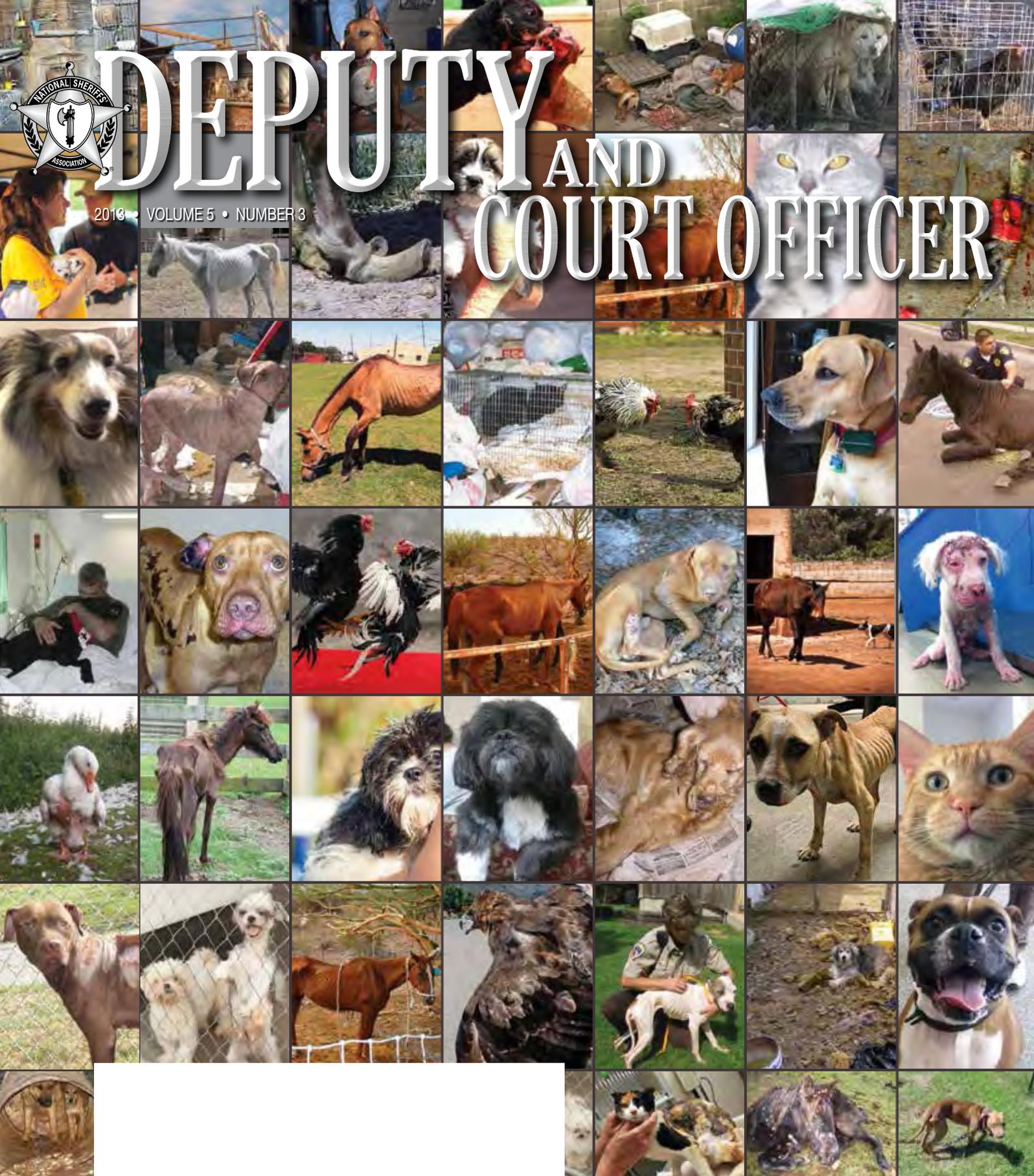


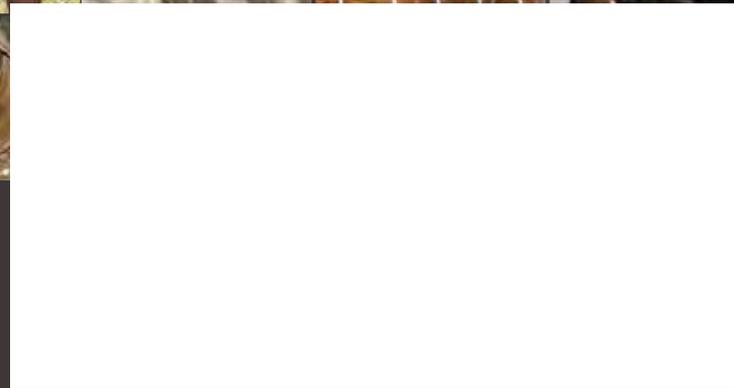


DEPUTY AND COURT OFFICER

2018 • VOLUME 5 • NUMBER 3



Inside:
Animal Cruelty
Hidden Crimes, Voiceless Victims



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This issue of *Deputy and Court Officer* magazine focuses on animal cruelty and how it impacts law enforcement – a problem very dear to my heart. I can't bear to think of the fate of so many animals at the hands of these criminals, who cause enormous suffering for the animals they abuse. Many of which endures a slow, excruciating death.

I will never forget an animal cruelty incident that made national news several years ago in Baltimore, Maryland; a 2-year-old dog was soaked in gasoline and set on fire on a city street. A Baltimore police officer turned the corner to see a cloud of black smoke rising from the burning dog as idle onlookers watched. The officer jumped out of the vehicle and succeeded to put out the flames with a jacket. It was a horrible story and the dog died several days later. Two years and two trials later the accused boys were found not guilty by a hung jury. What was ironic, that out of the entire group of onlookers, no one would come forward and testify on behalf of the dog. The only good things that came from the dog's suffering and pain was the creation of the Anti-Animal Abuse Task Force as well as the state's attorney general reviewing Maryland's animal cruelty laws to determine if they are sufficient to deter "monstrous" crimes like this one.

The dilemma of animal cruelty has existed for a long time but much progress is being made for animals in our society. We must strive to improve our animal cruelty laws, train law enforcement and prosecutors so they can enforce the laws that do exist, and educate the public to change expectations and sensibilities about animal cruelty.

In this issue you will learn the link between animal abuse and other violent crimes and behavior. The compelling evidence linking serial killers Ted Bundy, Jeffrey Dahmer, the Son of Sam and more to childhood animal abuse is scary. Eric Harris and Dylan Klebold who shot and killed 12 students at Columbine High School and other school shooters like Luke Woodham, Kip Kinkel and Andrew Golden all had documented history of animal abuse. In recent years, a strong connection has been made between domestic violence, child abuse and animal abuse. The evidence shows that a batterer's first victim is usually an animal followed by a child or partner.

It is my hope that this information will help you better understand the crime of animal cruelty and give you resources to become an advocate for our animals. Because animals cannot speak for themselves, it's up to the public to speak for them and report animal abuse. It's up to law enforcement and prosecutors to bring these criminals to justice and up to our courts to aggressively penalize these abusers!

Mahatma Gandhi said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated." 🐾

John Thompson
NSA Deputy Executive Director

DEPUTY AND COURT OFFICER

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DEPUTY AND COURT OFFICER

- ANIMAL CRUELTY**
- 4** The Link Between Animal Abuse and Other Violent Behavior
Daria N. Thompson
- 8** NSA's Deputy Executive Director, John Thompson Supports Animal Cruelty Laws
- 10** Juvenile Crime and Animal Cruelty: Understanding the Link as a Tool to Early, More Effective Interventions
Mary Lou Randour, Ph.D.
- 13** NSA Calls on FBI to Improve Reporting of Animal Cruelty Crime Statistics
Nancy Blaney and Mary Lou Randour, Ph.D.
- 16** There's More to Cockfighting Than the Fight
Don Cocek
- 20** Cleaning Up After Hoarders
Madeline Bernstein
- 24** Animal CSI
Nancy Blaney
- 27** Morristown Ranch Owner Arrested on 27 Counts of Animal Abuse
Joaquin Enriquez

- THERAPY DOGS**
- 28** Raise Your Right Paw! Canine Comfort in the Court
David LaBahn

- ANIMAL CRUELTY LAWS**
- 31** Enforcing Your State Animal Cruelty Laws
Sherry Ramsey, Esq.

- ANIMAL RESCUE**
- 36** Puppy Mill Bust!
Sheriff John Ingram
- 39** Do The Right Thing, Adopt Don't Shop!
Kim Sill
- 42** Minni's Story
Lieutenant Pamela Schmitt

-
- 43** 2014 NSA Winter Conference
Schedule at a Glance

- MENTAL ILLNESS**
- 49** Psychiatric Crisis Resources Go Mobile

- HOMELAND**
- 50** Sheriff's New Vehicle is Ready for Risks
Lisa Roose-Church

- PREPAREDNESS**
- 52** Readiness Plan for Natural or Manmade Disaster
Lt. Kathleen Carey, PIO

-
- 56** Chesapeake Sheriff's Office Wins its 7th Consecutive Plane Pull Championship

- MEET THE DEPUTY**
- 58** Deputy Rich Bennett

- TACTICAL CORNER**
- 62** Search Warrants for Detectives and Uniformed Patrol
Mike Martin

- GOVERNMENT AFFAIRS**
- 66** Government Affairs Update
Breanna Bock-Nielsen

The Link Between Animal Abuse and Other Violent Behavior

By Daria N. Thompson, Associate Attorney,
The Law Offices of Bruce A. Johnson, Jr., LLC

Introduction

Violent behavior does not happen in a vacuum. Animal abuse has been continuously linked with other forms of criminal violence. Animal abusers are five times more likely to commit crimes against people, four times more likely to commit property crimes, and three times more likely to have a record for drug or disorderly conduct offenses.¹ Animal abuse has also been linked to being a common use of control over victims in domestic violence situations.

Animal Abuse as an Indicator for Violent Tendencies

Compelling evidence exists of the link between animal cruelty and other forms of criminal activity. The FBI and other law enforcement agencies have recognized the high incidence of repeated animal abuse in the adolescence of the most violent offenders including serial killers, serial rapists, and sexual homicide perpetrators. Ted Bundy, Jeffrey Dahmer, confessed “Boston Strangler” Albert DeSalvo, and David Berkowitz (the “Son of Sam”) all confessed to torturing or killing animals during their childhood.² It also has been

1 Arluke, A., Levin, J., and Ascione, F. “The Relationship of Animal Violence and Other Forms of Antisocial Behavior,” *Journal of Interpersonal Violence* 14:963-975. (1999)

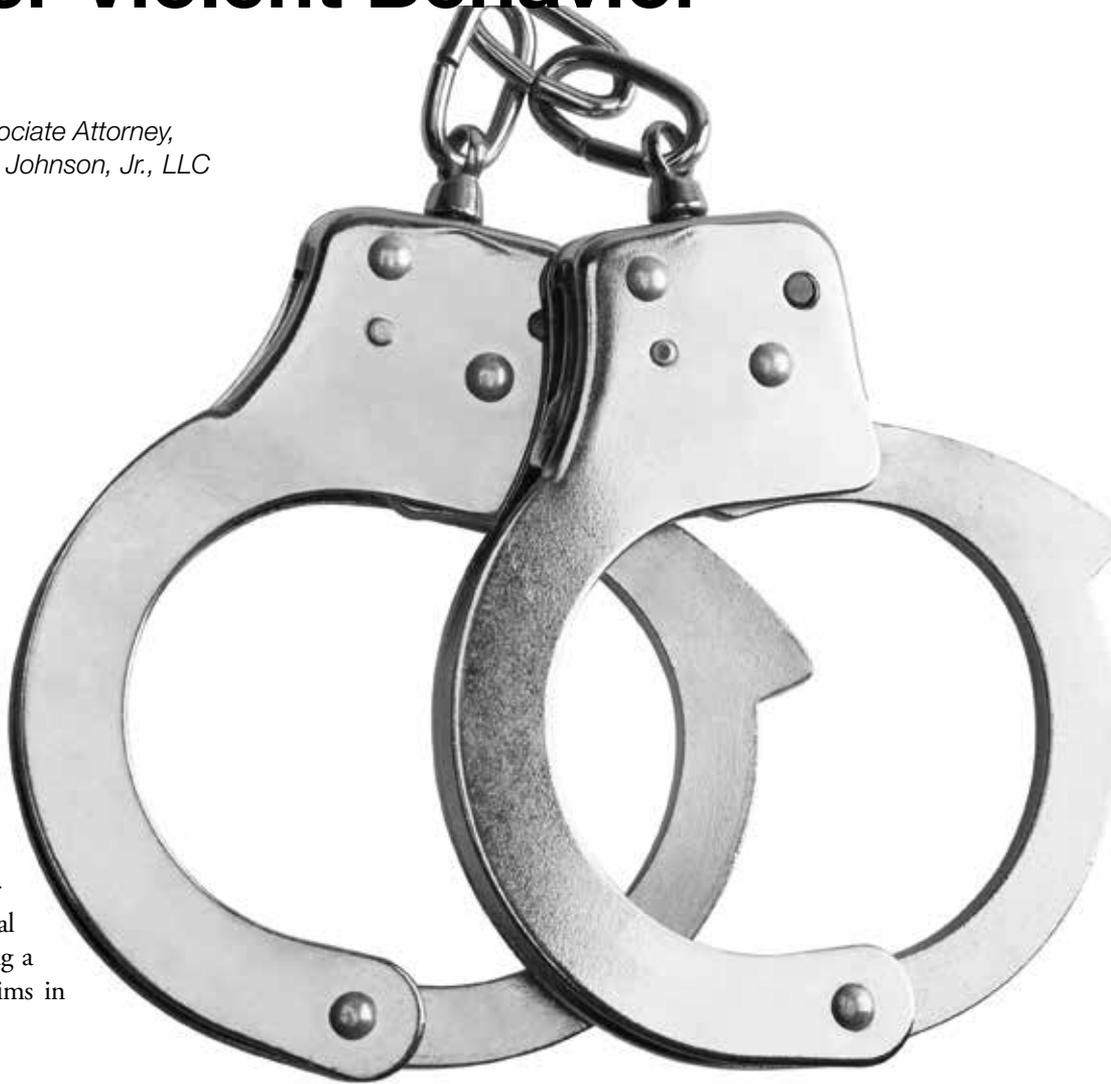
2 American Humane Association, “Violence to Humans and Animals: An Important Link” (June 22, 2001) at: www.americanhumane.org/children/factsheets/viol_link.htm; Lacroix, “Another Weapon for Combating Family Violence Prevention of Animal Abuse,” in *Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of*

reported that more than half of perpetrators of deadly school shootings during the late 1990s were known to persistently abuse animals.³ The link between animal abuse and violent behavior does not only exist with notorious violent crime that has made national headlines. A study conducted over a ten year period found that children between the ages 6-12 years old who were described as being cruel to animals were more than twice as likely as other children in the study to be reported to juvenile authorities for a violent offense.⁴

Compassion for Prevention and Intervention, Ascione and Arkow, eds. (West Lafayette, IN: Purdue University Press, 1999) at 65.

3 Miner, F. (1999). “1997–1998 school shootings roundup,” *The Latham Letter*, Fall, p. 11

4 Becker, K., Stuewig, J., Herrera, V., and McCloskey, L. (2004). A study of firesetting and animal cruelty in children: family influences and adolescent outcomes. *Journal of American Academy of Child and Adolescent Psychiatry*. 43. 905-912.



A longitudinal study, funded by the Department of Justice, found that cruelty to people and animals is one of four factors associated with persistence in anti-social, aggressive behavior through childhood and adolescence. Conduct disorder is a serious diagnosis given to children who exhibit severe antisocial behavior and aggressive tendencies. Aggressive behavior in childhood predicts serious antisocial behavior in adulthood, including criminal offenses, spousal abuse, and a tendency to severely punish one's own children (Huesmann, Eron, Lefkowitz & Walder, 1984).

Animal Abuse and the Link to Domestic Violence and Child Abuse

Abuse is about power and control whether the abuse is inflicted on a partner, child, or an animal.⁵ If an animal is being abused, it is likely another person in the household is also being abused. This link originates with the fact that women, children, and animals have shared similar histories and characteristics – all three were considered property in the past.⁶

Perpetrators of domestic violence often use pets as a way to control their victim. By following through on threats to injure or kill a pet shows the victim that the abuser is willing to kill an animal and that he may also kill the victim.⁷ Abuse of the pet is also used to manipulate a partner or child into compliance with the abuser's demands.⁸ Abuse against a family pet can also be used to frighten, intimidate, punish, or retaliate against a partner or child. *Id.* A recent study questioned the inhabitants of the largest battered women's shelters in forty-eight states about their experience with domestic violence, child abuse, and animal abuse. When asked if women who come into the shelter talk about incidents of pet abuse, 85.4 percent of the forty-eight shelters answered affirmatively.⁹ Moreover, 63 percent out of forty-six of the shelters answered affirmatively when asked if children who come into your shelter talk about incidents of pet abuse.¹⁰ Because of health code regulations, lack of space, and safety concerns, women are often not allowed to bring their pets to the shelter when they leave their abuser.¹¹ The victim has the difficult decision to either leave the pet with the abuser, stay with the abuser to protect the pet, or abandon the pet. As a result, it is estimated that as many as 40 percent of women postpone leaving their abuser because of fear of what will happen to their pet if they leave.¹²

5 Lerner, "From Safety to Healing: Representing Battered Women with Companion Animals," *The Domestic Violence Report* at 18. (Dec./Jan. 1999)

6 *Supra*, note 3 at 63-64.

7 *Supra*, Note 1 at 18

8 *Id.*

9 Ascione, Weber, and Wood, "The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who are Battered," in *Society and Animals* (1997) at 5(3).

10 *Id.*

11 "Forgotten Victims of Domestic Violence," *Animal Guardian* (Fall 2000) at: www.ddal.org.

12 Santiago, "DAs Link Pet Abuse, Domestic Violence," *The Zero* (Nov. 5, 2000) at: www.vachss.com/help_text/archive/pets_dv_nydn.html.

Domestic violence and the subsequent abuse against family pets can be extremely detrimental to children who witness this abuse. The abuse of the pet can have vast, long-term effects on the well-being of children. Certainly not all children who abuse animals or witness abuse will grow up to be abusers or commit violent offenses. However, witnessing abuse of both their mothers and pets increases the chance of a child adjusting poorly to life as they get older.¹³ Additionally, children who are raised in an abusive environment learn that violence is a way to solve problems.¹⁴ Children who witness or are victims of domestic violence may learn to abuse pets as a way of releasing anger or distress.¹⁵ In a study of abusive households with pets, it was found that in 32 percent of these homes, the children abused their pets.¹⁶

Conclusion

Now that the link between animal abuse and other violent crime has been established, animal abuse has been becoming more of a priority for law enforcement and law makers. All 50 states have made animal abuse illegal and 47 states treat certain forms of animal abuse as a felony.

Many jurisdictions have established cross-training social service and animal control agencies on how to recognize the signs of abuse and possible indicators of other abusive behaviors. Some states have also added veterinarians, Humane Society and animal-control officers to mandated reporting legislations requiring them to report suspected animal abuse.

Although major strides have been made in understanding the connection between animal abuse and other violent behavior, there is still work to be done. Currently animal abuse is not monitored systematically in national crime reporting systems. Furthermore, a growing body of evidence supports the need for early intervention into childhood development of criminal behavior. Research has shown that early intervention efforts are proving to be effective in reducing criminal and delinquent behavior.¹⁷ The issues that these prevention programs address are similar to those found to be associated with domestic violence and child abuse. The contribution of family violence to later youth violence is clear. This overlap shows the overwhelming need for collaborative prevention efforts between social services, law enforcement, and the community.¹⁸ Understanding the link between animal abuse and family violence can help every criminal justice partner break the cycle of violence, saving both human and animal victims. 🌟

13 *Supra*, note 10.

14 *Supra*, note 3.

15 Davidson, "The Link Between Animal Cruelty and Child Maltreatment," *ABA Child Law Practice* (June 1998) at: www.abanet.org.

16 *Supra*, note 10.

17 Cullen, F. T., Wright, J. P., & Brown, S. (1998, April). Public support of early intervention programs: Implications for a progressive policy agenda. *Crime and Delinquency*, 44(2), 187-204.

18 Carter, Janet, "Domestic Violence, Child Abuse and Youth Violence: Strategies for Prevention and Early Intervention." *Minnesota Center Against Violence and Abuse* (2012).

NSA's Deputy Executive Director, John Thompson Supports Animal Cruelty Laws

Hundreds and thousands of animal cruelty cases are documented every year, but many go unreported. Sadly, only a few people will answer for their actions. But, there is hope!



National Sheriffs' Association Deputy Executive Director John Thompson has emerged as a strong voice in support of vigorous enforcement of animal cruelty laws and prosecution of offenders. In this interview, he talks about his career, his "aha" moment on animal abuse, and how sheriffs' offices can be leaders in this area.

Tell readers a bit about your background. What road did you travel that brought you to NSA?

I began my law enforcement career in the United States Army where I served as a Military Police Canine Handler. After being honorably discharged, I returned to civilian life and worked 28 years as a local police officer, working the last 15 years as a chief of police. After retiring, I was appointed as an assistant sheriff, a position I held for four years. I have spent the last 11 years as the deputy executive director of the National Sheriffs' Association.

You have become a passionate advocate on behalf of treating animal cruelty crimes seriously. Was there a galvanizing situation that brought it all home for you?

Throughout my law enforcement career I never gave animal cruelty much thought. We were always focusing on crimes

against people, not animals. I vividly remember the first time I worked a child abuse case where a little boy died as a result of the abuse. It made me sick to my stomach and the image of that little boy has stayed with me all these years. You never forget!

Last year my daughter was doing some research on animal cruelty for her employer and shared her findings with me. WOW, it was like a light bulb went on! As I read her report, I could not believe that I had missed all this information my entire law enforcement career. I started doing my own research and came to realize that animal cruelty is so widespread and hidden that no wonder many law enforcement agencies are not on top of it. After seeing some pictures of abused animals, I got that same sick feeling I had experienced with the little boy who was abused.

Animal cruelty is in the news daily. I recently saw in the news where a puppy was locked in a hot car and died as a result. I read where a kitten was buried in concrete – the unimaginable list goes on. It is news like this that has driven me to become an advocate to stop animal cruelty! I find myself on a personal mission to do all I can do to bring this horrible crime to the forefront and to join the increasing numbers of animal advo-

cates, these heroes who have been out there in the trenches, intervening to save the lives of animals for some time.

How can law enforcement be more alert to animal cruelty? What is their unique role in dealing with this crime and the other crimes of violence that often accompany or flow from it? What is the best way for law enforcement agencies to provide leadership in this area?

Hundreds and thousands of animal cruelty cases are documented every year, but many go unreported. Sadly, only a few people will answer for their actions. But, there is hope!

I feel that the more law enforcement becomes aware of this tragic crime, the more they will become involved. I know of several sheriff's offices and police departments that have partnered with the Humane Society or the American Society for the Prevention of Cruelty to Animals along with their local prosecutors and communities to create Animal Cruelty Task Forces. These task forces are a POWERFUL force in combating animal cruelty. In numbers we are stronger!

Animal abuse comes in many forms – from neglect and hoarding to outright cruelty towards a family pet or neighborhood animal or even wildlife, to animal fighting. It is a terrible crime in and of itself and deserves our full attention and our commitment to bringing the perpetrators to justice. But it is also the case that there is a large and increasing trend of troubled people who abuse animals and frequently move on to abusing, and in some cases killing, people. The statistics are overwhelming.

A 1997 study by the Massachusetts Society for the Prevention of Cruelty to Animals, reported as the first study of its kind, looked at the link between cruelty to animals and other crimes. The results showed that 70 percent of individuals who abuse animals are also involved in other violent crimes. The study also showed that a person who commits animal abuse is five times more likely to commit violence against people, four times more likely to commit property crimes, and three times more likely to be involved in drunken or disorderly offenses. There is no doubt that there a direct link between animal cruelty and interpersonal violence.

One of the problems – one that we saw in bringing domestic violence to the forefront years ago – is that we don't have accurate records of what is happening with animal cruelty. The NSA is currently working with the FBI Criminal Justice Information Services to add animal cruelty to the Uniform Crime Report.

Law enforcement leaders need to embrace enforcement of these crimes and prosecutors need to be aggressive in getting these criminals off the street! It is important to be familiar with our state and local cruelty statutes. I also encourage offices to take advantage of training programs that hone our skills in detecting and investigating animal cruelty and related crimes of violence. Continued education and awareness are

the only ways to stop these horrible crimes! (See section on resources for additional information.)

Your own family has a four-legged member! Tell us about him.

Mr. PO is the LOVE of my life and the second reason I am on a mission to stop animal cruelty! He is a six-and-a-half-year old Shi Tzu and a bundle of love! Mr. PO is the first dog I have ever owned. Back in my early law enforcement years I worked canine, but it was a different feeling between me and my working dog and me and my friend Mr. PO! I bought him for my wife on Mother's Day six years ago. It was not long before he and I became best friends!

My wife and I take him just about everywhere we go. If dogs are not welcome, then we go somewhere else. When we do go without him he does not get put in a kennel; my son or daughter will take care of him. He has become a family member and shares in all our family events.

If people could learn from our canine friends and listen more, appreciate the simple things in life, give more than they receive, be happy with what they have and, most important, be a best friend, then this world would be a much better place to live in!

I would like to end with a quote I saw on a sign the other day. It said: "My goal in life is to be as good of a person as my dog already thinks I am." 🐾



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Juvenile Crime and Animal Cruelty: Understanding the Link as a Tool to Early, More Effective Interventions

By Mary Lou Randour, Ph.D., Senior Advisor,
Animal Cruelty Programs and Training Animal
Welfare Institute

This special issue of *Deputy and Court Officer* focuses on the importance of identifying, investigating and prosecuting animal cruelty crimes. There are many reasons that animal cruelty warrants the attention of law enforcement, the courts, and the entire community. As noted in other articles in this special issue, animal cruelty is a crime in and of itself, and it also occurs alongside other crimes. Dealing aggressively with animal cruelty is an effective way to better protect communities.

Another important reason is that animal cruelty crimes could very well be the first indication that a juvenile is at-risk and engaged in antisocial behavior. Animal cruelty starts very early, appearing at a mean age of 6.75 years, and “red flags” those children and adolescents who are at greatest risk for continued antisocial behavior. In fact, one study identified cruelty to people and animals as one of four factors associated with persistence in antisocial, aggressive behavior through childhood, into adolescence and adulthood (Loeber).

As early as pre-school age, it is critical to identify such behavior, and intervene to prevent or correct a child’s developmental pathway (Frick, et al, 2005; Loeber, et al, 2006; Patterson, et al, 1998; Tremblay, et al., 2003; Thornberry & Krohn, 2003). The longitudinal studies of Tremblay and colleagues offer an answer to the question, “When does anti-social behavior begin?” They responded that by age three, or as soon as they have motor skills, most children have reached their peak level of aggressiveness and begin to level off. It is well-established and settled that “...the general rule is that the more antisocial the individual, the earlier the onset of ‘antisociality’” (DeLisi, et al, 2013, p. 12).

Other research into criminal behavior has concluded that “... individuals who are cruel to animals are more likely to possess a liability toward callous, unemotional traits that are highly inheritable and less likely to be modified by environment ...” (Vaughn, Beaver, DeLisi, Perron, Howard, 2011). While highly inheritable traits, such as callousness, may be more resistant to intervention,

there are still therapies that could succeed, especially if systematically applied to both the child and the family. Clearly, the earlier these tendencies are identified, the better the chances of successfully addressing them.

Animal cruelty is linked not only to childhood disorders, but also to family violence and other crime. One study determined that animal cruelty was one of four predictors of who would engage in battering behavior (Walton-Moss). Others have found that animal cruelty crimes are linked to other forms of interpersonal violence, property crime, and drug and disorderly arrests (Arluke, Luke; Degenhart).

Even if they themselves are not causing or participating in abusing animals, children who witness such abuse are also at risk. A study supported by the Office of Juvenile Justice and Delinquency Programs entitled “National Survey of Children’s Exposure to Violence” (Finkelhor, Turner, Hamby & Ormond, 2011), concluded that “[m]ore attention needs to be paid to children who are exposed to multiple types of violence, crime, and abuse” (2011, p.2).

Anthropologist Margaret Meade famously observed, **“One of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it.”** Unfortunately, courts have had a tendency to regard juvenile animal abuse more as a youthful “prank” rather than as the crime that it is and the warning signal that it may be. Sheriffs, police officers, and other members of law enforcement, on the other hand, are increasingly aware of the connection between animal abuse and other criminal behavior and of the necessity of treating it like a serious crime and giving prosecutors the best-documented cases that they can. In addition to the checklist provided on pg.XX, there are some other considerations in juvenile cases:

When responding to a report of a juvenile involved in abusing an animal or in animal fighting, deputies should be alert to the fact that this may indicate that a more serious threat is present or possible. Are there indications of other crimes, such as drugs or illegal weapons? Since there can be a number of outcomes for the juvenile – release conditional on enrollment in a diversion program, release to parental custody, shelter care, community diversion, or counseling, it is crucial that deputies document the case as fully as possible to enable the courts to handle it appropriately.

When responding to a report of a juvenile involved in other criminal activity, especially if it involves interpersonal violence, deputies should also be alert to any evidence of animal cruelty. Even if there is no direct evidence of animal cruelty, it is still important to observe as much as possible about the context.

Especially with juveniles of any age, if there is the possibility of actual or attempted animal cruelty, the following steps are recommended:

- Ask direct questions about what happened to the animal(s) and how. Children are more likely to self-report than the parent. In a comparison of parental reports and self-reports of cruelty to animals among 12- to 16-year olds, only 3 percent of parents thought that their children had participated in animal cruelty; when self-reporting, 10 percent of children admitted to having engaged in some form of animal cruelty (Ascione, 2001).
- If an animal has been injured, observe the severity of the injury, assess culpability; for example, did the juvenile understand the consequence of the action taken? What degree of planning was involved? Did the juvenile have to overcome obstacles? Did the event occur in a group? If so, determine the leader and the followers. Was there some type of coercion involved?
- If an animal has been injured or killed, take photographs and if the animal needs assistance, call the local humane society or animal control office.
- If animal cruelty has occurred, be sure to maintain proper “chain of custody” of the animal as it is evidence.
- Observing and questioning the family in their home should play a central role in assessing whether a juvenile should be released to parental custody. Clues about levels of violence can be gleaned from observing the conditions of any animals in the home and the interaction between the family members and the animals. For example, how do animals respond to the different family members? Do the animals look healthy? Are they chained? Are there indications of animal fighting, such as scarring? One study found an association between ownership of high-risk (“vicious”) dogs and criminality. Individuals who owned high-risk dogs had significantly more criminal convictions than other owners. The researchers concluded that “[f]indings suggest that the ownership of high-risk (“vicious”) dogs can be a significant marker for general deviance and should be an element considered when assessing risk for child endangerment” (Barnes, Boat, Putnam, Date & Mahlman, 2006).

Also, there are direct questions to consider asking the family members:

- Do you have any pets? How many have you had? What happened to them?
- What happens when the family pet misbehaves? Who discipline him or her?

If the case continues through the adjudication process, there will be a social investigation and a fact-finding hearing before the juvenile appears before the court. Again, at this step of assessment, learning more about the child’s personality, background, and interactions with his/her family and community

plays a large role. If the charges do not directly involve animal abuse, the judicial authority responsible should be alert as to whether and to what extent it was a factor in the case; either way, all involved agencies should be aware of resources that could inform the assessment and disposition phase, such as AniCare Child: An Assessment and Treatment Approach for Childhood Animal Abuse (Shapiro, Randour, Krinsk, Wolf, 2012).

Disposition of the case may entail probation, fine/restitution, diversion to community programs, and/or home detention, or the juvenile may be committed to a residential program. Information developed during the assessment phase, coupled with the facts of the case (the presence and severity of animal cruelty, the level of involvement of the individual juvenile as instigator or follower, and his/her level of remorse) should factor into the decision.

Juvenile participation in animal fighting warrants special attention since this is a direct gateway into a world of drugs, gambling, illegal weapons, and even murder. What should also not be missed, however, is the presence of juveniles and even younger children as spectators at animal fights. As noted above, research shows the harmful effects on children from witnessing animal cruelty. Being a spectator is illegal in some states, and communities should deal particularly firmly with those who bring children to these spectacles.

The most important thing to remember is that animal cruelty is one of the first chances to recognize that a child and his or her family are in trouble. Pay attention to animal cruelty—observe, ask questions, look at animals in the family and on the street. Strike up conversations with juveniles about animals and their pets. Get them talking. You could change a life. ✪

Resources

Local humane societies often have programs for at-risk children and their families.

Association of Prosecuting Attorneys: www.apainc.org

AniCare Child: An Assessment and Treatment Approach for Childhood Animal Abuse (<http://www.societyandanimalsforum.org/anicarechild.html>)

National animal protection groups have materials for parents, teachers, and youth to develop compassion toward animals; for examples, visit <https://awionline.org/store/catalog/animal-welfare-publications/materials-children>; <http://www.latham.org/>; http://www.humanesociety.org/parents_educators/; and <http://teachhumane.org/heart/resources/animal-issues/>.

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NSA Calls on FBI to Improve Reporting of Animal Cruelty Crime Statistics

By Nancy Blaney, Senior Policy Advisor Training
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In June of this year, the National Sheriffs' Association (NSA) unanimously passed a resolution calling for the inclusion of animal cruelty data in the FBI's Uniform Crime Report (UCR) and National Incident-Based Reporting System (NIBRS), which is referred to here collectively as UCR. As currently organized, the system by which states collect statistics about animal cruelty crimes and report them to the FBI, if they do so at all, results in the information being lumped into an "All Other Offenses" category, which prevents later retrieval and analysis. NSA joined an ongoing effort, which originated in 2003, to improve this approach so that these important data could be analyzed by law enforcement and policy planners to make decisions about crime fighting strategies and programs.

Animal cruelty is a crime throughout the United States and certain forms of it are felonies in 49 states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands (see map p. XX). And as the NSA resolution clearly showed, animal abuse affects not only animals but also children, families, and the community at large, and its connection to other forms of violence is well established (Ascione, 2001; Vaughn, et. al, 2009; Walton-Moss, et. al., 2005) and settled. Animal cruelty occurs alongside child abuse and domestic violence. Animal fighting is linked to gambling, illegal weapons, and drugs. More and more, prosecutors and members of the law enforcement community are becoming aware of this connection and are taking advantage of specialized training in investigating and prosecuting animal cruelty crimes.

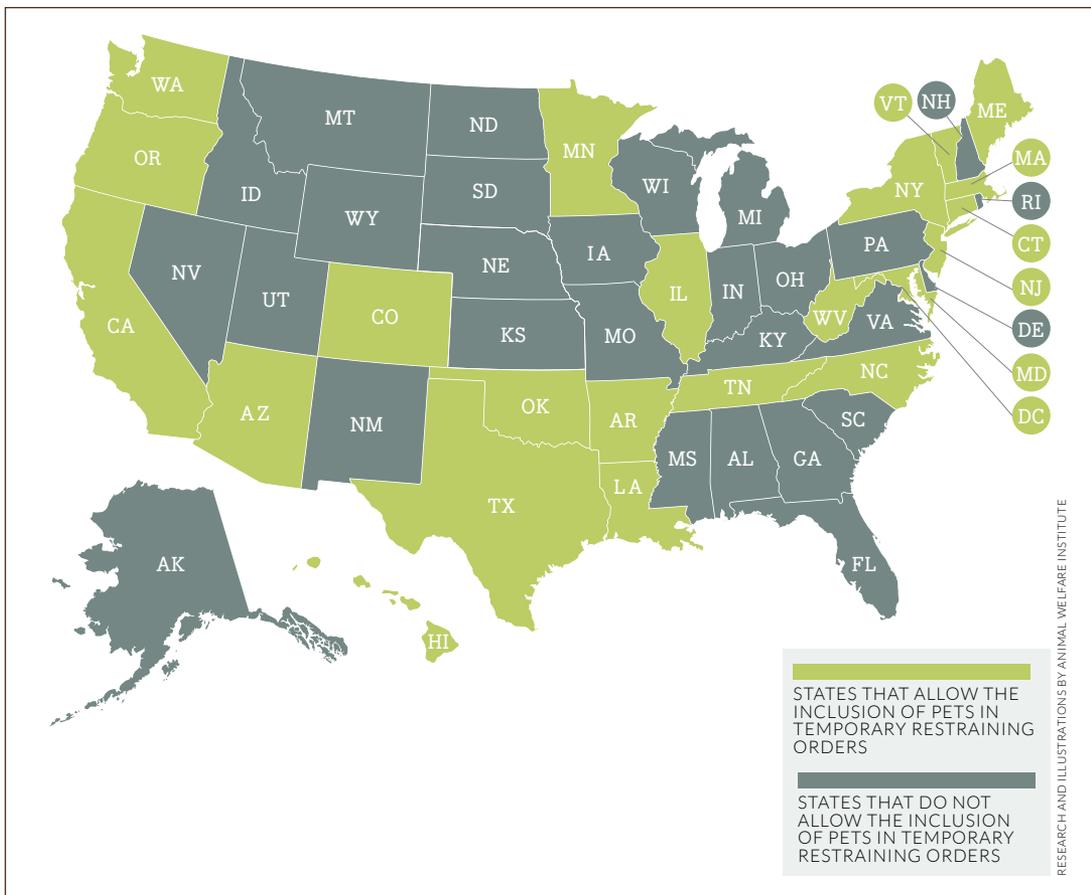
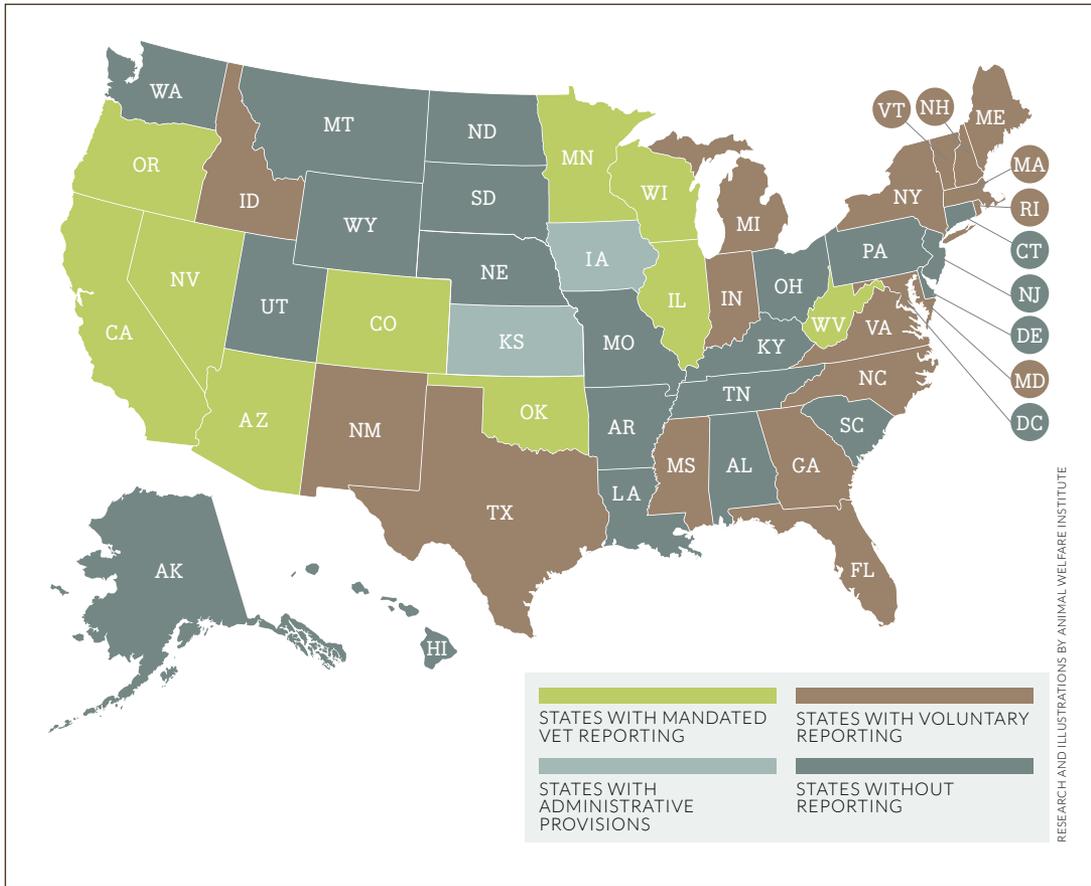
Even the FBI itself is aware of the advantages of collecting animal cruelty crime data to generate annual estimates and trends as well as to permit analysis by law enforcement and others. In a report to Congress, the agency acknowledged "distinguishing animal cruelty offenses would enrich the

NIBRS database and provide law enforcement and data user the opportunity to have disaggregated data about the crimes." (FBI, 2005, p. 6) Moreover, "[c]onsidering that a felony conviction for cruelty to animals is a disqualifier for prospective volunteers for vulnerable populations under the PROTECT Act, specifying offense of cruelty to animals in the NIBRS will provide law enforcement with vital information." (FBI, 2005, p. 6)

At first, the effort to change the UCR sought federal legislation to compel the collection of animal cruelty data. However, after a series of exchanges with the FBI, staff from the Animal Welfare Institute (AWI) met with personnel from the FBI's Criminal Justice Information Services (CJIS) to discuss the proposal. While it was clear that the UCR did not report animal cruelty crimes as a separate offense, it was also clear that very little was known about how, or even if, animal cruelty statistics were being collected by state UCR programs. To better understand the status of such efforts, as well as interest in doing so on the part of the state programs, AWI surveyed members of the Association of State Uniform Crime Reporting Programs (ASUCRP).

Three main obstacles to adding animal cruelty to the UCR data collection have been identified: technical challenges, cost, and acceptance by the police agencies. The results from the survey indicated that state UCR programs saw a definite benefit in revising FBI data collection methods so that animal cruelty crimes could be counted separately. Among all states responding to the survey, 85 percent viewed the collection of animal cruelty information to be useful. (Survey, p. 6)

In the meantime, in addition to the NSA resolution, a proposal to the Advisory Process Board (APB) of CJIS to add



There's More to Cockfighting Than the Fight

By Don Cocek, Deputy City Attorney,
Los Angeles City Attorney's Office

Reprinted with permission from *Lex Canis – Animal Abuse is Violence*, Association of Prosecuting Attorneys Quarterly Newsletter



Officer Marty Weigh, a pilot assigned to the Los Angeles Police Department's Air Support Division, was on duty flying his helicopter over Sylmar, a suburb of Los Angeles in the San Fernando Valley. As he looked down, he noticed a property with a large number of covered enclosures. It's not illegal to have structures like this on property, but based on the training he received from LAPD's Animal Cruelty Task Force (ACTF), he suspected someone was trying to conceal the fact that the location was being used for animal fighting and training. He called for assistance and thus began a criminal prosecution involving the largest seizure of fighting birds in the City of Los Angeles.



Aerial View

Cockfighting is illegal in every state and all animal fighting that affects interstate commerce is punishable as a federal felony under the Animal Welfare Act. Thirty-nine states and the

District of Columbia have made cockfighting a felony offense, 37 states and the District of Columbia prohibit the possession of birds for fighting, 42 states and the District of Columbia prohibit being a spectator at cockfights, and 13 states prohibit the possession of cockfighting implements.

Altered Rooster



California has a comprehensive set of laws banning all activities involving cockfighting. It is illegal to conduct cockfights and any person who permits cockfighting on any premises under his or her charge or control, and any person who aids or abets cockfighting, is subject to prosecution. It is illegal to be a spectator. It is illegal to raise or be in possession of fighting birds and gaffs or slashes used for fighting. Of course,

if animals are harmed, animal cruelty and neglect charges can be filed. Illegal gambling is associated with cockfights as well as drug dealing, illegal firearms, and other serious crimes.

Cockfighting, and the raising and training of fighting cocks, occurs in many urban communities like Sylmar. It is very common for law enforcement to come upon a location where cockfighting related activities are present, but due to the secretive nature of the sport, no cockfighting is observed. Consequently, just as in dog fighting cases, it is important that prosecutors and investigating officers be familiar with the paraphernalia and the activities associated with cockfighting. Something as common as a piece of string or carpeting is a very valuable piece of evidence. The Sylmar case is an example of how suspects can be brought to justice in the absence of an actual fight.

Based on the observations of the police helicopter pilot, Animal Control Officer Troy Boswell from the Los Angeles Department of Animal Services went to the location to investigate. Attempting to locate the property owner, Boswell entered the property and observed a man holding a rooster in his arms and using a tool attached to a door-jam to cut the spur off the rooster's leg. The man told the officer that he was cutting off the spur to stop the rooster from scratching itself. Boswell also saw a shelf with sparring muffs, syringes, and bottles containing liquids. The officer had been trained that these items were commonly used by persons involved in cockfighting.

“Sparring muffs” are used to cover the roosters’ spurs so the roosters can be fought without injuring each other. “Sparring” is a common way of training roosters as they are prepared and conditioned during their “keep,” the training period prior to a fight. “Syringes” and “injectable medications” are commonly used by persons involved in cockfighting to inject the roosters with vitamins, coagulants, and steroids.

Boswell reported his observations to the ACTF, which checked property records and identified the property owner as a person named Ybarra. The ACTF had aerial photographs taken of the location. The photographs revealed multiple coops in the rear of the property as well as a makeshift structure that might have concealed a fighting pit. Based on their past experience investigating cockfighters, the officers knew that it was common in an urban setting for fighting pits to be covered in an attempt to conceal fighting activities from the police, neighbors, and passersby, and to keep the events from being canceled due to inclement weather (...yes, it rains in LA!). Interestingly, examination of the photographs revealed that the location next door also had multiple covered enclosures possibly housing roosters as well.

Enclosures



ACTF officers went to the property next door to investigate and from the driveway in front of the house, they saw two men near the middle of the property “hand sparring,” a variation of sparring two birds where a trainer holds a “cull” or “trash bird” that has no fighting value and allows it to be used as a moving target by the other bird. When the men saw the officers, they immediately stopped and put the birds into cages.

The person living in the house, Calderon, told the officers they could look around and the officers observed other cages each containing just one rooster, a typical manner of housing roosters by cockfighters. Due to the aggression of roosters trained to fight, the roosters have to be maintained without direct contact with one another so they cannot cause each other injury. Each of these roosters had been “dubbed,” i.e., their combs, wattles, and earlobes had been removed. The dubbing is usually done with scissors without the use of anesthesia. Cockfighters normally dub their roosters to lower the bird’s overall body weight and because injury during a fight to any of these locations can cause profuse bleeding. The roosters had the natural spurs on their legs cut to about a half-inch stump. It is on these stumps that “gaffs” or “slashers” are attached to the bird’s leg. The officers also observed that the roosters’ feathers had been plucked, called “cutting out,” where feathers in certain areas are plucked out to lower the rooster’s body weight prior to a fight. The officers also saw perforated “cardboard boxes” used by cockfighters to transport roosters to and from fighting locations.



Slashers

Based on the observations, a search warrant was obtained and served on both locations by officers from LAPD and the Department of Animal Services (LADAS). Accompanying the officers were members of the veterinary staff of LADAS. The area was secured and Calderon’s property was searched first.



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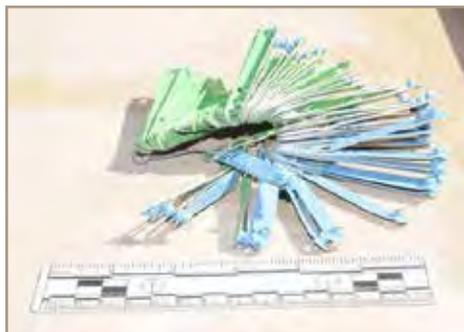
Inside Concealed Enclosures

Slasher blades were found in several stalls on Calderon's property as well as "waxed string." Waxed string is commonly used to attach the slasher blade to the rooster's leg prior to a fight. Sparring muffs were found in another stall in a bucket under a "flirt table," a table covered with carpeting. A rooster is tossed onto the table on its back by the handler. The rooster then flips over to get back on its feet. This technique is repeated over and over to increase the rooster's agility in preparation for a fight. In a file cabinet in one of the stalls, officers recovered sparring muffs, slashers, "mounting blocks" used to attach the blades to the roosters' legs, papers with step-by-step instructions on how to attach the blades, and "leg bands" used to inventory and identify the roosters during a fight. A search of Calderon's bedroom recovered unregistered weapons, ammunition, and several bird medications; one medication was in a box depicting two roosters engaged in a cockfight. The officers also searched for safes containing cash and jewelry from the gambling that occurs during cockfights, but none were found.



Flirt Table





Leg Bands

A search was conducted at Ybarra's property next door and the officers recovered sparring muffs, slasher blades, mounting blocks, and a "blade gauge" used to measure the lengths of the blades tied to the rooster's legs. The officers also found suture kits, rifles, and cockfighting magazines. Two covered rooms were discovered which were used as arenas. Both rooms had dirt floors and visible on the ground were "scratch lines," parallel lines drawn approximately six to eight feet apart on the floor upon which the birds are released at the start of a cockfight.

The officers called Ybarra and asked him to come to the location so they could talk to him. He said he'd be there in a few minutes, but he arrived over an hour later. When the officers asked him: "What took so long?" he replied: "I was sure that I was going to be arrested, so I took a shower, put on clean clothes, and called my attorney." As he was being interviewed, his cell phone kept ringing. The people who rented the enclosures from him, the owners of the birds, were calling trying to find out what was happening. He asked them to come to the location but no one showed up.

Although the LAPD ACTF and LADAS officers did not come upon the scene while a cockfight was actually taking place, the locations had all the makings of an active cockfighting operation: altered roosters, training facilities, cockfighting paraphernalia, fighting arenas, guns and ammunition. Both suspects were prosecuted for misdemeanor violations of possession of fighting birds and possession of gaffs and slashers used for fighting. Both defendants pleaded guilty to illegal possession of gaffs and slashers, were placed on three years' probation, and were ordered to do 45 days of freeway cleanup. The terms of their probation included a ban on

owning, possessing, maintaining, or caring for any fowl, plus the removal of the bird keeping structures from the properties.

In all, 1538 fighting cocks were seized from Ybarra's property and 696 from Calderon's, thus making this the largest seizure of fighting birds in LAPD history. Each suspect relinquished the animals to the Department of Animal Services and all 2234 birds were humanely euthanized.

A worker on one of the properties told the officers: "I know they fight the birds, I'm not stupid. You don't have birds like this for any other reason, you know." ★

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Cleaning Up After Hoarders

By Madeline Bernstein, President, SPCA LA

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Raiding a home of a Los Angeles hoarder.



Compulsive hoarding, often labeled disposophobia, is a syndrome that affects approximately 3 million Americans in the United States. (www.compulsivehoardingcenter.com) The basic hoarding syndrome is the pathological need to acquire things, with an inability to discard, return, care for, or make rational decisions about them, to the point that the syndrome interferes with day-to-day functions, home, health, family, work, and social life. The accumulation of these things causes safety and health hazards—and, when this compulsion involves animals, cruelty as well. (www.mayoclinic.com; www.la4seniors.com/hoarding.htm)

Every animal hoarder is an object hoarder, but not every hoarder collects animals. As the number of animals increases, the ability to care for and fund their needs decreases. Hoarders often live without running water, light, air conditioning and heat, and grow more fearful that someone will come and take their pets away. They become isolated, blocking their windows and remain alone with their stuff. The problem with “animal objects” is that they are alive and therefore eat, defecate, urinate, vomit, ooze, suffer, and die. This, mingled with the other clutter, creates a nightmare landscape for all involved.

Hoarder Profile

Since many people suffering from this disorder are isolated, don't perceive that they have a disorder, and won't let others into their homes, there is a great concern that the number of known cases is highly under reported.

Hoarders were formerly referred to as "collectors." However, legitimate collectors of antiques, arts, coins, stamps, snow globes, etc. are perceived to be knowledgeable about their treasures, meticulous about their care, and willing to sell or part with these items. "Hoarding" connotes a pathological problem and is a negative characterization.

In fact, hoarders have actually begun suing law enforcement and media outlets for characterizing them with that term. In *Shipkovitz v. Washington Post Company, et al.*, (No. 08-7126, 2010 U.S. App. Lexis 22093 D.C. Cir. Oct. 22, 2010) Shipkovitz was upset at being described as a "hoarder" with its attending discussion of mental health issues surrounding such accumulation of possessions. The court ruled that the statements were "substantially true or nondefamatory."

The typical hoarder is a white female over sixty living alone, intelligent, shrewd, educated, secretive, and primarily interested in dogs and cats. However, this profile focuses on the end point rather than the beginning. In other words, it documents data at the moment of intervention, but the mystery of its origins is yet unsolved. The most famous hoarders, Homer and Langley Collyer, began this journey when they were children. Langley began hoarding as a youth and totally lost control when his parents died. When the authorities entered the brothers' New York brownstone, they found floor to ceiling piles of furniture, newspapers, pianos, a Ford Model-T—and the corpses of the brothers, which were not located until a hundred tons of debris had first been removed.

For decades, the hoarder will choose objects to the exclusion of family and friends until completely isolated. It is usually a crisis, such as fire, animal cruelty reports, or property redevelopment that alerts the authorities to their presence. While the most common animals hoarded are dogs and cats, it is not uncommon to find rabbits, birds, horses, sheep, pigs, and reptiles as well. No real profile exists that can warn, predict, or guess who will end up over sixty, alone, with one hundred cats. Whether this condition is genetic, acquired, a form of OCD, an addiction, or an attachment disorder is also not yet confirmed.

Recent thinking supports the notion that this cognitive condition is both genetic and, unfortunately, hereditary, as well as a behavior that can be learned by children growing up in a hoarding household. A recent New York Times article, "Children of Hoarders on Leaving the Cluttered Nest," (www.nytimes.com/2011/05/12/garden/childrenof-hoarders-on-leaving-the-cluttered-nest.html) discusses the pain, confusion, and embarrassment experienced by children who grew up in

a hoarder home and who try to cope in an uncluttered world. They suffer anxiety and fear that they share the same disorder. In the article, Jack Samuels, an associate professor in the psychiatry department at John Hopkins University, suggests that hoarding has a genetic component and runs in families. A colleague of mine grew up in such a house and struggles day and night against the compulsion to hoard. In a piece she wrote (*Children of Hoarders Struggle with Possessions – A Personal Story*; www.Technorati.com), she describes that struggle and is very disturbed that her 22-year-old son is exhibiting these traits as well. It seems these victims might provide valuable insight needed to track the evolution of the disorder and its responses to different treatments at earlier stages of the problem.

Investigating and Prosecuting Animal Hoarding Cases

Unlike a regular hoarder, the animal hoarder presents a greater challenge because of the often horrid condition of the animals, which in most states may constitute a felony or misdemeanor for animal cruelty and neglect. It presents more urgent logistical problems: Instead of allowing for a gradual acclimation to the idea of removal, the situation requires the immediate removal of the animals, which can upset the hoarder and render the situation dangerous to law enforcement.



Cat found in raid of Los Angeles hoarder.

Consequently, it is a most unique and difficult crime scene to process. First, the scene is not static. Everything inside is moving as animals are usually uncaged. Second, the hoarder, feeling threatened with losing his or her animals, can become violent and wild: In one spcaLA case, the hoarder had her son load a firearm as officers executed the search warrant. Third, simply navigating through the crime scene is treacherous, slippery, dark, and full of surprises, such as falling objects, giant cobwebs, and traveling rodents. Everything is drenched in urine, feces, and bodily fluids while decomposition odors from dead pets on scene add to the sensory assault.



Dog found in raid of Los Angeles hoarder.

Developing and prosecuting these cases is always a challenge. It is critical to take the veterinary forensics obtained from the animals and the environment and causally link them together to establish a cruelty case and to negate possible defenses. In other words, the more it can be shown that the hoarding environment contributed to the injuries, condition, and suffering of the animals, the less the hoarders can argue that their home was a hospice for sick and unwanted animals received in bad shape.

Entering the premises with a search warrant should be the norm absent a true surprise (such as knocking on a door to check for a license or other complaint and observing the situation). Properly preparing the warrant provides a solid foundation for the case as those who intersect with the hoarder, such as veterinarians, volunteers, neighbors, postal workers, and utility inspectors, will provide the information needed to establish probable cause for the search as well as populate the trial witness list. Additionally, the scope of the search can be iterated, including computers, smartphones etc., and additional agencies or resources needed to assist can be included in the document. (Given the instability of the hoarder, proving valid consent to enter after the fact—rather than using a search warrant—will be difficult.)

Most often, the probable cause statements that provide the basis for the search warrant will describe putrid odors, excessive debris, yowling, barking, screeching sounds, rodent and insect infestations of neighboring homes or units, and descriptions of the hoarder as dirty, smelly, covered in sores and “odd.” These glimpses provide the forensic roadmap to the case as they outline the environment to which the medical conditions of the animals will be connected.

It is necessary to relate the injuries to the husbandry. Therefore, fighting wounds; discharge from eyes, nose, and skin infections; maggots (age them); feces; ammonia burns on paw

pads; long nails; blood; torn ears; matts; worms, parasites, and fleas; malnutrition; anemia; cannibalism, and more, must be documented and analyzed.

Microchips, tags, tattoos, and data from seized computers will help establish the amount of time each animal resided at the site. Well-intentioned neighbors who brought animals to the hoarder for care can assist with establishing length of stay for those animals. Food, water, and the absence thereof; drugs; receipts; and necropsies of carcasses are also critical in deciphering mens rea, care habits, and, if applicable, the basis for additional charges such as possession of controlled substances and/or practicing veterinary medicine without a license. Some animals will have diseases, such as cancer, not caused by the hoarder. The issue there will be failing to provide veterinary treatment and allowing the animal to suffer. This attention to forensic detail is important not only to establish that this environment was harmful, neglectful, and cruel, but to also negate the hoarder's assertion that this same scenario is consistent with non-criminal behavior and proper care of the animals.

Assume that the case will go to trial and that years of parallel civil litigation will ensue. Hoarders love to testify, pronounce their love of all creatures, and accuse the authorities of being “out to get them.”

Hoarders are usually articulate, sympathetic, media savvy, and very convincing witnesses. They portray themselves as rescuers of the lost and hopeless. They remind the court of how awful pounds can be and the certain fate of animals left there for too long. They explain that their animals, living in a herd, have the same usual colds and coughs found in the best animal shelters, and, most important, they often insist that they received the animals in bad condition. They openly bawl that they are running a hospice and no one else in the world cares enough to do that. Hence developing the forensics, establishing time lines, retaining the dead animals, and proving the omission of care are essential to a successful prosecution. One hoarder convicted of felony animal cruelty (sentenced to probation) argued the defense of necessity, in that she was saving 92 cats from euthanasia at the pound. (*People v. Suzanna Savedra Youngblood*, 91 Cal. App. 4766; 109 Cal. Rptr. 2d 776) The court refused to provide an instruction on the defense of necessity: In California, the legislature had specifically found that it was better to have public and private shelters, rather than private citizens, take in animals, and the court said the defendant could not impose her own will and declare “necessity” a public policy.

Finally, defense lawyers will argue that if the animals are fed, there should be no criminal charge at all for abuse or neglect. This was unsuccessfully asserted in a Petaluma cat hoarder case where the prosecutor, pointing to photos of the house and of cats with severe eye infections, retorted: “How can someone let something go so far? How can someone miss that? This is not something that happened overnight and that she was

not aware of.” The irony of course is that failing to perceive, even in the face of dead animals, is a key component of the disorder and is also used as a defense! Again, because jurors are sympathetic to the hoarder and feel their time could be better used on a “serious” case, the forensics must be able to refute the “I fed the cat and he only had one good eye when I got him” defense. Often the theatrics work and the hoarder is acquitted—or not charged at all as in a case in Texas (name not released) where the sheriff did not charge a crime but merely extracted a promise from the hoarder to “seek help.”

Since hoarders often win over juries and can slip out from under animal cruelty charges, it is best to also include all other violations that apply. Doing so provides leverage to negotiate a plea bargain as well as a way to force intervention. Therefore, drug charges; practicing veterinary medicine without a license; consumer fraud; pretending to be a charity; nuisance; and violations of fire hazard codes, building codes, housing codes, hazardous hoarding codes, and health and safety codes may all apply and should be charged. In one Los Angeles case, the jury acquitted on animal cruelty but convicted on excess flies and dirt.

Getting a conviction is just part of the process. Despite the gruesomeness of the evidence, the extensive number of counts charged, the extreme level of suffering endured, convicted hoarders tend to receive very light sentences as it is always assumed that “they meant well,” or “are not well,” or just “oh well.”

A survey of hoarding cases compiled by petabuse.com reveals that probation, restitution, full or partial ban on owning pets, and counseling are the prevailing sentencing choices. If incarceration is imposed, it is usually for a minimal amount of time if not actually suspended. For example:

- Gayle Allison Murad, Ohio, 2011, sentenced to 18 months’ probation and counseling.
- Henry Queen, Pennsylvania, 2011, required to pay a \$400 fine.
- Robin Kitts Pfeifer and her husband, Virginia, 2011, banned from owning animals and required to pay \$3,500 in restitution; her 12-month jail sentence suspended. (Her husband is in the wind with an outstanding warrant.)
- Henry R. Deininger, New Jersey, 2011, banned from owning pets for 5 years and given a \$2,000 fine. (Deininger was charged with hoarding in April 2009 as well.)
- Jennifer Brooks, Virginia, 2011, a reoffender, given a 3-year jail sentence that was suspended in exchange for giving up all but 3 of her pets, undergoing a psychological evaluation, and paying restitution.
- Jennifer Leslie Wood, Iowa, 2011, sentenced to pay \$50 on each of 35 counts and restitution, and banned from owning animals without court permission.
- Ruth Barnett, Ohio, 2011, sentenced to 5 years’ probation, a \$250 fine, and a ban on owning more than 3 animals.

- Steven Hock, New York, 2011, sentenced to 60 days in jail after being convicted of housing 69 cats in a parked U-Haul.
- Laretta Nawaiski, Nevada, 2010, sentenced to 5 days of jail time, 48 hours of community service, and restitution. (She was rearrested after failing to allow inspection in compliance with her sentencing conditions.)

Clearly, these sentences are a “slap on the wrist” considering the gargantuan efforts expended in managing these cases, though they illustrate the inability of the system to address the problem at its roots.

Though the hoarders remain free, often their animal victims are stuck in cages waiting, sometimes years, for the criminal case to resolve. As the criminal justice system and evidence codes were not written in contemplation of live evidence, there is, with all these cases, extensive agita and costs associated with housing and treating these abuse victims.

As hoarders are extremely litigious and will litigate for years, caring for their animals, paying legal fees, and disruptions in operations can burn out animal welfare staff as well as place the assets of a private corporation at risk. This is a primary reason law enforcement doesn’t want to get involved in the first place and is the hoarder’s most successful and effective tactic to discourage prosecution.

Realizing that hoarders have a 99.9 percent recidivism rate is especially disheartening as stopping the cycle appears to be impossible. Absent a support system coupled with constant monitoring, extensive therapy, and in some cases medication, there is no hope. Because intervention usually occurs after everyone who could support the hoarder is gone, it falls to the community and its available resources to deal with the mess. Some communities employ task forces comprised of all the stakeholders, such as adult protective services, spcas, mental health services, clean-up helpers, and, if the facts warrant, legal guardianships to monitor and support the hoarder. As the hoarder often does not admit to needing help and is uncooperative, the community often redirects its limited resources to someone who truly wants help. Most often, the hoarder simply moves to another jurisdiction and continues as before.

The best chance of successful intervention would be at the point where the hoarder just begins tipping over the edge. spcaLA is involved with such a situation at the time of this writing. The cats total about 200. The veterinarians treating some of them have reported the hoarder. The hoarder still has a couple of friends and possesses some awareness that she is in trouble. We are all working to move the cats, clear the home, and secure counseling for the hoarder while she can still perceive the nature of the situation. Unfortunately, this is a rare opportunity. ✪

Animal CSI

By Nancy Blaney, Senior Policy Advisor,
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The initial actions by sheriffs, police officers, and humane law enforcement officers responding to reports of animal abuse/animal fighting or family violence can make the difference between a case that is prosecuted successfully and one that is not. The following checklists (which include elements that can be found in the preceding articles), summarize the essential steps for first responders that will help ensure that abusers are held accountable for their actions.

In an animal cruelty investigation, whether active abuse, animal fighting, neglect, or hoarding:

- Call Animal Control if animals have to be secured and removed and responding sheriffs/officers do not have that capability.
- Include a vet who can conduct the necessary forensic examinations and necropsies.
- Obtain warrants if needed; make sure the warrant covers all buildings; vehicles; and computers, smartphones, and similar devices, especially if animal fighting is involved.
- Preserve the crime scene.
- Collect evidence (e.g., urine or blood soaked materials; fighting-related paraphernalia such as gaffs or dogfighting equipment).
- Take pictures of each animal and the environment, and identify each animal so that the animal can be matched with the photo later.
- Document other aspects of the scene that can't be photographed—sounds, odors, temperature.

- Document other possible violations, such as health or building codes.
- For processing a crime scene involving hoarding, which can present dozens or even hundreds of animals in bad shape and horrid condition, be prepared with proper equipment.
- Animal abuse is often part of a cycle of violence within a home. Ascertain whether the situation also involves spousal, child, or elder abuse by asking questions and observing the environment and behavior.

A family violence investigation, where the victim may be a spouse, child, or elderly family member, can also reveal animal abuse:

- Observe and record whether or not there are animals in the home and their condition.
- If children are present, ask them about their pets as a way to investigate the family situation and ascertain if animal abuse is also present. For example:
 - Do you have a pet?
 - Where is he now? Do you think he is OK?
 - Has anyone ever hurt your pet?

Collect statements at the scene from the victim and other witnesses, including any age-appropriate children who may be present or neighbors who may have heard the incident.

- Collect statements at the scene from the defendant.
- Observe and record the emotional demeanor of the victim and any children.



- Describe and photograph visible injuries to all parties, including pets.
- Document complaints of pain or observation of signs of internal injury of both human and animal victims.
- Take photographs of the scene.
- Preserve recordings of 911 calls.
- Obtain releases for medical records of the victim and treatment records for the victim's pets.
- Document a history of prior acts of domestic violence, including threats or abuse directed toward the victim's pets. Neighbors and family members also may be able to provide critical evidence of the history of an abuser's treatment of the victim's pet in order to defeat a claim that the injury to the pet was by mistake or an accident.

More detailed guidance about crime-scene activities for specific situations (e.g., animal fighting, hoarding) can be found in the articles throughout this issue. ★

RESOURCES

This list is by no means exhaustive, but it does provide excellent starting points for further exploring the many issues and procedures involved in animal cruelty investigations and humane law enforcement, and the links themselves will lead to further resources.

Association of Prosecuting Attorneys

www.apainc.org

On this website can be found a wealth of information, including overviews and case law pertaining to animal cruelty laws in 38 states and the District of Columbia; remaining states are in the works.

Animal Legal Defense Fund

www.aldf.org

The Animal Legal and Historical Center of the Michigan State University College of Law

<http://www.animallaw.info/> and <http://www.animallaw.info/statutes/topicstatutes/sttoac.htm>

Animal Welfare Institute

<http://awionline.org/content/animals-family-violence>

The Humane Society of the U.S.

http://www.humanesociety.org/issues/abuse_neglect/resources_law_enforcement.html

New York State Humane Association

<http://www.nyshumane.org/>

National Animal Control Association

<http://www.nacenet.org/index.html>

NACA makes its training available not only to animal control officers, but to other law enforcement personnel responsible for animal control.

State Humane Association of California

<http://www.californiastatehumane.org/training.htm>

SHAC provides many training opportunities at both a basic level, which covers such topics as animal care, impound procedures, rules of evidence, humane laws, and child abuse; and at an advanced level, which provides an intensive examination of "investigation procedures as they relate to California anti-cruelty and anti-neglect laws."

American Society for the Prevention of Cruelty to Animals

<http://www.aspcapro.org/cops>

For a variety of training opportunities

Morristown Ranch Owner Arrested on 27 Counts of Animal Abuse

Horses on Property Lacked Medical Attention and Food

By Joaquin Enriquez,
Maricopa County
Sheriff's Office,
Arizona



Sheriff Joe Arpaio reported that the Maricopa County Sheriff's Office Animal Crimes Unit has seized ten horses and ponies, three goats and four Chihuahua dogs from a ranch in Morristown, Arizona. The owner of the property, Jesus Torres, 38 (DOB 2/15/75), has been arrested and charged with 27 counts of animal abuse. The neglected horses had protruding ribs for lack of food.

Deputies from the Maricopa County Sheriff's Office were on scene early this morning serving a search warrant on the large property located at 26500 W. Rockaway Hills. Morristown is located in the far west valley between Surprise and Wickenburg. This investigation started when the Sheriff's Office received a complaint this week.

There were a total of 7 horses and 3 ponies on property, along with about 20 goats, chickens, and dogs. Sheriff's detectives responded to the scene with a veterinarian who examined the distressed animals.

Sheriff Arpaio commented: "The horses and goats will go to the Tent City Jail to be taken care of by male inmates. The dogs will go to the First Ave air-conditioned jail, where female inmates will tend to them. The suspect is going to 4th Avenue Jail." 🌟



Raise Your Right Paw! Canine Comfort in the Court

*By David LaBahn, President and CEO,
Association of Prosecuting Attorneys*



Being called as a witness in a criminal case is a traumatic event for almost anyone, including peace officers that are in court hundreds of times per year. Questioning by the criminal defense attorney and prosecutor may go on for hours, and witnesses have little idea what may be asked of them and their lives. This effect is magnified when the witness is a child. Worse yet, what if the child witness was a victim of sexual assault? Just think for a moment about having to describe your last voluntary sexual encounter to a room full of strangers, and by describe, I mean very specific details of the event. A former president commented after being deposed about his sexual encounters that no one should have to do something like that. However, we ask this of crime victims every day in courts throughout the country.

Because of the traumatic nature of sexual victimization, many reforms have been put in place to assist in the interview process and courtroom testimony. Most large jurisdictions and now more medium-sized locations have formed Multi-Disciplinary Interview Centers (MDICs). It has been through these MDICs that therapy dogs have become commonplace. Even when a victim is in a safe and compassionate environ-

ment, the benefits of animals are welcomed and needed. The victim may be disassociating herself from the event or even the outside world or may just need the companionship and empathy a therapy dog can provide while going through the interview and related medical examinations. Moreover, many MDICs report that it isn't just the children who need the therapy dog, it's the professionals as well who listen for hours about the horrors of human cruelty and abuse. They too need a friend to hug, pet, and walk down the hall with them to the next interview.

The latest innovation in the effort to assist in the truthful and accurate testimony of child witnesses is the use of therapy dogs in court. For decades, courts have allowed witnesses, especially children, to have support. This often included a parent, victim advocate, or therapist. Many courts allowed a doll or other object that might provide the witness some comfort while on the stand. As a former child abuse prosecutor, I worked with the court to allow toys in the courtroom, moved the defendant or witness so as to provide comfort and security, and took other reasonable measures to help comfort the witness during difficult testimony. Will the witness be untruthful if he

is holding onto a toy truck? Is she going to lie on the witness stand because the judge let her hold her doll? Of course not. All that is being allowed is a little bit of comfort to assist them and give them a small amount of dignity.

The first jurisdiction to use therapy dogs in court was King County, Washington. Based upon the evidence code allowing the court to control the presentation of evidence to the jury, the prosecutor sought to have the therapy dog present during the child's testimony. This practice has spread throughout the nation from California to New York. However, it has not been without objections from the defense. But this past summer, an appeals court in Brooklyn found that the use of a therapy dog in court was not inherently prejudicial to defendants. The court based its ruling on the precedent of allowing child witnesses to hold teddy bears. Currently, some jurisdictions are advocating for therapy dogs to accompany domestic violence victims to court.

In order to have the therapy dog accompany a witness, a number of practical issues must be addressed. The prosecuting attorney will notify the court of the intent to have the live animal in court with the witness. The court will likely receive an objection from the defense regarding the prejudicial effect of the accompaniment. Once the legal rulings have been heard, and assuming they are overruled, then the practical issues will arise. As court security officers, your professional advice will be needed regarding the movement of the dog to the courtroom, placement in the courtroom, movement of witnesses and jurors while the dog is in place, and ultimately the exit from the courtroom of the therapy dog and witness. One legal issue of significance will be whether or not the jury will be aware of the animal's presence. Some courts have allowed therapy dogs but required that the dog be in place and out of the jurors' view before they are seated to hear the testimony. This will complicate your security issues and may even affect the jurors if one of them happens to be allergic to dogs or has a great

fear of dogs that manifests itself should there be a disruption and the live dog suddenly appear. In the better cases, the court will allow the therapy dog to be present and accompany the witness to the stand in the presence of the jury, thus reducing possible surprises in the courtroom.

In conclusion, the use of dogs in the courtroom is comparatively new and, as with any change to the "normal" method of receiving testimony, requires all involved to change their way of doing business. On behalf of prosecutors in their efforts to see justice served, the changes and extra effort needed to make the witness and therapy dog comfortable – combined with any potential issues raised by the defense – are worth that extra time. The child witness is being asked to speak about something she wishes never happened and must tell the jury in graphic detail what she endured. Having a trusted companion like a therapy dog may make that task just a little easier and help meet the goal of justice in the courtroom. ★



Enforcing Your State Animal Cruelty Laws

By Sherry Ramsey, Esq.



Animal cruelty laws have been on the books for longer than most people realize. It was 1821 when Maine became the first state to enact an animal protection law. But even before that, in 1641 the Puritans of Massachusetts Bay Colony passed “The Bodies of Liberties,” which forbade cruelty to animals [See *David Favre & Vivien Tsang, The Development of Anti-Cruelty Laws During the 1800s, 1993 Det. C.L. Rev. 1 (1993)*, and *Animals and Their Legal Rights: A Survey of American Laws from 1641 to 1990*, Animal Welfare Institute, Washington, D.C., (1990)]. There have been many changes and improvements to those original laws. Today, every state has general animal cruelty laws, as well as laws against animal fighting. All states, with the exception of South Dakota, currently have a general felony animal cruelty law.

This demonstrates just how much society cares about animal welfare. Animal cruelty cases often become high-profile news stories with huge public outcries for justice. People support stronger animal protection laws. Yet even with all the public attention and improvements to the cruelty laws, they are meaningless without aggressive and informed enforcement. That’s where you come in.

Enforcement Problems

In many states, different agencies share enforcement authority regarding animal cruelty laws. Although this can help law enforcement and better protect animals, it can sometimes

cause confusion and problems. Every state is different and many use a combination of police and sheriff’s officers, animal control officers, SPCA officers, or other humane officers to respond to calls and sign complaints. All of these agencies serve a good and useful purpose in enforcing the cruelty statutes and providing animal care, but problems may arise when witnesses to cruelty crimes get shuffled from agency to agency when trying to report a crime. Sometimes law enforcement officers will direct a caller to animal control, where the caller may only hear a recording advising her to call the police. Some officers might even tell callers they do not handle animal complaints -- even though most states require law enforcement to enforce *all* the laws within that state.

This problem can be particularly challenging considering that animal control is seldom a 24-hour service. Likewise, most non-profit humane organizations have limited resources and as a result, may not provide 24-hour, on-call personnel. Further, these agencies may not be trained in the preservation of evidence or other issues that law enforcement officers are trained to understand. Therefore, the role of sheriff and police officers in animal cruelty enforcement is vital.

However, because of the lack of training on the cruelty laws and animal care considerations, officers may feel unqualified or ill-prepared for these situations. Many police academies do not provide any training on enforcing animal cruelty laws, even though all states, but one, have felony cruelty crimes and

every state has a felony dog fighting law. To further exacerbate this problem, in many states the cruelty laws are not even located in the penal code but are housed in agriculture or other sections of the law, which not only make these laws even less familiar to law enforcement, but also may send an incorrect message that they are less serious than other crimes.

However, animal cruelty is a serious and often violent crime that involves victims – whether they are the animals themselves or their human caregivers. Further, given the strong correlation between animal abuse and future violent behavior, preserving a record of these crimes is necessary to serve as a warning to judges, prosecutors, police, probation officers, as well as other agencies involved in overseeing a defendant or helping a victim. Studies by the FBI and others have identified red flags regarding the serious implications animal abuse has for potential violence against humans. For example:

- Animal abusers are five times more likely to commit violent crimes against people
- Animal abusers are four times more likely to commit property crimes
- Animal abusers are three times more likely to have drug or disorderly conduct offenses

[www.mspca.org/programs/crueltyprevention/animalcrueltyinformation/cruelty-to-animals-and-other-crimes.pdf. See also: A. Arluke, J. Levin, C. Luke, and F. Ascione, *The Relationship of Animal Abuse to Violence and Other Forms of Antisocial Behavior*, *Journal of Interpersonal Violence*, 14(9):963-975 (1999).]

Therefore, charges of animal cruelty should seldom, if ever, be eligible for pretrial intervention programs, nor should they be dismissed as part of a plea agreement in which the defendant pleads guilty to something other than animal cruelty. These crimes should be aggressively enforced, charged and prosecuted in order to fully protect the animals and the community.

For more information on this subject, go to The U.S. Department of Justice website: <https://ojpdiagnosticcenter.org/blog/implications-and-risks-animal-cruelty-and-how-criminal-justice-community-can-help>

Understanding The Laws

Law enforcement officers can also face challenges in interpreting the laws, which can make charging these crimes more difficult. In addition to actual exemptions to certain laws, some animals receive more protection than others, so it is imperative to fully understand your laws in order to successfully enforce them. There are some fundamental points that must be understood in order to correctly charge these crimes as well. Here are some key questions to ask:

How does your state define the word “animal”? Those listed within that definition are most likely the only creatures covered under your state animal cruelty laws.

Are there some animals that get more protection under your state laws? In some states, companion animals are provided greater protection than other animals.

Are there exemptions for certain practices or for any specific animals? If so, are those exemptions blanket exemptions or are there qualifying terms that must be satisfied?

How does your state law differentiate between a misdemeanor and a felony? Some states differentiate by the type of animal (companion animal versus non-companion animal). Some states look to the state of mind of the defendant [malicious intent versus a crime of neglect]. Some states look to the degree of injury to the animal. Much like state assault laws do.

Some states use a combination of all of these factors. Understanding the answers to these questions is imperative to correctly understanding the laws. Review, print, and keep a copy of the animal cruelty and fighting laws on hand so you can refer to them if needed.

Dealing with Exemptions and Regulations

State exemptions to the cruelty laws are usually pretty similar from state to state. For instance, there are often exemptions for legally hunting or for normal food-production practices. Some of these exemptions may be regulated by various state agencies. Dealing with regulations, as well as state statutes, can be confusing. In general, regulations do not trump statutory laws. Accordingly, unless an abusive act against an animal qualifies as an applicable exemption under the code, or the animal in question is specifically not covered under the cruelty laws, the cruel act should be treated as a violation of the cruelty laws. This is true even if specific regulations seem to cover similar acts of abuse as outlined under the cruelty laws. For example, in most states the definition of animal is broad enough to include all animals; therefore, all animals would be protected under the cruelty laws. However, many states exempt legal hunting as set out in their regulations. Someone who is legally and appropriately hunting is thus exempt from the cruelty laws. The question arises when someone is illegally hunting and/or perhaps hunting in a cruel manner. If someone is not, per se, exempted from the cruelty laws because he is hunting illegally or is doing so in a cruel manner, he could then become subject to criminal cruelty charges and hunting violations as well.

Unfortunately, there is often confusion as to whether both can be charged. Clearly, there can be circumstances of obvious cruelty when both criminal violations and regulatory violations are appropriate. This is true for other crimes, as well as

animal cruelty crimes. Consider, for example, someone illegally hunting with an illegal weapon. He could be charged under both criminal weapons violations and hunting violations. Both violations could be appropriate. Likewise with animal cruelty, since the hunting violations do not represent the cruel act to the animal but rather a violation of state hunting regulations, it is reasonable to conclude that charges under both the hunting regulations and the cruelty laws could be appropriate. A Wisconsin case where defendants cruelly killed deer was appropriately charged as cruelty to animals, even though the defendants argued that they were hunting. They were ultimately charged with cruelty to animals *and* cited for hunting violations. The defendants were ultimately convicted of animal cruelty and other violations and sentenced to jail. Accordingly, it is important to review the exemptions in your code to understand their meaning. Most exemptions relate to a specific practice, which is expected to be conducted legally and within the norm of such practices. If that is not the case, there may not be an exemption to the act, and as such you can consider a charge under the animal cruelty laws.

Investigating The Case

As with all cases, it is important to investigate and fully document the crime. Good reports are important to allow the prosecutor to follow up as needed. Pictures are one of the most important and valuable pieces of evidence in cruelty cases. This is for a very obvious reason: your victim cannot testify. Pictures taken of the animals and their surroundings may be enough to prove a case. If at all possible, you should take pictures of the animals before they leave the scene. Show their living conditions as well, especially in neglect cases. If the water and food bowls are empty, photograph those. Photograph anything that shows a cruel living environment for the animal. Note in your report what you see, hear and smell so that if you are called to testify at trial, your testimony will be consistent with your report.

If there are a lot of animals, make sure you differentiate between the animals by assigning a number or name to each and if possible photographing a card with that information alongside the animal. This will help justify each charge of cruelty and make it clear which animal is the focus of each charge. Make sure you mention within your police report that pictures were taken and list everyone who was on the scene at the time of the arrest or seizure. This will help the prosecutor put together a strong case.

Remember that the veterinarian will likely be the expert witness in the case, so make sure that you ask her to fully document and photograph her findings as well. Depending on her specific findings, there may be additional charges. If the animal is dead, the veterinarian should conduct a necropsy to determine how the animal died. Even if an animal has been dead for a long time, the veterinarian may still be able to provide you with important information that will help you prove the charges. Remember, the body of the animal is evidence and should be treated as such.

TIPS: REPORTS:

- Full names and addresses of parties and witnesses
- Description of crime or allegation
- Full description of the animal(s) involved by name, color, size, or number
- Descriptions of all other surroundings such as empty bowls, fowl smells, dangerous conditions, and sounds made by the animals
- Names and badge numbers of all law enforcement officers, ACO's, humane officers and witnesses on the scene
- Take pictures!

PICTURES:

- All pictures should be signed and dated on the back of the pictures, or that information should be contained within the report, noting the person who took the pictures
- The pictures should always be noted in police or humane officer report and turned over in discovery
- Before and after pictures are great evidence. If possible, get pictures after the animal has recovered

VETERINARIAN

- Make sure the vet who examines the animal victim fully documents her findings. Remember that vets are not usually trained in providing reports or testifying at trial so tell them what you need
- Ask for specific findings and conclusions
- Ask for an opinion for the causes of injuries or death, if known
- Ask for pictures of injuries once they are cleaned up
- Ask for a detailed timeline for old and new injuries and scars
- *Necropsy Examination and Findings*

CONCLUSIONS SHOULD INCLUDE:

- Survival period
- *Estimated time of death*
- *Primary cause of morbidity/mortality*
- *Contributory causes of death*
- *Additional conclusions*

Types of Crimes and Charging Them

Most state cruelty laws contain crimes of both commission and omission, and yet these elements are often not adequately defined. Officers who handle these cases would agree that many of the most severe crimes are of extreme neglect, such as failing to provide food, water and shelter, but those may have lighter penalties under some state criminal laws. However, all state cruelty codes include neglect crimes and these often

horrific crimes should be dealt with as seriously as your law allows. Using a *torture* type charge, if your state has one, might allow you to upgrade a neglect charge to a felony for extreme neglect, depending on your specific laws.

When it comes to charging these crimes, you should treat them like any other crime. For example, if a person vandalized 20 different cars or burglarized 20 different homes, you would likely charge 20 counts for those different crimes. The same should be true with regard to animal cruelty. Generally, there should be at least one charge for each animal abused. In some cases, there may be more than one charge that is applicable. For example, if an animal is abused and then abandoned, there might be two separate counts for that one animal, depending on how your state laws are constructed. Consider other applicable charges as you would with any other crime. Crimes that might be applicable depending on the cruelty crime include:

- Burglary
- Weapons
- Trespassing
- Dv/Violation Of Restraining Order
- Arson
- Harassment
- Theft

Treat these crimes like any other crime and charge accordingly. Another factor to keep in mind is that humane officers may be limited to charging only animal cruelty crimes, so you may need to add additional penal code charges as appropriate.

Seizing Animals In Cruelty Cases and Animals as Evidence

When animals are in danger and cruelty is present, animals should be seized in order to provide appropriate care, protection from further harm and continued cruelty, as well as to preserve and document the evidence. There are several ways that animals, which are considered property in every state, can be legally seized.

- They can be seized pursuant to a valid warrant,
- Through a voluntary surrender,
- If the animals have been abandoned,
- Or, as evidence of a crime just - as you would any other evidence of a crime.

In some circumstances, they can be seized under the doctrine of exigent circumstances as well as the plain view doctrine. If an officer observes a crime of animal cruelty in plain view, and he is legally on the property, he can charge the defendant and seize the animal as evidence. Or in emergent cases, many courts have recognized the exigent circumstances seizure of animals when they are in imminent danger without a warrant. When possible, a warrant is of course the best way to ensure that your seizure will be upheld in court if challenged.

Remember that generally if animals are seized, charges should be filed to substantiate the crime and the reason for the seizure. Alternatively, if charges are filed, the animals should be seized, or at a minimum impounded on the property as a result of the charges. If not, you can be sure that the defense will argue that the conditions did not rise to a criminal level of cruelty; otherwise, how could the officers have left the animals in such a cruel and criminal situation?

Although animals are considered property, they are a different and special kind of property. Laws in every state give animals the right *not* to be treated cruelly. Even animals that are not “owned” by someone are protected under our cruelty laws. That is not true of other forms of property. So the property interest that a defendant may have in his animals does not trump the statutory laws to protect them. Therefore as property, animals can be seized like any other property taken to preserve evidence of a crime. However, because they are sentient creatures with laws to protect them, animals must also be protected from continued crimes against them by legally seizing them whenever they are in a cruel situation. Many states have cost of care bond provisions that may help encourage voluntary forfeiture of the animals after the seizure or at least help to expedite the case.

Juvenile Crime

A large percentage of animal cruelty is committed by juveniles. Recognition of the high incidence of animal abuse in the history of many of the most violent juvenile offenders is important to understand. As numerous examples have demonstrated, animal abuse by juveniles should be recognized as a serious threat of future violence and therefore, handled as a serious crime. Many serial killers, including Ted Bundy and David Berkowitz, tortured animals as juveniles. [M. Muscari, *Juvenile Animal Abuse: Practice and Policy Implications for PNPs*, *Journal of Pediatric Health Care*, 18(1): 15-21 (2004)]. Albert Desalvo, “the Boston Strangler,” reportedly trapped animals in crates and shot them with a bow and arrows. Carroll Cole, the serial killer known as the “Barfly Strangler,” used to choke the family dog unconscious [Phil Chalmers, *Inside the Mind of a Teen Killer*, 140 (Thomas Nelson 2009)]. The list goes on and on.

Of the nine school shootings between 1996 and 1999, approximately half of the shooters had *known* histories of animal cruelty [S. Verlinden, M. Herson, and J. Thomas, *Risk Factors in School Shootings*, *Clinical Psychology Review*, 29(1): 3-56 (2000) at 44]. This statistic alone should be enough to draw serious concern. Kip Kinkel opened fire in a high school, killing two students and injuring eight others. He also killed both of his parents. Kinkel had reportedly bragged to peers about torturing animals and neighborhood children reported that Kip beheaded cats. (Chuck Green, *Torturing Animals Bodes Ill*, *Denver Post*, May 24, 1998, at B-01). Likewise, in probably the most well-known school shooting at Columbine

High School in 1999, Eric Harris and Dylan Klebold were also alleged to have engaged in animal mutilation prior to the school murders (Community Policing Dispatch, *Domestic Violence and Animal Abuse: A Multidisciplinary Approach in Illinois*, (Community Oriented Policing Service/U.S. Dept. of Justice, Wash., D.C.), Vol. 3, Issue 3, March 2010, <http://cops.usdoj.gov/html/dispatch/>

March_2010/domestic_violence.htm]. The examples of juveniles starting out with animal abuse and moving on to humans are too numerous to mention here, but there are several books and articles that have detailed them. Accordingly, cruelty cases perpetuated by juveniles should be charged and taken seriously.

To read more on juveniles and crimes of animal cruelty, visit:
my.ncjfcj.org/resource/publications/Today/spring2010_web.pdf

Domestic Violence and Other Family Violence

As we all saw during the tragedy of Hurricane Katrina, many people will not leave their homes without their beloved animals, even when their own lives are at stake. Likewise with domestic violence and other family violence situations, the threat, or use, of violence against family pets may prevent victims from leaving their homes even when they are in danger. These crimes are often violent and horrific acts of cruelty used to manipulate a victim. This author prosecuted a number of domestic abuse cases that included violence against pets, such as setting pets on fire, throwing them off balconies, and beating or killing them in front of children. There are also cases of child abuse and elder abuse where the threat to a beloved pet has been used to intimidate a victim.

Victims of domestic violence in particular are often left in a position of deciding whether to stay in an abusive and often dangerous situation, or to go but leave behind their beloved pets. Victims know that leaving them behind puts their pets at even greater risk of abuse once the human victim is gone. Animals are often used to punish, or take revenge against a victim. In the past twenty years, research has firmly established a significant link between domestic violence and animal abuse. Multiple studies have found that as many as 71 percent of battered women reported that their pets had been threatened, harmed, and or killed by their partners. (Ascione, Weber, & Wood, 1997; Flynn, 2000; Loring & Bolden-Hines, 2004). Up to 48 percent of battered women admitted they delayed leaving a dangerous situation out of concern for their pets' safety. (Faver & Strand, 2003). These high numbers explain why taking this seriously is so important.

States have recognized that including animals in restraining orders is an important tool in protecting domestic violence victims. Many states have passed laws to ensure that victims can include their animals in restraining orders. Numerous

other states have bills pending. Check your state laws to see if your state has such a law.

However, even without a specific provision, a judge may allow the animals to be included in a restraining order if requested, just as he might do with other property. It is important for officers involved in these cases to ask the victim if there are animals in danger so that they can be considered in these orders of protection. In addition, including animals on a restraining order can authorize law enforcement to assist the victim in retrieving a beloved pet left behind at the residence during flight. Absent this protection, victims may attempt to return to the residence alone to retrieve or care for their animals, placing themselves in danger of encountering the abuser. Understanding how to address animal abuse can protect both animals and human victims.

To read more on animal cruelty and domestic violence, please visit:
my.ncjfcj.org/resource/publications/Today/spring2010_web.pdf

Your Role In Sentencing

Stay involved in these cases. Let the prosecutor know that you would like to be informed of any plea discussions or sentencing hearings. Prosecutors, as well as law enforcement, are often not trained in handling these sometimes difficult cases. Be a voice for pushing these cases and for serious sentencing. It is important for prosecutors not to dismiss the cruelty charge in lieu of a different charge. This author often found that defendants were willing to plead to almost anything rather than an animal cruelty charge. Prosecutors may be tempted to allow such a plea, but for the reasons previously discussed, it is necessary to keep those charges on the record as well as to provide justice for the abused animal. Make sure that the prosecutor asks the judge to forfeit the animal at issue and any other animals that the defendant has in his care or custody. Request a bar on future ownership of animals as long as the court or your laws will allow. If that is not a likely result, ask for unannounced inspections to ensure that the animals are being cared for appropriately. Also, you should request restitution to repay shelters or veterinarians who have provided care for the animals pending the disposition of the case. Most importantly push for a serious sentence that includes incarceration and a ban on future animal ownership. Treat animal cruelty cases like the serious and often violent crimes they are. Remember, effective enforcement of the animal cruelty laws is an important component to community safety. 🐾

For more resources go to:

www.humanesociety.org/justice
www.humanesociety.org/lawenforcement

Puppy Mill BUST!

By Sheriff John Ingram, Brunswick County, North Carolina



On the afternoon of August 3, 2012, Brunswick County Sheriff's Office, along with a team of puppy mill experts from the Humane Society of the United States, executed a search warrant at a residence in Leland, NC that would later be described as one of the worst puppy mills in NC history. The warrant was obtained after an extensive investigation that was initiated as a result of an anonymous tip.

During the search, 158 canines and 29 exotic birds were found in deplorable conditions both inside a double wide trailer, which at the time of the search warrant had no electricity, and outside in fifteen kennels.

The Humane Society of the US, along with their rescue teams, set up triage stations and tended to the animals, many of which were severely dehydrated, malnourished, and visibly physically neglected.

Amelia and Andrew Mills of Wilmington later plead guilty to Misdemeanor Cruelty to Animals and were sentenced to 3 years supervised probation and were forbidden to own animals ever again.

All of the animals were surrendered to the Brunswick County Sheriff's Office Animal Protective Services and were later placed through various rescue groups throughout North Carolina. 🐾





Photos credits: Tara Lynn, InBetween the Blinks Photography (Raleigh, NC)

Do The Right Thing, Adopt Don't Shop!



By Kim Sill, Former Animal Activist
and Forever Animal Advocate



It was only a few years ago that I spent an entire year protesting pet shops that sold mass-produced puppies. I created interesting signs and pamphlets to enlighten unsuspecting consumers that would approach me outside these pet shops.

My goal was to inform the public on where those cute puppies in the window came from.

A puppy mill is a facility that produces puppies for resale through pet shops and online websites. The mothers and fathers of those cute puppies are used for breeding until they can no longer breed anymore. Most of these breeder dogs never walk on grass or ever know the loving hand of a human. More than fifty percent of the puppies sold at these pet shops are likely to develop genetic defects due to poor breeding practices, lack of early vetting and poor nutrition.

How could it be that in such an informed society as ours that we still allow for this type of inhumane treatment of animals? How could it be possible in America that someone like me





There have been thousands of rewarding and memorable moments during our time at Shelter Hope. The best for me is when a disabled marine called me and asked if I could help him rehome his dog. He was currently living out of his car and in between jobs. He had suffered a severe brain injury during his time in Iraq. His dog had helped him get through the recovery but now he wanted a better life for his best friend and when he went to the shelter they told him that his beloved pet would be euthanized that day if he left her there. After all, he would be turning over ownership to them, they were full, so that meant that legally they could put her to sleep at the end of the day. I held back the tears as he told me the story and I asked if he could bring the dog to the shop so I could meet the two of them. He showed up with a friend who had given him a ride and an eighty pound one year old mastiff shep puppy. I hadn't thought to ask him about the size of the dog even though we usually only kept small and medium dogs at the shop. He was bonded with his friend but the minute she was introduced to the other dogs she became a playful partner and part of a new pack. He asked that I would send him information on her new parents and if possible could he visit her? I had been in animal rights for 12 years and thought I had experienced the gamut of emotions for the many horrific acts that humans put on animals. I had never felt what I was feeling as this man stood in front of me. I knew that from that moment on, one of the

could be labeled a terrorist for standing outside a pet shop and asking people to please adopt a rescue pet?

Once I realized that I couldn't beat them by protesting I decided to join them and open my own shop and I called it The Shelter Hope Pet Shop. After many meetings and lots of volunteer help I opened the Shelter Hope Pet Shop on November 17th 2011 at The Janss MarketPlace in Thousand Oaks California. I met with the mall owners and asked if they could donate the space for the shop since they had a few vacancies. They were willing as long as we could guarantee liability insurance and pay utilities. The only other condition was to make ourselves part of the marketing family at Janss and to show the space to any possible paying tenants.

For the first three months we showed the space a lot and in all press written about us we called ourselves a pop up shop in the event we got rented then we would pop up someplace else in the mall.

missions for Shelter Hope would forever be to help those war veterans that had given themselves for our nation and to make sure that we helped them with their animals. We found a loving family for that marine's dog and started a program for senior citizens and military people. We select several dogs a month that can be sponsored by us, or the community and we pay the adoption fee for the senior's or military's new pet.

We have survived the many challenges that we faced with this untried pet shop model and two years later we have rehomed over six hundred dogs.

Still counting and still faced with challenges we fight the battle to help America see shelter pets in a safe friendly place and where adopting is the only option! ✨



Minni's Story

By Lieutenant Pamela Schmitt, Corporal G. Jennings, St. Charles Parish, Louisiana

The horse was pulled from the backyard of a family in Ama located in our parish. Her residence was in a "S" curve on River Road. It is a dangerous curve, so most people pay attention to the road not the house or the pasture to the back of the curve. The complainant advised it caught her eye as she drove past and started looking for it more and more. She finally got a chance to pull to the side of the road and sent me a cell phone photo of the horse. She advised she had heard that we (SCSO) had an animal cruelty division.

She advised us of the location and Cpl. Jennings, Dy Shawn Palmisano and I responded to the scene and took immediate custody of Minni. Upon our arrival we observed there was

nothing but shrubs, bitterroot and sticks left in the pasture where this horse was being kept. The owner was arrested after he advised that he figured the horse could "go root for food on its' own."

The St. Charles Animal Shelter cared for the horse and provided vet care. As soon as the owner plead guilty the horse was turned over to them at which time the Humane Society of Louisiana stepped up and fostered Minnie and rehabbed. We understand the horse has been recently adopted and moved to Tylertown, Mississippi. 🌟

