

December 19, 2014

EXECUTIVE REPORT

On October 31, 2014, this firm was retained by the City of Cleburne, through Acting City Manager Robert Severance, to conduct an administrative investigation into a dog shooting that occurred on August 10, 2014. The firm retained an independent investigator, Mr. Alan T. Patton, a retired police sergeant, to perform many facets of the investigation.

On December 17, 2014, Mr. Patton ("Investigator") provided his report to this firm. Upon request by the client, the firm has provided the below summary of the independent investigation into the dog shooting.

CHRONOLOGY OF EVENTS:

On Sunday, August 10, 2014 Stacy Chandler drove to Cleburne to visit her 82 year old grandmother, Juanita Moore. Ms. Moore resided at the residence of Peggy and Frank Nitterauer, located at 1502-A W. Lindsey Lane. Ms. Chandler's 16 year old daughter, 18 year old daughter, Kandas Cain, and her one year old nephew made the trip with her. Ms. Chandler had been going to Cleburne to visit her grandmother at that residence every few weeks. At about 4:00 p.m. that date her, her grandmother, daughters and infant nephew were in her car, returning to the Nitterauers' after having taken her Ms. Moore out to eat.

When they pulled into the driveway, Ms. Chandler saw three pit bull dogs to her left. In the past she's seen those pit bull dogs growl and bark at people. They sat in her car for about 15-20 minutes while she contemplated what to do. One daughter rolled down her car window and was calling to the dogs to see if those three dogs were going to become vicious or if those dogs were friendly. A brown pit bull dog came running at the car, growling and being aggressive. When she put her hand outside of the window the brown pit bull dog twice snapped at her fingers.

At 4:12 p.m., Ms. Chandler called Cleburne 9-1-1, telling the call taker, *"Yes ma'am, we're at 1502 Lindsey Lane and next door to us there's four or five pit bulls out and I've got an elderly woman and an infant baby in the car and these dogs keep coming up to us, we can't even get out of the car."* Ms. Chandler was asked how many dogs were there and she told the call taker there were three. The call taker asked Ms. Chandler what the dogs were doing, were they growling? Ms. Chandler replied, *"Well my daughter rolled the window down to see if they were vicious or anything and one of them snapped at her and the other one....just as I was trying to open the door....came towards us, so I'm kind of scared to get out with them."* The call taker confirmed Ms. Chandler was at 1502 Lindsey. The call taker tried to ask Ms. Chandler if they were still in the car, but the call was disconnected.

At 4:14 p.m., Cleburne Police dispatch dispatched Officer Duddington to the call of an animal complaint at 1502 Lindsey Lane. The dispatcher advised Officer Duddington the complainants

were stuck in a car and there were three pit bulls that would not let them get out of the car. Dispatch also advised Officer Duddington that one of those dogs had snapped at one of the people.

At 4:15 p.m. Officer Dupre advised dispatch he was closer to the call and advised dispatch he would respond to the call. Dispatch then disregarded Officer Duddington. When Officer Dupre arrived on W. Lindsey Lane at 4:18 p.m. he saw Ms. Chandler was sitting in her car in front of 1502 W. Lindsey Lane. Officer Dupre asked Ms. Chandler if the house with the brown car, 1504 W. Lindsey Lane, was where the dogs came from. Officer Dupre walked towards the front door of that residence where a brown four-door Plymouth was parked in the driveway. Officer Dupre knocked on the front door, but there was no response.

Officer Dupre began talking to Ms. Chandler, who is still sitting in her car in the driveway next door. Officer Dupre asked Ms. Chandler, *"Didn't one of y'all say that one of them tried to snap at you?"* Ms. Chandler responded, *"Yeah, one of these brown ones. She rolled her window down to get their attention to see if they were aggressive (inaudible) that's why we haven't gotten out of the car yet."* Officer Dupre replies, *"Alright."*

Ms. Chandler tells Officer Dupre, *"We left, they weren't out. We went into town and came home and they were all right here."* As Ms. Chandler is talking, Officer Dupre sees a large black and white pit bull dog (later identified as "Doughboy") slowly running in his direction from the area of the fence on the northeast side of the owners residence, in between the two duplexes.

Officer Dupre directs several kissing sounds and whistles at Doughboy as that dog approached him, wagging its tail. Officer Dupre says, *"Hey, pup."* Doughboy then jumps up on Officer Dupre and he tells him, *"Uh-uh, get down, down, down, down."* Officer Dupre says to Ms. Chandler, *"I don't see the others anywhere."* Ms. Chandler replied, *"There's two more."* Ms. Chandler says, *"There's two more, they're like a chocolate (inaudible) on the other side of this building here. I don't know about them. One of those....."* As Ms. Chandler keeps talking Doughboy once again jumps up on Officer Dupre, who tells him *"Get down, you."*

Officer Dupre tells the dispatcher, *"250 clear, 'I'm getting no response. Can you call animal control? I haven't witnessed any aggressive behavior, but there's three pretty good sized pit bulls and the complainant says one of them tried to snap at her."*

Officer Dupre then begins walking east on W. Lindsey Lane. Doughboy appears on camera in front of Officer Dupre. Officer Dupre says to Doughboy, *"What's up, pup? What's up?"* It appears Officer Dupre reaches down and pets the dog. Doughboy slowly walks away and out of the view of Officer Dupre's body camera. As Officer Dupre turns to walk back to Ms. Chandler's car, he says to her, *"I don't see the other ones anywhere."* Ms. Chandler says to Officer Dupre, *"They had went on the other side of these peoples' garage. I don't know if they're still there. I don't know where they went."*

Officer Dupre once again walks towards the houses to the east, towards the intersection. As he is walking east, Doughboy walks in front of him between a fence and a parked RV. As he is looking around the area, dispatch tells him that animal control is responding. Officer Dupre continues walking east on W. Lindsey Lane towards Stonelake Drive, checking the area and backyards for the other two dogs.

Officer Dupre then walks back west on W. Lindsey Lane when he hears a woman talking to him. That woman is identified as Tatiana Martinez. Officer Dupre asks Ms. Martinez, *"Is that your dog?"* referring to Doughboy. She replies, *"No, they're my neighbor's dogs."* Officer Dupre asks her, *"They're your neighbor's dogs, are your neighbors home?"* Ms. Martinez reaches down and pets Doughboy. Ms. Martinez, who appears to be on a cell phone, says *"Is the other one loose?"* Officer Dupre says, *"She says it's not. Do they both belong to your neighbor?"* Ms. Martinez replies, *"Yeah....are the other ones....how many are loose?"* Officer Dupre replies, *"She said there was another brown one, along with that one."* Ms. Martinez is talking to someone (possibly Amanda Henderson or Quinton Tatum) on her cell phone and is heard saying, *"(inaudible) is out, too, come on Doughboy"* as she takes Doughboy by his collar and begins walking away with him.

Officer Dupre asks Ms. Martinez, *"Where do you live?"* She tells him, *"I live right next door."* Officer Dupre says to her, *"Okay. What's the names of the people that live here?"* Ms. Martinez does not reply as she continues escorting Doughboy between the two houses. Ms. Martinez is still on her cell phone as she drags Doughboy around the corner towards the backyard of 1504 W. Lindsey Lane.

Officer Dupre asks Ms. Martinez if she knew the names of the people that lived at 1504. Still on her cell phone, she does not answer Officer Dupre. She then puts Doughboy into the backyard. Officer Dupre asks her who the owner of the dogs are and she told him Amanda Henderson.

At 4:25 p.m., Officer Carmack arrives to assist Officer Dupre. Officer Carmack makes contact with Ms. Chandler and lets her know they had looked around for the other two dogs and it was now safe for them to go inside. Ms. Chandler and the other occupants of her car get out and walk into the house via the open garage.

Cleburne P.D. dispatch tells Officer Dupre that Animal Control is headed his way and they are trying a few cell phone numbers in an attempt to make contact with the dog's owner. Officer Dupre then runs the registration on the license plate of the car parked in front of 1504 W. Lindsey Lane, attempting to determine who the owner of the dogs might be.

Officer Dupre advises dispatch he has made contact with the neighbor, Tatiana Martinez who put up one of the dogs, but that two other dogs were still on the loose. Dispatch is able to make contact with Amanda Henderson who tells them she's at work in Granbury. Ms. Henderson tells dispatch she's going to call her neighbor (Tatiana Martinez) to ask her to put the dogs up for her.

Officer Carmack tells Officer Dupre, *"I tell you what, if they're the size of that dog there, they could do some hurtin' on..."* Officer Dupre responds, *"Yeah, that's kind of what I thought. I was like this ain't something I can just drive away from, that's gonna tear somebody's kid up or something."*

Officer Carmack tells Officer Dupre he's going to drive around the neighborhood looking for the other dogs. Officer Carmack asks Ms. Martinez if he can borrow her leash, which she agrees to do. Officer Dupre clears the call, advising dispatch the only dog he had seen when he arrived had been secured and that he was going to drive around the area looking for the other two loose dogs. Officer Dupre also leaves W. Lindsey Lane to search the neighborhood for the remaining two dogs.

At 4:49:07 p.m., Officer Dupre notifies dispatch he had located those two dogs in a ditch just west of the complainant's location on Cindy and he activates his body camera. Those two dogs came within 20 feet of him and he made kissing noises in an attempt to calm the dogs, knowing that Animal Control Officer Hale was enroute. The male pit bull dog crouched low, taking an aggressive posture and growling. The female pit bull dog appeared nervous.

He was standing outside the ditch and the brown male pit bull dog was in the ditch. He raised his duty weapon to the ready position and pointed his pistol at the growling dogs head. As soon as he lifted his pistol, the brown male pit bull dog began coming up the hill, continuing to growl and display its teeth. At that moment Officer Dupre became in fear that the brown pit bull dog was coming to attack him and, in self-defense, fired three shots at that dog, killing it.

At 4:49:16 p.m., Officer Dupre advised dispatch shots were fired. Dispatch acknowledged his radio traffic and advised him they had Animal Control on the phone and had advised her. He notified dispatch he was still out with one of the dogs which was about 20 yards from him and that dog was so far acting calm. Animal Control Officer Hale arrived and managed to capture the female dog.

Corporal Abbott and Sergeant Summey respond to the location as well. At 5:06 p.m. Officer Dupre clears all units, indicating he will be writing a report.

On August 11, 2014, Officer Dupre wrote a memo to Sergeant Goodman concerning the shooting of the dog. Officer Dupre did not complete the Department required Use of Force Report.

On August 11, 2014, Amanda Henderson and Quinton Tatum went to Animal Control and retrieved the female pit bull dog captured on August 10th by Animal Control Officer Hale.

Until Friday, October 17, 2014 this incident remained relatively quiet. No one filed a complaint of any kind against Officer Dupre with the Cleburne Police Department. On October 17th Amy Lawyer of Arlington and Michael Smith of Fort Worth filed Requests for Public Records with the City of Cleburne pertaining to this dog shooting. It was on October 17th that Chief Severance was notified that the video of Officer Dupre having shot the dog on August 10th had been posted on Facebook and You Tube, which began a public outcry critical of Officer Dupre for shooting that dog.

An investigation was then initiated.

INVESTIGATOR'S NOTES:

On October 31, 2014, this Investigator was retained as the investigator to conduct an Administrative Investigation into the shooting.

The Investigator obtained the video footage from Officer Dupre's body camera, recordings of audio, and visited the location of the call and shooting.

The Investigator reviewed the Cleburne Police Department General Orders regarding the Use of Force and two City of Cleburne Ordinances which were applicable. The City's definition of a Vicious Animal reads, "*Any animal that commits an unprovoked attack upon a person on public or private property or that attacks, threatens to attack or terrorizes a person on public property or in a public place.*" The two ordinances are Cleburne City Ordinance number 91.06 regarding "Vicious Animals," and Cleburne City Ordinance number 91.66 regarding the "Authority to Kill, Impound or Destroy Animals."

The Investigator was notified that Amanda Henderson wanted to meet with him, but in the presence of their Attorney. Ms. Henderson asked Cleburne Police Sergeant Linn Goodman how she could file a formal complaint.

On November 4, 2014, Sergeant Goodman forwarded to this Investigator a voicemail message he had received from Attorney Mark Robinius, who claimed to represent the dogs' owners, Amanda Henderson and Quinton Tatum. This Investigator called Mr. Robinius' office, speaking to a clerk. The clerk told this Investigator Mr. Robinius was scheduled to meet with Ms. Henderson and Mr. Tatum on November 8, 2014. This Investigator told Mr. Robinius' clerk to ask him to call this Investigator once he had been retained, in order for this Investigator to arrange to meet with them.

Sergeant Goodman informed this Investigator that a possible witness (Tricia Skiles) had sent an email to Chief Severance on October 31, 2014 indicating she had crucial, pertinent information about the case. Sergeant Goodman sent an email to Mrs. Skiles advising her who this Investigator was, asking her to provide him with a phone number he could pass on to this Investigator.

On November 5, 2014, one of the dog's owners had called the animal shelter, asking Animal Control where their dog's body was. Animal Control advised the dog's body had been taken to the landfill after the incident.

On November 6, 2014, the Investigator sent an email to Mrs. Skiles, explaining to her who this Investigator was, asking her for a phone number and asking her to make contact with this Investigator.

The Animal Control Officer who responded to this call was Landra Hale. Sergeant Goodman drove the Investigator to where this dog shooting took place. The Investigator was taken to the neighborhood and viewed the driveway from where Ms. Chandler had called 9-1-1. That house was next door to where Amanda Henderson and Quinton Tatum were living on August 10, 2014.

The Investigator noted the ditch/culvert where the dog was shot is in between two single family residence neighborhoods, and Sergeant Goodman advised that location was also not far from an Elementary School. Later that evening, this Investigator received a text message from Tricia

Skiles advising that she and a friend wanted to share their stories. Mrs. Skiles and her friend (later identified as Tina Schmitt) agreed to meet with this Investigator on November 10, 2014.

On November 7, 2014, Sergeant Goodman notified this Investigator he had received an email from Tarrant County District Attorney Criminal Investigator/Forensic Video Analyst, Ernest “Ernie” Vanderleest. Sergeant Goodman advised this Investigator he had previously taken the video of the dog shooting to Investigator Vanderleest trying to isolate the audio and/or to enhance the video footage. Investigator Vanderleest and Investigator Couch agreed to meet with this Investigator and Sergeant Goodman on November 11, 2014 to discuss the results of their forensic review of that audio and video of that footage.

On November 8, 2014, this Investigator reviewed Officer Dupre’s report related to the shooting of the dog. That report number is 14-02810. This Investigator noted there was no supplement written by the Animal Control Officer, Landra Hale.

This Investigator received a phone call from Animal Control Officer Hale. She told this Investigator she did not write a supplement to 14-02810 on August 10, 2014. This Investigator requested she write that supplement, describing her actions and observations on August 10, 2014. She says she remembers telling Officer Dupre the female dog “*might*” have been in heat. This Investigator asked her to send an email detailing her qualifications to make the determination that a female dog is in heat.

During this Investigator’s review of Sergeant Goodman’s Investigative Activity Log, this Investigator found an entry for October 20, 2014 where Sergeant Goodman found two previous instances where Cleburne P.D. had responded to a “*loose dogs*” call relating to dogs that belonged to Quinton Tatum when he lived at 302 S. Wood. One of those calls was on December 3, 2012 (CFS # 11-36214) and the other was February 8, 2014 (CFS # 14-03950). This Investigator asked Sergeant Goodman if he could provide this Investigator with a copy of any reports which may have been made related to those two calls.

On November 9, 2014, this Investigator received from Animal Control Officer Hale the listing of her qualifications. Her qualifications are listed within her witness testimony on this document.

On November 10, 2014, this Investigator met Tricia Skiles and Tina Schmitt in Cleburne. Neither of these two women had any information related to Officer Dupre having shot this dog.

This Investigator asked Cleburne P.D. Crime Analyst Officer Kelly Summey to show him how she had been able to review the video footage of Officer Dupre shooting the dog frame-by-frame. Officer Summey pulled up the video footage on her computer screen and with the click of her computer mouse was able to advance the footage frame-by-frame. As Officer Summey advanced the footage frame-by-frame this Investigator could see for himself that the pit bull dog shot by Officer Dupre did pull its ears back. The dog then sat back on its haunches, as if getting prepared to spring forward. The dog then opened its mouth and started to move towards Officer Dupre. The dog then was off camera as Officer Dupre fired the shots that killed it.

Officer Summey sent this Investigator an email which contained each photo from frame number 91 to frame number 150, then a photo of each frame from frame number 177 to frame number 243.

The quality of those photos makes it difficult to clearly discern, or to visually see what is on each of the frame-by-frame photos.

On November 11, 2014, this Investigator and Sergeant Goodman went to the Tarrant County District Attorney's Office in Fort Worth where we met with Investigator Ernie Vanderleest, a Certified Forensic Video Analyst and Investigator Lester Couch, a Criminal Investigator. Sergeant Goodman had – previous to this Investigator being retained to continue this investigation – made contact with Vanderleest, asking if he would analyze the video and attempt to improve the quality of the audio and/or video from Officer Dupre's body camera. Sergeant Goodman and this Investigator met with Investigators Vanderleest and Couch to review and discuss the results of their reviews.

When Investigators Vanderleest and Couch reviewed the video it was not very clear, even frame-by-frame. Investigator Vanderleest explained the fact the video was not very clear had something to do with the export of the video from the origin (WatchGuard) to the software he used to review the video/audio. It was not as evident watching Investigator Vanderleest's video what occurred related to the actions of the male pit bull dog just before Officer Dupre shot that dog. However, when this Investigator told Investigator Vanderleest his interpretation of what he had seen the day before, Investigator Vanderleest said he could not say this Investigator's interpretation was either correct or incorrect due to technical issues caused by the video being exported.

Investigator Couch walked us through his review of the audio from Officer Dupre's body camera footage. Investigator Couch identified a “*sound*” made twice by one of the dogs prior to Officer Dupre firing the shots that killed the male pit bull. Investigator Couch identified that same sound being made once after the shots were fired. This sound was consistent with a low groan and/or grunt sound believed to have been made by the female pit bull.

In his report, Investigator Vanderleest comes to two conclusions. One regarding whether or not the dog had its mouth open, and the other regarding his review of the audio of Officer Dupre's body camera footage.

Below is a review of those two conclusions:

First conclusion: He can make no determination about whether the dog's mouth is open because it is “*snarling*” in frame 230. It is his opinion that based on the color differences between pixels in the nose/mouth/head region, **that the dog's mouth is OPEN** at this frame. He shared the entire video with a colleague in the forensic community who has written books on Photoshop, still imagery, and video forensics and who has trained other forensic person nationally and internationally, and he had the same opinion as he that there simply is not enough visual information in the images to determine if the dog's mouth is representative of being aggressive.

Second conclusion: He also evaluated the audio portion of the video in this matter. The following is a waveform graphic of the audio using a free audio tool called Audacity. At just before five (5) seconds in the video, an audible sound can be heard and seen on the waveform. At about eight (8) seconds, a very similar sound can be heard and visually, appears quite similar. At approximately nine (9) seconds, three shots begin and continue for approximately one (1) second intervals. At approximately sixteen (16) seconds, a very similar sound to those heard before the shots can be

heard and seen in the waveform. At approximately twenty (20) and twenty-one (21) seconds respectively, a similar sound can be heard audibly and seen visually on the waveform.

It is his opinion that these sounds are quite similar in tone audibly and quite similar visually in the waveform. In his opinion they are sounds being presented by the female dog certainly after the shooting, and possibly before the shooting.

In his memorandum to Sergeant Goodman in reference to this animal shooting, Officer Dupre indicated, *"The dog began growling and took an aggressive stance...."* While there is no audio evidence of a *"growl"* by the male pit bull as articulated by Officer Dupre in his memorandum to Sergeant Goodman, based on what this Investigator heard on November 11th, it is quite possible what Officer Dupre described as the dog *"growling,"* is the noise made by the female.

Investigator Vanderleest later notified this Investigator he was going to ask a Forensic Video Analyst to review the video to seek his advice concerning the compression issues with the video. Investigator Vanderleest asked Forensic Video/Image Analyst Joe Hoerricks of the Los Angeles Police Department to evaluate the video. Mr. Hoerricks came to the same conclusion as Investigator Vanderleest that there was simply too much compression in the AVI file to make the determination about the dog's ears and/or the dog's mouth.

This Investigator called Attorney Robinius, explaining to him who this Investigator was and asking him if he was representing the dogs' owners. Mr. Robinius said he had not yet been retained, but said he was representing them. This Investigator told him he wanted to interview them. He told this Investigator to call his clerk and to arrange for an appointment for this Investigator to meet with them at his office in Garland. This Investigator called his Law Office and left a message for the clerk to call. This Investigator was hoping to meet Mr. Tatum and Ms. Henderson on Friday, November 28, 2014.

On November 19, 2014, Investigator Vanderleest advised this Investigator he had tried to get his report completed, but he was tasked with more pressing duties and would not be able to get his report to this Investigator until probably November 26, 2014.

This Investigator reviewed the footage of the four body camera videos recorded by Officer Dupre on August 10, 2014.

From the first video:

Officer Dupre activates his body camera and is recording as he arrives at 1502 W. Lindsey Lane. He asks Ms. Chandler, *"This house with the brown car?"* Officer Dupre begins walking towards the front door of a residence which has a brown four-door Plymouth parked in the driveway. He knocks on the front door, but there is no response and he walks back into the front yard. To the east of the initial residence he begins talking to Ms. Chandler who is seated in her car in the driveway next door.

Officer Dupre asked Ms. Chandler, *"Didn't one of y'all say that one of them tried to snap at you?"* Ms. Chandler, still sitting in the driver seat of her car responds, *"Yeah, one of these brown ones, she (referring to her 16 year old daughter) rolled her window down to get their attention to see if*

they were aggressive (inaudible) that's why we haven't gotten out of the car yet." Officer Dupre replies, *"Alright."*

As he walks toward Ms. Chandler's car, she begins talking again. The first bit of her second conversation is initially inaudible. Ms. Chandler says, *"We left, they weren't out. We went into town and came home and they were all right here."* Ms. Chandler says a few more words which are inaudible. As she's talking, Officer Dupre looks to his left and there's a large black and white pit bull dog (later identified as "Doughboy") slowly running in his direction from the area of the fence on the northeast side of the owners residence, in between the two duplexes.

Six times Officer Dupre directs a kissing sound at Doughboy. He whistles three times at Doughboy as the dog approaches him. Doughboy stops in front of him, wagging his tail. He says, *"Hey, pup."* Doughboy jumps up on him and he tells the dog, *"Uh-uh, get down, down, down, down"* and Doughboy's face momentarily appears on the video footage. He says to Ms. Chandler, *"I don't see the other anywhere."* She replies, *"There's two more."* Officer Dupre replies, *"I'm sorry."* She says, *"There's two more, they're like a chocolate (inaudible) on the other side of this building here. I don't know about them. One of those....."* As Ms. Chandler keeps talking Doughboy once again jumps up on him and he tells that dog, *"Get down, you."*

Ms. Chandler then says something inaudible to Officer Dupre who keys up his handheld radio and tells the dispatcher, *"250 clear."* The dispatcher responds, *"250."* He advises dispatch via radio, *"I'm getting no response. Can you call animal control? I haven't witnessed any aggressive behavior, but there's three pretty good sized pit bulls and the complainant says one of them tried to snap at her."* Dispatch replies, *"10-4."*

Officer Dupre then begins walking east on W. Lindsey Lane. Doughboy appears on camera in front of him. In a soft voice, Officer Dupre says to Doughboy, *"What's up, pup? What's up?"* It appears he reaches down and pets the dog. Doughboy slowly walks away and out of the view of his body camera. As he turns to walk back to Ms. Chandler's car, he says to her, *"I don't see the other one's anywhere; I don't see the others anywhere."* Ms. Chandler says, *"They had went on the other side of these peoples garage. I don't know if they're still there. I don't know where they went."*

Officer Dupre once again walks towards the houses to the east, towards the intersection. As he is walking east, Doughboy walks in front of him between a fence and a parked RV. As he is looking around the area, dispatch calls, *"Cleburne 250."* He responds, *"Go ahead."* Dispatch advises him, *"AC3 is heading your way. We're also trying a couple of cell phone numbers for (inaudible) possible (inaudible)."* He responds, *"10-4."* As he continues to walk east on W. Lindsey Lane towards Stonelake Drive he sees the gate open on the fence to the backyard of a residence at the intersection of Lindsey Lane and Country Club Drive. He walks into the backyard at that residence. He exits that backyard and walks around to the front yard on Country Club Drive.

He walks up to the front door of that residence and knocks on the door. A lady answered the door and he asks her, *"Hello, do you happen to know who this dog belongs to?"* She replies, *"Oh no, sir, I don't."* Doughboy is still with him. Officer Dupre says to her, *"Okay, watch yourself. Close the door"* as Doughboy appears on camera apparently trying to follow that woman inside of her house as she is closing the door.

The woman cracks her front door and is then her telling Officer Dupre, *"The people like several house down that way....."* He says, *"This way?"* The woman continues, *"Have a brown one. I haven't seen one yet. The house where that SUV is right down there. I think the house is on the other side. That family has a brown dog."* He says, *"Okay."* He turns his body towards the front door. The woman is outside, standing at her front door. Doughboy is seen standing next to her. She says, *"But I'm not sure if they have...."* Officer Dupre interrupts her, saying, *"Yeah, watch yourself. Somebody said this one was aggressive. I haven't seen it, but...."* The woman says, *"Okay."* He tells the woman, *"Thank you."*

Officer Dupre walks back west on Lindsey Lane. He says, *"Hello"* and a woman's voice is heard. On the video footage a female (later identified as Tatiana Martinez) is seen in the yard where Ms. Chandler's car is parked. He asks Ms. Martinez, *"Is that your dog?"* referring to Doughboy. Ms. Martinez replies, *"No, they're my neighbor's dogs."* He asks her, *"They're your neighbor's dog, are your neighbors home?"* At that time a Cleburne P.D. squad car (driven by Officer Carmack) is seen driving east on W. Lindsey Lane. Officer Carmack asks Officer Dupre, *"Where they at?"* He tells Officer Carmack, *"There's one"* pointing at Doughboy as the animal is walking up to Ms. Martinez.

Ms. Martinez reaches down and pets that dog. Ms. Martinez, who appears to be on a cell phone, says *"Is the other one loose?"* Office Dupre says, *"She says it's not. Do they both belong to your neighbor?"* Ms. Martinez replies, *"Yeah....are the other ones....how many are loose?"* Officer Dupre replies, *"She (Ms. Chandler) said there was another brown one, along with that one."* Ms. Martinez – who is apparently talking to someone (possibly Amanda Henderson or Quinton Tatum) on her cell phone – is heard saying, *"(inaudible) is out, too, come on Doughboy"* as she takes Doughboy by his collar and begins walking away with him.

Officer Dupre asks Ms. Martinez, *"Where do you live?"* She tells him, *"I live right next door."* Officer Dupre says, *"Okay. What's the names of the people that live here?"* She does not reply as she continues escorting Doughboy between the houses. She is still on her cell phone. As she drags Doughboy around the corner towards the backyard, Doughboy yelps as if in pain. Ms. Martinez says to the dog, *"It's okay, come on."*

Officer Dupre says to Ms. Martinez, *"Ma'am, don't get bit (as the video footage shows Ms. Martinez release the dog, who runs towards the gate) and get tore up because then I'm going to have to shoot (Ms. Martinez is still on her cell phone) it and that's gonna be a whole mess. Is that your dog, or....."* She replies, *"No."* He asks her, *"Do you know what's the name of the people that live here?"* Still on her cell phone, Ms. Martinez does not answer his question. She then opens the gate and says, *"Come on Doughboy, go in."* Doughboy goes into the backyard and Ms. Martinez closes the gate. Although this Investigator is unsure who Ms. Martinez was making the comment to (possibly the dogs owners), but she then says, *"Let me....what other one is loose? The brown one (inaudible)."* Officer Dupre says to her, *"Hang on a second ma'am, what's your name?"*

From the second video:

Officer Dupre reactivates his body camera while still out on W. Lindsey Lane. The video begins with him talking to Officer Carmack. Officer Dupre says to Officer Carmack, *"This is the one they say it belongs to. Said it belongs to this house and she says she lives in that house. Yeah, she is being evasive."* Officer Dupre is standing in the yard at the scene of the original call on W. Lindsey Lane. Officer Dupre's video is focused on Ms. Chandler's car.

Officer Carmack says, *"Well I think it will be alright for these people to go into their house, don't you?"* Officer Dupre replies, *"Yeah, I never did see another dog. They said there was a brown one roaming around."* Officer Carmack approaches Ms. Chandler – who is still sitting in her car – and says to her, *"We've looked all the way around (inaudible)."* She says, *"Okay, thank you."* Officer Carmack tells her, *"We're going to stick around just in case they come back."* She says, *"I'm sorry"* and Officer Dupre tells her, *"No problem."* She says, *"Let's get out while they're here."*

The video then shows Ms. Chandler, her two daughters and an infant child getting out of her car. Officers Dupre and Carmack engage in a few minutes of small talk regarding their equipment. Ms. Chandler thanks the two officers and they reply, *"Yes ma'am."* As Ms. Chandler walks into the house via the open garage, Officers Dupre and Carmack continue to discuss their equipment.

Tatiana Martinez appears on the video. She is still talking on her cell phone. Officer Dupre asked her, *"Who's the owner of the dog, ma'am?"* She replies, *"Amanda Henderson."* Officer Dupre asks her to confirm the owner's name and she does. Officer Dupre asks her if she has a phone number for Amanda. She appears to be looking at her cell phone for Amanda's phone number, but doesn't give it to Officer Dupre. Officer Dupre asks her if she had tried to call Amanda Henderson yet. Her response was inaudible. Officer Carmack asks Ms. Martinez, *"How many dogs they got back there, do you know?"* She answers, *"There's three."* Officer Carmack asks her, *"Did the other dog happen to be back there when you went back there?"* She said *"No."* Officer Dupre then asked her, *"So they're all loose right now?"* She replied, *"They're all of them....there's three,"* then she walks away.

Cleburne P.D. dispatch then calls Officer Dupre on the radio, telling him, *"I have one of the owners on public service. Have you made contact with anyone?"* Officer Dupre tells dispatch he had made contact with a neighbor who had put one of the dogs up and that there were two dogs supposedly still out on the loose. Dispatch tells Officer Dupre, *"She's (Amanda Henderson) apparently at work in Granbury, she's advising she was going to contact the neighbor to put them up for her."* Officer Dupre replies, *"10-4, just try to get her contact information for animal control. I don't know if they want to do something with this. There's still two dogs running around loose that I haven't seen since I've been here. I only saw one."* Dispatch acknowledged his radio traffic.

Officer Dupre walks toward Officer Carmack, who says to him, *"I tell you what, if they're the size of that dog there, they could do some hurtin' on...."* He responds to Officer Carmack, saying *"Yeah, that's kind of what I thought. I was like this ain't something I can just drive away from, that's gonna tear somebody's kid up or something."* Officer Carmack says, *"Or somebody else's animal. That's a big old dog right there. I wish this girl would quit being so evasive and just tell us something."*

Ms. Martinez comes back outside, still on her cell phone. Officer Carmack says to her, *“Alright, were there any other dogs back there?”* She replies, *“Yeah, there’s one. Did they take off looking for him already?”* Officer Carmack told her, *“Pull the phone away from your ear, I’m starting to get irritated now.”* She says, *“There’s three dogs and there’s (inaudible).”* Officer Carmack says to her, *“Listen to me, I need to know how many dogs are normally back there. You said three, is that correct? Are there three pit bulls?”* She replied, *“Yeah, I think.”* Officer Carmack asks her, *“Are they all three that kind of dog, that size?”* She replied, *“No, they’re smaller.”*

Officer Carmack asked Ms. Martinez if there were any other dogs in the backyard and she told him no. She told Officer Carmack there were still two dogs missing. Officer Carmack asked her about the color of the missing dogs and she said one was tan and one was brown. She confirmed for the officers that the two remaining missing dogs were smaller than Doughboy.

Officer Carmack asked Ms. Martinez if the dogs ever get out and she said no. Officer Carmack asked her, *“They don’t usually get out?”* Then a man (later identified as Frank Nitterauer) says, *“Yes they do. They have my back fence tore down and they come into the backyard all the time, I can’t even go out in my back....”* Officer Dupre says, *“This lady is not the owner, is she?”* Mr. Nitterauer says, *“No.”* Officer Dupre asks Mr. Nitterauer if he knew the dog’s owner and Mr. Nitterauer told Officer Dupre the dogs’ owners drove a black SUV similar to Cleburne P.D.’s Tahoe’s.

Doughboy is seen back outside of the yard Ms. Martinez had put him. Doughboy jumps up on Mr. Nitterauer and is acting friendly. Mr. Nitterauer complains to the officers about the dogs having torn down his back fence.

Officer Dupre goes into the backyard to ensure the other two dogs aren’t back there. Ms. Martinez tells Officer Dupre she is “watching” Amanda Henderson’s children at her house next door. Officer Dupre is trying to tell Ms. Martinez since she’s caring for Amanda’s children that she’s also “in charge” of the dogs as well.

Officer Carmack tells Officer Dupre he’s going to drive around the neighborhood looking for the other dogs. Officer Carmack asks Ms. Martinez if he can borrow her leash, which she agrees to do. Officer Dupre asks Ms. Martinez who lives at the duplex other than Amanda Henderson and she tells him, *“Quinton, her boyfriend.”*

The video then ends with Officer Dupre walking out into the street to meet Officer Carmack.

From the third video:

Officer Dupre activates his body camera as he comes upon the remaining, missing two pit bull dogs. These two dogs are in the bottom of a ditch/culvert that is just west of the 1500 block of W. Lindsey Lane and about 200 feet south of where Officer Dupre had parked his squad car on Country Club Drive. The video begins showing a brown dog walking north through the ditch/culvert towards an exposed storm drain. This ditch/culvert is located between two residential areas and not too far from an elementary school.

As the video progresses, two pit bull dogs come into view. The smaller of the two dogs is a darker color of brown, smaller female. The larger, tan color pit bull dog is the male. These two dogs are

walking toward the end of the ditch/culvert. Officer Dupre is walking to the edge of the ditch/culvert as the two dogs stop and the end of the ditch/culvert in a dry bed area.

Officer Dupre makes a “*kissing*” noise and both dogs stop and look up towards him. Both dogs are wagging their tails. The female dog steps back. The male dog steps forward. The male dog appears to have his eyes focused on Officer Dupre. As Officer Dupre draws his pistol the female appears to stop moving. The male dog appears focused on Officer Dupre and appears to crouch down. Due to Officer Dupre moving his pistol, for a moment only the rear of the male dog is visible. Officer Dupre shifts his position and once again the male dog is visible.

It appears the male dog has its focus intently trained on Officer Dupre. Officer Dupre then raises his pistol with both hands, which completely blocks the images or actions of either animal. Officer Dupre then fires three shots. The female dog is seen retreating. The male dog is deceased, lying in the dry bed area. Officer Dupre keeps his pistol at the ready and keeps it aimed at the female dog. The female dog stops, turns around and faces Officer Dupre, who says, “*Don’t do it dog.*”

From the fourth video:

This video shows Officer Dupre’s actions after he had shot the male dog as he cautiously watched the female pit bull until Animal Control Officer Hale arrived and secured that animal. This is clearly a continuation of Officer Dupre’s third body camera video footage, after Officer Dupre had shot the dog.

The image is of the grassy area both inside and outside of the ditch/culvert. This is in the direction the female ran after the shots were fired. Initially the female dog is not seen. Then in just a matter of seconds the female dog is seen lying in the grass off in the distance, south of Officer Dupre, facing north.

Officer Dupre gets on his handheld radio and tells dispatch, “*250 Cleburne, I’m still out with one of them, it’s about 20 yards just acting calm so far.*” The female dog then begins walking around in the culvert/ditch. He raised his pistol, aiming it at the female pit bull. He says, “*Don’t do it dog.*” The dispatcher advises him that “AC3” (Animal Control Officer Hale’s call number) is in the area. Momentarily he moves his body camera to where the male pit bull has fallen. He tells dispatch, “*10-4, she (Hale) just arrived.*”

Officer Dupre then returns his focus to the female pit bull, which is slowly moving through the grass in his general direction. He once again raises his pistol, aiming it at the female dog. The female dog stops, is panting and looking around. The female dog then takes off running up the hill, out of the ditch/culvert and to the east. He points the female dog out to Hale. He then turns back to the north and Hale is seen moving to capture the female dog. He walks behind Hale as she approaches the female dog. Hale calls out to the female dog. The female dog is seen at the end of the roadway where W. Lindsey Lane turns from west to south at the end of the roadway, just west of the original call location.

The female dog responds to Hale’s call and is secured by her. Officer Dupre continues to video record as Hale is walking the female dog towards her Animal Control vehicle. Officer Carmack is seen looking over the dead animal from the top of the ditch/culvert. Officer Carmack and Officer

Dupre exchange inaudible words. In response to whatever was said to him by Officer Carmack, Officer Dupre replies, “*Yeah, I think so.*”

This Investigator continued to review of Officer Dupre’s body camera footage by reviewing video number five. This is footage of Officer Dupre conducting an interview of Peggy and Frank Nitterauer and Peggy’s mother, Juanita Moore. This interview was conducted by Officer Dupre on Monday, August 18, 2014. Mr. Nitterauer is the man who was on the second video complaining about the dogs having torn down his fence. Juanita Moore was the elderly female sitting in the car with her granddaughter, Stacy Chandler. The audio of Officer Dupre’s interview was so scratchy that whatever those people Officer Dupre was interviewing were saying was mostly inaudible.

On November 21, 2014, this Investigator met with Officer Dupre at the Cleburne P.D. and posed to him investigative questions. Officer Dupre was very cooperative with the process.

This Investigator called Ms. Henderson, who told this Investigator that Mr. Robinius is not their Attorney. She told this Investigator they had retained Attorney Burt Powell of Cleburne. This Investigator told Ms. Henderson he wanted to meet with them on November 28, 2014. Ms. Henderson told this Investigator she would contact Mr. Powell and would let this Investigator know.

On November 24, 2014, this Investigator called Mr. Powell’s office and spoke to his clerk. This Investigator asked her to ask Mr. Powell to call him about setting up an appointment for this Investigator to meet with Ms. Henderson and Mr. Tatum.

Sergeant Goodman notified this Investigator that Ms. Henderson had completed a Citizen Complaint Form and had given her complaint to Cleburne Deputy City Secretary, Ivy Peterson at Cleburne City Hall. Chief Severance emailed this Investigator a copy of Ms. Henderson’s complaint. The narrative of Ms. Henderson’s complaint is detailed within her witness testimony.

Her main complaints were that Officer Dupre not only killed their family dog, Maximus, but she complains that he also lied about the circumstances of the incident in his report. She felt Officer Dupre should be prosecuted for perjury the same as any citizen of Cleburne would be in that situation. She added in her complaint they had never had issues before with their dogs getting out and roaming around. She added that the woman that called in the complaint was a visitor, not a resident of the neighborhood.

On November 25, 2014, this Investigator called Ms. Henderson, leaving her a voicemail message, explaining to her he had tried to make an appointment to visit with she and her husband through Mr. Powell’s office, but had not received a call back from him. Ms. Henderson called this Investigator and he explained to her he had received a copy of her complaint and wanted to meet with her and Mr. Tatum on November 28, 2014. Ms. Henderson told this Investigator she would check with her husband and would get back with this Investigator.

On November 27, 2014 Ms. Henderson sent this Investigator a text message asking if this Investigator could meet with them on November 28th at 1:00 p.m. at a local restaurant in Cleburne.

This Investigator met Ms. Henderson and Mr. Tatum in Cleburne. This Investigator explained his resume to them and explained to both of them that this Investigator is conducting an impartial and

objective investigation into Officer Dupre's Use of Force and informed them this Investigator's findings cannot – and would not – be affected by any other person or entity.

Within her complaint Ms. Henderson indicated she felt Officer Dupre should be prosecuted for “perjury” as it was her opinion after having read Officer Dupre's report narrative that he was not telling the truth in that report narrative. This Investigator explained to Ms. Henderson the difference between perjury and untruthfulness, assuring her if this Investigator uncovered evidence that Officer Dupre was untruthful in his report narrative that this Investigator would bring that fact to the attention of the Chief of Police.

Within her complaint Ms. Henderson added she had “never had issues before with their dogs getting out and roaming around.” This Investigator explained to Ms. Henderson and Mr. Tatum that he had copies of several Cleburne P.D. reports to the contrary. Ms. Henderson told this Investigator she was unaware of those previous incidences at other addresses in Cleburne and clarified her comment, telling this Investigator what she meant was that their dogs (the ones found on the loose on August 10, 2014) had never gotten out and roamed around.

Ms. Henderson and Mr. Tatum also told this Investigator they had not hired an Attorney and they each claimed they had no desire to file a lawsuit against the City of Cleburne, they simply wanted the shooting of their dog to be investigated and to be told “why” their dog was shot by Officer Dupre.

On November 29, 2014, this Investigator reviewed the video of Sergeant Goodman's interview of Stacy Chandler and Kayla Cain. That interview was conducted on October 29, 2014. Sergeant Goodman and Investigator Mackey went to Mineral Wells to interview Ms. Chandler and her daughter. The information from that interview is within the witness testimony of Ms. Chandler and Kayla Cain.

On December 1, 2014, this Investigator reviewed the video of Sergeant Goodman's October 28, 2014 interview of Juanita Moore. The information from that interview is within the witness testimony of Ms. Moore.

This Investigator reviewed the video of Sergeant Goodman's October 28, 2014, interview of Peggy and Frank Nitterauer; they are Ms. Chandler's Aunt and Uncle. This Investigator then reviewed the audio of Ms. Chandler's call to Cleburne P.D. 9-1-1 from August 10, 2014.

This Investigator reviewed the audio of the police radio traffic associated with the police response to Ms. Chandler's call to Cleburne P.D. 9-1-1 from August 10, 2014. This Investigator then reviewed the audio of the four phone calls Cleburne P.D. dispatch made on August 10, 2014, attempting to contact both Ms. Henderson and Mr. Tatum while Officer Dupre was still on the scene of the call. The first three calls were unsuccessful at reaching Ms. Henderson, but on the fourth attempt dispatch made contact with Ms. Henderson.

This Investigator reviewed the body camera footage of both Sergeant Summey and Corporal Abbott from their contact with Ms. Henderson and Mr. Tatum at about 7:49 p.m. on August 10, 2014. Sergeant Summey and Corporal Abbott met with them in reference to a disturbance complaint called in by Peggy Nitterauer and they handled the call.

This Investigator reviewed Cleburne P.D. Call Sheet Report number 14-26346 which is the Animal Complaint call sheet, including notes for the call to 1502 W. Lindsey Lane on August 10, 2014. This review helped this Investigator determine the exact time each of those events occurred on August 10th.

This Investigator reviewed Cleburne P.D. Call Sheet Report number 14-26351 which is in reference to the disturbance called in by Peggy Nitterauer at 5:29:29 p.m. on August 10, 2014. Peggy complains that her neighbor (Mr. Tatum) came over upset and had caused a scene with her husband, Frank. This review helped this Investigator determine the exact time each of those events occurred on August 10th.

This Investigator reviewed an article in the *Psychology Today* website, which includes a featured article in *Canine Corner*. There is an article written by Stanley Coren, PhD, F.R.S.C., professor of psychology at the University of British Columbia. The article written by Dr. Coren is entitled “What a Dog’s Tail Wags Really Mean: Some New Scientific Data.”

The first two paragraphs of this article read, “*Science is always providing new information that allows us to interpret the behavior of dogs, or to reinterpret behaviors which we thought we understood very well-such as the meaning of a dog’s tail wagging. Perhaps the most misinterpretation of dogs is the myth that a dog wagging its tail is happy and friendly. While some wags are indeed associated with happiness, others can mean fear, insecurity, a social challenge or even a warning that if you approach, you are apt to be bitten.*”

CIVILIAN WITNESS TESTIMONY:

Stacy Chandler
Mineral Wells, Texas

On August 10, 2014, she went to Cleburne to her Aunt and Uncle’s (Frank and Peggy Nitterauer) house to visit her grandmother. She had been going to visit her grandmother there about once every two weeks. She had her grandmother, her two daughters, and her one year old nephew in the car with her on August 10, 2014, when they returned after having taken her grandmother out to eat.

When they pulled into the driveway on W. Lindsey Lane, she saw three pit bull dogs to her left. In the past she’s seen those pit bulls growl and bark at people. They sat in the car for about 15-20 minutes contemplating what to do. One daughter rolled down her car window and was calling to the dogs in order to see if they were going to become vicious or if they were going to wag their tails. One of the brown pit bull dogs came running at the car, growling and being aggressive. When her daughter put her hand outside the window one of the brown pit bulls dogs twice snapped at her fingers. It was after that she called 9-1-1, telling them the dogs were keeping them from getting out of their car.

After Officer Dupre arrived, she saw the black and white pit bull dog jump up on him. The other two pit bull dogs were running around the neighborhood at that time. With Officer Dupre and Officer Carmack there, she and her family were finally able to get out of the car to go inside the house. The two officers then left to go looking for the other two pit bull dogs because they were out running loose.

About an hour later, the black man who owned the dogs (Quinton Tatum) knocked on the door. When she answered the door, Mr. Tatum began cursing her, telling her *"You got my f***ing dog killed, bitch."* Mr. Tatum was acting crazy. She told Mr. Tatum if he did not get out of her face she was going to call the police back out there. Mr. Tatum told her he was going to have his girl *"get her ass."* She, her two daughters and her infant nephew then left Cleburne and drove back to Mineral Wells. In her opinion the dog which was shot was being vicious.

A few times prior to August 10, 2014, she had seen Mr. Tatum and Ms. Henderson outside with the dogs, but the encounter on August 10, 2014, was the first time she had ever had an encounter with those dogs. She was afraid of those dogs. Officer Dupre made her feel protected so they could get inside the house.

On October 29, 2014, Sergeant Goodman and Investigator Wesley Mackey met her at her residence in Mineral Wells and interviewed her and one daughter. During that interview she incorrectly told Sergeant Goodman the black and white pit bull dog is the dog which ran at her car, growling and being aggressive. She and her daughter both told Sergeant Goodman on October 29th when the daughter put her hand outside the window it was the black and white pit bull dogs which snapped at her fingers.

(****NOTE** – On Officer Dupre's first body camera footage when he initially meets with her, he asked Ms. Chandler, *"Didn't one of y'all say that one of them tried to snap at you?"* Ms. Chandler's response is recorded evidence, she told Officer Dupre, ***"Yeah, one of these brown ones, she rolled her window down to get their attention to see if they were aggressive (inaudible) that's why we haven't gotten out of the car yet."*** Ms. Chandler's remembrance two months and 19 days after the actual event is clearly incorrect**).

CIVILIAN WITNESS TESTIMONY:

Juanita Moore
Cleburne, Texas

On October 28, 2014, Sergeant Goodman and Sergeant Cambron interviewed her. She told them that on August 10, 2014 she was living with Peggy and Frank Nitterauer on W. Lindsey Lane in Cleburne. That day her granddaughter (Stacy Chandler), her two teenage great-granddaughters, and her one year old great-great grandson came to Cleburne to visit her. They took her to Braum's. When they returned to Frank and Peggy's house the pit bull dogs charged at the car. One of her great-granddaughters offered to go into the house to get Frank. She and Ms. Chandler told her no because she had heard that *"dogs like that are vicious and when you try to run try to bite you."*

They sat in the car, trying to decide what to do and they decided to try to make noise to get the dogs to go away. Stacy decided to call the police to stand there to see that they got into the house safely. Then Stacy called 9-1-1 and told them they needed to get out of the car and into the house and they were afraid someone would get bit.

Officer Dupre responded and spoke to Stacy and stayed with them and let them get out of the car and into the house. She was at Frank's house that same day when the dog's owner (Mr. Tatum) knocked on the door, calling Stacy bad names. Mr. Tatum beat on the garage door and Frank went to the garage door and Mr. Tatum cursed at Frank as well. Peggy then called the police back out there. Frank suggested to Stacy that she get her children and leave, which she did. Officer Dupre

came back out to the residence on a Monday, August 18, 2014 and she gave him Stacy's name because he did not get that information from Stacy on August 10th.

Sergeant Goodman asked her to describe what she saw on August 10th. She told him there were three, sometimes four dogs that were in between the houses. The dogs were "*always getting out, running wild.*" One time three of the dogs got into Frank and Peggy's backyard through the fence and Frank went over to the Mr. Tatum's house and only Mr. Tatum's children were home. Those children came over to Frank and Peggy's backyard to get the dogs back over into their yard. One of Mr. Tatum's female children told her, "*he snapped at me.*"

She told Sergeant Goodman that one of the brown dogs, not Doughboy, was up on the rear driver's side window, growling at Kayla. Stacy feared for their safety and was afraid to get her and the baby out safely. The Hispanic female who was dog and babysitting for the owners that day (Tatiana Martinez) was cursing Stacy for having called the police.

CIVILIAN WITNESS TESTIMONY:

Peggy and Frank Nitterauer
Keene, Texas

On October 28, 2014, Sergeant Goodman and Sergeant Cambron interviewed them. On August 10th Peggy's niece (Stacy Chandler) came to Cleburne to visit Juanita Moore, who is her mother. Stacy brought her two daughters and Juanita's infant great-great grandson with her for that visit. Stacy and the kids took Juanita to Braum's. Peggy did not realize they were back until the policeman brought them in the house. Juanita told her Stacy had to call the police because the dogs were loose. Peggy said those dogs roamed the neighborhood. Peggy said one day Frank had taken the trash out and saw one of the dogs chasing after a jogger.

Peggy said she had previously thought about calling the police about the dogs, but didn't because she didn't want problems with her neighbors. Peggy called her landlord to complain about the dogs knocking down their fence and her landlord told her she should go tell the owner (Mr. Tatum) he needed to fix the fence and she told her landlord that was her responsibility. Peggy's landlord called her in June or July 2014 about a complaint the landlord had received from a neighbor about four dogs being in Peggy's backyard. Peggy told her landlord those dogs were in her neighbor's backyard and did not belong to her.

There was a time when the dogs got into their backyard and Frank went to Mr. Tatum's house and knocked on the door. An eight year old girl answered the door. Frank asked her if her parents were at home and that little old girl told him her parents were taking a nap. Frank told that girl their dogs were in his backyard. Two small boys and two small girls from that house then went through the fence trying to get their dogs back over into their yard. Peggy said one of the little girls grabbed one of the brown dogs by the neck and she saw that dog snap at that little girl.

Peggy was not outside on August 10, 2014, when the dogs were out. On August 10, 2014 she did call the police when "*that black guy*" (Mr. Tatum) came over banging on the door. When Stacy answered the door, Peggy heard Mr. Tatum screaming and yelling at Stacy about his dog getting killed. Frank said he did go outside when the officers were first there on August 10th and Doughboy jumped up on Frank, but not aggressively, rather playfully. Frank says he told Officer

Dupre how often the dogs got out and ran in the neighborhood. When asked by Sergeant Cambron, Peggy identified the “*darker*” pit bull dog as the most aggressive of the three dogs.

Frank says he told Stacy to leave on August 10th because he wasn’t quite sure what Mr. Tatum would do. Frank and Peggy both said none of those three dogs had ever snapped at either of them. Frank said he had never had a problem with any of those three dogs.

CIVILIAN EMPLOYEE WITNESS:

Landra Hale
Cleburne Police Department – Animal Control
302 W. Henderson Street
Cleburne, Texas
(817) 645-0972

On August 10, 2014 she was dispatched to 1504 W. Lindsey Lane on three aggressive pit bulls. She told the dispatcher she would get there as soon as she asked Community Service to put the dogs up that they had outside and to lock everything up.

When she arrived in the 1500 block of Cindy Lane she saw Officer Dupre near a drainage ditch with his gun raised. She quickly gathered her control pole and dog leashes and walked to where Officer Dupre was standing. She observed two dogs in a drainage ditch. One male, tan pit bull mix had been shot and the other, a red female and white pit bull mix was standing near the male dog that had been shot. When she called for the female pit bull mix, that dog quickly ran up out of the ditch and towards W. Lindsey Lane. She told Officer Dupre something to the effect of “*the female dog looks like she may be in heat, that’s possibly why the male dog was acting aggressive.*” The female pit bull mix did stop and came to her. That’s when she took her to load her into her truck. Officer Dupre and Officer Carmack helped her get the male pit bull that had been shot and loaded it into her truck. She then asked Officer Dupre what the address was where the dogs belonged. Officer Dupre told her the dogs belonged at 1504 W. Lindsey Lane. She went to 1504 W. Lindsey Lane to try to make contact with the owners. She knocked on the door, but no one answered. She left a notice on the door stating that they had picked up the female pit bull mix.

The owner, Mr. Tatum, came to the Cleburne Animal Shelter to claim the female pit bull mix on August 11, 2014. Mr. Tatum was asked if the dog was current on rabies vaccination. Mr. Tatum didn’t have any proof that the female pit bull mix was current on rabies vaccination. She charged Mr. Tatum a impound fee and rabies vaccination fee and released the female pit bull mix to him. Mr. Tatum did not ask to see, or if they could have the male pit bull mix back.

On August 12, 2014, the Cleburne Animal Shelter took a load of dead animals from their freezer to the landfill in Alvarado. Due to the owner not stating they wanted the male pit bull mix back, it was in the load that was taken to Alvarado.

She has been with Cleburne Animal Control since October of 2007. She has been to several different classes throughout the seven years she’s been in Animal Control. She’s been to Wildlife Capture and Technician, Local Rabies and Control Authority, Animal Cruelty Investigation, Officer Survival: Aggressive Dogs, Bite stick and OC Spray, Texas Humane Law Enforcement, Chemical Capture and Control, and Urban Wildlife classes. Although you learn very valuable information at these classes you also learn a lot from being on the streets. In the years she’s been

working on the streets, she can tell you by looking at a dog if it's going to let you catch it or if it's going to take off running, and she can also tell you by a dogs body language if a dog is going to be nice or if a dog is going to try and bite.

Other things she has learned in the time she's been working are if a dog is in Estrus (in heat). One signs that a dog is in heat is when there is bloody vaginal discharge and the dogs' vulva is swollen. But sometimes a dog further along in her heat cycle (which can last longer than two weeks depending on the size and breed of the dog) will still have a swollen vulva, but not bloody discharge. The female dog in heat releases pheromones which a male dog can smell from miles away. In most cases when there is a female dog in heat one or more male dogs (even some female dogs) will follow the dog around to try and mate with the in heat female dog. When a female dog is in heat the dogs that are following her may be aggressive due to wanting to breed with the female. She has even had female dogs act aggressively around another female dog in heat, or the female dog that is in heat acts aggressively.

POLICE OFFICER WITNESS:

Investigator Ernie Vanderleest
Tarrant County District Attorney
401 W. Belknap
Fort Worth, Texas
(817) 884-1400

He is a certified Forensic Video Analyst employed by the Tarrant County D.A.'s office in Fort Worth. Sergeant Goodman had requested that he conduct a forensic review of the audio/video from Officer Dupre's body camera footage of when Officer Dupre shot the dog.

On November 11, 2014, he and Investigator Couch met with Mr. Patton and Sergeant Goodman at the Tarrant County D.A.'s office to discuss the results of their reviews.

When they reviewed the video it was not very clear, even frame-by-frame. He explained to Mr. Patton and Sergeant Goodman the fact the video was not very clear had something to do with the export of the video from the origin (WatchGuard) to the software he used to review the video/audio. It was not as evident to him what occurred related to the actions of the male pit bull dog just before Officer Dupre shot that dog. However, he could not say this Investigator's interpretation of that video was either correct or incorrect due to technical issues caused by the video being exported.

He later notified this Investigator he was going to ask a Forensic Video Analyst to review the video to seek his advice concerning the compression issues with the video. He asked Forensic Video/Image Analyst Joe Hoerricks of the Los Angeles Police Department to evaluate the video. Mr. Hoerricks reviewed the video and came to the same conclusion as he did, that there is simply too much compression in the AVI file to make the determination about the dog's ears and/or the dog's mouth.

On December 4, 2014, he sent the Investigator his report. **Below is a review of the written content of this witness's written report:**

In October 2014, the IACP Regional Forensic Video Lab – Fort Worth (RFVL) was contacted by Sergeant Linn Goodman from the Cleburne Police Department in reference to evaluating an audio/video capture of a body worn camera in reference to an on duty shooting of a dog by one of the members of the Cleburne Police Department. Specifically, he was asked to try and determine if the male dog in the video had his mouth open in an aggressive manner or was standing in an aggressive/threatening manner toward the officer.

He obtained the questioned video from a City of Cleburne computer and placed it onto a Tarrant County owned thumb drive. The file was titled “Dupre Video 2.” Once the file was on his thumb drive, he hashed it using a free program called Quick Hash v 2.3.0.

He then transferred the file from the thumb drive to his desktop of his Forensic Laptop and hashed the file again using the same method as previously mentioned. The hashes matched as required.

The video in question is a 30 frames per second (fps), 640x480 MPEG-4 video. The video contains one video stream and one audio stream and is approximately 25 seconds in length. The reference to 30 fps simply means the video displays to the viewer in what is commonly referred to as real time. The description 640x480 refers to the image pixel resolution with 640 being that there is 640 lines of pixels horizontally (width) and 480 lines of pixels vertically (height). He confirmed this using two free programs, Media Info and GSpot v2.70a.

The GSpot video tool also allowed him to look at the file image structure of the video itself and it was determined that the video contained 762 unique images. Of those images, 82 are what are referred to as I-Frames and the remainder are P-Frames. In video compression, I-Frames are the clearest, least compressed frames. P-Frames are frames made up of data from previous frames and are not as visually clear. The GOP, or group of pictures between I-Frames in this video, is 10. Therefore, for every frame of video that contains an I-Frame, there are nine predictive frames. The red rectangles represent the I-Frames and the blue represent P-Frames.

He used a forensic video tool called Amped Five to examine the video. Within Amped Five, there is a tool for exporting all frames as single images and also an option to export only the I-Frames. He exported all images to one folder and a select number of I-Frames for the purposes of this report.

Prior to the actual first shot being fired, frame number 230 is the last I-Frame. Using Adobe Photoshop CC and a measuring tool within it, he measured the number of pixels across the widest part of the male dogs head and it was approximately 16 pixels wide. Also, he measured the width of the dogs’ mouth, and it was approximately 8 pixels wide.

When an attempt to “magnify” frame 230 is attempted, specifically looking at the male dogs mouth, the image begins to pixelate and does not contain enough image detail (pixels) in the mouth area to make a determination about whether the dogs’ mouth is “snarling.” The following image was cropped in Adobe Photoshop CC and then enlarged 200 percent using a resize tool from Ocean Systems Clear ID.

Therefore, he can make no determination about whether the dog’s mouth is open because it is “snarling” in frame 230. It is his opinion that based on the color differences between pixels in the nose/mouth/head region, that the dog’s mouth is OPEN at this frame. He shared the entire video

with a colleague in the forensic community who has written books on Photoshop, still imagery, and video forensics and who has trained other forensic person nationally and internationally, and he had the same opinion as he that there simply is not enough visual information in the images to determine if the dog's mouth is representative of being aggressive.

He also evaluated the audio portion of the video in this matter. The following is a waveform graphic of the audio using a free audio tool called Audacity. At just before five (5) seconds in the video, an audible sound can be heard and seen on the waveform. At about eight (8) seconds, a very similar sound can be heard and visually, appears quite similar. At approximately nine (9) seconds, three shots begin and continue for approximately one (1) second intervals. At approximately sixteen (16) seconds, a very similar sound to those heard before the shots can be heard and seen in the waveform. At approximately twenty (20) and twenty-one (21) seconds respectively, a similar sound can be heard audibly and seen visually on the waveform.

It is his opinion that these sounds are quite similar in tone audibly and quite similar visually in the waveform. In his opinion they are sounds being presented by the female dog certainly after the shooting, and possibly before the shooting.

POLICE OFFICER WITNESS:

Investigator Lester Couch
Tarrant County District Attorney
401 W. Belknap
Fort Worth, Texas
(817) 884-1400

He is a Criminal Investigator employed by the Tarrant County D.A.'s office in Fort Worth. He conducted a forensic review of the audio from Officer Dupre's body camera footage of the shooting of the dog. During his review of that audio he identified a "*sound*" made twice by one of the dogs prior to Officer Dupre firing the shots that killed the male pit bull. He identified that same sound being made once after the shots were fired. This sound was consistent with a low groan and/or grunt sound believed to have been made by the female pit bull.

POLICE OFFICER WITNESS:

Officer Kevin Dupre #2053
Cleburne Police Department
302 W. Henderson Street
Cleburne, Texas
(817) 645-0972

In his report narrative written on August 10, 2014, Officer Dupre wrote the following:

On Sunday, August 10, 2014, at about 4:12 p.m. he was assigned to assist on an animal complaint at 1502 W. Lindsey Lane. Dispatchers advised him that the complainant was a female who was trapped in her car due to loose pit-bull dogs that were acting aggressive and not letting her get out of her car.

He arrived and saw a black and white pit bull running in the street. He saw two white females sitting in a car in the driveway of 1502 W. Lindsey Lane. The dog did not appear to be aggressive

and came to him when he called the dog. The females said there were two other brown pit bull dogs which were loose also. One of the females said one of those brown pit bull dogs attempted to bite her through the window of her vehicle. She said the dog was snapping and growling.

The black and white pit bull dog approached him and he made “kissing noises” to calm the dog. The dog approached and appeared friendly. The dog jumped on his chest and licked his face. That dog did not appear to be aggressive at all.

The females in the car said they believed that the dogs belonged to 1504 B W. Lindsey Lane. He knocked on the door at the house and there was no answer. He called for Animal Control and was advised that they would be enroute.

After several minutes, he was met outside by Tatiana Martinez. She said she was the neighbor of the owner of the dog. She told him she lived at 1504 Lindsey Lane in apartment A. She said the owners of the dog, Amanda Henderson and Quinton Tatum, had asked her to collect the dogs and put them back in the back yard of 1504 Lindsey, apartment B. She was very evasive to questions about the owner of the dogs, such as where they were and what her relationship was to the owners.

He noticed that there were children coming out of the house at 1504 W. Lindsey Lane, apartment B, even though no one had answered the door earlier when he tried to make contact. Ms. Martinez collected the black and white pit-bull dog and placed it in the back yard.

Ms. Martinez could not locate the other brown dogs that were reported to be loose. After she was unable to locate the dogs, she went back to her house. The events of this call were recorded with his body camera.

While speaking with Ms. Martinez, another complainant met with him and Officer Carmack. That man (Frank Nitterauer) complained at length about the fact that the dogs were always loose and running around the neighborhood. He and Officer Carmack cleared the call and began searching the area for the loose dogs.

A few minutes later, he saw the two brown pit-bull dogs in a ditch in an alleyway that connects Cindy to Country Club. The dogs were a long distance from him and he could not tell they were dogs at the time due to tall grass and other obstructions. He got out of his squad car to confirm those were the reported dogs.

The dogs came to him with their tails wagging and did not immediately seem to be aggressive. However, when the dogs came within twenty feet of him, one of those two pit bulls (the brown male) crouched low and took an aggressive posture and began growling. The other dog (the brown female) appeared nervous. He made kissing noises in an attempt to calm the dogs.

He was standing outside the ditch and the brown male pit bull dog was in the ditch. He raised his duty weapon to the "ready position" and pointed his pistol at the growling dogs head. As soon as he lifted his pistol, the brown male pit-bull dog began coming up the hill, continuing to growl and display its teeth. The other dog began backing away. He then fired three shots at that pit bull dog. That dog rolled back into the ditch and died.

The other dog remained with him and he continued to display his weapon in case that dog began to approach. That dog remained at a safe distance. Animal Control Officer Hale arrived on scene and took possession of the live dog and the dead dog. Hale told him the female pit bull dog was in heat, possibly explaining the unprovoked aggressive behavior of the male.

He then contacted the shift supervisor. Corporal Abbott and Sergeant Summey arrived on scene. The spent rounds and shells were unable to be recovered due to the fact they were in tall grass in a ditch with standing water and mud.

In his memo written to Sergeant Goodman on August 11, 2014 Officer Dupre wrote the following:

On August 10, 2014, he responded to a call that led to a shooting of a loose, aggressive dog. He was advised to submit an interoffice memorandum to the Internal Affairs department detailing the events.

He was initially called to the 1500 block of W. Lindsey Lane. The complainants were reportedly trapped in their vehicle in the driveway at 1502 W. Lindsey Lane. He briefly met with the two females who were still in their car when he arrived. They both said there were three loose pit bulls running around in the street when they arrived. They both said one of the dogs attempted to bite by snapping at one of the females through the window of her car as she tried to get out of the passenger side. The complainant said the dogs belonged to the residents of 1504 B W. Lindsey Lane. The complainants said the dogs are often roaming loose.

He requested response from Animal Control. There was a large black and white pit bull on scene. The dog appeared friendly and non-aggressive. That dog came to him when he called it and jumped up on his chest, and did not take an aggressive posture or show signs of aggression. He was able to get that dog secured in the backyard of 1504 B W. Lindsey Lane with the help of Officer Carmack and one of the neighbors. They could not locate the two brown pit bulls that were still running loose at the time.

Officers and neighbors spent several minutes searching for the other loose dogs in the neighboring backyards. When they could not find them, they cleared the call and began searching other streets in their squad cars. He had animal control continue to respond to the area, because there was still a reportedly dangerous dog loose.

He travelled down Cindy Lane, one street north of the complainant's location. In an alley that connects Cindy to Country Club, he saw movement in the tall grass in a deep ditch. The movement was about 60 yards from his location, all the way on the other side of the alley near Country Club. He got out of his squad car and approached the ditch to see what it was. The two dogs emerged from the tall grass and came to him wagging their tails, just as the other black and white dog did. There was no immediate indication that one of them was aggressive at that time.

As the dogs came within 20 to 30 feet of him, one of the dogs suddenly stopped its approach, lowered its head and began growling. He raised his duty weapon at the growling dog and pointed it at the dog's head. He was standing at the top of the ditch and it was at the bottom. The other dog backed away from him while the growling dog began coming up the hill towards him. His movement towards him was very sudden and seemed to have been in response to him aiming his

pistol at him. He fired three shots at the dog. It rolled back down into the ditch and died. The other dog ran away and then came back towards him. He never read the second dog's behavior as being aggressive, and used no force against it. Animal Control Officer Hale arrived and took possession of both dogs. Hale said the live dog was a female that was in heat. The dead dog was male, giving a possible explanation for the dog's unprovoked aggressive behavior towards him and the complainants.

He was instructed to include in his memo, information about his history and experiences with aggressive dogs. The training he has received about dogs throughout his career has provided him with the following facts.

1. Many police/dog bites result in serious injury to the officer or a bystander, often with long lasting permanent disability and/or disfigurement.
2. Many police/dog bites occur because the officer misjudges an attacking dogs behavior, its ability to close distance, the dog's biting power and charging momentum, the dog's motive, and the officer's own lack of ability to stop an already charging dog with a small handgun. Often times the officer does not use a high enough level of force in time to prevent getting bit.
3. Unfortunately, dogs are often raised and bred by irresponsible owners. A lack of socialization and training for the dog can lead to aggressive tendencies. A lack of clear territory boundaries can lead the dog to treat the entire neighborhood as its "territory," causing it to attack other people, children and animals. Criminals often breed and raise dogs for fighting, and train them to attack. In some cases, criminals have been found to specifically train dogs to attack police officers, as a means to prevent officers from making arrests or conducting searches.
4. Running away from a dog will often provoke a dog into chasing.

The facts known to him about this case prior to him using force were as follows:

1. The dog was not only reported to have been aggressive, but actually attempted to bite a female with no provocation.
2. The dogs were regularly allowed to roam free in the neighborhood by its owner, according to the neighbor.
3. The dog began growling and took an aggressive stance (head lowered, teeth displayed, feet spread, with legs slightly bent) as soon as it came close enough to recognize that he was a stranger.
4. The dog began coming towards him, growling and displaying signs of aggression, when it could have easily ran away, as the other dog did.

His other experiences includes past ownership of several pit bulls, and two pure bred Rottweillers. As an owner of these dogs, he did his best to educate himself through online training and literature on how to responsibly care for them. He had affection for these types of dogs, and at the same time has a wary respect of their destructive power.

In 13 years as a patrol officer, he has had in his estimation over 100 encounters with dogs that were reported to be aggressive. In his experience, most of the reports of aggressive behavior were unfounded, or based solely on prejudice of the breed type. During these incidences the dog was captured with no use of force necessary. In a relatively small number of these encounters, based

on the conditions and circumstances of the call, he felt the immediate need to use deadly force to prevent himself or a third party from sustaining serious bodily injury or death, as was the case in this incident. In 2013, Officer Dupre's hand and gun was bitten by a pit bull that Animal Control was trying to capture. The gun jammed and Officer Dupre was injured.

POLICE OFFICER WITNESS:

Officer Clay Carmack
Cleburne Police Department
302 W. Henderson Street
Cleburne, Texas
(817) 645-0972

On August 10, 2014 he responded as Officer Dupre's back-up to the animal complaint at 1502 W. Lindsey Lane. After he arrived and the black and white pit bull had been secured, he told Officer Dupre he thought it would be alright for the people who had been trapped in the car to go into their house and Officer Dupre agreed. He told Ms. Chandler they had looked around the area and could not find the other two dogs. He told Ms. Chandler he and Officer Dupre were going to stick around just in case those dogs came back.

He and Officer Dupre came into contact with Tatiana Martinez, who was supposedly watching Ms. Henderson and Mr. Tatum's children. While he was there, he asked Ms. Martinez how many dogs they had and she told him they had three dogs. He asked Ms. Martinez if the other dogs were in the backyard when she put the black and white pit bull up and she told him no.

He told Officer Dupre, *"I tell you what, if they're the size of that dog there, they could do some hurtin' on..."* and Officer Dupre told him, *"Yeah, that's kind of what I thought. I was like this ain't something I can just drive away from, that's gonna tear somebody's kid up or something."* He told Officer Dupre, *"Or somebody else's animal. That's a big old dog right there. I wish this girl would quit being so evasive and just tell us something."*

Ms. Martinez, who had been evasive of questions asked by Officer Dupre, came back outside still on her cell phone and he said to her, *"Alright, were there any other dogs back there?"* She replied, *"Yeah, there's one. Did they take off looking for him already?"* He then told her, *"Pull the phone away from your ear, I'm starting to get irritated now."* She replied, *"There's three dogs and there's..."* He said to her, *"Listen to me, I need to know how many dogs are normally back there. You said three, is that correct? Are there three pit bulls?"* She replied, *"Yeah, I think."* He then asked her, *"Are they all three that kind of dog, that size?"* She replied, *"No, they're smaller."*

He then asked her if there were any other dogs in the backyard and she told him no. She told him there were still two dogs missing. He asked her about the color of the missing dogs and she said one was tan and one was brown. She confirmed for him and Officer Dupre that the two remaining missing dogs were smaller than Doughboy.

He asked Ms. Martinez if the dogs ever get out and she said no. He then asked her, *"They don't usually get out?"* Then a man (Frank Nitterauer) says, *"Yes they do. They have my back fence tore down and they come into the backyard all the time, I can't even go out in my back...."*

He then tells Officer Dupre he is going to drive around the neighborhood looking for the other dogs. He asks Ms. Martinez if he can borrow her leash, which she agrees to do. After Officer Dupre had shot the dog, he responded to the scene, but did not witness the shots fired.

POLICE OFFICER WITNESS:

Investigator Kelly Summey
Cleburne Police Department
302 W. Henderson Street
Cleburne, Texas
(817) 645-0972

She is a Cleburne Police Officer, currently assigned to duties as a Crime Analyst and Investigator. Sergeant Goodman had previously asked her to take a frame-by-frame review of the video of Officer Dupre's body camera when he shot the dog on August 10, 2014.

On November 10, 2014, the Investigator met her at her office. The Investigator asked her to show him how she had been able to review the video of Officer Dupre's body camera footage of the shooting of the dog that video footage frame-by-frame. She accessed the video footage and with the click of her computer mouse was able to advance the footage frame-by-frame for Mr. Patton to view. She had previously reviewed Officer Dupre's body camera video footage herself, frame-by-frame using the Sony Vegas Pro Version 100 software.

During her review of that video footage frame-by-frame she made the following observations:

Frame #91 - she saw two dogs which are visible in the drainage ditch. A light tan dog (later identified as a pit bull dog named "Maximus") on the left side of the frame she refers to as "Dog 1");

Frame #125 - she saw that Dog 1 begins to separate from a dark colored dog;

Frame #129 - she saw that Dog 1 starts turning its head toward Officer Dupre;

Frame #137 - she saw Dog 1 lower its upper body;

Frame # 140 - she saw Dog 1 lay its ear back;

Frames #151 to #176 - she sees Officer Dupre un-holster his pistol;

Frame #188 - she sees Dog 1 is clearly in a different position, now facing Officer Dupre;

Frame #189 - she sees Dog 1 lower its upper body;

Frame #192 - she sees Dog 1 open its mouth;

Frames #193 to #223 - she sees that Dog 1 is not completely visible due to the positioning of Officer Dupre's body camera;

Frame #232 - she sees Dog 1 has its mouth open and its ears pinned back.

The Investigator asked her to send him a letter detailing her frame-by-frame review of Officer Dupre's body camera footage and to describe what software she had used to make that review. She then emailed the Investigator her letter and 43 pages of still photos taken off of Officer Dupre's body camera footage.

She sent the Investigator a PDF file containing each photo from frame number 91 to frame number 150 and then from frame number 177 to frame number 243. The total amount of time that elapsed from frame number through frame number 243 is slightly more than *five seconds*.

INVESTIGATIVE OPINION:

This Investigator accessed *LiveLeak.com Pit Bull Attacks* and viewed a number of videotape recorded pit bull dog attacks. On each of the ones reviewed by this Investigator the dogs are wagging their tails before, during and after their deadly attacks. Most of the dogs even look happy. Therefore it cannot be presumed that just because Maximus is seen wagging his tail on the body camera video footage from Officer Dupre, that in-and-of-itself cannot be interpreted as Maximus being "*happy*."

Using either OC spray or a Taser against a charging, vicious animal is not trained by Police Departments and is not considered a logical and/or reasonable use of less than lethal force when an officer is faced with a charging, vicious animal.

While this is in many ways a polarizing issue with a segment of the citizens in and around Cleburne, and the death of this dog is clearly an extremely emotional, terrible and personal loss for Amanda Henderson, Quinton Tatum and their children, the fact is a police officer may use lethal/deadly force when he or she "*reasonably believes that the action is in defense of human life, including the officer's own life*."

From the evidence this Investigator reviewed during this Administrative Investigation that is what happened in this incident. Due to the actions of an aggressive animal, Officer Dupre reasonably believed he needed to use lethal/deadly force in defense of his own life. This Investigator is of the professional opinion that Officer Dupre's use of lethal/deadly force when he shot and killed the pit bull dog, Maximus on August 10, 2014 was a justified use of that level of force. Further, it is this Investigator's opinion that Officer Dupre is exonerated on the allegations of animal cruelty.

Lynn, Ross & Gannaway, LLP

In conjunction with

Alan T. Patton, Sergeant (retired)
Independent Investigative Consultant