

SHERIFF & DEPUTY

2019 Special Issue: Animal Cruelty

THE "LINK" AND LAW ENFORCEMENT

**CRIMES AGAINST ANIMALS
ARE CRIMES AGAINST PEOPLE**

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- The Day America Realized There is a Big Cat Crisis pg10
- Evidence in Animal Cruelty Cases: What Prosecutors Want pg14
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THE “LINK” AND LAW ENFORCEMENT:

CRIMES AGAINST ANIMALS

ARE CRIMES AGAINST PEOPLE

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CRIMES AGAINST ANIMALS ARE CRIMES AGAINST OUR COMMUNITIES

Addressing animal cruelty is just one of the ways we ensure that we are fulfilling our duties to keep our communities safe

Sheriff John Layton
2018-2019 NSA President

My wife Laurie and I adopted our dog, Nellie, after hurricane Katrina hit Louisiana. Her previous owner had both abused and neglected her in her first year of life. Nellie somehow broke free from her chain that was attached to a tree in her keeper's backyard and was hit by a car in front of the house. According to witnesses, the so-called keeper dragged her into the backyard, only to chain her up again with an obvious left-front leg seriously injured—no treatment whatsoever. Nellie stayed chained at that location for several days, often crying in pain until neighbors had enough and called law enforcement. When police arrived, they not only found her leg completely mangled, but the chain around her neck had been so tight, all the hair was rubbed off and left her bloody. Her owner was arrested, and Nellie went to an animal clinic for evaluation.

The local FOX affiliate in New Orleans, WVUE 8, picked up the story and ran features on Nellie, including the arrest and ultimate conviction of her owner. An anonymous individual arrived at the clinic where Nellie was being cared for and wrote a blank check for any and all medical care asking the veterinarian to just “please save her leg.” Although she endured multiple surgeries on the leg and shoulder, gangrene had set in before the rescue itself and her leg could not be saved.

Hurricane Katrina had ravaged New Orleans at the time, and the area was inundated with homeless animals like Nellie. Even though WVUE had run stories on Nellie's great progress and wonderful prognosis, she was not adopted. Indianapolis-based LUV A DOG Rescues and Adoptions made the

trip to New Orleans and picked up 17 dogs to bring to Indiana in hopes of adoption. Nellie was in that group, and were we ever happy! In searching for another rescue to give a home after the loss of our previous dog, Lucky, who was a puppy mill survivor, Laurie saw the photos of Nellie—happy, healthy, and jumping in the air with only three legs—and she fell in love. Laurie didn't ask me about adopting Nellie, she *told* me, “That's the girl we're going to get!” And we did—immediately!

It was truly love at first sight, and Nellie is such a happy tripod now. She is pampered and special to all that meet her, but especially to Laurie and me. Nellie is 9-years-old now, and her arthritis is setting in, as we were told it would, but medication and lots of love help offset the pain and hardship.

I've spent 45 years with the Marion County (Indiana) Sheriff's Office. The sheriff's role is to protect and serve the community in which he or she resides, and while many times we get bogged down handling “human” cases, we cannot overlook the seriousness of crimes against the animals in our communities.

Research has shown that animal cruelty doesn't happen in a vacuum. These crimes are often happening concurrently with other acts of violence, like domestic violence, child and elder abuse, assault, and even homicide. By addressing animal cruelty in our communities, we are also addressing other possible safety concerns and preventing future acts of violence. But that shouldn't be the only reason we take these crimes seriously. We need to perceive the animals themselves as victims, not just collateral damage.



The National Sheriffs' Association has resources out there to help through its National Law Enforcement Center on Animal Abuse (NLECAA). The Center was designed to be a clearinghouse for law enforcement officers to go to when they're faced with the oftentimes unfamiliar territory of an animal cruelty case. NLECAA has the resources and connections to assist law enforcement agencies across the country, regardless of the issue—whether it's an overt act of animal cruelty, a case of animal fighting, or an instance of neglect or improper care of an animal.

This special issue of *Sheriff & Deputy* is devoted to helping you, as a law enforcement officer, recognize and respond to animal cruelty in your communities. Every state has a law, or set of laws, addressing animal cruelty, and it's our responsibility as a law enforcement officer to enforce those laws, regardless of the victim's species. 🌟

Sheriff John Layton
Marion County, Indiana



THE CHANGING LANDSCAPE OF ANIMAL CRUELTY

John Thompson

Executive Director, National Animal Care & Control Association

Five years ago we devoted a significant portion of an issue of *Deputy & Court Officer* magazine to animal cruelty, which we called “Animal Cruelty: Hidden Crimes, Voiceless Victims.” We had no idea how this would be received; we knew only that there were problems that needed to be addressed, information that needed to be shared, and things that needed to be said.

The response was more positive than I could have hoped for or imagined. For many readers, it was an introduction—and an eye-opening one at that—to such topics as the “Link” between animal abuse and other violent behavior, including juvenile crime; tips for investigating cockfighting and for securing animal cruelty crimes scenes; and dealing with hoarders, among others. That publication turned into a valuable resource and has been requested again and again for use in training.

The landscape has changed enough since 2013 to warrant turning an entire issue of *Sheriff & Deputy* over to that topic. Many of the changes have definitely been for the better. There is much greater awareness of the connection between violence towards animals and violence towards people, and that is coupled with a greater sensitivity to the changing perception of animals in society. Two significant decisions reflect this shift in thinking both within society and within our profession. First, in 2014 the Federal Bureau of Investigation (FBI) agreed to add animal cruelty as a separate category under the National Incident Based Reporting System. And, second, as one of his first official acts as NSA president for 2018–2019, Marion County (Indiana) Sher-

iff John Layton created an Animal Cruelty Committee, a first for NSA. In doing so, President Layton said, “With the continued problems facing law enforcement across the country in reference to animal cruelty and animal-related incidents, along with a recent publication from the Joint Counterterrorism Assessment Team on the Link between animal abuse and terrorism, I am appointing a committee to look into the needs and concerns of our sheriffs across the country in handling this issue. Law enforcement needs a unified voice to address animal cruelty, and this committee accomplishes that. No other law enforcement organization includes animal cruelty in its wheelhouse.”

That high-level committee expands NSA’s commitment to ensuring that the country’s law enforcement community has the best knowledge and resources at its disposal. NSA also houses the National Law Enforcement Center on Animal Abuse (NLECCA), whose mission is to bring greater awareness to, and understanding by, our nation’s law enforcement officers about the oftentimes misunderstood nature of animal abuse crimes and their link to violence against humans.

NLECCA was established to provide law enforcement officers information on the realities of animal abuse and to promote their proactive involvement in the enforcement of anticruelty laws in their communities. Through partners, NLECCA serves as an information clearinghouse and forum for law enforcement on the growing problem of animal abuse and its link to other types of crimes, including violence against humans.

Another critical element of NLECCA’s mission is improving officers’ situational

awareness when it comes to encounters with dogs. This is an area that, over the last few years, has surfaced as a major problem for officers, pet owners, and communities. Sixty-eight percent of American households have at least one pet, and over 70 percent of those owners have at least one dog. Responding to cruelty calls is thus likely not to be the only time law enforcement comes into contact with animals, especially dogs. The lack of appropriate training in responding to these situations—whether a report of a “dangerous dog” or simply being prepared for the possibility of a dog encounter in the course of other duties, such as executing search warrants—has resulted in officers responding with unnecessary lethal force, families suffering heartbreaking losses, and communities facing expensive lawsuits.

In the last five years, the partnerships among law enforcement, prosecutors, animal control, the veterinary community, and animal advocates has become stronger and accomplished much in promoting a greater understanding of animal cruelty and holding animal abusers accountable for their crimes. But there is more to do. We hope that this new publication will help deepen both our understanding of this problem and our commitment to ending it. 🌟

John Thompson



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THE “LINK” AND LAW ENFORCEMENT: CRIMES AGAINST ANIMALS ARE CRIMES AGAINST PEOPLE

By Phil Arkow



In February 2017, a family member called police in Point Pleasant, New Jersey, alleging that Gregory Lepsky, 20, had stabbed the family's dog because he believed it to be unclean according to his devout Muslim faith. Investigators allegedly found a pressure-cooker bomb, ISIS materials, and incriminating emails indicating a plot to wreak havoc in New York City. Lepsky reportedly told investigators his only regret was trying to kill the dog because otherwise law enforcement would not have thwarted his bombing plot.

In earlier times, police might have ignored the call, claiming it was “just a dog” or turning the case over to animal control officers,

many of whom are neither empowered nor adequately trained in crime scene investigation procedures.

Extensive evidence, however, confirms that acts of animal maltreatment are also crimes affecting public safety. The area where crimes against animals intersect with crimes against people, especially domestic violence, child abuse, and elder abuse, is called the “Link.” Many law enforcement agencies are responding with a newfound enthusiasm to protect all vulnerable members of families—including those with four legs.

The roots of the “Link” run deep, tracing back hundreds of years to philosophical beliefs that children who abuse animals may

become violent adults. This age-old concept has been expanded with increased evidence that pets and livestock are harmed or threatened in domestic violence situations to demonstrate power and control over human victims and keep them from escaping. The Link is an issue in Adult Protective Services (APS) as well. Animal abuse is now widely seen as a red flag that other crimes may be occurring, or will occur in the future.

The evidence

Animal abuse linked with other crimes:

- 35 percent of search warrants for animal abuse or dog fighting resulted in seizures of narcotics and/or weapons.

- 82 percent of animal abuse offenders had priors for battery, weapons, or narcotics offenses; 23 percent had subsequent arrests for felonies.
- 88 percent of animal cruelty offenders were male; 56 percent were between ages 18–34, frequently gang members who also dealt in narcotics and weapons.
- 70 percent of animal abusers also had records for crimes of violence, drugs, or social disorder.
- Animal abuse is a better predictor of sexual assault than are previous convictions for homicide, arson, or weapons offenses. Animal cruelty offenders average four different crimes. 100 percent of sexual homicide offenders reported having been cruel to animals.
- Ownership of vicious dogs has been linked to increased convictions for domestic violence, narcotics offenses, child abuse, and substance abuse.
- 21 to 46 percent of serial killers, and almost 90 percent of sadistic serial killers, abused animals in their youth.
- 43 percent of school shooters have histories of abusing, killing, or torturing animals.
- As many as 31 percent of teenagers report they have attended a dogfight.
- The Joint Counterterrorism Assessment Team (JCAT), comprised of the FBI, Department of Homeland Security, and National Counterterrorism Center, determined in July 2018 that premeditated animal cruelty is a possible warning sign for terrorism.

Child abuse linked with animal abuse

Anthropologist Margaret Mead wrote that the worst thing that can happen to a child is to kill or torture an animal—and get away with it.

- Studies report that between 3 and 44 percent of children abuse animals during their childhood.
- Children who abuse animals are 2 to 3 times more likely to have been abused themselves.
- Animal cruelty is one of the earliest symptoms of conduct disorder,

showing up in children as young as 6.5 years old.

- Childhood witnessing of animal cruelty results in significantly greater risk of adolescent or adult interpersonal violence.
- Youths who bully others—or who have been bullied—are at increased risk for committing animal abuse.
- Animal abuse was found in 88 percent of homes where there was also physical child abuse.

Domestic violence linked with animal abuse

Ninety-nine percent of pet owners consider pets “companions” or “members of the family.” In most homes, the woman is the pets’ caregiver. Abusers exploit these deep emotional attachments through coercive control by threatening or harming the pets as warnings of what will follow next.

- Pet abuse is one of the four greatest risk factors for someone becoming a domestic violence abuser.
- 71 percent of abused women reported their pets had been harmed, killed, or threatened to control and intimidate them.
- 25 to 40 percent of abused women delayed seeking safety out of fear for what would happen to their animals.
- Domestic violence homicides decreased 80 percent after a crisis line identified threats to animals, access to weapons, and suicide threats as key risk factors.
- 41 percent of intimate partner violence offenders had histories of animal cruelty.
- Batterers who also abuse animals are more dangerous and use more forms of controlling and violent behaviors.
- 76 percent of victims whose partners abused pets had been strangled; 26 percent were forced to have sex with the suspect. 80 percent feared they would be killed by the suspect.

Elder abuse linked with animal abuse

Memory loss, economic constraints, limited transportation, and physical frailties may cause older owners to neglect their pets’ care

or neglect their own needs in order to care for their animals.

- More than 1/3 of APS caseworkers reported their clients’ pets were threatened, injured, killed, or denied care. Seventy-five percent said clients’ concerns for pets affected their decisions to accept interventions.
- 92 percent of caseworkers encountered animal neglect co-existing with clients’ inability to care for themselves.
- Animal hoarders are often elderly, isolated women, subjecting themselves and their animals to toxic and unsafe environments.

Responses

Findings such as these have prompted state and federal lawmakers, local programs, prosecutors, and law enforcement agencies to increase the priority for investigating animal cruelty as a way to prevent escalating crimes against people. Major responses include:

- **Felony laws:** All 50 states classify some forms of animal abuse as felonies (compared with only 5 states in 1992). Dogfighting is now a federal felony.
- **Racketeering:** 10 states can charge animal fighting under RICO racketeering statutes, due to the organized crime, human trafficking, narcotics, weapons, and gambling prevalent at staged animal combats.
- **Bestiality:** 45 states outlaw animal sexual abuse, which is frequently linked with child pornography. In 24 states, offenders are placed on the “Megan’s Law” registry of sex offenders.
- **FBI involvement:** To gather data on the incidence of animal abuse, the FBI has added four crimes against animals to the National Incident Based Reporting System (NIBRS): simple neglect or gross neglect (animal hoarding); physical abuse; organized abuse (animal fighting); and animal sexual abuse.
- **Enhanced prosecution:** Dozens of prosecutors and law enforcement agencies have specialized animal crimes units to handle the increased volume of what are highly complex



cases. 145 law schools offer animal law curricula. Over 200 veterinarians have been trained in the new field of veterinary forensics, applying CSI techniques to build better cases against animal cruelty offenders.

- **Protecting pets of domestic violence victims:** Courts in 32 states can include pets in protection-from-abuse orders. Over 110 domestic violence shelters allow pets to accompany the rest of the family, and hundreds more have foster care arrangements with local animal groups. In nine states an act of animal abuse intended to intimidate a partner may be charged as domestic violence as well as animal cruelty. Three states allow courts resolving divorce settlements to award custody of pets in the animals' best interests.
- **Improved understanding of animal abusers:** The FBI's Behavioral Analysis Unit recently compiled the most comprehensive study to date of the many motivations causing people to

abuse animals. A pattern of general deviance—in which animal cruelty is part of a broader constellation of antisocial activities—is a more common factor than an escalation hypothesis, in which killing animals is an introductory steppingstone for people seeking increasingly more intense thrills.

- **Greater community awareness:** Local multidisciplinary Link coalitions are emerging across the country. The National Link Coalition has published the first national directory identifying who investigates animal, domestic, child, and elder abuse for each county in the U.S. Police, prosecutors, domestic violence, humane, and animal control agencies in Milwaukee are collaborating in the *spotabuse.org* campaign to reduce domestic violence by having the public report animal abuse to 911.

Responses such as these, with full support of law enforcement and prosecutors, are encouraging signs that crimes

against animals are being taken seriously and recognized not only for the harm they cause to animals, but also for their adverse and often deadly impact upon people. The JCAT anti-terrorism warning encourages first responders, animal control, animal shelters, social services, veterinarians, peers, neighbors, and family members to report suspected animal cruelty to authorities for further vetting. "Their participation becomes a force multiplier and may assist communities and law enforcement with identifying, assessing and managing threats of planned violence while promoting public safety," they announced.

Law enforcement is recognizing that animal cruelty is not only a crime in its own right, but also a highly potential red flag. If we fail to heed this important warning sign, more senseless tragedies will occur. ★

Phil Arkow is coordinator of the National Link Coalition – the National Resource Center on the "Link" between animal abuse and human violence (www.nationallinkcoalition.org) and editor of its free monthly LINK-Letter.

TRAINING POLICE OFFICERS TO IDENTIFY ANIMAL CRUELTY CRIMES

By Kitty Block

When the George County (Mississippi) Sheriff's Office received a report about a property that could be housing a dogfighting operation, they knew exactly what to do. Deputy Lisa Finlay, who had just completed a course with the Humane Society of the United States' Law Enforcement Training Center, went to the scene where she found extremely scarred dogs on heavy chains. Deputy Finlay called Chief Matt Barnett of the Wiggins (Mississippi) Police Department, a trainer for the law enforcement training center, who arrived with animal control Officer Melanie Rowe.

Together, the three worked through the night to document the scene and to secure resources for the dogs who appeared hungry and thirsty. Chief Barnett reflected upon the look of relief in the eyes of one of the pups as he offered her what was likely her first sip of fresh water in a long time.

Our men and women in blue are often the first to learn of crimes against animals, and for that reason we need to equip them with the tools to recognize and address the crime of animal cruelty when they see it. That's why the Humane Society of the U.S. created the Law Enforcement Training Center, which provides free education and training throughout the country for police officers responsible for the investigation and documentation of animal crimes.

In 2017 alone, the center hosted more than 80 seminars, training nearly 4,000 officers across the U.S. We are grateful for our training partnership with the National Sheriffs' Association, which created a clearinghouse for information on animal cruelty, and the National Law Enforcement Center on Animal Abuse (NLECAA), for its focus on encouraging greater awareness and understanding of animal cruelty and its link to interpersonal violence on the part of law enforcement officers.

"Most of the time [these crimes] aren't happening in a vacuum," says Chelsea Rider, director of NLECAA. "Many cases of animal cruelty, including animal fighting,



happen concurrently with things like domestic violence, child abuse, illegal gambling, and drugs or weapons violations. Our goal is to equip law enforcement with the information and resources they need to successfully handle animal cruelty in their communities."

In the George County rescue, in addition to dogfighting paraphernalia, officers at the site, including the Southeast Mississippi Narcotics Task Force, seized large amounts of illegal drugs and firearms.

The rescue occurred on the heels of a tremendous legislative victory for Mississippi victims of dogfighting. Earlier this year, our animal cruelty campaign worked with rescues, shelters, and law enforcement agencies in pursuit of an upgrade to the state's dogfighting law, and George County Sheriff Keith Harvard offered his voice in support of this effort. In April, Mississippi Gov. Phil Bryant signed into law a bill that increased maximum penalties and made it a felony to manufacture, possess, buy, or sell animal fighting paraphernalia.

The bill also included an important requirement that individuals charged with animal fighting pay the cost of caring for their dogs while they are held in crimi-



nal cases (a significant financial burden historically placed on enforcement agencies, nonprofit rescue groups, and taxpayers).

Deputy Finlay credits the Law Enforcement Training Center for her understanding of what to look for when she arrived at that house—she had taken the class just last month and says the case was a textbook example of the lessons taught.

The animals rescued from the property now rest easy without threat of being forced to fight to the death, and the person who appears responsible for their suffering faces charges that reflect the severity of his crimes. This is exactly the kind of outcome that our law enforcement trainings seek to ensure.

For more information and to schedule a training at your agency, please contact Law Enforcement Outreach Director Ashley Mauceri, at 240-449-0853 or amauceri@humanesociety.org. 🌟

Kitty Block is President and CEO of the Humane Society of the United States.

This article first appeared on Kitty Block's blog, A Humane Nation.

THE DAY AMERICA REALIZED THERE IS A BIG CAT CRISIS

By Sheriff Matthew Lutz and Jennifer Leon

The incident

It happened October 18, 2011. What started out like any other Tuesday quickly became one of those days in law enforcement that I will never forget for the rest of my life. All these years later, what we had to do that day to maintain public safety still affects my deputies and me.

Local Zanesville, Ohio resident Terry Thompson, owner of a private wild animal preserve on his property, had unlocked and opened the cages of most of his wild animals and then committed suicide by a self-inflicted gunshot wound to the head.

It was around 5:15 p.m. with the sun starting to sink when a report of wild animals running loose on Thompson's farm came into my office. At that time, I was in my third year as the sheriff of Muskingum County. Our office had 110 employees. We're the fifth largest county in Ohio at 680 square miles. My job that day, as the lead of the office, was to make the decisions about our response.

Thompson, 61, had recently been released from prison after serving one year on federal weapons charges. He had been cited in the past for animal abuse and neglect. He had been warned repeatedly over the previous decade to get his animals under control. In April of 2005, he was arrested for cruelty and torture of cattle and bison on his property.

I had been to Thompson's property numerous times before. He was a guy who kept to himself but was always willing to push the envelope. I knew he and his wife had lions and tigers and other dangerous, wild animals on their farm, but I had no idea of the vast numbers.

We were very, very, very lucky that Thompson's neighbor was home that afternoon and looked out her kitchen window noticing a tiger and bear in the field. She immediately realized they were loose. If she hadn't been home, I don't even want to put a number on how much worse the incident could have been.



When my first deputies arrived on scene at the Thompson property, they witnessed numerous tigers, lions, bears, and other ferocious animals wandering loose. It was unknown how many animals Thompson kept on the property or how much of a head start they had, but we did know we only had about 90 minutes of daylight left. The deputies reported to me what they were seeing at the farm and I had to give the difficult order: Put down any animal already off the property or close to leaving the property.

It was a heart-wrenching decision to shoot those beautiful animals, but I knew there was no way we could have those types of animals loose in the night in our neighborhoods. We feared the animals would scatter and terrorize Zanesville residents or even cause fatalities, so my officers began dispatching the wildlife with their rifles. About 10 of my deputies from the SWAT team rode in the back of two pickup trucks, while another 10 patrolled the perimeter. We canceled school for the next day for the two districts because the last thing we wanted was kids standing at a bus stop with these animals potentially at large.

When I arrived at Thompson's place, I saw the animals were on the move and showing signs of leaving the property. During the

hunt to locate all of the animals, highway patrol officers cordoned off several roads in the area. It's difficult to convey what an insane night it was. There were 300-pound Bengal tigers that we had to put down. During the chaos, an escaped lion killed a monkey, and bears and lions were charging at horses at Thompson's farm.

When the carnage was over, 48 animals were killed that day: 18 tigers, 17 lions, eight bears, three mountain lions, and two wolves.

Reflections after the carnage

The events that day put a worldwide spotlight on Zanesville and our actions as my deputies had to kill 38 big cats and 10 other loose, wild animals. When I review all of the facts, it's amazing nobody was hurt. If we had not done what we did and those animals had injured or killed someone, the criticism, stress, and trauma would've been 1,000 times worse.

We talk about how lucky we were for the neighbor's phone call that day. This incident would have not only affected our county; it would've affected other counties because those animals can travel great distances in short periods of time. Dozens of predatory big cats and other wild animals at-large, going in all different directions as night was falling. It could have truly been a nightmare.

Law enforcement and other first responders don't go through training for this, and taxpayers pay the cost when big cats escape or otherwise jeopardize the community. We have many hunters in our agency, but you're never trained to shoot exotic animals and have to deal with situations like this. The incident put a lot of needless stress on our community and our officers. It was also a financial burden on our law enforcement agency. While rounding up all of the animals luckily did not drag out over multiple days or weeks, there was still an extra \$8,000 in overtime costs.

We don't go into this line of work to deal with exotic animals. No Ohio sheriff has any deputies carrying around tranquilizing guns. The training requirements for law enforcement are immense and intense and require numerous situations we must prepare for, but rounding up dangerous captive wild animals in somebody's backyard is a situation we shouldn't have to know how to do.

When my officers had to confront these massive beautiful exotic animals they were used to seeing only in a zoo or on television, and had to actually put a scope on that animal to put it down, it leaves an effect. Add to that the hundreds of phone calls that came into our dispatch center from people around the world upset and cussing us out because we killed the big cats and other animals; it was very stressful for everyone in my office. Hearing the news reports and reading newspaper articles full of criticism of our handling of the animals caused a lot of distress and trauma to our folks.

What disturbs me the most is the senselessness of what happened. This incident should never have occurred. It's my professional and personal opinion that it is not worth the risk to public safety to allow individuals to keep these dangerous, predatory animals penned up in cages. Nobody should be able to accumulate exotic animals on his or her property. The question isn't if this could happen again. The question is: When and where will it be?

The solution

Private citizens should not own big cats like tigers and lions. It is completely unnecessary that sheriffs, deputies, and other first responders could be confronted with dangerous big



cats while doing their jobs. Zanesville could happen anywhere in the U.S. An estimated 10,000 to 20,000 big cats are owned as pets or maintained in ill-equipped roadside zoos and traveling exhibits in the U.S. These predators pose a serious risk to public safety and law enforcement.

The probability of dangerous big cats escaping is low, but when it does happen, it creates an extremely high-risk situation. Cats possessed by private owners are frequently housed in dilapidated cages that are unlikely to hold and contain them during natural disasters such as hurricanes, earthquakes, and tornadoes. Law enforcement officers and the public would needlessly be put at risk when such disasters strike.

I'm proud that Ohio took the initiative to turn this tragedy into something positive by passing a law to force private owners of big cats to come into compliance. I've said numerous times in my 29 years that our primary job is to make our community the safest place we can to work, live, and raise a family. Having these creatures in our community unsafely puts families, deputies, and police officers at risk. If an officer is responding to a call at a home, and they go into the home to see what's wrong, and there's a tiger or a lion living in that home, that is a huge and needless risk to public safety.

The private ownership of big cats in America is a problem that requires a federal solution. Federal legislation—the Big Cat

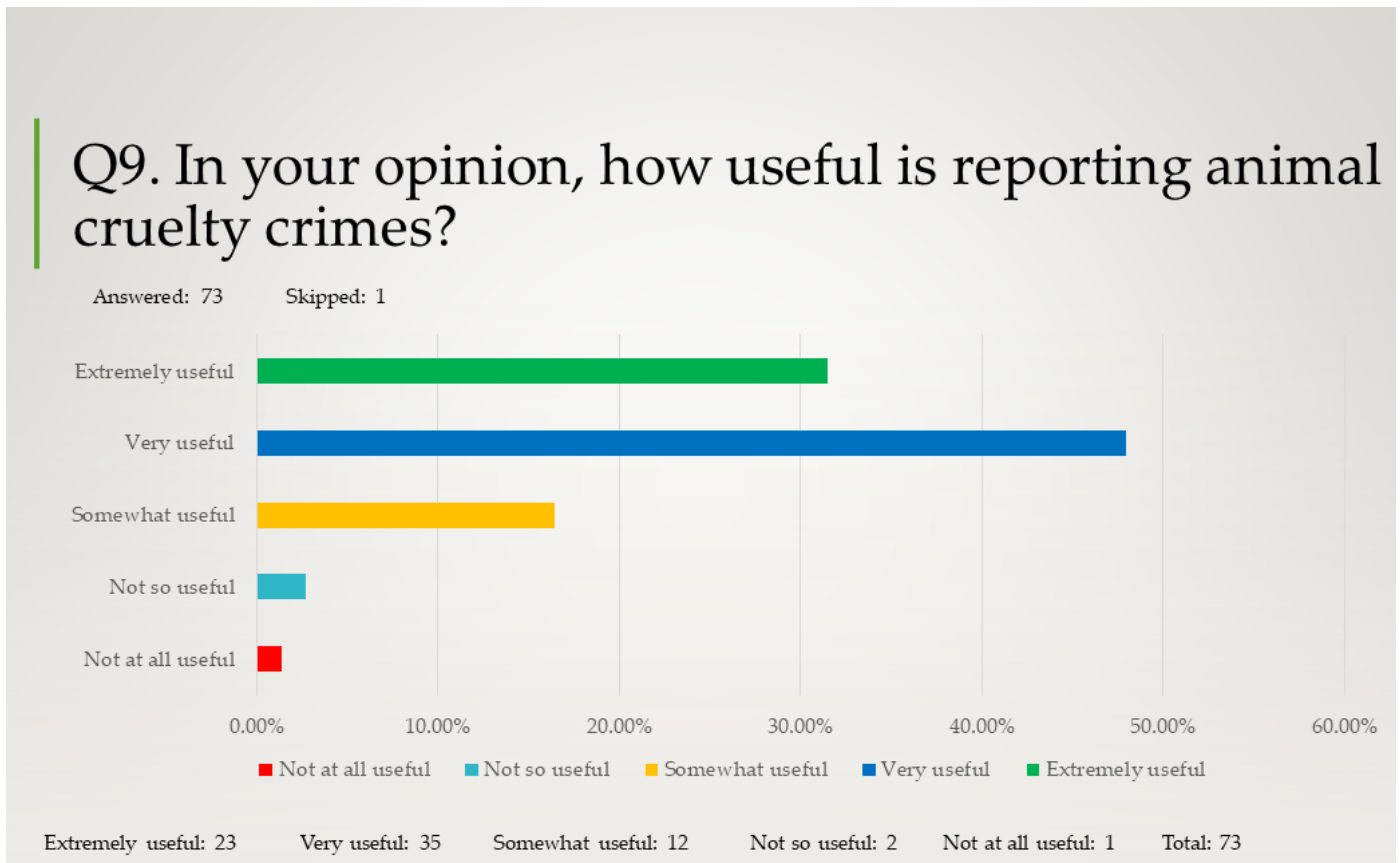
Public Safety Act (H 1818 / S 2990)—has been introduced in the U.S. House and Senate. This bill will basically expand what we've done in Ohio to the rest of the states. It's a common sense and urgently needed bipartisan solution to the problem of dangerous big cats kept in unsafe circumstances. The bill amends the Captive Wildlife Safety Act to prohibit most breeding and phase out the private possession of lions, tigers, and other big cats. It is narrowly focused on privately owned big cats and includes exemptions for zoos, sanctuaries, universities, and traveling circuses. Current owners of big cats are grandfathered in and simply required to register their animals with the USDA.

Many individuals and groups involved in law enforcement and animal control have endorsed the Big Cat Public Safety Act, including myself. You and your office can help end this unnecessary danger to law enforcement by submitting letters endorsing this crucial bill that will ensure big cats live only in secure facilities that can properly provide for them and do not diminish public safety or waste law enforcement resources. 🐾

Matthew Lutz is sheriff of Muskingum County, Ohio. Jennifer Leon is Director of Outreach for Big Cat Rescue. For information about the Big Cat Public Safety Act or to submit an endorsement from your office, contact her at jennifer.leon@bigcatrescue.org or visit www.bigcatrescue.org/lawenforcement.

NIBRS NEEDS BOTH LAW ENFORCEMENT AND ANIMAL CONTROL OFFICERS

By Mary Lou Randour, Ph.D.



Moving to National Incident Based Reporting System (NIBRS)

The Federal Bureau of Investigation (FBI) is making a concerted effort to encourage law enforcement agencies to move from the summary-based reporting system to the National Incident Based Reporting System (NIBRS). The FBI's goal is to achieve 100 percent compliance by 2020. As of this date, there are 6,998 law enforcement agencies reporting NIBRS, or 42 percent of the total.

States report that they are moving toward meeting that goal. Virginia has stated that it expects to be fully compliant with the national program by early 2019. New York also is actively moving toward NIBRS compliance. According to Office of Criminal

Justice Records, New York State Division of Criminal Justice Services (DCJS) Director, Adam Dean: "The technical work at the State level to actually accept and send NIBRS compliant data is expected to be completed by Spring 2019. While DCJS does not have control over local's participation in NIBRS, we do know that many of our agency's Records Management Vendors are starting to modify their systems for the collection and transmission of the new NYSIBR (New York State Incident Based Reporting System) data elements to DCJS." Moreover, in preparation Florida is examining its animal cruelty laws to see how they apply to the animal cruelty coding in NIBRS.

NIBRS, according to the FBI "will improve the detail and overall quality of crime data, which will help law enforcement and communities around the county use resources more strategically and effectively." Specifically NIBRS will provide more detailed information about a crime, including its circumstances and context, aspects of each event, such as location, time of day, and whether an incident was cleared.

How the addition of animal cruelty to NIBRS is unique

Law enforcement agencies need to be brought on board whenever there is a change or addition to NIBRS. The system depends on their "buy in" and full participation. To

that end, the FBI has assigned personnel to get the word out to law enforcement to facilitate the addition of animal cruelty crimes; the point person as Criminal Justice Information Services (CJIS), FBI is Amanda Shaffer.

The approval to add animal cruelty crimes to NIBRS in September, 2016 presented a unique challenge. Animal cruelty is defined by the FBI as “Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment. Included are instances of duty to provide care, e.g., shelter, food, water, care if sick or injured; transporting or confining an animal in a manner likely to cause injury or death; causing an animal to fight with another; inflicting excessive or repeated unnecessary pain or suffering, e.g., uses objects to beat or injure an animal. This definition does not include proper maintenance of animals for show or sport; use of animals for food, lawful hunting, fishing or trapping.”

For NIBRS, the FBI breaks this definition down into four different categories:

A = Simple/gross neglect: the failure of a person to provide for the needs of an animal (lack of food, water, shelter, grooming, or veterinary care)

I = Intentional abuse and torture: the intentional act of harming an animal

F = Organized abuse: dogfighting and cockfighting

S = Animal sexual abuse

Animal service agencies are often the first responders to animal cruelty incidents, yet current estimates are that only about 50 percent of them are in law enforcement agencies (LEAs) and LEAs are the only bodies that can submit NIBRS data. Clearly, animal cruelty crime data collected under NIBRS will not be accurate without the participation of animal control officers (ACOs). Those animal service agencies not associated with a law enforcement will have to arrange to transmit their data through an appropriate LEA.

To facilitate this partnership between ACOs/humane law enforcement (HLE) and LEAs in the reporting of animal cruelty crimes, we have worked with the FBI to develop the *NIBRS User Manual for Animal*



Animal Welfare Institute

www.awionline.org

Control Officers and Humane Law Enforcement. Training on use of the NIBRS manual has been offered at various state and national conferences and an e-learning video is being developed which will be available to any group that trains animal control or HLE.

The sheriffs' take on animal cruelty crimes

In August 2018, the National Sheriffs' Association sent out a survey to sheriffs to determine their knowledge of, and attitudes toward, the inclusion of animal cruelty crimes in NIBRS.

Although the response rate was lower than hoped for (3.5 percent of the approx. 2,400 emails sent), the results were encouraging. As can be seen in the chart below approx. 79 percent of those responding thought that reporting animal cruelty crimes was either extremely useful or very useful.

Resources available for reporting animal cruelty crimes in NIBRS

As mentioned earlier, there is an ongoing effort to train ACOs and HLE on their

role in reporting to NIBRS. Law enforcement have a number of resources right in the National Sheriffs' Association. Visiting the National Law Enforcement Center on Animal Abuse is a must—sheriffs will find a number of resources, including training videos, webinars, and other useful information at www.sheriffs.org/nlecaa. If you have any questions about or ideas for implementation of, animal cruelty into NIBRS, feel free to contact Dr. Mary Lou Randour at marylou@awionline.org. 🌟

Mary Lou Randour has a Ph.D. from the University of Maryland, received a NIMH Postdoctoral Fellowship, was a clinical fellow in Psychology at Cambridge Hospital, Harvard Medical School, and is an adjunct professor in Psychiatry at The Uniformed Services University of the Health Sciences. She currently serves as Senior Advisor of Animal Cruelty Programs and Training for the Animal Welfare Institute.

EVIDENCE IN ANIMAL CRUELTY CASES: WHAT PROSECUTORS WANT

By Randall Lockwood, Ph.D.

The last decade has seen increasing interest in investigating and prosecuting crimes against animals. This has been fueled by a general strengthening of animal cruelty laws and the inclusion of felony penalties in such laws in every state. This interest has also been elevated by greater understanding of the “Link” between animal cruelty and interpersonal violence and the emergence of the field of veterinary forensic sciences. However, not all animal cruelty cases are prosecuted and some prosecutions do not result in a successful outcome. To better understand what factors influence the decision to bring a cruelty case to trial and what affects the outcome, we surveyed 200 prosecuting attorneys nationwide via an online poll from a list provided by the Association of Prosecuting Attorneys.

Over half (52 percent) reported that prosecution of animal cruelty cases was considered “essential” or “high priority” in their offices. Most (85 percent) had prosecuted a criminal neglect or hoarding case in the last five years, 79 percent had taken on intentional abuse or torture cases, 31 percent had prosecuted animal fighting and 21 percent had prosecuted animal sexual assault. Forty-four percent reported that they had prosecuted animal-related cases that also involved intimate partner violence or child or elder abuse, reinforcing the importance of training on the “Link.” Over half (52 percent) had animal cruelty cases where there were additional charges related to drugs, illegal weapons, gambling, or gang-related crimes.

Although the investigation of animal cruelty can involve application of recent advances in forensic science such as DNA analysis, entomology, computer, and telecommunication forensics or tracking of financial transactions, prosecutors tended to rely on the tried-and-true basics of criminal investigation in deciding which cases to pursue and what evidence to present. When asked to identify the importance of various forms



Detailed cruelty case reports are key to successful prosecution.

of evidence from crimes scenes in animal cruelty cases, 82 percent mentioned pictures of the scene, 76 percent said photographs of the animals in situ, 72 percent noted law enforcement reports, and 66 percent identified eyewitness reports as significant. Evidence from the animal victims was also of vital importance. Thorough, clear documentation of the medical condition of the animals was identified as important by 76 percent of prosecutors, with many specifically seeking clear commentary by veterinarians on the degree of pain or suffering the animal may have endured. In addition, 68 percent noted the importance of high quality photographs of the victim with attention to overall condition as well as close-up details and radiographs of any injuries.

This survey confirms that good documentation of the scene and the condition of the animals, both in writing and in photographs, is essential to building a successful case. Prosecutors gave high marks

to the quality of veterinary reports and photographs they are now receiving, with nearly 87 percent rating them as good to excellent and only 7 percent rating veterinary evidence as fair or poor. There is still room for improvement. This is even more important in the case of investigators (law enforcement and animal care and control), with almost 21 percent considering the evidence provided by these professionals to be only poor to fair.

Report writing and evidence photography are key skills that can be easily taught. As professionals who respond to crimes against animals become even more adept at documenting the stories of animals that may have suffered or died, we are likely to see even more prosecutors willing and able to bring the perpetrators of such crimes to justice. 🌟

Randall Lockwood, Ph.D., is senior vice president/ Anti-Cruelty Special Projects American Society for the Prevention of Cruelty to Animals.

ANIMAL CRUELTY & FIGHTING INVESTIGATIONS TRAINING FOR LAW ENFORCEMENT



Trainers with the Humane Society of the United States' **Law Enforcement Training Center** are current and former law enforcement with expertise in animal cruelty and fighting investigations. Seminars are free and open to law enforcement, animal control, humane investigators, code enforcement, veterinarians and prosecutors. Courses typically qualify for continuing education credit.

Topics to be covered:

- Review of animal fighting and illegal animal cruelty crimes, including relevant local, state and federal laws
- Investigating reports of abuse, from first response to filing charges
- Link between animal crimes and other felonies
- Recognizing and collecting key evidence, writing warrants, statements
- Prosecution considerations

For more information and to schedule a training, please contact:

Ms. Ashley Mauceri, Director, Law Enforcement Outreach
240-449-0853, amauceri@humanesociety.org



**THE HUMANE SOCIETY
OF THE UNITED STATES**



THE ASPCA/NYPD PARTNERSHIP

By Howard Lawrence

Our historic partnership with the New York City Police Department (NYPD) is making a real difference. By leveraging the expertise of the American Society for the Prevention of Cruelty to Animals (ASPCA) and the NYPD, we are working to improve cruelty case response, keep pets and people together, and improve animal welfare. We are doing this through the direct provision of services plus the mentorship of organizations resulting in our ability to better serve pet owners in their communities. The collective expertise and commitment of these two organizations—each more than 150 years old—is essential to realizing the ASPCA's desired outcome of effective law enforcement, pet retention and improved welfare.

In New York City, the ASPCA works to advance the partnership between the ASPCA and NYPD, jointly serving the purpose of preventing animal cruelty and enforcing the laws that protect New York City's most vulnerable animals. The NYPD takes the lead in responding to animal cruelty complaints and enforcing animal cruelty laws, while the ASPCA provides all facets of care for the animal victims seized by the NYPD. To directly assist in this effort, we employ a dedicated team of law enforcement liaisons, legal advocacy attorneys, forensic veterinarians, community engagement specialists, animal behaviorists, and foster and adoption staff.

Training

An essential component underwriting the success of our partnership, now in its 5th year, is training. We work with police academy leadership to address any concerns and training needs and coordinate and facilitate our expert support services to the NYPD, as needed. Our training includes such topics as the law, search and seizure, investigating animal crimes, the domestic violence link, evidence collection and documentation, and forensics. This is made possible through the work of a team of ASPCA law enforcement liaisons, legal advocacy attorneys, investigators, and forensic veterinarians. They train in a variety of settings—both formally and



ASPCA on scene with the NYPD assisting with a multi-animal removal in Queens, September 2108

informally—at the police academy, police officer and supervisor orientations and refresher trainings, leadership training for newly promoted supervisors, and executive development seminars. You will even find them at precinct roll calls before an outgoing platoon is ready to hit the streets. Additionally, we have developed and distributed an important tool for patrol, a “memo book insert” which provides officers an overview of animal related crimes, the class and section of law, and where those crimes reside: the Agriculture and Markets Law, the Penal Law and the Education Law. It also includes proper surrender language and the ASPCA 24-hour hotline.

Response and investigations

Investigating animal crimes, not unlike investigating other human assault and property crimes, is a criminal investigation where the victim cannot speak for themselves. The same investigative steps and techniques apply. The difference is in dealing with a live—or dead—animal as evidence. To work through that challenge, we've taken steps to alleviate that potential obstacle. We have partnered with 24-hour emergency veterinary clinics throughout the city where officers bring an animal and the clinic can “forensically” intake this new case during off hours. We have also established a police-only 24-hour helpline staffed by our liaisons. By

using this hotline, officers have access to our liaisons and attorneys. Our law enforcement liaisons, all former NYPD executives, and our legal advocacy attorneys, former New York City prosecutors, assist the NYPD and federal, state, and local prosecutors in advancing their investigations. They are available around the clock to offer guidance, support, and consultation as needed.

Complaints of animal cruelty in New York City are reported to 311, and 911 for crimes in progress and members of the public are reporting what they see; we are experiencing steadily increasing casework, which include a combination of large-scale animal cruelty cases, hundreds of small-scale cases, and dogfighting and cockfighting cases. The results are impressive. Since its start, the partnership has rescued more than 3,000 animal crime victims, and the NYPD has made nearly 700 arrests, executed more than 60 search warrants, and issued more than 300 summonses for animal cruelty-related offenses.

Specialty squad

In 2014, the NYPD created the Animal Cruelty Investigation Squad—an expert team of hand-picked investigators whom report to the Chief of Detectives—to work with patrol officers and other specialty units to investigate and follow up on animal cruelty complaints. We work daily with this squad and support



Components of ASPCA training for the NYPD

and further their investigations; from the single animal cruelty case to the more sophisticated dogfighting and cockfighting case.

Community engagement

Responding to approximately 10,000 animal cruelty-related 311 calls annually, the NYPD knows there are many cases that may be better handled outside the criminal justice system and they are referring more cases such as those to our community engagement team. This is a critical and necessary outlet for those cases that don't fit neatly into any one category.

Established in 2010, the ASPCA's Community Engagement Program works closely with the NYPD, social service organizations, government agencies, veterinarians, and other animal welfare groups to coordinate services and access to resources that help pet owners to create positive, sustainable change for the entire family. As the NYPD partnership strengthens, the community engagement team is receiving over 100 referrals each year from NYPD officers who respond to reports of animal cruelty but determine supportive services are the appropriate course of action. Other referral sources for this work include internal ASPCA programs, social service organizations, and community events. In 2018, we have opened over 400 cases involving pet owners that

need support to improve the lives of their pets. This support might include assistance with improving living conditions, adequate shelter, access veterinary care, education, behavior consults, etc.

Community policing

The ASPCA, NYPD, and the community are a natural fit. The NYPD Neighborhood Coordination Officer (NCO) program and the ASPCA have a common goal—improving the lives of New York City residents. This common goal is moved forward by the collaborative efforts we have undertaken with the NCOs. We regularly attend precinct community council meetings, district cabinet meeting, Build the Block meetings, community outreach events joining with social service organizations, and National Night Out. In 2018, ASPCA staff and volunteers joined the NYPD in National Night Out events in each of the 5 boroughs.

Highlights

As the ASPCA/NYPD partnership has progressed and matured through the last five years, investigating animal crimes is now a permanent part of policing in New York City. Here are some key markers:

- NYPD Patrol Guide procedure
 - Investigation of animal abuse incorporated into the rules and procedures of the NYPD

The collaboration between the NYPD and ASPCA is like a blockbuster Broadway hit. And just as there is also great theater happening in regional venues around the country, smaller law enforcement agencies from Baltimore to Austin and Las Vegas to Los Angeles have implemented successful anti-cruelty programs. One of the most recent is in El Paso, Texas. The Animal Cruelty Unit was formed in November 2017 and consists of four detectives, a sergeant, and an officer. Two detectives who helped lobby for setting up the unit said that information available on the Animal Welfare Institute's website helped to convince Chief Greg Allen to approve their request. Now, according to Sergeant Sandra Zamudio, the chief is "100 percent behind this unit." The unit has quickly proved its worth. Since its creation, it has made 47 arrests. Most recently, it has undertaken an investigation of animal sexual abuse resulting in charges against two teenage girls. Under Texas' relatively new (September 2017) law, animal sexual abuse is a felony, with a possible sentence of as much as two years, and conviction resulting in potential registration as a sex offender.

- Establishment of the Animal Cruelty Investigation Squad
- Crime Stoppers program
 - Program hotline now includes reward money for tips on animal crimes
- Animal Cruelty Investigation Squad Mobile Command Vehicle
 - Provides investigators a fully function command center to deploy to the scene of an animal cruelty investigation.
- ASPCA 24 hour police-only Helpline 🌟

Howard Lawrence is vice president of Humane Law Enforcement, Community Engagement and Forensic Sciences American Society for the Prevention of Cruelty to Animals.

ANIMAL CRUELTY RESOURCES FOR LAW ENFORCEMENT

For more resources, visit:

<https://www.sheriffs.org/programs/nlecaa-resources>

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

www.aspcanet.org

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Founded in 1866, the **ASPCA® (The American Society for the Prevention of Cruelty to Animals®)** is the first animal welfare organization in North America and serves as the nation's leading voice for animals. The ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States. The ASPCA is a national leader in the areas of anti-cruelty, community outreach and animal health services. It provides training on animal cruelty for law enforcement, veterinary professionals, animal care and control and many others and works closely with local, state and federal law enforcement agencies to assist in responding to animal abuse and neglect.

ANIMAL LEGAL DEFENSE FUND

<https://aldf.org/>

Lora Dunn, Director, Criminal Justice Program

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**ANIMAL LEGAL
DEFENSE FUND**

Our Criminal Justice Program provides the following free legal services to prosecutors, law enforcement, and veterinary professionals:

- **Legal research:** Performing legal research, formulating case strategies, and submitting amicus curiae briefs; providing sample pleadings, research memos, voir dire questions, jury instructions, and briefs on issues relevant to cruelty prosecutions
- **Professional trainings:** Leading accredited training programs for police and animal control officers, prosecutors, judges, and veterinarians specific to animal cruelty cases
- **Grant funding:** Offering grant money to help cover the costs of caring for seized animals, necessary forensic work, and obtaining expert witnesses
- **Expert witnesses:** Securing and funding expert witnesses including veterinarians, animal behaviorists, and experts on organized animal fighting and animal hoarding

ANIMAL WELFARE INSTITUTE

<https://awionline.org/>

Nancy Blaney, Director, Government Affairs

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While AWI's mission is to alleviate suffering of nonhuman animals, the principle followed by AWI of compassion and nonviolence applies to human animals as well as nonhuman animals. The **Animal Welfare Institute** condemns violence directed against all living creatures. There are no exceptions. Thus, we both regard animal cruelty as a violent crime in and of itself, and we recognize and seek to address the relationship between animal cruelty and other forms of violence. Through our Animals and Family Violence program, AWI provides resources to assist survivors of domestic violence and child abuse, juvenile offenders, and others; interacts with entities addressing violence and trauma; and is working with law enforcement communities to ensure robust collection of animal cruelty data for submission to the FBI.

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The **Association of Prosecuting Attorneys (APA)** is a national 501(c)(3) organization headquartered in Washington, D.C.. APA has a staff and international membership comprised of elected and appointed prosecuting attorneys, law enforcement professionals as well as a number of various criminal justice system actors. Working in collaboration with the U.S. Department of Justice, other non-profit organizations, experts on current prosecutorial concerns as well as several universities and colleges, APA provides a forum for productive discourse and the exchange of ideas. In addition they provide a number of valuable services including training, technical assistance, webinars, publications, as well as regional and national conferences.

BIG CAT RESCUE

bigcatrescue.org

Jennifer Leon, Director of Outreach

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Big Cat Rescue is one of the world's largest accredited sanctuaries for big cats, including lions and tigers, mostly rescued from private owners. Our mission is to provide the best home we can for the cats in our care, end abuse of big cats in captivity, and prevent the extinction of big cats in the wild. We work with law enforcement and a network of partners to safely transport and place confiscated exotic cats. An estimated 10,000-20,000 big cats are owned by ill-equipped private individuals and roadside zoos in the United States, posing an unnecessary risk to public safety, law enforcement, and other first responders.

HUMANE SOCIETY OF THE UNITED STATES

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**THE HUMANE SOCIETY
OF THE UNITED STATES**

The **Humane Society of the United States** is a national animal protection organization that fights for all animals by providing hands-on care to more than 100,000 animals each year, and professionalizing the animal protection field through education and training for local organizations.

Through its Law Enforcement Training Center and Humane State programs, every year the HSUS trains thousands of law enforcement officers across the country on how to investigate illegal animal cruelty and fighting. The HSUS also provides law enforcement with a fully equipped response team; the nation's leading experts on animal crimes; a \$5,000 reward for the arrest of animal fighters; and direct care for animals seized in cruelty and fighting cases.

NATIONAL ANIMAL CARE AND CONTROL ASSOCIATION

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**NATIONAL ANIMAL
CARE & CONTROL ASSOCIATION**

The National Animal Care & Control Association (NACA) was formed in 1978 for the express purpose of assisting its members to perform their duties in a professional manner. We believe only carefully selected and properly trained animal control personnel can correct community problems resulting from irresponsible animal ownership. NACA's purpose is to preserve the Human/Animal Bond by insisting on responsible animal ownership.

NATIONAL LAW ENFORCEMENT CENTER ON ANIMAL ABUSE

<https://www.sheriffs.org/nlecaa>

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The **National Law Enforcement Center on Animal Abuse** was established to provide law enforcement officers information on the realities of animal abuse and to promote their proactive involvement in the enforcement of animal abuse laws in their communities. NLECAA serves as an information clearinghouse and forum for law enforcement on the growing problem of animal cruelty.

NATIONAL LINK COALITION

NationalLinkCoalition.org

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NATIONAL LINK COALITION

*Working together to stop violence
against people and animals*

We are the National Resource Center on The Link between Animal Abuse and Human Violence. We publish a free monthly bulletin, The LINK-Letter. We conduct training programs for law enforcement and prosecution personnel; offer free resources and technical assistance; address legislative issues; and collect academic research regarding how animal abuse is Linked with child, domestic and elder abuse and other community crimes.



A DOG IN THE CLOSET

By Jill Hollander, Chief Senior Assistant District Attorney, Fulton County, GA



The cellphone vibration startled Calvin, a 9-month-old Pomeranian, from his slumber on the back of the couch. He wasn't supposed to be up there, but Rachel allowed it when Ed wasn't around. The phone buzzed again, and again, inciting Calvin to jump down from his perch and warn Rachel of its repeated intrusion of his nap. She awoke with a start as the little dog softly barked at her phone. She hadn't intended to fall asleep on the couch, but Ed had been drinking last night and kept her up lobbing accusations about men she worked with, only stopping when he drove her to her waitress job at a 24-hour fast food restaurant and approving of who else was on the shift. She didn't know where he was, until now.

The phone buzzed again. Snapping out of her daze she grabbed the phone and her heart jumped into her throat when she saw the red 19 next to the message icon. She knew what they were without opening them—Ed. He was drunk again. He was angry, accusing her of being with someone

else when she didn't immediately answer his messages. He was on the way.

Panic set in as Rachel evaluated her options. She fished through her pockets to see how much cash she had from today's tips and quickly counted \$27. She had another \$50 stashed in a shoe. That wouldn't get her very far for very long. She couldn't risk leaving Calvin behind to go to her sister's apartment.

She started to dial the restaurant to see if she could come in, maybe she could tell Ed that she had picked up another shift, but that thought failed as soon as she saw the "find my friends" app on her phone. He knew exactly where she was. She opened the app to see how much time she had. He was 4 miles away.

Looking around the apartment she knew there was no escape. She had to hope that he would believe that she was asleep, or if he didn't, that he would be too drunk to do too much damage. She wouldn't take that risk with Calvin, though. Cradling his

tiny body she collected his bed, food, water, and a piddle pad and put him in the closet. She doesn't know how long she'll be at the hospital this time. Kissing his tiny face the image of Ed slamming her first dog, Montey, against the wall and stomping him to death flashed in her mind. "You made me do this!" he yelled at her as she huddled in the corner, helpless to stop him. She turned on the light and closed the closet door whispering a promise to Calvin to always keep him safe. Calvin was an apology gift from Ed after he killed Montey, a promise that he would never hurt her again. She went back to the couch, placing the phone back on the table with 19 unread messages and lying back down.

The neighbor had to call the police again and they came quickly; they know which apartment. The neighbor is a nice man that smiles at her but never says much. His eyes ask why she stays, but he never says more than, "Good morning." Rachel knows better than to speak to him, especially if Ed is

around. She knows the officers by name. The officer that pulled Ed off of her is the same one that came on her birthday. The officer that dragged him to the car is the same one that left his cellphone number when Ed made a scene at the restaurant. The EMT always smells like bubble gum. She tells her

that she needs to be transported for X-rays on her arm. Rachel declines, promising that she will get it looked at on her own. Crime scene comes out and takes pictures. She tells officers what happened, staring at the blue light on their body camera, knowing that one day Ed will see the video. They hand her

a victim's rights pamphlet and remind her that there are resources and shelters she can go to. She thanks them for their time and takes the card with the report number on it. She knows the drill.

The officers leave and she secures the front door and begins to pick up the broken

HEALING TOGETHER: SHELTERING SURVIVORS OF DOMESTIC VIOLENCE WITH THEIR PETS

By Andrew M. Campbell, Campbell Research & Consulting



"He said if I tried to leave, he would kill Sophie, my dog. I knew he was telling the truth—he had hurt her before. If I left it would be a death sentence for her, since I couldn't take her with me." This chilling account from a survivor of domestic violence highlights one of many difficult decisions victims often face when considering leaving a violent relationship. The lack of domestic violence shelters in the United States that accept pets may often force victims to choose between *their own safety and the life of their pet*—a decision that for many, will haunt them for the rest of their lives. *"I can't help wondering what happened to her. That Beagle was my best friend and I had to.....I had to leave her behind to get my kids out. I never saw her again."*

Ninety-five percent of Americans consider their pet as *"part of the family,"* so it's not surprising that so many victims of domestic violence remain in a violent environment to

protect their animal companion. Concern for the safety of these pets is warranted; when a domestic abuser threatens violence against a pet, they *almost always carry it out*. Even more concerning is the fact that if children are members of the household, the abuser will often commit the act of the violence against the animal *in front of the children*.

Most shelters in the U.S. that do currently accept pets often utilize foster systems that allow pets to be temporarily cared for off-site while the rest of the family remains at the shelter. While foster systems help to remove the barrier victim's face of having to leave a pet behind, separation from the pet during this crucial time in shelter (for many, the first steps toward healing) can be a damaging distraction and source of emotional distress for adult survivors, their children, *and the animal itself*. Pets from domestically violent homes may experience significant anxiety

and concern for the well-being of their caregivers when separated from them.

Though few shared-space options for human AND animal survivors of domestic violence currently exist in the United States, organizations such as **Red Rover** and the **Sheltering Animals and Families Together Program (SAF-T)** are working to bridge this gap by assisting shelters in creating pet-friendly environments that allow families to remain together. With a recent survey finding *90 percent of domestic violence victims feel having a "safe place to bring their pet" would make their decision to leave easier*—it is critical that domestic violence shelters across the United States immediately begin to work toward opening their doors to pets.

Survivors of domestic violence often credit the consistency, security, and compassion they received from their pet as being critical in their survival. By the time they reach shelter, these families have been exposed to significant trauma and often experienced prolonged periods of pain. They've stood together, cried together, and survived together. Shouldn't they have the opportunity to *heal together* as well?

For a complete list of pet-friendly domestic violence shelters in your State, check out the Animal Welfare Institute's Safe Haven Mapping project at: <http://awionline.org/content/safe-havens-mapping-project-pets-domestic-violence-victims>.



things Ed threw around the living room. When she's sure all the sharp things are gone she retrieves Calvin from the closet and sits with him on the couch. She sobs as she thinks about what has happened to her future. She knows she deserves better and that she needs to leave before he bonds out, but she has nowhere to go. As she assesses her options the phone rings and a familiar number displays. It's a call from the jail—from Ed. She accepts the call because she knows the consequences if she doesn't.

The above story is an amalgamation of cases prosecuted in Fulton County, Georgia, but it illustrates a common thread that links many domestic violence survivors and their animals. The cycle of violence many survivors find themselves in can be frustrating to law enforcement, and repeated interactions shouldn't be viewed as failures, but additional opportunities to intervene. To effectively do this, we must acknowledge that animals are not merely cherished property; they are family members. Addressing the safety of the animals is essential to a human victim's safety.

Domestic violence survivors, like victims of a hurricane, will not leave their animals behind to fend for themselves and face an uncertain future. For many, there is no healing without the support of their animal, whether that is a common household pet like a dog or a cat, or something more exotic such as a snake, turtle, fish, or bird. Unlike the victims of a hurricane, there is no Facebook groundswell to offer housing,

care, and food. Most communities do not have shelters that welcome victims and their pets and many domestic violence survivors do not have family or friends that can offer them long-term shelter for them and their animals. Apartments and even hotels shun larger or exotic animals and many have breed specific bans that may be arbitrarily enforced. These facts compound the financial constraints many survivors suffer, leaving them in a perceived trap with their abuser.

Similar to those warned to evacuate a hurricane, Rachel's first instinct was to leave, but there was nowhere for her to go. She doesn't have the money on hand to cover more than a night at a hotel and credit cards, like her phone, can be tracked. Leaving a beloved animal behind would mean abandoning them to an uncertain fate at the hands of their abuser as well as leaving behind their support system. This will not be an option for most, and without alternatives many survivors will remain in harms way for lack of options.

Given these facts, there are still ways to reach these victims. The first and most important step is acknowledging not only the cycle of violence many domestic violence cases follow but that animals can be victims as well. Power and control applies not only to words and fists applied against a human, but through hurting or killing something that a human loves. Harming the animal is part of a broader pattern of complicated abuse and serves as a barrier to escape. Chances to intervene may offer themselves with reports of missing or injured animals

just as likely as a call for assistance for physical violence. The question then presents itself, how does a first responder handle a survivor who will not leave because of their companion animal? The answer is knowing your community. In Georgia, the nonprofit Ahimsa House serves as a model for animal shelters. They cover housing, veterinary, and food costs for any type of animal and guarantee reunification. While such a formal organization may not be available in every jurisdiction, it is worth partnering with your local prosecutor and animal services division to compile a list of pet friendly hotels and local charities that can assist in domestic violence situations.

First responders are not expected to be victim advocates or social workers, but having the ability to offer safe alternatives to remaining in a dangerous situation are essential to help survivors. The officers in our case did everything right. They took photographs of Rachel's injuries, obtained a statement recorded on their bodycam, offered her information on safe spaces, and even tried to engage on a personal level. They have provided Prosecutors the tools to remove Ed from the home but only Rachel can remove him from her life. Absent a safety officer or other advocate that can remain on scene and work with survivors, the vast majority of abusers, at least in Fulton County, will make contact with their victims long before they can be offered services by a trained advocate. With that first jail call the cycle restarts itself.

Domestic violence is a blight on our society, one we are unlikely to eradicate, but it can be addressed. Identifying the signs and understanding the underlying motivations of survivors goes a long way towards fighting it. Some solutions are simple, like changing our word choice and referring to people as "survivors" rather than "victims." This empowerment may help someone view themselves in a different light. Offering escape options, whether formal or informal, provides safety and time away from their abuser to establish a safe place and support system. The goal is to break the cycle and keep everyone and everything safe. 🌟

Jill Hollander is the Chief Senior Assistant District Attorney for Fulton County, GA.

SADDLED WITH THE BILL: RESTITUTION FOR SEIZED ANIMALS' COSTS OF CARE

By Kathleen Wood, Esq.



An animal removed from a cruelty situation is typically placed in the care of a local humane society, animal shelter, law enforcement agency, or other caregiving agency. The animal can remain there for months at a time while the owner awaits the adjudication of criminal charges, racking up steep bills for food, shelter, and veterinary care.

In those cases, who foots the bill? Often, the burden falls to the caregiving agency, because animal victims are still considered “seized property” under the law. This article lays out legal mechanisms by which caregiving agencies can recover costs expended caring for seized animals.

Animals don't fit neatly into the “property” category

Under the law, animals are considered property—but the traditional legal structures

for dealing with seized property do not work when applied to animals. Unlike inanimate objects, animals cannot be locked away in evidence storage; by law, as well as by nature, they require food, water, shelter, and even medical care.

Other legal systems—like those in place for wards of the state or for crime victims—would arguably be more appropriate models for dealing with seized animals. Seized animals are comparable to children who are in state custody; both are sentient beings with substantial needs and little legal agency. However, because of their property status, animals are not afforded the same resources and services as children.

Animals who have been subjected to criminal abuse and neglect could feasibly be treated like crime victims. Every state has a crime victim compensation program with funds to aid victims in their recovery and

recoup losses. However, those funds are only available to human crime victims. There are a few states that have established a separate fund for animal victims, sourced by criminal fines paid in animal abuse cases—but those states are a small minority.

As a result, animals can spend months in legal limbo

Despite having been seized, the owner still maintains a property interest in the animal until the animal is forfeited. During that time, the caregiving agency must shoulder the costs of care.

The most efficient way to minimize costs of care is to terminate the owner's property interest prior to final disposition of the case, which could be months or years away. An animal may be surrendered to the caregiving agency at the time of seizure, or (depending on the state) a court might



order forfeiture at a civil hearing within days of the seizure—a mechanism known as “pre-conviction forfeiture.” That way, the caregiving agency could rehabilitate and rehome the animal as quickly as possible, incurring minimal costs.

If the owner retains his or her property interest—that is, if pre-conviction forfeiture does not occur—the animal lives in this unresolved legal state until the case is concluded. The animal remains the legal property of the owner who might also be the defendant, but at the same time is in the lawful possession of the third party who cannot adopt out or sell the animal. The animal remains with the caregiving agency who becomes responsible for providing food, shelter, and veterinary care to the animal.

Those costs of care can quickly add up. In cases of severe neglect or abuse, the animal might require expensive medical care. For instance, if the defendant is an animal hoarder, there may be dozens or even hundreds of animals involved in the seizure.

If the case involves large animals like horses, the cost of regular maintenance is often much greater than that for a dog or cat.

(Almost) every state has a legal option for ordering restitution

The Animal Legal Defense Fund compiles information regarding U.S. states’ animal protection laws into our Annual Rankings Report, granting a bird’s eye view of the states’ restitution laws. With the exception of Kentucky, which only allows restitution for seized horses, every state has created one or more legal mechanisms to allow the caregiving agency to recover incurred costs of the animals’ care.

Those mechanisms vary from state to state, but can generally be sorted into four categories: (1) Securities or bonds, (2) other pre-conviction restitution, (3) restitution at sentencing, and (4) liens.

Securities or bonds

More than thirty states have some procedure in place for a defendant to post a security or

bond for an animal’s costs of care. These procedures vary from state to state. For example, the state may require that the defendant pay the costs of care that are estimated to be necessary for one month. Under this bond mechanism, if the defendant does not post the bond, he or she forfeits ownership rights to the animal. If after thirty days the case is still pending, the defendant will be required to renew the bond. Any unused money at the conclusion of the case will be returned to the defendant.

The logic of this system is that, regardless of who has possession of the animal, the owner still retains a property interest and is therefore responsible for paying for the animal’s necessary expenses. This system can be beneficial by ensuring the caregiving agency has the necessary funds to care for the animal upfront, rather than trying to recover the costs down the road. It can also be a way to ensure that defendants who are financially incapable of caring for an animal are forced to quickly forfeit that animal,

allowing the animal to be rehabilitated and rehomed without the caregiving agency incurring unnecessary costs.

Other pre-conviction restitution

Even if the defendant is not required to post a bond for the costs of care of a seized animal, a caregiving agency may nonetheless be entitled to pre-conviction restitution. A majority of states have some language—however vague—that may entitle a caregiving agency to petition the court for restitution before the disposition of criminal charges. This is generally conducted as a civil hearing, and in some states will be decided during a pre-conviction forfeiture proceeding.

The standard of proof in these hearings can vary widely depending on the state. In several states the petitioner will have to prove by a preponderance of the evidence that the animal's owner violated the animal cruelty statute. In other states, the petitioner will only have to prove that the seizure was justified or based on probable cause. In other states still, the petitioner will merely have to demonstrate that he or she has incurred costs caring for the seized animal.

Restitution as part of sentencing

The vast majority of states either permit or require the court to order restitution upon conviction for animal cruelty. These statutes can be excellent tools to ensure that the caregiving agency is reimbursed for its expenses, and that the defendant has been afforded the full gamut of due process.

However, there are some issues with this approach. First, if the defendant has been charged with other crimes, the animal cruelty charges could be dropped as part of a plea deal. Without that conviction for animal cruelty, the caregiving agency will have little recourse. Similarly, a plea deal may limit convictions to a select number of animal victims. If the law only permits restitution for the animals who are the subject of the conviction, it may effectively prevent the recovery of costs for other animals.

Secondly, in many states the court may exercise discretion in ordering restitution, resulting in inequitable and unpredictable applications of the law. Such discretion might also deter caregiving agencies from taking possession of large numbers of ani-



mals, because they are not guaranteed to be reimbursed for costs of care.

Finally, defendants are not always able to pay the restitution that has steadily been accruing since the first stages of the case. Even if the caregiving agency gets a court order saying it is entitled to restitution, that order might be meaningless. If, on the other hand, the defendant had been required to post a security or bond when the animals were seized, the lack of funds would have been readily apparent and the animals would have been forfeited much earlier.

Liens

In more than half of U.S. states, costs of care constitute a lien on the animal. A lien gives the caregiving agency a legal right to retain possession of the animal until the owner pays back the costs of care. The obvious issue with this approach is that it assumes the animals will be returned to their abuser. If the court orders the animal forfeited, there is no incentive for the owner to pay the lien.

However, in cases where the court finds the animals were, in fact, not cruelly

treated, the lien acts as a remedial measure to reimburse the caregiving agency for costs incurred that would have ordinarily been borne by the owner. In other words, the law assumes that if the animal had remained with the owner rather than being seized, the owner would have paid for shelter, food, and veterinary care. Because someone else (the caregiving agency) was absorbing that cost, it is equitable for the owner to reimburse the caregiving agency for those expenses.

For legal and other support, call the Animal Legal Defense Fund

The Animal Legal Defense Fund has grants to assist with the cost of care for seized animals, and we can also assist with any legal issues that arise during these complicated cases. Every animal—regardless of species, domicile state, or legal status—deserves proper care and their caregivers have a right to compensation. 🌟

Kathleen Wood, Esq. is a fellow of the Animal Legal Defense Fund.

FROM THE BACKYARD TO THE FOOTBALL FIELD: HOW MICHAEL VICK BROUGHT ANIMAL FIGHTING TO THE FOREFRONT AND WHY LAW ENFORCEMENT SHOULD CARE

By Chelsea Rider



In 2006, Atlanta Falcons quarterback Michael Vick was the NFL's highest paid player. In July 2007, he fell from grace when he was indicted and charged under federal law 18 U.S.C. § 371, Conspiracy to Travel in Interstate Commerce in Aid of Unlawful Activities and to Sponsor a Dog in an Animal Fighting Venture. Vick pled guilty and admitted funding Bad Newz Kennels, the name of his dogfighting operation in Surry County, Virginia. He also admitted to knowing about and agreeing to the deaths of 10 to 12 dogs from the operation for underperforming in the fighting ring. The NFL suspended him without pay indefinitely, but he was reinstated in 2009. In September 2007, the State of Virginia also charged Vick with promoting dogfighting under VA Code Ann. § 3.1-796.124 and engaging in the torture, ill-treatment, beating, maiming, mutilation, or killing of animals

under VA Code Ann. § 3.1-796.122(H). Vick pled guilty to one felony count of dogfighting in the state case, to which he was sentenced to a three-year suspended prison term and ordered to pay \$2,500, which was also suspended in exchange for payment of court costs in the amount of \$380.

Vick was sentenced by a federal judge to 23 months in prison, with three years' supervised probation after, during which he could not buy, sell, or own dogs. He was fined \$5,000 and ordered to pay an additional \$928,073 in restitution for the care of the 53 dogs that were rescued from Bad Newz Kennel. Vick served eighteen months in prison at Leavenworth, Kansas, and was released in May 2009 to spend the remaining time at his home in Virginia. Within days of his release, he was reinstated into the NFL and signed a \$1.6 million contract with the Philadelphia Eagles. In 2010, President

Barack Obama praised the NFL's action in giving Vick a second chance, much to the ire of animal welfare advocates.

The Vick case brought dogfighting from the secreted backyard fighting pits to the forefront of the American landscape.



Issues to consider for law enforcement

It's important to understand the secretive nature of the animal fighting world; this can make it difficult to investigate these cases, but it is not impossible.

Due to the number of possible victims in an animal fight, law enforcement needs to be prepared to house, feed, and treat a large number of animals. Working with community veterinarians and shelters or rescues can make this task less daunting.

Lastly, it's important for law enforcement to understand the individual nature of the animals involved. While typically trained to act aggressively, many can be rehabilitated and have successfully thrived in families with children and other animals. Additionally, this aggression is often only exhibited in the pit, or fighting arena. Many fighting animals are act normally towards humans and other animals outside the fight. Some states have previously required the euthanization of fighting animals, but more and more states have recognized the ability of these animals to recover and live normal, happy lives after fighting.

DOGFIGHTING

The ASPCA notes that while many states have their own definition of dogfighting, the crime typically "consists of owning, possessing, keeping, or training dogs with the intent to engage in an exhibition of fighting the dog with another animal for amusement or gain, or permit such acts on premises under one's personal control."

Participants

The **promoter** is responsible for arranging all the details of the fights, referred to as matches. This includes not only supplying the location and supplies, but also overseeing any gambling, as well as securing the scene by either providing on-site security or monitoring local police scanners, or both.

The **handlers** are the individuals responsible for handling the animals during the fights; they may or may not be the animal's actual owner.

The **referees** officiate the matches according to whichever rules are being used. The referees and handlers are the only individuals permitted in the pit during a match.

The **spectators** are those who attend and watch the fights, either for entertainment or gambling purposes. All 50 states and the federal government have laws that specifically address spectators at a dogfight. Significant parts of the Animal Fighting Spectator Prohibition Act were included in the 2014 Farm Bill and included two significant offenses: knowingly attending an animal fight, and knowingly brining a minor to an animal fight. The second offense is subject to higher penalties than the first because of the effects of exposing children to violence at a young age.

The **dogfighters** are those individuals responsible for breeding and training the dogs prior to the fight. They typically fall into one of three categories: organized or professional, hobbyist, or street fighters.

Lastly, and most importantly, are the victims—the **dogs**. The dogs involved in these fights are typically American pit bull terriers. Other breeds may include American Staffordshire terriers or bullmastiffs. However, hobbyists and street fighters may use whatever dogs they have at their disposal without regard to breed or conditioning. It's important to recognize that while these dogs may be aggressive while in the pit, they are typically not aggressive towards people or other dogs outside it. Many former fighting dogs have gone to be well-adapted family and therapy dogs. The movie, *The Champions*, chronicles the "afterlife" of many of Vick's former fighting dogs as they are brought into families to live a normal dog life.

Concurrent criminal offenses

All fifty states and the federal government have offenses that specifically address dogfighting, but it's important to understand that other criminal offenses may be occurring during either the conditioning or match phases of a dogfight.

Common concurrent offenses include animal cruelty in general, gambling offenses, weapons violations, controlled substance violations (manufacturing, possessing, and distributing), and tax or racketeering offenses. Many dogfighters have extensive criminal histories that include charges of assault, drug dealing, theft, and gang activity. Additionally, many

dogfighters have also been found in the possession of child pornography.

COCKFIGHTING

Many facets of cockfighting mirror dogfighting. The number of animals involved in a cockfighting match is typically greater than that of a dogfight, but much of the rest of a match is similar. Cockfighting is illegal in all fifty states. Possession of birds to be used for cockfighting is prohibited in 39 states, and being a spectator is illegal in 43 states. The portions of the federal 2014 Farm Bill Act mentioned previously also applying to cockfighting.

Participants

A cockfighting match has the same participants as a dogfight—a promoter, responsible for arranging the details of the fight; handlers—referred to as pitters in cockfighting), responsible for handling the animals before and during the fight; referees, responsible for officiating the fight; and spectators, there for gambling or entertainment.

The gamecocks used in fighting can be of any variety of domestic chickens, and they are usually outfitted with knives or artificial gaffs (long, sharp, dagger-like objects) that are affixed to the animal's legs over the natural spur, which is often cut down short to allow for the attachment, referred to as *heeling*. They are bred and conditioned specifically to be aggressive.

Concurrent criminal offenses

Like with dogfighting, cockfighting often happens concurrently with other criminal offenses, including homicide, drug violations, gambling offenses, and illegal immigration. Animal cruelty statutes may also apply, depending on whether the statute protects birds; many animal cruelty statutes refer specifically to companion animals versus livestock. Tax evasion and racketeering are also common concurrent offenses. 🌟

Due to the sensitive nature of the investigative procedure for animal fighting, specific information has not been provided, but law enforcement can request more information by emailing animalcruelty@sheriffs.org.

K-9 PARTNERS IN HOT CARS

By Sherry Ramsey, Esq.



We are happy to report some good news since this topic was originally featured in *Sheriff & Deputy*, July/August 2017. As we reported in 2017, there was an alarming number of cases of canine partners dying in hot police vehicles. Although there are still too many of these tragedies, it appears that the number of reported cases of K-9s dying in hot vehicles has dropped significantly from 2017 to 2018. This good news prompted us to provide an update on this topic.

The reduction in K-9 deaths appears, in part to be due to more police departments installing and using heat-alert alarm systems

as further discussed below. However, two of the K-9 deaths which occurred this year were because the alarm systems reportedly failed and in one case because the alarm system had been deactivated. However, these systems have undoubtedly prevented many dogs from dying in hot police cars. Accordingly, it is important for law enforcement departments to seriously consider acquiring and diligently using and maintaining these systems.

K-9 partners

Although K-9 deaths can be caused by equipment malfunction, too often these deaths are caused by negligence on the part

of the handler by leaving the dog in the car unattended. It is important for all officers to be aware of the dangerous conditions for not only K-9 dogs, but for any animal left in a vehicle unattended. Animals left unattended in a vehicle should only be left for a very short amount of time and routinely monitored to ensure the temperature in the vehicle is safe.

As we previously reported in 2017, at least 40 K-9s had died in police vehicles since 2012. That figure was based only on published news reports. Concern over these deaths prompted the previous article to educate officers about this issue in hopes of

Investigating Heat-Related Illness and Death: A Guide for Law Enforcement

Signs of heat-related illness/heat stroke

- Heavy panting, excessive drooling, glazed eyes, rapid pulse, unsteadiness/staggering, bloody vomit, bloody diarrhea or nose bleed, dry, deep red or purple tongue, hemorrhages in the gums or under skin, coma/death.
- A temperature over 104°F.

Providing care to dogs with suspected heat related illness

- Seek veterinary care as soon as possible, even if the dog appears to be improving. While waiting for a veterinarian:
- Move the dog to a cooler area.
- Gradually lower his body temperature by applying cool (not cold) water all over his body or soaking him in a cool bath.
- Place cool, wet towels over the back of the neck and in the armpits, paws, ear flaps and groin area.
- Direct a fan on the wet areas to speed evaporative cooling.
- Offer fresh, cool water if the dog is alert and wants to drink. Do not force him to drink.

Investigation and Documentation

If you suspect heat-related illness, injury or death:

- Take the animal's temperature at the time of contact. Document it with written notes and a photograph.
- Obtain a weather report for the incident date, including the temperature, heat index and humidity.

If the dog was left in a vehicle:

- Immediately document the dog's temperature and the temperature inside the vehicle.
- Document any physical signs of heat stroke (see list above).
- If in public, obtain video surveillance to document how long the dog was left in the car.
- Photograph the condition of the car, including shade, ventilation, etc.
- Look for signs of attempted escape, including claw marks.
- Immediately take the dog to a veterinarian for examination.



If the dog perishes, pursue a full necropsy by a veterinarian:

- Highlight supportive findings, including organ failure and necrosis or internal bleeding.
- If a necropsy isn't possible, document this finding. This happens when the heat is so extreme that the internal organs become necrotic.
- Look for abnormalities in the body's rigidity. Permanent rigidity is unique to heat-related deaths. Dogs also might exhibit rigidity that's more marked than traditional rigor mortis, which remains until the body softens due to decomposition.

In all cases:

- Obtain statements from witnesses.
- Obtain veterinary records.
- Use the totality of the circumstances surrounding the incident to prove that it was heat-related and rule out other causes of death.

Recommended tools:

- Digital thermometer: Use to take the temperature of living or deceased dogs at the time of contact.
- Digital cooking thermometer/timer: Use the probe to get an accurate temperature reading inside the vehicle without opening the door and letting the air out. A magnet on the back allows it to be affixed to the car to photograph, showing that the vehicle temperature was documented properly.



**THE HUMANE SOCIETY
OF THE UNITED STATES**



Investigating hypothermia in dogs: a guide for law enforcement

Pets left outside in extreme temperatures, especially without appropriate food and shelter, are at risk of hypothermia, frostbite and even death.

Signs of hypothermia:

- o Paleness, lethargy/weakness, excessive whining, decreased respiratory rate
- o Frostbite or tissue damage of certain body parts, such as the tail, tips of the ears or foot pads
- o Ice on body and limbs
- o Stiff limbs
- o Shivering (note that shivering ceases when the body's temperature drops below 94°F)
- o A body temperature below approximately 101-102.2°F

How to care for dogs with suspected hypothermia:

- o Seek veterinary care as soon as possible, even if the dog appears to be improving. While waiting for a veterinarian:
 - As soon as possible, warm some blankets and wrap the dog in them.
 - Fill a water bottle with very hot water, wrap it in a towel and place it against dog's stomach (an unwrapped bottle may burn the skin).
 - Offer the dog warmed fluids to drink.

Investigation and documentation

Hypothermia, or subnormal body temperature, in otherwise healthy animals typically results from environmental exposure. Debilitated, immobilized and smaller companion animals are extremely susceptible to body heat loss, so it is important to document living conditions and surroundings.

If you suspect exposure-related illness or death:

- o Take the animal's temperature at the time of contact. Document it with written notes and a photograph.
- o Obtain a weather report for the incident date, including the temperature and precipitation.
- o Document any physical signs of hypothermia (see list above).
- o Document the dog's physical and living conditions, including shelter (or lack thereof).
- o Immediately take the dog to a veterinarian for examination.
- o If the dog perishes, pursue a full necropsy by a veterinarian and highlight supportive findings, including organ failure.

In all cases:

- o Obtain statements from witnesses.
- o Obtain veterinary records.
- o Use the totality of the circumstances surrounding the incident to prove that it was weather-related and rule out other causes of suffering.

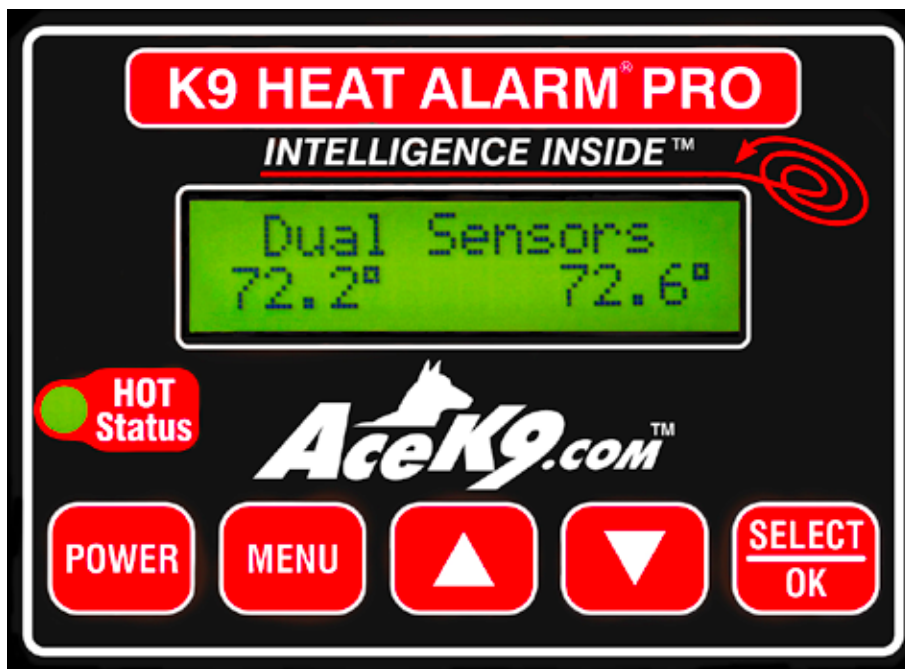
Recommended tools:

- o Digital thermometer: take the temperature of living or deceased dogs at the time of contact
- o Camera



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ensuring that K-9 partners are better protected from needless suffering and death.

Temperature can quickly rise to dangerous levels in 15 Minutes

Vehicles can quickly become deathtraps for animals. Temperatures can rise quickly, even on mildly warm days. Dogs in particular are vulnerable because they can only cool themselves by panting and by sweating through their paw pads. On a 78-degree day, the temperature inside a parked car can soar to between 100 and 120 degrees in just minutes, and on a 90-degree day, the interior temperature can reach as high as 160 degrees in less than 10 minutes. Shock sets in as the dog's internal temperature rises, and death can occur in just **15 minutes**. It is a horrible and terrifying way to die—dogs struggle to escape the vehicle, often salivating profusely, losing control of their bladder and bowels, and clawing at the car windows so violently that their paws become bloodied. And remember, this can all happen in only 15 minutes in some situations.

Temperature-monitoring, heat-alert alarm systems as previously mentioned, are available through companies such as Radiotronics Inc., and Ray Allen Manufacturing. Depending on the model, the devices can respond to dangerously high temperatures by sounding

an alarm, paging an officer, attempting to start the car engine, rolling down a window, and/or popping open a door. They are designed to operate independent of the vehicle's engine as a fail-safe to ensure that even if the handler turns off the ignition, the alarm system will still work to protect the dog. The systems must be wired according to the manufacturer's specifications. When wired improperly, dogs have died because the system was inadvertently turned off. But these are some of the options for departments to consider in protecting their K-9 officers. Because of problems with even the best built systems, it is important for K-9 handlers to only leave their dogs inside a car for a short time and to check on the dogs regularly. Making officers aware of these and other safeguards can better ensure that these tragic incidents will be prevented as well as protect an officer from possible criminal prosecution.

Here are some reported examples of cases from 2017–2018, which illustrate that these cases are still too common:

- German shepherd named Vito died in Detroit after the vehicle's engine and heat-alert alarm system failed. The Detroit police K-9 officer was put under investigation after his dog died of heat-related injuries after being left in a hot vehicle for about 40 minutes. The incident occurred on June 26, 2018, when Vito, a

German shepherd drug-sniffing and -tracking dog, was locked inside a police SUV that shut down leaving the dog without air conditioning. The investigation reportedly found some culpability on the part of the officer.

- A Hinds County, Mississippi Sheriff's Department K-9 reportedly died of a heat stroke inside a department vehicle in July of 2018. The K-9 named Dex was said to be Hinds County's top drug-detecting officer. The 6-year-old dog was left in the running vehicle for about an hour while his handler was reportedly having lunch at a restaurant. Dex, died when the vehicle's engine failed. It was not equipped with an alarm system. The agency subsequently announced that it would install alarm systems following his death.
- A Labrador retriever named Turbo died in South Carolina when the vehicle overheated because the alarm system had been disabled.
- A Belgian Malinois named Midas suffered heat stroke in West Virginia after the vehicle's engine and alarm system failed. He was rushed to the hospital but did not survive.

It is also important to note that these deaths, even if an accident, can have terrible consequences for the handlers.

- April 2017, a German shepherd reportedly died after a handler shut off the engine in Florida and left the dog in the patrol care. He was reportedly charged with cruelty to animals for the death of his K-9, Diesel.
- A handler in Utah whose K-9, Endy, reportedly died in July 2017 after being left in a vehicle with the engine shut off pleaded no contest to aggravated cruelty to animals.

These cases cause great emotional distress for the handlers and can result in disciplinary actions or even criminal charges in some cases. Since many states have specific laws to criminalize leaving animals in warm cars, it is particularly important for police departments to lead the way in protecting their own K-9 partners, who work tirelessly to protect our human officers as well as the community. Advanced vehicle technology and better handler education can help prevent these tragedies. Let us hope that 2019 will be a year where no K-9s are lost to a hot vehicle. 🌟

Sherry Ramsey is a licensed attorney in New York, New Jersey, and Virginia as well as an adjunct professor at the Seton Hall University School of Law.

THE LAW ENFORCEMENT GUIDE: WHAT YOU SHOULD KNOW ABOUT BESTIALITY

By M. Jenny Edwards



Animal sex abuse (most often called bestiality) is a tough topic. To most of us it's just plain gross. But as a law enforcement officer, there's a good chance at some point in your career you will run into an incident involving bestiality. And there are several reasons why you should be ready for that.

It's rare, but not as rare as you think

Although not a lot has been written about just how often people have sex with animals, research has estimated that as much as 5 percent of the United States population has either done it or would like to. That's over 16 million people! Studies of convicted sex offenders report even higher numbers—somewhere between 36 and 50 percent. According to the Bureau of Justice Statistics,

there are currently 234,000 convicted sex offenders under the care, custody, or control of U.S. corrections and parole officers, which means between 70,000 and 117,000 of them have likely made sexy-time with a critter at some point. And since about 60 percent of these sex offenders are out on parole, that puts about 150,000 dogs, horses, and other animals at risk of being sexually victimized at any moment.

Bestiality has been linked to other forms of sexual abuse

Studies have shown that bestiality may be related to child sexual abuse or pedophilia. In fact, bestiality may be the single largest predictor of future risk to molest a child. In a recent study of about 500 bestiality-related arrests in the U.S., more than a third of the incidents involved not only the sexual abuse

of an animal, but of a child or adult. Children under the age of 12 were frequently solicited or manipulated into having sex with a family pet or forced to watch a parent or other guardian do so. Many of them were shown animal pornography as a way of grooming them to perform sexual acts.

Brittany Monk and her boyfriend were arrested for strangling and stabbing Monk's stepfather, and then stuffing him into a 55-gallon plastic drum. During the investigation, she told detectives the reason they murdered her stepfather was that he had made her watch animal porn and raped her repeatedly as a child—from the age of 4 until she was 15.

Angelina Tidwell was a teen alcoholic and drug user. She met her future husband Glenn, in jail, and when they got out, they moved in together. Glenn was overly strict

with Angelina's three kids as well as his own daughter, and by 2002 both Angelina and Glenn had been locked up for child abuse. In 2015, Angelina found an SD card containing child porn (including explicit images of their own daughters), which she turned over to local police. But during the investigation, officers discovered images of Angelina having sex with the family dog, as well as evidence that both Angelina and Glenn had been sexually abusing the infant daughter of Angelina's niece.

During an online investigation into child pornography, a male suspect told the undercover detective his first sexual experience was masturbating a horse. Next came oral sex with horses and intercourse with multiple dogs over a period of several years. Just six weeks before being arrested for bestiality, he had sex with a 14-year-old female.

Bestiality is often related to other criminal or antisocial behavior

About half of animal sex abusers have a criminal history involving human sexual offending (32 percent); animal cruelty or bestiality (26 percent); property offenses like breaking and entering, trespass, or theft (27 percent); drugs and alcohol (19 percent); interpersonal and domestic violence (15 percent); or illegal pornography (11 percent). About 30 percent of animal sex abusers reoffend.

Gerardo Martinez had a long history of DUI and minor assaults. One night he got high on meth and attempted to rape a cat. When he was unsuccessful, he threw the cat out a seventh floor window and then masturbated in front of the people below.

In 2009 Bryan Beal was sentenced to four years for possession and distribution of child porn. During a parole visit less than a year after he got out, the P.O. discovered Beal was having sex with his dog and once again collecting child porn.

Ronald Livermore was an avid deer hunter—but not for the usual reasons. He was first caught poaching deer in 2005 and served two days for hunting out of season. By 2008 game wardens had labeled him a “serial deer killer” after investigation revealed Livermore was using a night scope and

sawed-off shotgun with a handmade silencer to hunt dozens of deer illegally. Many he killed were pregnant or had just given birth. In 2015 he was arrested once again, but this time, Livermore admitted he didn't eat the meat, but killed the deer so he could have sex with them.

Bestiality is often uncovered during an unrelated investigation

Most investigations into a crime don't start until the crime has been committed. But similar to sexual harassment, rape, and even child sexual abuse, bestiality often goes unreported for a long time before anyone gets turned in or caught. Many incidents, in fact, are discovered during investigation into a completely different matter.

After a routine traffic stop, Bryce Loftus and a friend were arrested for transporting 33 pounds of pot from Colorado with the intention of selling it in Iowa. During a search of Bryce Loftus' home, officers found evidence that his pot-smoking brother Nicholas regularly had sex with their dog and had solicited a female minor online.

Arizona authorities worked for months to break up a theft ring that had stolen hundreds of thousands of dollars of construction equipment across multiple states. At least three men had already been charged with grand theft auto, weapons possession, and burglary. During aerial surveillance of a fourth suspect pegged as the ringleader, Jacob Blatchford was seen driving to a horse ranch where he parked, hopped the fence, pulled down his pants, and had sex with a small pony for several minutes.

Sometimes it isn't criminal behavior that's being investigated, but something else altogether. Officers were dispatched to Michael Haimes' house to do a welfare check. On arrival, the smell of decomposition was strong. Haimes was alive but admitted he had sodomized a dog and when it started bleeding, he stabbed it, cut its throat, and tossed it in the bushes.

One offender often leads to another

We don't really know what causes someone to be sexually interested in animals. Some studies have shown that risky behavior often

involves association with peers who encourage risk taking. When it comes to deviant personalities, the internet makes it extremely easy for like-minded individuals to find each other whether they are seeking the perfect someone on Match dot com or a deviant partner on Beast Forum.

Craig Knox was in the process of being extradited from Virginia to Pennsylvania on charges of child sexual abuse when he admitted he struggled with a sexual attraction to dogs as well as young boys. During a search of Knox' home, officers found videos of his male roommate performing oral sex on one of their many dogs. Other images confirmed both Knox and his roommate—who he met online—regularly had sex with at least two dogs on the property, one of which had to be put down due to a severe infection in both the penis and rectum. Knox was successfully extradited, and the Pennsylvania investigation ultimately led to the arrest of five men and one woman who had been abusing the same young boy as Knox. Most of the offenders in the group met each other through beastforum.com and other chat rooms catering to deviant behavior.

After receiving a tip, officers arrested Mark Tooley, who had posted pictures of himself on Twitter performing a sex act with a 2-year-old child. Meanwhile, David Gors was also under investigation for production and distribution of child porn and soliciting female minors online. During an interview with Gors, he rolled on a woman he met in a chatroom who texted him pictures of herself having sex with a dog. Crystal Runyan not only shared the bestiality images, but allowed Gors to film her baby granddaughter nude, and shared images of her boyfriend having sex with the same child—the boyfriend turned out to be Mark Tooley.

Animal erotica and pornography play a role

Animal sex offenders often film themselves or others during sex acts and may also collect animal porn or images involving child sexual abuse or sadomasochism. Although the results are inconclusive, some studies indicate that animal porn may be a gateway to contact offending, or at the very least, viewers of animal porn also look at child porn. In one

U.S. study for example, researchers found that people who collect child porn were more likely to collect animal porn; people who collect animal porn were also likely to collect child porn; and in a review of 174 arrests in one British community, a whopping 93 percent of the men charged with possession of “extreme” porn (images that appear life-threatening or involve genital torture/mutilation) also collected animal porn.

A word about anime or drawn images: An unknown number of animal sex abusers collect erotic or pornographic anime. Anime is a style of Japanese film and television animation also found in story book form called manga. Anime depictions are frequently childlike or animallike characters in everyday or fantasy situations (for example, Pokémon or My Little Pony), but a pornographic form depicts child-like characters being raped. Although possession of pornographic anime is seldom prosecuted, at least two collections involving animal characters raping child characters have been adjudicated successfully under federal law 18 U.S.C. § 1466A(a)(1).

Bestiality laws may be confusing or have loopholes

If you’ve ever worked an animal case, you already know that there are specific laws relating to animal abuse or neglect, including who has the power to seize an animal or arrest an abuser. When it comes to animal *sexual* abuse as a form of cruelty, the laws are even more specialized, and you may not find them in the codes relating to animal law at all.

There is wide variability in how bestiality laws are written and enforced across the U.S., and not every state has one. Although attitudes are changing, animals have traditionally been thought of as property, and in sixteen U.S. states, laws prohibiting bestiality are housed in the animal cruelty codes. In the remaining states with laws, bestiality is considered a sexual assault or a crime against public morals. In 23 states, a violation of the law is a misdemeanor with penalties ranging from 30 days to 18 months. In the remaining states bestiality is a felony with penalties ranging from 5 months to 20 years. More problematic than how bestiality laws are codified is the definition of what bestiality entails. A law that is too general or too

specific can result in loopholes that affect the kind of charges that can be laid or successfully prosecuted.

In California, Willie Smith appealed a conviction for sodomy after having intercourse with a dog. The basis for appeal was that sodomy was generally taken to mean anal or oral sex between same-gender humans, and Smith’s partner was a female dog that was penetrated vaginally.

In Michigan, Alexander Carrier and another man assaulted and tortured a third man who had befriended Carrier’s former girlfriend. They beat him up, made him strip, attached battery cables to his penis and peed on him. Then they threatened to cut off his penis unless he fellated a German shepherd. Carrier appealed a bestiality conviction on the basis that the law required penetration of an animal by the offender, and it was the victim who fellated the dog.

In Wisconsin, Sterling Rachwal was repeatedly locked up or institutionalized for aggravated sexual assault of horses. In one incident he raped a pony then tied it over a fence and shoved a broom handle in its rectum. In another incident he raped two pregnant mares and cut the nipples off a third. Several horses over the years had to be euthanized after violent sexual assaults by Rachwal, yet none of the arrests resulted in felony convictions because Wisconsin law considers bestiality a misdemeanor. Adding insult to injury (and death), Rachwal successfully appealed at least one conviction because Wisconsin law defines bestiality as an act of sexual gratification involving the sex organ of a person with the mouth, genitals, or anus of an animal. Sterling had used his fist to rape the horse.

It’s not your normal investigation

The goal of every criminal investigation is to study the facts and find the evidence that confirms whether a crime has been committed and by whom. Investigating and prosecuting animal sex abuse is more like working a child sexual abuse or rape case than it is like responding to suspected animal cruelty where an animal has been neglected, abandoned, or otherwise abused. When it comes to animal sex abuse cases, you’ll be dealing with live evidence, a victim who can’t talk, a completely

different group of experts, and a whole new set of laws.

Investigation of human sexual assaults generally follow a predictable pattern—the victim or a witness files a complaint; suspects are identified and interviewed; DNA and other evidence is collected; and the perp is charged with something related to unwanted sex with someone else. When an animal is the victim, the act is seldom witnessed by anyone; the victim can’t tell you what happened; injury may not be apparent; there are no animal rape kits; and despite your personal feelings, depending on how your jurisdiction defines bestiality, you may have a lot of trouble proving a crime was even committed.

Detection and investigation

The first thing that needs to be said is this: If someone reports suspected bestiality, *take it seriously*. Bestiality is often reported by a relative, friend, or roommate of the suspect who may have witnessed the act but may not tell you that. Treat the report as an act of suspected sexual assault just as you would a report of rape or child sexual abuse. Some responsible persons have been told that the incident won’t be investigated unless law enforcement can catch the suspect in the act, or until the animal has been significantly injured. In a few instances, the responsible person has been openly laughed at.

The second thing is this: Statistically, most bestiality arrests are the result of undercover investigations into child sexual abuse or pornography, or are the byproduct of another arrest (e.g. for drugs, domestic violence, or trespass). Next to a witness, your best evidence may be a digital image in a nondescript room where the only identifying mark is a partial tattoo.

Warrants and evidence collection

The single biggest difference in processing bestiality cases is that you may be collecting evidence that is live, injured, or dead. Something to consider is who or what is required to seize the animal. In most states, animal control officers have that authority, and you may or may not need a separate warrant to remove animals or other evidence. In any event, you should *always* remove *all* animals from the property. It’s not unusual

for offenders to have sex with multiple animals or even multiple types of animals (e.g. horses as well as dogs).

Animal victims should be photographed and preferably examined at least briefly before being removed from the scene. Don't wait until you have a case to get to know your animal welfare and control counterpart or have on hand the names of one or more veterinarians. Note that most vets do not have a general practice; instead, they tend to specialize in small animals (e.g. dogs and cats), large animals (horses, cattle, farm animals), or specialty/exotics (e.g. birds or reptiles).

The main thing you are looking for is evidence of injury or semen—on the animal *or* the suspect. Regular rape kits can be used to collect DNA, although the processing laboratory may be different. Provide the vet with a rape kit and other evidence collection materials that may be important. If you do not have access to a rape kit, you can use sterile swabs sealed in a bag and labeled as you would any other crime scene evidence.

Some offenders provide medical treatment for their animals rather than risk exposure by a veterinarian or other service provider, so keep an eye out for drugs that seem out of place or are mislabeled—in particular Viagra, Tramadol, and Fish Mox (which can be used as an antibiotic for other animals). You might also observe “training” aids such as anal beads or butt plugs, or restraints such as unusual harnesses or breeding stands.

Other evidence that may be important is animal erotica or pornography. In addition to checking cellphones and computers, you'll want access to social media or other online sites. *Always* get a warrant to search computers, cellphones, cameras, and digital media and remember that some states have statutes of limitations on videos.

Expert witnesses and their reports

Seized animals typically go to an animal shelter or veterinarian where they are examined for evidence of physical injury. Once at the shelter, most states have laws relating to how long they can be held as evidence before they are euthanized or placed for adoption—be sure you know what those rules or



their protocols may be. If the animal is your primary source of evidence, be sure to go over chain of custody rules with any animal control officer, veterinarian, or shelter manager who may become important in your case.

Ask to preview the vet's report before it is finalized to understand any terms that may confusing or unfamiliar. A classic example is NSF which has nothing to do with bank accounts and means “no significant findings” or DUDE which doesn't indicate the animal's gender and stands for defecating, urinating, drinking, and eating.

A final note about terminology—animal gender and body parts are not called the same thing as human gender or body parts. For example, a female horse may be a mare, but a female dog is a bitch. When in doubt, ask a veterinarian.

The bottom line

There is no single profile of an animal sex offender. They come in all shapes, sizes, genders, and races. They range in age from preteen to the surprisingly elderly. Some are really pedophiles in disguise; others have never had sex with a person. Some are substance abusers who commit an outrageous act at a party that they would never think of doing while sober.

The bottom line is that it happens more often in more places than most people realize, and it's something you should know about before it happens on your watch. 🌟

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BEST PRACTICES IN ANIMAL CRUELTY INVESTIGATIONS

By April Doherty and Martha Smith-Blackmore

Recently, Roll Call Training videos covering topics in animal abuse were released by the Humane Society of the United States (HSUS) in collaboration with the National Sheriffs' Association. The videos are the perfect length for roll call and cover some of the vital steps for when law enforcement officers (LEOs) respond to a call for animal cruelty or dogfighting.

When responding to a scene, it is important to consider that animal cruelty may not be the primary reason for the call. In plain view, the LEO may observe a dog in a crate filled with feces when they respond for an eviction. They could even respond to a call for arson where the dog was stabbed and burned by the suspect, similar to what could also be seen in a murder case.

Most frequently, LEOs will respond to a call of domestic violence where the victim no longer wishes to cooperate, but the children in the home say that "Daddy hits 'Chloe,' [the dog] and Mommy too." This is certainly common and an ongoing issue throughout the United States.

Examples such as these are important for law enforcement to be familiar with, especially because animals can be used as a "tool," or a launching point for investigations. Throughout the U.S., pets are considered part of the family, and how they are treated reflects how other members of the family may be treated.

Consider this: In the U.S., it is more common for a child to grow up with a pet than two parents in the home. By asking questions about the pets, rapport can be developed with the victims and in the course of conversation about the pets, they may provide key information about other family dynamics. Recognizing the role of pets in the family does not require that an LEO is an animal lover. Rather, there should be a willingness to consider that the pet is considered a part of the family, and an intention to use that information to the benefit of an investigation. Additionally, in some situations, crimes against animals may be easier

to prove, especially with the involvement of a veterinarian to document injuries to an animal.

Investigation

Best practices for animal cruelty investigations allow the facts of an incident to tell a story. Remember from grade school, "Who? What? Where? When? Why? How?" Just like any investigation, these are the questions that should be considered. The crime scene for an investigation involving animals should not be treated any differently, even when there is a deceased animal. Questioning should carefully establish timelines of who did what and when. This will often refute the stories that suspects may tell to justify an animal's condition. For instance, an animal cannot become emaciated overnight or even over a weekend. Attempting to dispel the suspect's statement that the dog wouldn't eat food, or even asking the suspect which veterinarian they have taken the animal to in the past is important. Subpoenaing medical records for the animal often can reveal the truth of the suspect's story too.

One of the advantages for law enforcement is that since animal cruelty often affects the community, neighbors and witnesses are more than willing to provide written statements, information about the incident, and are even willing to come to court (often multiple times). Interviewing the witness who says that they had no clue that the suspect had any pets adds to the investigation, especially when the house is covered in feces and there is no sign of an animal in the yard.

Photos: The best evidence

A picture is worth a thousand words and is some of the best possible evidence in the investigation, especially when the animal can be rehabilitated. When a suspect provides a defense claiming it wasn't their fault the animal was in the condition observed, the photos from the scene compared to ten and thirty days later can reveal the stark truth in

the matter. Photos should always be taken from multiple angles, even if Crime Lab is not available or able to respond. Another good practice is to also take photos, even if Animal Control takes the animal(s). Different perspectives can certainly provide alternative details in the investigation. Photos should be taken of the environment where the animal was kept or found. Specifically, photos of particular injuries should be taken in a series of three: an overall picture of the animal, a closer regional photo to show in context where the injury is on the animal, and then a close up of the injury itself.

Animal Control should be contacted in order to take possession of the "evidence" as animals are still considered property. Oftentimes, a property inventory sheet can be completed for the animal and then the animal control officer can sign and take custody so that chain of custody is also maintained. It is also essential that a veterinarian examine the animal and document any information that is necessary to prove the case. Providing the veterinarian with a copy of the police report, a verbal communication of what happened, and/or an opportunity to view scene photos is helpful for their exam as well.

Veterinary forensics

Not all veterinarians are familiar with or comfortable with the process of documenting an animal's condition for the purposes of a criminal investigation ("veterinary forensics"). The investigator can reassure the veterinarian that the principles of the exam are exactly the same, however, recording information in the medical record may need to be more detailed than they are used to doing. Asking even obvious questions may be helpful, such as "is this condition painful for the animal?" If a veterinarian describes the animal as being in pain, or would have been in pain prior to death, ask them to articulate their reasons for believing that to be the case. Then encourage them to write



their findings in the medical record (based on the animal's behavior, response to pain medication, or the veterinarian's knowledge of similar conditions).

It is well known that the personality type of veterinarians means that they are conflict averse, and this can translate to a reluctance to assist in a legal investigation. Some veterinarians may feel uncomfortable playing a role in the criminal justice process. Reassure a veterinarian that they are not responsible for determining anyone's guilt or innocence, rather their job is to carefully document the animal's condition. You may want them to express whether there could be an innocent explanation for the animal's condition, but the veterinarian has no role in determining who did what—that is up to the investigation.

The American Veterinary Medical Association has a useful publication, "Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect" that is free to download from their website, and it can be very helpful for the first time or reluctant veterinarian faced with documenting suspicious injuries or conditions. In the deceased patient, full body radiographs (X-rays) should be taken if possible, and the animal should be shaved prior to the postmortem exam in order to

better visualize bruising and other injuries. Gunshot wounds are a special exception to the advice to shave as gunshot residue may be present in the fur around the wounds.

If your department works regularly with a particular veterinarian or veterinary practice, you can encourage them to learn more about veterinary forensics. Being a relatively new field, many veterinarians may be unaware of the resources that are available to them to help do a good job documenting a case. There are several veterinary forensics textbooks; many veterinary conferences present continuing education lectures and there is an organization they can join, the International Veterinary Forensic Sciences Association, where they can find more resources to help.

Law enforcement and the Link

Animal cruelty and dogfighting are illegal in all 50 states; however, many law enforcement officers are unfamiliar with the statutes or crimes as they may not be a requirement for new recruits when graduating from the Academy. It is also possible that some LEOs may believe that all matters involving animals should be handled by animal control agencies. It is important to always remember the "Link"—the theory that animal cruelty

is a crime that can be associated with other crimes against people. While the associated crimes may not always be present, there is a high likelihood that they do exist. There are times when the Link is apparent—for instance, a child was raised in a home where Mom's boyfriend beat Mom and son. The son becomes an abuser of his girlfriends, and eventually shoots and kills the family dog and later sexually assaults the girlfriend when she breaks up with him. The levels of unchecked violence can escalate. The presence of animal abuse doesn't always dictate that an individual will become a serial killer, but there is that possibility. It is important to ensure that crimes against animals and crimes where an animal could also be a victim are investigated and treated as any other crime scene.

The Department of Justice has designated animal cruelty as a crime against society. This is because wherever animals are at risk of harm, so are people. We encourage you to view and share the roll call videos to help improve animal and human protection. 🌟

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LAW ENFORCEMENT ENCOUNTERS WITH DOGS

By Jim Crosby

As we look at the questions of animal cruelty and abuse in this special issue of *Sheriff & Deputy*, we are examining the place of law enforcement officers—our deputies—as protectors of animals. Yet the public perceives us at times as potential threats to their pets.

Negative public perception is starkly illustrated when law enforcement is involved in deploying deadly force to a companion animal. Dog shooting cases place our officers and agencies under the microscope, sometimes even more so than when a human is shot.

Consequences of a clearly unjustified, or even questionable shooting can be profound. The experience of Chester County (Pennsylvania) Sheriff Carolyn “Bunny” illustrates the extent to which a department’s reputation can be impacted.

There was a dog shooting that got tremendous social media attention. Responsibility for the shooting was erroneously attributed to the Chester County Sheriff’s Office (CCSO). It wasn’t her agency that was involved with the shooting—the names of the agencies were similar, but in different places. Yet, Sheriff Welsh and her staff were quickly overwhelmed by emails, angry social media posts, phone calls, and professional media requests. Sheriff Welsh, her deputies, and her family were threatened. CCSO had to shut down its social media presence, and Sheriff Welsh had to spend time and emotional energy trying to correct the improper identification while maintaining a professional presence and not throwing the other agency ‘under the bus.’ This took time and effort away from other substantial issues, and affected the agency’s reputation and relationship with their constituents, even though they weren’t the responsible agency.

Beyond appearances and reputation, shooting companion animals has financial ramifications. In the precedent-setting case *Hell’s Angels v San Jose Police*, the final award approached two million dollars after attorneys’ fees and damages. More recently the city of Commerce City, Colorado paid a settlement of \$262,500 in addition to \$125,000 for shooting a single dog, and Maryland has



produced cases that had awards of \$1.26 million and \$620,000. Although agency and municipal liability insurance may cover the majority of the awards for the agencies, recent decisions have exposed individual deputies to personal liability by way of denying qualified immunity.

This is not a story of doom and gloom. There are positive actions that agencies can, and do, take to help protect their deputies, their reputations, and the animals deputies come into contact with every day.

The first action agency heads can implement quickly is establishing clear policy regarding the use of lethal force, less-than and non-lethal force in animal encounters. Many agencies have no clear policy, and without clear policy, your deputies have to proceed in what may be conflicting currents without a rudder. Some members of the public think all animals must be saved all of the time, without regard to the risk to personnel and others, while other residents (and agencies) are more casual since *they are just dogs*. Clear policy that gives direction and allows discretion in emerging circumstances gives

deputies the strength of guidance, while supporting their ability to make decisions “...without the benefit of 20/20 hindsight.” The policy needs to explain the options present for deputies when dealing with domestic animals—particularly dogs. Policy should be clear and practically applicable. Model policies are available from national sources, including within the National Sheriffs’ Association (NSA) Toolkit for Law Enforcement.

Policy is not enough. The second step comes from you, the leader of your agency. Direction and consistency comes from the top, and your actions and directions will guide your deputies. This includes a commitment to effectively, completely, and professionally investigate and evaluate every deployment of deadly force. It also includes examining those situations where deputies used other than lethal means and sharing those successful strategies with co-workers.

The final link is training. Training does not mean simply telling officers what they should do, especially in situations that can rapidly go from calm to chaos. We recognize

that proper, reasonable response to human conflict takes dedicated training and regular refreshing. Techniques, tools, and strategies to keep officers safe require regular practice because they *require actions and reactions that happen in an instant.*

Canine encounters present many of the same risks and needs for rapid evaluation, decision-making, and action. We are past the days of considering shooting a dog the same as a discharge into a piece of property. Owners more often consider dogs as members of their families, and the courts are assessing emotional and companionship value to pets.

As in any use of force case, your agency has a level of responsibility for the actions of your members. Has your agency met its responsibilities?

In civil cases, we see four major fronts on which court decisions are being made:

1. Is there competent training in place that reflects clear policy?
2. Are your deputies prepared for emergent situations, and are they trained to see cues and indicators that give them time to react as safely and reasonably as possible?
3. Are your deputies planning for encounters in known situations, and are they including the tools and techniques provided in their plans?
4. Are your deputies adequately equipped with tools to handle canine encounters with other than lethal force?

These issues all reflect directly back on your agency and on you as its leader. Failure to address these responsibilities is no longer a matter of convenience—it is a matter of cost vs. investment, both in dollars and in community trust. We cannot prevent spurious legal actions, but we can arm ourselves with knowledge and skills that keep our deputies and the public safe while establishing a standard of reasonableness that helps protect our reputations and our budget lines.

Training must be competent and meet the standards required by the courts, the legislature, and professional associations, such as NSA, and it must fulfill our own pursuit of excellence. Factors to consider in training include:

- Is the trainer or provider certified, educated, and/or qualified by recognized authority?

- Does the trainer have bona fide law enforcement credentials and experience?
- Does the trainer have command experience?
- Does the trainer have use of force review experience?
- Is the trainer a court-accepted expert?
- Is the training based in current civil and criminal law?
- Are the dog behavior principals used based on current behavioral science?

Use of force standards have long existed regarding human interactions. Deputies are trained, retrained, refreshed, and have those standards drilled into their decision-making process throughout their careers. In canine encounters, we are not introducing foreign, uncomfortable processes and procedures.

Instead, the best training uses the foundation of your staff's existing training and simply expands the application within familiar bounds.

Coupled with policy and training, there is one more essential element to meeting your agency's responsibility: accountability. We are *not* racing to place blame, but we must keep officers accountable.

Lastly, when (not if) an incident occurs, we must interact with the media. Your interaction will color the presentation and perception of a negative encounter, and may help you illuminate a positive encounter.

Points to consider in media interaction

- Avoid a defensive mentality.
- Don't "circle the wagons." Get out in front with considered and conservative statements that let the public know you take this seriously.
- Communicate clearly so that non-law enforcement officers can understand the basis for decisions. Use less jargon, avoiding "cop-ese."
- Don't just default to "afraid for their lives"—explain how. Many people do not fear dogs and are unwilling to simply accept a general statement detailing an unspecified threat.

When an incident occurs, you must be seen as taking the incident seriously. Any perception of a negative encounter as "just a dog" leaves your agency playing character catch-up from the start. Pets are not "just animals" to many of your constituents, and as we mentioned before, they are growing in value to the courts. We have a clear responsi-



bility to conduct a full, transparent investigation. The effort and time spent in doing so will be far outweighed by the ability to clearly and logically defend your deputies when they are right—and to correct deficiencies when they happen.

Negative encounters can also be instructive for the public and helpful to pets. Once an investigation is complete, be prepared to use the facts gathered to recognize potential failures of both the deputy and the dog owner. Either may bear some responsibility. Don't try to deflect blame, but couch your findings in a positive atmosphere of learning. Recognize needs for remediation or education and explain. Use teaching points to explain to the public how they can help you keep their dogs safe.

Deputy versus dog encounters can hold danger for the deputy, the dog, and other humans. Injuries happen, and lives can be at stake. Your agency's reputation, and its pocketbook, can be seriously affected if your personnel are not equipped and trained. Law enforcement–dog encounter training has become an essential part of the overall standards that our profession requires. Bring your agency onboard and fulfill your responsibilities before the court has to impose those actions on you. 🌟

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LEGAL CONSIDERATIONS IN LAW ENFORCEMENT-DOG ENCOUNTERS

By Chelsea Rider

Legal analysis of civil rights claims related to law enforcement-dog encounters

1. Citizens have a Fourth Amendment right to be secure in their “persons, houses, papers, and effects” free from unreasonable searches and seizures.
2. The term “effects” includes an individual’s person property. See *United States v. Place*, 462 U.S. 696, 701 (1983).
3. A seizure occurs when there has been “some meaningful interference with an individual’s possessory interests in that property.” *United States v. Jacobsen*, 466 U.S. 109, 113 (1984).
4. The destruction of one’s property is a “meaningful interference.” *Jacobsen* at 124-25.
5. Therefore, the destruction of an individual’s property is a seizure of that property.
6. Dogs are property that can be seized under the Fourth Amendment.
7. Therefore, the destruction—which includes causing either bodily injury or death—of a companion animal by a government official constitutes a seizure under the Fourth Amendment. See *Fuller v. Vines*, 36 F.3d 65, 68 (9th Cir. 1994).

This does not mean such actions are automatically constitutional violations. Civil rights cases based on law enforcement–dog encounters typically revolve around determining whether the law enforcement officer’s actions are unreasonable, which would then constitute a violation of the owner’s Fourth Amendment rights and subjecting the officer, his/her agency, and other government entities to civil liability under 42 U.S.C. § 1983.

Of note: Qualified immunity

The legal doctrine of qualified immunity is commonly raised by law enforcement officers as a defense to civil rights claims that their actions violated an individual’s constitutional rights. Under this doctrine, courts must first determine whether, “[t]aken in the light



most favorable to the party asserting the injury, do the facts alleged show the officer’s conduct violated a constitutional right?” If there was no violation, the analysis ends and the individual’s claim against the officer fails. However, if there was a violation, the courts must then determine whether that right was clearly established.

This leads to another analysis into whether the right was clearly established. In *Anderson v. Creighton*, the Supreme Court said, “The contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right.” In other words, would it be clear to a reasonable officer in a similar situation that his actions are unlawful? Is there something—a law or court case, for example—that serve to put officers on notice regarding the reasonableness of certain actions? The burden is on the plaintiffs to show that the defendants are not entitled to the protection of qualified immunity.

In the area of law enforcement–dog encounters, the qualified immunity analysis typically looks like this: Was the shooting of the dog an unreasonable seizure under the Fourth Amendment, and, if so, has it been clearly established that citizens enjoy Fourth Amendment protection from having their dogs unreasonably seized? As noted in by the Sixth Circuit Court in *Brown v.*

Battle Creek Police Department, virtually every other circuit court has ruled that the unreasonable killing of a dog is a violation of the Fourth Amendment’s protection of personal property, which establishes the Fourth Amendment right to not have one’s dog(s) unreasonably seized.

Relevant Legal Decisions

Fuller v. Vines, 36 F.3d 65 (9th Cir. 1994)—Is the killing of a dog a seizure under the Fourth Amendment?

This 1994 case is one of the first cases that set out to answer the question of whether the shooting of a dog by a police officer is a violation of the Fourth Amendment right against unreasonable searches and seizures. The Court reiterated the ruling in *United States v. Jacobsen* that a seizure happens when there is “meaningful interference in the possessory interests in that property,” and further, the destruction of property is a meaningful interference, and thus a seizure under the Fourth Amendment. The Court then stated that since a dog is considered the property of his or her owner, the shooting of a dog is a legally actionable seizure under the terms of the Fourth Amendment that may or may not be a constitutional violation based on the reasonableness of the officers involved.

Brown v. Muhlenberg Township, 269 F.3d 205 (3rd Cir. 2001)—Is the Killing of a companion animal a seizure protected by the Fourth Amendment?

In the 2001 case, *Brown V. Muhlenberg Township*, the Third Circuit grapples with the issue of whether the killing of a companion animal is a permissible seizure by a government official—namely, a law enforcement officer.

The Third Circuit said that “the state’s interest in protecting life and property may be implicated when there is reason to believe the pet poses an imminent danger.... This does not mean, however, that the state may, consistent with the Fourth Amendment, destroy a pet when it poses no immediate danger and the owner is looking on.” *Brown*, 269 F.3d 205, 210–11.

San Jose Charter of the Hells Angels Motorcycle Club v. San Jose, 402 F.3d 962 (9th Cir. 2005)—Denial of qualified immunity for the unlawful seizure of dogs killed by law enforcement officers

This 2005 civil rights case stems from a multi-resident search warrant execution in January 1998 and is considered one of the first and most important legal decisions regarding law enforcement–dog encounters. At the end of court proceedings, the plaintiffs settled with various defendants for over \$1.8 million dollars. To date, the *Hells Angels’* settlement is the largest award received for the killing of a dog by a law enforcement officer.

Upon analysis, the Court determined the seizure of the three dogs was unreasonable and a violation of the Fourth Amendment. The Court noted the significant role dogs play in American families: “The emotional attachment to a family’s dog is not comparable to a possessory interest in furniture.” The Court pointed to the San Jose Police Officers’ lack of planning given the time to do so as the most important factor in determining the reasonableness of their actions saying, “Despite a week to plan for the entry, the officers developed no realistic plan other than shooting the dogs while serving the search warrants.”

Brown v. Battle Creek Police Department, 844 F.3d 556 (6th Cir. 2016)

This 2016 Michigan case garnered national attention, as many read the opinion to permit law enforcement officers to now shoot dogs merely for barking. This is more because of how the case was reported, and not so much how the Court ruled.

The Court ruled in three parts. First, it made clear that since dogs are considered property under the law, the killing of a dog is a violation of the Fourth Amendment’s protection against unreasonable seizure if the officer’s use of force is unreasonable. It also quoted a 7th Circuit case that outlined the standard in determining reasonableness in these situations: “[T]he use of deadly force against a household pet is reasonable only if the pet poses an [imminent] danger and the use of force is unavoidable.”

The second part of the Court’s analysis is important. Defendants claimed that even if their use of force against the dogs was a violation of a constitutional right, that right was not clearly established, entitling them to qualified immunity. While no legal decision was made by either the U.S. Supreme Court or the Sixth Circuit Court itself, it noted that every other Circuit Court, as well as a district court within the Sixth Circuit, has ruled that the unreasonable killing of a dog is a violation of the Fourth Amendment’s protection of personal property. Thus, at the time of the dogs’ deaths, this right was clearly established and officers would not be protected by qualified immunity if their actions were found to be unreasonable.

It is the third part of the analysis—the determination of the reasonableness of the Battle Creek Police Department Emergency Response Team Officers—that is key to this Court’s ruling. The analysis starts off with the standard of review, which the Sixth Circuit extracted from a D.C. Circuit ruling: “[W]e analyze [the] question [of whether a pet constitutes an imminent threat] from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” Additionally, the determination must take into account the use of force standard common to law enforcement that was outlined in the landmark Supreme Court case, *Tennessee v. Garner*: “[B]alance



the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interest alleged to justify the intrusion’ and determine whether the totality of the circumstances justified [the] particular sort of ... seizure.” The Court’s next move was to determine whether the two dogs posed an imminent threat to the officers on the scene. While many pundits claim the ruling meant that simply barking and moving presented an imminent threat to law enforcement officers justifying the use of lethal force, the ruling was actually more detailed than that. Said the Court: “[T]he officers here confronted two large pit bulls for the first time in an unsupervised environment where they were unleashed and in an enclosed space with the officers. Given Jones’ criminal history, gang affiliations, the types of drugs he was suspected of distributing, the fact that the officers had no time to plan for the dogs, in addition to the officers’ un rebutted testimony that the dogs either lunged or were barking aggressively at the officers, the nature and size of the dogs, the fact that the dogs were unleashed and loose in a small residence, all culminate into a finding that the officers acted reasonably when they shot and killed the two dogs.” ★

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PREPARING FOR PETS

By Adam J. Ricci



It should come to no surprise that the popularity of pet ownerships throughout the United States continues to increase. According to the 1988 APPA National Pet Owners Survey showed that 56 percent of households owned at least one pet. In the most recent survey conducted from 2017–2018 showed that 68 percent of U.S. households or 84.6 million homes owned at least one pet. This includes a number of different species to include birds, cats, dogs, horses, fish, reptiles and small animals. (American Pet Products Association, 2018)

It is estimated that nearly 400 million pets are owned throughout the U.S. resulting in a projected 72 billion-dollar industry for 2018.

This illustrates two very important aspects of pet ownership; people really care for their pets and there are many pets in our country.

As first responders, this is so incredibly important to know when engaging in

response that takes you on to the property or in a residence in the community you serve. If you do not already, you can reasonably expect to see some form of pet or “fluffy” throughout your community.

This is most vital when your community faces a disaster or other community-affected emergency. This was made evident after hurricane Katrina devastated the gulf coast in 2005. In 2006, the Pets Evacuation and Transportation Act, or PETS Act, was passed through bipartisan efforts. This act was created to ensure that both local and state governments included emergency preparedness operational plans to address household pets and service animals after a major incident. (White House, 2006)

The National Animal Care and Control Association (NACA) recommends that when developing a disaster response plan that a number of different types of animals be included in planning. This needs



to include plans for domestic animals or household pets, livestock, exotic animals, and even wildlife. (NACA, 2014) It is also recommended that jurisdictions include their local animal protection or control agencies and animal shelters (if separate) in their response planning. It is important to identify now who will be responsible for each type of animal. Your local animal control officer may not be knowledgeable or

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The National Animal Care & Control Association (NACA) was formed in 1978 for the express purpose of assisting its members in performing their duties in a professional manner. One method of accomplishing this goal is to make personnel training programs available. This training must be designed to prepare animal control personnel for the challenges of solving the animal/people problems in today's world. nacanet.org

equipped to deal with wildlife and exotics such as animals found in your local zoo, aquarium or sanctuary.

Through the Federal Emergency Management Agency (FEMA) a number of type resources have been identified to assist with animals affected during a disaster. Such responders and teams should be identified, trained and included in the response plan development. The type resources will aid in identifying response capabilities for both needs and gaps in planning or responding to an incident. The type resourcing includes but not limited to the following: animal search and rescue, animal control or humane officer, decontamination, veterinarian, and teams to aid with sheltering, care, and reunification.

Far too often there are assumptions to the response capabilities of your local animal control agency. Many of these agencies lack funding and training for even the smallest of responses. Many times gaps can be closed by including animal control in trainings held by law enforcement, fire, and rescue. Specific training can be obtained through organizations associated with the National Animal Rescue and Shelter Coalition (NARSC).

NARSC is comprised of a number of national organizations to include the American Society for the Prevention of Cruelty to Animals (ASPCA), American Veterinary Medical Association (AVMA), Association of Zoos and Aquariums, NACA, and many others. At this time only a fraction of the states in the U.S. have entered into memorandums of understanding with NARSC. Developing memorandums with such organizations, either through NARSC or through the individual organizations, will aid your response plan by providing access to a number of resources local communities do not have, to include the highest trained and experienced personnel in the country and a large number of volunteers responders.

When developing your response plan animals need to be considered for sheltering needs. If you believe that your local animal shelter will be able to assist you will most likely be turned away at the door. Most animal shelters operate at or near capacity throughout much of the year. The City of Albuquerque provides care for up to 1,000



pets at any given time throughout the year. Space is a commodity that is not readily available in animal sheltering.

Care has to be given to animals affected from a disaster, another resource your community may not be prepared to provide. It is recommended that when planning human shelters that locations be identified that will allow for co-sheltering or even co-housing if applicable. This will allow those affected by the incident to provide care for their own pets. It will also allow others affected by the incident to become involved in providing care and sheltering services to assist throughout the time they are affected.

Stepping back to discuss animal shelters. Does your community have a plan in place for an incident in which your local animal shelter is affected? Looking at the City of Albuquerque, as many as 1,000 pets may need to be evacuated and sheltered in a different location. Many of those pets are currently under medical observations for a number of illness and ailments. Every community that has an animal shelter should develop specific response plans to assist the shelter in the case of evacuation. This is made evident each hurricane season where shelters make pleas for assistance days before a hurricane is about to make landfall. With planning assistance, much of the urgency could be better managed or mitigated entirely.

Much of the animal welfare world does not share the same mindset of first responders and incident planning. It is im-

perative that animal control and shelters are brought in to the conversation, assist with planning and receive training comparable to that of first responders. They are the ones best prepared for field capture, sheltering and reunification of pets with their owners. Honestly, that is what they do every single day. Any time a section of your community is affected, pets and other animals are affected as well.

In animal welfare, there is a saying, "by helping people, you help pets. By helping pets, you help people." Helping people and pets needs to no longer be separated and should be seen as one in the same. 🌟

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This special edition of *Sheriff & Deputy* magazine is dedicated to Mr. Polo, who crossed the Rainbow Bridge in January 2018. The National Sheriffs' Association's creation of the National Law Enforcement Center on Animal Abuse was motivated by John Thompson's love and newfound passion for fighting animal cruelty that resulted from his love of Mr. Polo.