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Date: April 18, 2024
To: Chief James Hines, Brookshire Police Department
From: David Luther, CLI
Our File #: 220156
Re: Internal Investigation – Death of canine “Luka”

INTRODUCTION

The Brookshire City Manager requested an internal investigation of the death of the Brookshire Police Department's canine "Luka". The City Manager authorized the investigation because the Chief of Police was implicated in the circumstances surrounding the death and would be a person being interviewed.

SUMMARY OF FINDINGS

Background:

On April 29, 2021, the Brookshire Police Department executed a purchase/sale agreement to obtain a narcotic tracking canine from Worldwide Canine Inc. in Boerne, Texas. The purchase agreement was signed by a person representing the city; however, the signature is illegible on the document. The purchase price was listed as \$9500. The invoice suggests that \$5000 was initially paid, with the remainder due in October of 2021.

The documents revealed that the initial handler was Officer Eddie Filer. No prequalification or criteria for the selection of Filer were contained in the documents provided. The purchase invoice suggested that Filer would attend canine training June 14-25, 2021. A copy of a certificate of completion for Filer suggests he completed the formal training on July 23, 2021. The records reveal the cost for the training was \$3200.

Policy References:

Policy 7-10

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Canine Operations

Date: September 1, 2018
Authority: Chief Brandal Jackson

Findings:

Upon receiving instructions and clearance, the investigation began with a review of the Brookshire Police file relating to the canine. This file confirmed Officer Eddie Filer had attended and passed the canine handler certification class. No records were produced or reviewed relating to training, re-certification, or any other required actions for the canine and Officer Filer as the policy prescribes. The records also did not contain any information related to the assignment or use of the canine. It is presumed, but not documented, that Officer Filer was the handler as he was the only person sufficiently trained.

Personnel records reviewed in an unrelated investigation revealed Officer Filer was terminated from the Department on November 9, 2022. While the canine's disposition was not documented in any police department records reviewed for this investigation, interviews suggested that the canine was placed at the Brookshire Small Animal Clinic, which operated a kenneling service.

All records relating to the canine and his care were requested from the Brookshire Small Animal Clinic. The records showed that, between September 2021 and April 2023, the dog was treated for a tick infestation in his ears, puncture wound and skin lesions, diarrhea, and a persistent cough that reoccurred regularly. These records also established the dog was kenneled at the Brookshire Small Animal Clinic from August 2022 until January 4, 2023. Interviews with department supervisors revealed the canine was "parked" at the kennel beginning with the dog's removal from his handler, Filer. No documentary reveals any action against Filer regarding poor care or a reason for the dog's removal. The records received from the Brookshire Vet suggest evidence of some degree of neglect while in the care of Filer.

The investigation confirmed that the canine had been reassigned to a new handler, Sgt Max Rodriguez. Sgt Rodriguez had requested to be the handler after a general notice was sent to department personnel relative to the opening for a canine Officer. Sgt. Rodriguez expressed an interest and was almost immediately selected without any significant departmental review. Sgt. Rodriguez could not recall when he took possession of the canine but believed it was late December of 2022 or early January of 2023. The Brookshire Small Animal Clinic records indicate that the dog was released from their facility on January 4, 2023.

Sgt. Rodriguez was not trained before taking possession of the canine. As the canine was not an attack-trained dog, he was not aggressive and did not pose a danger to anyone. Sgt. Rodriguez recalled being told to go to several locations and purchase a kennel and food for the dog. He did



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this and received reimbursement for the expenses.

Sgt Rodriguez stated he was not provided a copy of the department policy relating to canine operations. Rodriguez added that he was not aware that such a policy existed. Sgt Rodriguez was shown a copy of this policy and asked if he could physically perform the requirements listed under the heading "Requirements for a Department canine Officer." Rodriguez reviewed this policy section and stated he could have accomplished the required tasks. Rodriguez was asked if he had ever been asked to meet any of the physical requirements in the policy, and his answer was "no."

The Brookshire Police incident report #20230182, submitted by Sgt M. Rodriguez on August 16, 2023, was reviewed for the investigation. This report provided information relative to the incident involving the canine. In the report Rodriguez provides timeline of the events surrounding the death of Luka. This report revealed that Sgt. Rodriguez was hospitalized at MD Anderson Hospital from July 21 through August 7, 2023. Sgt Rodriguez states that he received a call at 8:30 pm from [REDACTED] [REDACTED] advising that [REDACTED] had returned home to find Luka unresponsive in the backyard. According to Rodriguez, [REDACTED] told him [REDACTED] had left the home at 4:00 pm that day and returned at 8:15 pm to find the canine in severe distress. Rodriguez reports that [REDACTED] and [REDACTED] "quickly loaded K9 Luka into [REDACTED] van and rushed him to the emergency vet office at 24221 Kingsland Blvd, in Katy, TX.

A request was initiated for medical records relative to the canine from All Pets Animal Hospital. After permission was obtained from the City of Brookshire, the records were provided via e-mail. The initial review of these records shows that on August 6, 2023, a black and tan, four-year-old Belgian Malinois, was brought to the Animal Hospital unconscious suffering from what was believed to be heat stroke." [REDACTED] brought in the canine. The records suggest that the animal arrived at the facility at 9:58 pm. The dog was examined, and treatment began at 10:10 pm by Dr. Carly Clower, DVM. The records paint a bleak picture of the animal's condition at arrival. The dog's body temperature was 106.9, and his respiration was documented at 100, with a pulse of 200. In a subsequent interview, Dr Clower confirmed that the notes reflected in the records were accurate and made at the time of the actions taken. She advised that she was told the dog was left by [REDACTED] for 5 hours, and they were unsure how the dog was able to get outside. The notes also reflect that the City of Brookshire was contacted, and Dr. Clower noted that she was told the mayor was to be consulted regarding payments and medical decisions.

An independent Veterinarian, Dr. Tim Gaffrey, was asked to assist in interpretation of the medical records. His review of the testing, treatment concluded that the records reflected a standard of care consistent with the conditions described. He concluded that euthanasia was used appropriately in this case. He remarked that the records reflected an animal which was effectively dead upon arrival at the facility. He believed that the survivability was near zero and if the animal was able to physically survive his brain functions would be catastrophically impaired.



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Neither Dr. Gaffrey nor Dr. Clower could say if the condition of the animal shed light on how long he was outside before the heat stroke was untreatable. Dr. Gaffrey did note that's the dog's weight at the time of the treatment reflected he weighed 11 lbs. less than his last vet visit in April of 2023. It appears that from April to August the dog lost approximately 18% of his body weight. Dr. Gaffrey advised this could reflect an undiagnosed condition or simply inconsistent feeding.

Finally, the records reflected that on August 6, 2023, humane euthanasia was administered to canine "Luka." D. Zhang, DVM, conducted the procedure. Dr Zhang recalled that Chief Miller and another officer (out of uniform) were present for the procedure. Dr. Zhang commented that Chief Miller called the mayor before making any decisions relative to the procedure and afterwards. The mayor provided authority for the procedure. The city declined to provide a private burial or pay the cost of private cremation with ashes. The dog was cremated communally, with other animals as this was the least expensive method of disposal available. The records appear to show that a paw print was taken and provided to the city, however this record was not placed in the file reviewed for this investigation.

The incident report prepared by Sgt Rodriguez provided additional details concerning the matter. In the "Details" section of the report, Sgt Rodriguez writes:

"July 21, 2023 thru Augusts 7th, I Sgt. M. Rodriguez was admitted into MD Anderson Hospital [REDACTED] and was very ill at the time. On August 5, 2023, while still in the Hospital I received a call at approximately 8:30 pm, from [REDACTED] that Officer Luka was in the backyard of my resident unresponsive. [REDACTED] who is 23 years of age advised [REDACTED] left my home at 4:00 pm and had given canine Luka water and food before [REDACTED] left and advised he that was loose in the backyard playing. [REDACTED] returned home from the event at approximately 8 15 and discovered canine Luka on the side of my house not moving. [REDACTED] quickly loaded canine Luka into [REDACTED] van and rushed him to the emergency vet office located at 24221 Kingsland Blvd in Katy Tx.

Upon their arrival along with [REDACTED]. They advised that the medical staff quickly took canine Luka to the back room and began to provide him with IV fluids. [REDACTED] advised that the hospital personnel then asked for twelve hundred dollars upfront to work on canine Luka and an additional 300 for any additional services. I then called Chief Miller and advised him that canine Luka was taken to the emergency vet office for possible heat dehydration. I explained to Chief Miller that it's normal practice that canine Luka runs freely in my backyard and while I was in the Hospital [REDACTED] took care of canine Luka needs as far as giving him fresh water and food daily. I explained that canine Luka normally has spots around my house where he keeps cool on this hot summer days."



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I also advised Chief Miller that the vet hospital was asking for 4 (four) thousand more to continue to work on canine Luka. Chief Miller advised that he and the City Mayor paid that additional money to keep medical attention on canine Luka. At approximately 9:30 am August 6, 2023, Chief Miller advised that the Hospital was still asking for more money for canine Luka. It was determined by the City of Brookshire; canine Luka be euthanized due to the high continuing cost of the medical services for canine Luka.

At this time, it was determined that canine Luka suffered from Heat Dehydration."

In reviewing this report against the medical records, it appears there is an inconsistency between the two. Officer Rodriguez states, "[REDACTED] quickly loaded canine Luka into their van and rushed him to the emergency vet office located at 24221 Kingsland Blvd in Katy Tx."

The records show that Rodriguez received the call from [REDACTED] at 8:30 pm. It can be supposed that [REDACTED] left with the canine soon after that. However, the medical records reflect that the animal did not arrive at the veterinary Hospital until 9:58 pm, almost an hour and a half after the reported call was made to Rodriguez. Google Map shows two routes to travel between Rodriguez's residence on Avanti to the All Pets Animal Hospital on Kingsland Blvd. The mapping program suggests the most direct route is nineteen minutes while the alternate is twenty minutes. This timeline suggests there is a potential for almost an hour of inaction on the part of [REDACTED]. While it is not likely this time lapse would have made a signification difference in the outcome, if true, is suggestive of a lack of care for the animal. Sgt Rodriguez made it clear during his interview that all he knew about the events surrounding the incident was derived from statements made to him by [REDACTED].

In addition, the incident report reflected: "[REDACTED] who is 23 years of age advised [REDACTED] left my home at 4:00 pm and had given canine Luka water and food before [REDACTED] left and advised he that was loose in the backyard playing." Other statements attributed to the [REDACTED] at the time of the incident suggested they did not know how Luka got out into the back yard.

According to NOAA records the ambient temperature on August 5, 2023, was 103 degrees. There were numerous warnings on television and other sources that exposure to temperatures that high was dangerous to animals. These inconsistencies in reported statements are troubling given the result of [REDACTED] actions.

Through interviews with Sgt. Rodriguez, it was learned that when he was admitted to the Hospital, the care for the dog was delegated to [REDACTED]. Rodriguez advised he often asked about the dog's care and was always told everything was fine. Rodriguez stated Chief



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Miller was aware that he was in the Hospital and likely for an extended period. While he admitted he made no attempts to follow-up with Miller regarding the dog while he was hospitalized, he knew the Chief was aware the dog was at his home and not under his care. Rodriguez stated that it would have been easy to arrange to pick up the dog at any time, but that was never done.

Rodriguez recounted a previous circumstance when he was traveling and not able to care for the canine. He advised that another officer, Officer Austin, was interested in the canine and agreed to care for the dog while Rodriguez was out of town. Rodriguez suggested speaking with Austin about the situation as he may have additional information.

Officer Austin was also interviewed for this investigation. He advised that he was interested in taking Luka and becoming the Canine officer for the department. He recalled speaking with Chief Miller and making a formal written request to the Chief. Rodriguez stated he supported the transition and encouraged Austin to speak to the Chief about it.

Austin recalled that he was initially told by Corporal Ashley Thomas that his request was denied because the mayor would not agree to the reassignment of the canine. Austin asked Chief Miller and was told the same thing by him. These conversations were prior to the hospitalization of Rodriguez, according to Austin. Austin and Rodriguez both stated in their separate interviews that Rodriguez wanted to transfer to an investigator's position, and Austin wanted to be the Canine officer. According to both, the reassignment of the canine was integral in these requested personnel changes.

Officer Austin stated he believed that the mayor was running the department through Corporal Thomas and Chief Miller. He recounted several reasons for his belief, which cannot be corroborated. Officer Austin confirmed that Chief Miller never addressed his formal request to become the canine officer. He only received a verbal declination from Miller when he confronted him asking for a decision.

Austin recalled that while Rodriguez was in the Hospital, he was approached by Cpl. Thomas who asked him if he was still interested in taking Luka. He said he was available to take Luka any time. He told Cpl. Thomas that it would be no problem getting the dog from Rodriguez's [REDACTED] and he was comfortable with handling the dog. Austin recalled this conversation took place in the "Sergeant's Office." Austin stated that Cpl. Thomas told him, "Well, they're thinking about making the transition now because Rodriguez is in the hospital, and they're not sure about Luka's welfare." Thomas told Austin that "they" wanted him to take the dog and then be reassigned as the Canine officer. Austin believed this conversation took place about a week before Rodriguez was released from the Hospital and only a few days before the dog died.

Austin stated that nothing was done after that conversation. He recalled having another discussion



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with Cpt Thomas describing how simple the transfer would be, but he was never instructed to pick up the dog, and no mention was made of the transfer again.

Mayor Darrell Branch was interviewed for this investigation because he was allegedly part of the decision-making process that prevented the canine's transfer. Mayor Branch categorically denied making any decisions about the canine before the dog's hospitalization for heat stroke.

Mayor Branch admitted that he had been advised of various matters relating to the canine. He was made aware that the canine had been reassigned but stated he played no role in the transfer from Filer to Rodriguez.

Branch stated that he and Miller have been friends for years. He acknowledged that he supported the appointment of Miller as interim chief. When asked if he felt Miller was competent to act as chief, Branch stated he had confidence in Miller but knew he would need help accomplishing the many tasks required of a chief.

Branch was asked what role he played in the department other than his role as mayor. He advised that he spoke with Miller regularly, gave him advice, and tried to mentor him. While he freely admitted discussing the issues Miller faced as chief, he claimed he never instructed or told Miller what decision to make. He again denied having anything to do with the decision regarding the reassignment of the canine.

Branch agreed that he was kept current when the canine was hospitalized in August. He said he routinely spoke to Chief Miller regarding the dog's condition. Branch stated that he offered his opinion to Miller that the dog would not survive. He stated the decision to euthanize the animal was Chief Miller's. NOTE: Dr. Zhang recalled that Miller stated to her that he would have to have authorization from Mayor Branch before authorizing euthanasia. Zhang advised it appeared that Miller sought input from Branch before determining the disposal of the canine afterward. Zhang stated it was her impression that Miller could not make any decisions without the mayor's blessing. Again, when questioned regarding this issue, Branch denied involvement in any decisions relating to the euthanasia or disposal of the animal.

Branch was asked if he recalled any discussion with Miller about the canine's reassignment or rehousing after the department had been advised of Rodriguez's hospitalization. He recalled speaking with Miller about the situation but claims he never indicated any preference for reassignment. Branch emphatically denied ever telling Miller not to transfer the dog to another handler. He emphasized that the chief would make any such decisions relating to a reassignment, like with all other department personnel matters. Branch produced a document he described as a memo to Miller instructing him to rehouse the dog due to Sgt Rodriguez's hospitalization. The memo he produced was dated August 11th, five days after the dog's death. The memo clearly



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references the dogs' death. The memo only provided instructions relative to the police vehicle. Branch was confronted with this disparity, and he claimed the memo date was wrong. The following is the entire contents of this memo:

"Hello Chief Miller! I am sending this memo due to my concerns about Brookshire PD K-9 Unit. I recommend this Patrol Unit needs to be brought back to the Brookshire Police Department. Chief Miller, we have discussed this before. I would appreciate it if you would take care of this as soon as possible!"

"I hope Sgt. Rodriguez is recovering from his medical issues. I strongly suggest, when Sgt. Rodriguez is well, that you start an investigation on the tragic lost of Cannie Officer Luca. If you have any questions, please contact me."

Branch continued to bolster his statements regarding having conversations with Miller before the death of the dog. At one point, he stated, "But I had personally talked to Chief Miller before Rodriguez even though he had been sick a couple of times, and I had talked to Chief Miller and ask him to get that dog and the vehicle back to the city."

Branch was asked if he had formed an opinion regarding Chief Miller's ability to discharge his duties properly. Branch answered, "That's kind of iffy. Somewhat. OK, I'll be, I'll say that because I mean, none of us are perfect. But he was new at the position, you know. So that's why I say." Branch avoided any definitive answer relating to his opinion of Miller as Chief.

Branch was asked if he had evaluated Miller's performance as chief and if he had formed an opinion on whether Miller was competent to hold the position. Branch answered, "That's kind of...I'm not really sure how to answer that, but I mean it wasn't totally my decision to make him the acting."

Former Chief Miller and Corporal Thomas were each contacted for an interview as part of the investigation. Both were no longer employed at the Department. Chief Miller initially referred all questions to the current chief. Miller was advised that the interview was necessary due to statements and actions attributed directly to him. After receiving this information, he never responded further. Attempts to contact Ashley Thomas went unanswered.

Certified letters were sent to Miller and Thomas, formally requesting an interview. Neither recipient accepted these letters.

Policy Violations:

NOTE: The policy language taken directly from the referenced policy appears in italics. The
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investigation's findings appear below the policy recitation in regular text.

Procedures, General Guidelines, Administration and Management

The officer-handler is responsible for maintaining and assuring the accuracy and completeness of procurement, health, operational, Incident reports, and training records relating to the canine team. Team records will be reviewed at least semi-annually by the Chief or his designee. As a part of this semi-annual review, the need for additional training for both officer-handler and canine will be considered and scheduled as needed.

The investigation was not presented with or uncovered any documentary evidence of any such review being conducted.

The type and quantity of food, and recommended feeding schedule will be provided by a licensed veterinarian. The kennel will be maintained to comply with established standards for temperature, food, watering, and sanitation. A supervisor or veterinarian will randomly and routinely inspect conditions any time the canine is kept in a kennel.

Based on statements made by Sgt. Rodriguez, this section was never applied. It is likely that if the policy had been followed and a licensed veterinarian had inspected the kennel and established a standard for temperature, this death may have been prevented. Sgt. Rodriguez stated that he was provided minimal instructions regarding the care and housing of the canine.

Requirements for a Department canine Officer:

In addition to other employment standards of Brookshire Police Department, officer-handlers will meet as a minimum the following conditions...

- 2. Carry the assigned canine on his shoulders for fifty [50] yards at a normal walking pace;*
- 3. Run one-hundred [100] yards with the assigned canine on a forty [40] foot lead;*
- 4. Pick-up the assigned canine using arms and hands and hold the canine at waist height for ten [10];*

Sgt Rodriguez was asked if he would be able to complete the above-required tasks. He answered he believed he could have. However, Sgt. Rodriguez stated he was never administered any testing to confirm he met the requirements of the policy prior to or after the dog was assigned to him. Sgt Rodriguez confirmed he was never provided with or allowed to review this policy and was unaware it existed up until the time of the interview.

- 17. Be able to put the canine's wellbeing and physical comfort above his own.*



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This section was clearly not followed; however, Sgt Rodriguez was hospitalized at the time of the incident. While evidence suggests Rodriguez's [REDACTED] were negligent in [REDACTED] care of the animal, [REDACTED] are not subject to the policy's responsibilities.

Certification for Police Canine Teams:

Certain requirements must be met in order to Insure(sp) that the team meets a high level of service readiness before a canine team is placed on operational status. The certification process will be conducted by a law enforcement dog trainer with at least three [3] years of experience and having completed a forty-hour course dog training and evaluation. This certification process should be performed at least annually during the service life of the canine team.

Canine teams will train at least sixteen (16) hours per month in addition to the annual re-certification testing and evaluation. To remain proficient, the canine will be able to:

- 1. Respond to hand and voice commands to include: stay, sit, down, stop, and out [stop attack or pursuit], bark, and stop;*
- 2. Overcome physical obstacles that may occur on the job;*
- 3. Search the Inside of a building and detect the presence of any person or persons hiding inside;*
- 4. Track a scent, in reasonable environments, to at least 400 yards that Is 20 to 60 minutes old; &*
- 5. Protect its handler by a demonstration of aggression; and*
- 6. Stop a fleeing suspect by biting and releasing its hold of the suspect on a spoken command.*

Sgt Rodriguez was issued the canine without completing any of the required training. Further, Sgt Rodriguez consistently asked about training but was told they could not spare him due to staffing shortages.

BPD Policy requires that a canine team train 16 hours a month and references annual recertification, testing and evaluation. No records support the fact that any training, recertification, testing, or evaluation was conducted at any time and specifically; during the period the canine was housed at Brookshire Small Animal Clinic or during the dog's assignment to Rodriguez.

Findings Summary:

The City of Brookshire purchased the canine "Luka" in April of 2021. The dog was to be assigned to Officer Eddie Filer after he completed training. This training was completed in late July of 2021, and the dog was presumed to be brought to Filer's home in preparation for service placement. Records reflect the dog had several medical issues while in Filer's care, including tick infestation, puncture wound, and reoccurring kennel cough. These records suggest the dog may have needed



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to be adequately cared for by Filer. In addition, the Police Department still has not produced records of the evaluations and recertification required in the police policy relating to canine operations.

The canine was reassigned to Sgt Rodriguez in January 2023. Sgt Rodriguez needed to be properly trained and certified before being instructed to remove the dog from the kenneling location and to begin housing the dog at his home. Sgt Rodriguez was not vetted or evaluated for service as a canine officer as stipulated by policy. Sgt Rodriguez was not provided with sufficient training on proper canine care. Sgt Rodriguez requested training but was refused due to "staffing shortages." Per department policy, Rodriguez was not legitimately a canine officer.

In July of 2023 Sgt Rodriguez was hospitalized for a [REDACTED]. Sgt Rodriguez notified Chief Miller of his medical condition and that he would possibly be in the hospital for an extended period. While Rodriguez did not specifically request the dog be housed elsewhere there was no doubt in Rodriguez's mind that Miller knew the dog was still in his care.

Before Rodriguez's hospitalization, he requested that the canine be reassigned. Rodriguez and Officer, Austin of BPD, jointly requested that the dog be reassigned to Austin. Austin confirmed he had made a written request to be assigned the canine. Austin had temporarily kept the dog when Rodriguez was out of town and was familiar with the animal. Both Rodriguez and Austin independently recounted being told by Chief Miller that the mayor rejected the request to transfer the canine.

Austin recalled that just prior to the dog's death, he was approached by Cpl. Ashley Thomas about taking the dog since Rodriguez was still in the hospital. Austin advised Thomas that he was prepared to take the dog and could easily arrange to pick him up from Rodriguez's family. Unfortunately, Austin never heard back from anyone in authority before it became known that the dog had been euthanized.

Conclusions:

The death of canine "Luka" was caused by incidents of negligence, to wit:

Sgt Rodriguez should not have been assigned as canine officer and the animal should never have been placed in his care. Sgt Rodriguez was not properly evaluated as stipulated in the policy and was not trained with the canine before taking him on as a partner. Before volunteering to take position as canine officer, Rodriguez should have had a frank discussion with Chief Miller regarding his [REDACTED]. Further subsection 12 under canine officer requirements state, "make a commitment to remain the officer-handler for the remainder of the



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dog's working life." Based on his own statements and those of Officer Austin, Sgt Rodriguez did not intend to remain as the canine officer. It became clear that after being assigned Luka, he began actively seeking an investigator's position.

If the department policy had been followed and Sgt Rodriguez had been disqualified, this incident would not have happened.

Sgt Rodriguez was negligent in not providing proper care for the canine when he was admitted to the hospital. Sgt Rodriguez stated both in his interview and his incident report that he has asked [REDACTED] to care for the dog while he was in the hospital. It appears [REDACTED] was incapable or unwilling to properly care for Luka. [REDACTED] were not interviewed as part of this investigation, however based on the timeline provided by Rodriguez as compared with the information provided by [REDACTED] at the time the dog was first seen at the emergency vet, the dog was likely left unsupervised for longer than represented. In addition, the animal had lost almost 20% his body weight between a routine visit to vet in April of 2023 and August 5th. This suggests Luka was not being fed regularly or properly. It is not clear if these issues played a part in the animal's death but they strongly suggest [REDACTED] was not competent to care for Luka. Sgt Rodriguez claims he tried to have the dog reassigned before his hospitalization but was unsuccessful. That claim was verified by Austin, however, no documentary evidence could be found to support the claim.

Sgt Rodriguez's defense of his negligence is based on lack of training and his illness. Sgt Rodriguez should have made it a priority for [REDACTED] to follow up with the department supervisors to ensure the dog was properly secured and cared for.

The most egregious negligence and the root cause of this unfortunate incident rests with the incompetent leadership of the Brookshire Police Department. The information gathered for this investigation paints a clear picture of gross incompetency and disregard for the well-being of a living member of the department, canine Luka. Two witnesses claim that the transfer of the animal was requested but the Department (Chief Miller) never responded to the request. It was only when Chief Miller was confronted by Austin, asking for a decision, did Miller claim the "Mayor said no." The interviews confirmed that prior to Luka's death the department recognized the impropriety created by [REDACTED] caring the department's canine. Again, the department had the opportunity to remove the dog from [REDACTED] care, but they took no action. This failure to act is directly attributable to Chief Miller.

Chief Miller did not follow the department's policy when assigning the canine to Rodriguez. Numerous policy violations are associated with this transfer. Chief Miller was the final authority regarding enforcement of these policies and should have known and understood them. Testimonial evidence suggests that Miller sought to place blame on the mayor, a claim which cannot be



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sufficiently substantiated.

Chief Miller was given an opportunity to address each of these issues and to provide an explanation for his inaction. He declined to do so.

Canine Luka died of complications from heat stroke and dehydration. The responsibility for the conditions and circumstances which caused Luka to be stricken with heat stroke lies with Sgt Rodriguez [REDACTED]. However, the overwhelming cause of this tragedy is the gross negligence and incompetence of interim Police Chief Clyde Miller. Miller violated department policy by approving the transfer of the department's canine, Luka from a safe kennel to Sgt Rodriguez without the required prerequisite evaluation and training. Additionally, Miller had an opportunity to return the dog to the kennel arrangement or reassign Luka to another handler. He neglected to do either. Finally, just days before Luka's death, Chief Miller was confronted with the need to remove Luka from Rodriguez due to his prolonged hospital stay. Given a clear opportunity to safely rehouse the dog, Miller was unable or unwilling to take action. This failure to act ultimately cost Luka his life.

End of Report ...