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FOR IMMEDIATE RELEASE

On November 30, 2021, the Vigo County Prosecutor's Office was asked to review an incident from the prior evening where a Ring Doorbell video had been posted on social media and was being reviewed by the Terre Haute Police Department. As is policy with the department, any time a report comes to the department of possible criminal conduct, it is referred to the Prosecutor's Office for review to see if an investigation by an outside agency should be requested. Upon initial review of the Ring video, we experienced some of the same concerns expressed by many on social media. An immediate review was begun. Ultimately the original video, two body cam video recordings, the 9-1-1 call reporting the aggressive dogs, and prior reports related to the dogs in question were reviewed.

The role of the prosecutor in this type of situation is well established. We do not write the laws, we are tasked with applying facts to the laws we are given and make a determination if there was a crime committed and if there are any legal protections provided to a person. To be as transparent as possible, we have provided the body cam recordings from both officers on scene and a slightly redacted version of the 9-1-1 call to our local media. The redactions removed the names and addresses for the people involved. We have also provided a copy of the Indiana law, which is quoted below.

As noted in the body camera video, approximately two minutes prior to the incident on the porch, the two dogs in question attacked the officer. The body cam recordings of the two officers show that the dog once again became aggressive when the officer went to the porch in an attempt to locate the owners of the animals. Whether the officer's response was a violation of department policy or was the better way to handle the situation is not what we are asked to review. So how are those facts applied to the Indiana law?

Indiana Code 35-46-3-12(b) A person who knowingly or intentionally abuses a vertebrate animal commits cruelty to an animal, a Class A misdemeanor.

...

(e) It is a defense to a prosecution under this section that the accused person:

(1) reasonably believes the conduct was necessary to:

(A) prevent injury to the accused person or another person;

As witnessed on the video recordings, the dog was engaged in pack tactics with another dog and both were aggressive with the officer. The officer was aware from the 911 call information and from the prior reports that these same dogs had attacked multiple people in the past and bitten at least one other person, a child. The call that was received indicated that the dogs had been terrorizing a small child prior to the call. And had also been aggressive toward another person that same evening. Another neighbor that was spoken with indicated the dogs frightened her.

So when the dog again became aggressive as the officer approached the door of the residence, with all of this information and the prior aggression by the dog, the statutory defense to prosecution, as noted above, applies.