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October 9, 2012

KNEB
KDUH
Star Herald
Gering Citizen
Mitchell Index
Gering Courier
Hometown Family Radio

VIA EMAIL

RE: Village of Lyman Police Department; Ayala Dog

Dear Members of the Press:

I represent the Village of Lyman and its Board of Trustees. I have been apprised of an incident that took place on September 22, 2012 that involved an officer of the Village of Lyman police department and a residents' animal. I have read a few articles about the unfortunate shooting of the Ayala dog and have been present for one interview of the Officer in Charge of the Lyman Police Department. I have also viewed a live news report that involved a video as supplied by the Ayala family for airing. (Note: I am writing to you to provide a response to the reports as well as to clarify some facts so that the public is well-informed about the actions our officer took on September 22, 2012.)

Officer Ray Huffman was working on September 22, 2012 in his official capacity as a Lyman police officer. He was on patrol when he saw a large brown and black Rottweiler dog that was not accompanied by his owner nor on any leash. Officer Huffman was near the Ayala residence and did not see that their dog was in its kennel. He knocked on the door of the Ayala residence, but no one answered. He contacted the Communication Center to obtain a phone number for the Ayala residence. The Communication Center used a phone number that was believed to be the Ayala's and contacted a female who stated that it was not her dog. The Communication Center also tried another number to contact the Ayala family. Officer Huffman approached the dog with his hand out for the dog to sniff, but the dog growled at him and made a lunging motion toward Officer Huffman and connected by grabbing Officer Huffman's arm. Officer told the dog to return home and the dog lunged at him a second time. Officer Huffman deployed pepper-spray to the animal and the dog appeared to walk toward his dog cage, then started down the driveway, but was met by Officer Huffman in his patrol car. Officer Huffman attempted to place the dog in its kennel rather than confiscating the animal and holding it in

shelter until the owners claimed the missing dog. Upon Officer Huffman's attempt to place the dog in its kennel, while trying to coax the dog into its kennel, it again lunged toward Officer Huffman with his front paws and his teeth growling coming to the officer's face. Officer Huffman yelled at the dog while pushing it off. The dog lunged again so he used his left arm to defend himself while grabbing his duty weapon. He fired one round in the dog and the dog turned to its left only to turn around again and lunge for another time at our officer. Officer Huffman fired three more times, killing the animal and stopping the threat to his safety and the safety of the public. He immediately contacted the Communication Center about him being attacked and that he shot a dog. The Sheriff's office and the Nebraska State patrol arrived for assistance to help assess the situation and obtain statements. He also contacted his supervisor, the Officer in Charge of the Lyman Police Department and advised him of the situation. He then pulled the dog onto the grass and washed away the blood as he did not want the family to see the blood. Four shell casings were collected. He left the Ayala residence to notify the Village Clerk and returned to the Ayala residence to answer questions from the Sheriff's office.

On October 5, 2012 the Village of Lyman received a formal complaint about Officer Huffman and his experience, or in the Ayala's opinion, his lack of experience, in handling the Ayala's dog that had been running at large. The Ayala's also referenced that Officer Huffman should have responded to animal control and that Officer Huffman should have contacted them. However, the complaint does not request what they wish to happen, other than to say, "We feel Justice needs to be done for Bos." Finally, there is a Facebook request for a petition to have Officer Huffman immediately removed from his position with the Lyman Police Department.

Some points of interest:

- There were witnesses to the dog lunging and grabbing Officer Huffman's arm upon his first contact on September 22, 2012;
- There is a witness who saw Officer Huffman grab his pepper spray to try to deflect the dog's attack;
- There were witnesses who stated that this was not the first time the dog was aggressive to others;
- There is a video of when the dog finally laid to rest. There was one (1) shot fired in this video; and then you see Officer Huffman tracking the dog with his gun after it has been shot;
- Such video was uploaded on YouTube and Facebook prior to the Star Herald and KDUH airing the video.
- There have been reports that Mr. Ayala has a total of eight (8) cameras surrounding his property, but only one camera angle has been released with editing by Mr. Ayala;
- Mr. Ayala showed a representative of the Star Herald another angle of the dog, although it has not been released for review by Village of Lyman or the Sheriff's office;
- Officer Huffman is not required to ask for assistance, but did so anyway;
- Officer Huffman is also a Lieutenant for the Sheriff's Office and one of the firearms instructor and has been a member of the Scotts Bluff County Sheriff's department for more than 20 years; and,
- Officers of Lyman are to enforce the Village's ordinances, one of which regards animals at large, the responsibility of the officers and the penalties for the animal owner

The Village of Lyman supports the actions taken by Officer Huffman and will defend such actions unless it is proven that Officer Huffman acted negligently in his duties as a police officer for the Village of Lyman.

Should you have any questions for me, the Village of Lyman and/or the Lyman Police Department, please contact me.

Sincerely,

KOVARIK, ELLISON & MATHIS, P.C.

A handwritten signature in cursive script that reads "Audrey M. Elliott". The signature is written in black ink and is positioned above the printed name.

Audrey M. Elliott

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Cc: VoLPD, SBSO