appeared to be visibly upset by whatever events had transpired prior to my arrival. As I was walking toward him, I could see past him and observed the injured German Shepherd dog who needed obvious medical attention. The dog was sitting upright in the area just slightly below the row of bushes. I observed two areas on the dog that appeared to be bleeding. One was in the chest area and the other in his hind quarters area. There was also a visible blood spot on the ground below him. I immediately advised County Communications to have TYCO Animal Control respond as the dog was still alive. In an effort to monitor and notify TYCO Animal Control of any changes in the dog's condition, I maintained eye contact with the dog while

I began to speak with Officer Ferreira about what had happened.

I started by asking Officer Ferreira if he was injured or needed any medical assistance. Officer Ferreira stated that he did not and that the dog had latched onto his boot but, he was not injured. He then relayed the following account of events to me:

He stated that he arrived at the home and walked to the front door in an attempt to raise the homeowner. After receiving no answer, he stated that he walked toward the gate at the end of the driveway. He then pulled up the unlocked latch and entered the rear yard in an attempt to conduct a full perimeter check of the home. Once through the gate, he stated that he walked towards the back door of the home. While walking to see if the door was locked or unlocked, he noticed an open window. He then stated that he unholstered his weapon. As he got closer, he stated that he heard a dog begin to growl and bark to his left. He then stated that the dog charged toward him through the open ground floor window, at which time he started running back toward the gate. It was at a point near the edge of the patio where the dog latched onto his boot. He then stated he continued to run and then fired an unknown amount of rounds at the dog to stop the attack. Immediately following this, he stated a woman appeared in the driveway, yelling at him that he was at the wrong home. He then told me that he was at the correct home of #622 Lawlins Road. Since I did not hear all of the initial radio dispatch, I contacted County Communications via the radio and asked them to verify the address where the reported attempted burglary had occurred. County Communications replied that the address was #621 Lawlins Road. I then advised him that the attempted burglary was at the home across the street. While I was relaying this information to him, I observed the dog leave its location and slowly walk toward the rear of the home. In response to this, I moved my position into the back yard to be able to continue monitoring him and attempt to get closer. He stopped at the patio to the right of the rear door at which time, he layed down, keeping his head raised. While speaking with Officer Ferreira TYCO Animal Control arrived on scene. The two TYCO employees brought a blanket and a snare in an attempt to get the dog to their vehicle for transport to the animal hospital. As TYCO was entering the rear yard, the homeowners son arrived on scene. He assisted the TYCO employees at their request in getting the dog into the blanket, as the dog would recognize him and hopefully not become more agitated in his injured state. With his help, we were able to get the dog into the vehicle successfully. Once completed, TYCO and the homeowners son left the scene for the animal hospital. I then spoke with Detective Sergeant Soto who stated that he would be conducting the burglary investigation report at 621 Lawlins Road. Following that, I contacted and notified Chief Fox of what had happened and I cleared the scene a short time later and returned to my private traffic detail.

Lt. Van Dyk reporting:

On April 30, 2015 I was directed to respond to the Vukobratovic residence, [REDACTED] to recover a .40 cal. shell casing located just inside the entry gate. I responded to the residence with Sgt. Kasak (car video/sound activated). We met the family at the front door. Sgt. Kasak and

I introduced ourselves and immediately offered our sincere apologies for the incident. The family directed us to the rear yard area, just inside the entry gate. The entry gate is located at the bottom of their driveway. They pointed to a shell casing on the ground. The shell casing was located approximately five to six feet from the entry gate and to the right of the gate as you enter. This is near a rock wall that borders the property. Mrs. Vukobratovic requested I note where the shell casing was located. In my opinion and based on my experience, shell casings are ejected from our service weapon out of the right side of the weapon and come to rest in a different location than the actual point of discharge.

Additionally, on Friday, 04/30, I responded to the Setikas family residence, [REDACTED] to speak with Mr. Al Setikas and his mother-in-law Mrs. Judy Pisani. I spoke with both Mr. Setikas and Mrs. Pisani. Mrs. Pisani related that she was standing in the front section of the home, family room area, in front of two large double-hung windows that face Lawlins Road and which are in line with the Vukobratovic's driveway. She related that she saw the Officer pull up, just past the driveway, facing oncoming traffic. The Officer exited his police car, headed to the front section of the home, front door area, and then headed down the driveway towards the gate. The Officer entered the back yard and was soon confronted by the Vukobratovic's family german shepherd. The Officer fired approximately 4 - 6 rounds at the dog. She never saw the dog attack the Officer. I left departmental statement forms for both Mr. Al Setikas and Mrs. Judy Pisani to fill out and return to us. Those statements were collected later on at around 5:45 PM. (See attached written statements). While in the Setikas residence, family room area, I looked out the front windows (where Mrs. Pisani states she was positioned), which are in-line with the Vukobratovic's driveway, and from my position, I could not see the Vukobratovic's front door or patio area in the rear of the home. Lt. Charles Van Dyk

Det/Sgt Soto Reporting:

On 4/30/2015 the following officers were assigned to complete a neighborhood canvass:

Conducted by Det/Sgt Soto:
[REDACTED] - spoke with Melissa Judd. She was not home at the time of the incident.

Conducted by Lt Murphy & Det/Sgt Soto:
[REDACTED] - no answer

Conducted by Det/Sgt Soto:

[REDACTED] - Nochta residence. He reported that he was in his family room and heard four gunshots. He stated that he waited a minute or so and went outside to the back yard of his house where he heard the shots come from. He observed the dog sitting upright, with his front legs extended. He also saw a police officer standing outside of the fenced in backyard by the gate. As he walked closer to the property line separating his yard from the Vukobratovic's backyard, he observed the dog trying to walk back towards the house. He stated that the dog was dragging his hind legs. He assumed that the dog had been attacked by a coyote or bear and that the gunshots he heard were the result of the officer shooting the wild animal. He then observed animal control officers restrain the dog and take him away. He then stated that he saw several other officers checking the area, for what he assumed were shell casings. He stated the officers were concentrated on the area just inside the fence.

Mr. Nochta had posted a comment on an article about this incident on NorthJersey.com. In his post he stated, "My understanding after talking to several eyewitnesses is that the story reported here is not accurate. The cops were looking for spent shells and bullets at least 50 feet away from the window where the dog "lunged" at the officer. Further investigation is warranted here I think".

While speaking with Mr. Nochta I inquired if he would provide me the names and contact information of the "several eyewitnesses" that he spoke with. Mr. Nochta refused to provide me with the information. I then asked him to contact the eyewitnesses and have them contact me.

Conducted by Det/Sgt Soto:

[REDACTED] - Kish residence. She stated that no one was home during the incident.

Conducted by Lt Murphy & Det/Sgt Soto:

[REDACTED] - Goldsmith residence. Spoke with Kent Goldsmith. He stated that no one was home at the time of the incident.

Conducted by Sgt Kasak & P.O. Plisich:

[REDACTED] - Tamor residence. Spoke with Mr. Tamor who stated that he was home alone inside of his house during the incident. He did not hear or see anything.

Conducted by Sgt Kasak & P.O. Plisich:

[REDACTED] - Mosca residence. Stated that no one was home during the incident.

Conducted by Sgt Kasak & P.O. Plisich:

[REDACTED] - McNally residence. Stephen McNally stated that he was at work all day. His son David was in the kitchen and thought he heard two gunshots around 4 PM. He did not look outside of the house and went about his business. Mrs. McNally and her daughter Karen were also home during the incident but did not see or hear anything.

Conducted Sgt Kasak & P.O. Plisich:

[REDACTED] - McKiernan residence. Mrs. McKiernan stated that she stopped home between 3:30 PM and 4:00 PM. She left shortly thereafter and when pulling out of her driveway, she observed a Wyckoff Police vehicle parked across the street and a few houses away from hers. She stated that car was parked facing the wrong direction (towards Franklin Avenue). She saw an officer walking towards the house. She left the area driving towards Clinton Avenue and did not see anything else.

Conducted by Lt Murphy & Det/Sgt Soto:

[REDACTED] - Rishko residence. Spoke with Heather Rishko who stated that she was home during the incident. She saw one police car and a police officer approach the house. She did not see or hear anything else.

Formal Interviews Conducted:

May 1, 2015 at 1042 hours at Wyckoff Police Department
Det/Sgt Musto was assigned:

Frank T Muscara, [REDACTED].

Mr Muscara responded voluntarily into headquarters to report to us that he witnessed some of the events that occurred on Lawlins Road. Mr Muscara was interviewed by Detective Sergeant Musto #220. He stated that he was driving by at the time and observed the officer's car parked facing the wrong direction in his lane of travel. He stated that he slowed down in order to look around for other cars or people in the street since he had to pass in the oncoming lane. He stated that he did not see either and then went to pass. As he was slowly passing, he looked down the driveway to see if he could see the officer. He stated that he observed the officer opening the gate. He stated that the officer was looking left and right and did not have a weapon drawn. He stated that he then continued driving, but he did not hear any dogs barking while he went by. He concluded by stating that the reason he was looking was that his son is friends with Officer Ferreira and he always slows down to look when he passes Wyckoff police vehicles to see if it is him.

May 5, 2015 at 1430 hours at Wyckoff Police Department:
Lt Murphy & Det/Sgt Soto were assigned:
Algis V Setikas, [REDACTED].

Mr. Setikas responded into headquarters to speak with Det. Sgt. Soto and I. He stated that after having his windows professionally cleaned, he observed damage to one of the window screens on the north side of his home. He also observed that an exterior light bulb was shattered on the ground underneath the fixture. This fixture is located just to the left of the

window with the damaged screen. After contacting the window cleaning company and discovering that they claimed they did not damage the window, Mr. Setikas decided to report this matter to the Wyckoff Police as a possible burglary.

Mr. Setikas stated that he felt the matter was not emergent and did not want to disturb his wife who was home recovering from surgery or his newborn child. He stated that he decided to drive to the police department to make a report and wasn't aware that an officer needed to respond to his house to inspect and confirm the damage. Upon his arrival at headquarters, he spoke with a Wyckoff Police desk clerk and reported the damage to him. The desk clerk advised him that an officer would be dispatched to his house and he should return home and await the officer's arrival.

Mr. Setikas then stated that he went back home and was in his house for only a few minutes when he saw a patrol vehicle pull up in front of his neighbor's house across the street. When he initially observed the patrol car, he stated that he was inside his house in the family room on the first floor. He stated the patrol vehicle did not have any emergency lights flashing nor did he hear a siren. The patrol vehicle was facing South in the Northbound lane of Lawlins Road. He believed that the officer was going to back up into his driveway. He stated that he waited inside by the window for the officer and started to make his way towards the side door of his house. He exited the house and stated that he never saw the officer exit the patrol vehicle and he was apprehensive about approaching the patrol car because he stated that "sometimes police officers get nervous about that". He stood on the edge of his patio continuing to wait for the officer. He stated that at no time did he make contact with or call out to the officer to advise him that he was at the wrong house. He stated that after approximately two minutes he continued to wait for the officer and was pacing between his garage and patio. He walked back towards the street where the patrol car was and when he got by his front gate he heard four or five consecutive loud bangs. He stated that he was initially confused by the sound and thought it may have been firecrackers, but after "putting it together", he realized the sounds were gunshots. He stated that he looked across the street and observed the officer in uniform standing in what he described as a shooting stance. He did not see or hear the officer approach the dog or fire any additional shots. He stated that his view was not the best from where he was as he was almost on a 45 degree angle while looking at the officer. He stated that he could not tell which side of the gate the officer was standing on. His view was also further obscured by foliage and plantings. He stated that he retreated back towards his house to check on his family to make sure they were okay. When he got to the screen door on the side of the house, his wife who was in the kitchen, yelled to him that they "shot Otto". He then ran back towards the front of his house towards his neighbor's house and stopped on the grass area near his driveway. He yelled to the officer, "You're at the wrong house". He observed that the officer was standing on the driveway outside of the gate with his hands on his head looking upset and distraught.

Mr. Setikas was asked about his knowledge of Otto. He stated in the three years that he has been at his residence he has often heard Otto barking. He stated that Otto would bark if he heard a car door slam or even if he was out working in his front yard the dog would bark. He stated that Otto appeared to be well trained and the family always had him on a leash when he was out. He used the phrase "Guard Dog" when he described how Otto was protective of his home and family. Mr. Setikas also stated that he believes that Otto would have barked if someone knocked on the front door. At the conclusion of the interview, Mr Setikas was asked if he wanted to provide us with a formal recorded statement on audio/video, to which he declined.

May 5, 2015 at 1610 hours at Wyckoff Police Department:
Lt Murphy & Det/Sgt Soto were assigned:
Judy A. Pisani, [REDACTED]

Mrs. Pisani responded into headquarters to speak with Det. Sgt. Soto and I. She stated that she was at [REDACTED] to help care for her daughter and three month old grandchild. She stated that her daughter was recovering from surgery earlier that day and needed assistance with both her care and the care of the infant.

She stated that she was holding her grandchild and standing in the family room by the window with her son-in-law Al. She previously knew that Al had gone to the police department to report a possible attempted break in at the home. She stated that she first observed the patrol car pull in front of her neighbor's house facing the wrong way. She stated that the patrol cars emergency lights were not activated. She observed the officer exit the patrol vehicle and walk towards the side of the house facing Lawlins Road. She stated that the officer then walked from the Lawlins Road side of the house towards the driveway. She then watched him walk down the driveway towards the gate, open the unlocked gate and begin to walk forward into the backyard. She stated the officer would have needed to use both hands to open the gate due to its latching mechanism. While watching this, she said to herself "Oh my gosh, I hope Otto is not there". She stated that at this point she never saw the officer holding his handgun or observed him unholster it. She claimed that he must have been a "Quick draw". She believes that she never lost sight of the officer as he entered the backyard. She stated that she then observed Otto barking and running at the officer and witnessed the officer fire 4 to 6 consecutive shots at Otto. She observed one of the bullets strike the dirt. She claimed that Otto was within three feet of the officer when she witnessed the gunshots. She stated that at no time did she witness Otto make contact with the officer. She stated that Otto then turned and walked out of her view and she heard him yelping. She stated that the officer then exited the backyard and appeared to be very distraught, upset, and visibly shaking while he was holding his head. She then ran out of her house towards the officer and was yelling to him that he was at the wrong house. She stated

that another officer that arrived on the scene requested that she return to her property.

When we asked Mrs. Pisani how certain she was that she saw the entire incident, she stated that she was about 90 % certain. She admitted that she was pre-occupied with her grandchild and taking care of her daughter and may have turned away from the window for several seconds. She did not feel that if she turned away, it would have been enough time for the officer to get to the back door of the house and then back to the area where she saw him fire his weapon but did admit that it could have been possible. From her point of view, Mrs. Pisani would have been unable to witness any activity that took place behind the house, including the patio area. At the conclusion of the interview, Mrs Pisani was asked if she wanted to provide us with a formal recorded statement on audio/video, to which she declined.

114:/05/05/2015 17:32 -

*** On the morning of May 6, 2015, Chief Fox advised that this investigation is now an Internal Affairs Investigation. This was under the guidance and recommendation of the Bergen County Prosecutors Office. All further information will be documented in that report. ***