

# LEX CANIS

ANIMAL ABUSE IS VIOLENCE.

ASSOCIATION OF PROSECUTING ATTORNEYS QUARTERLY NEWSLETTER | WINTER 2009 VOLUME 1 ISSUE 1

WELCOME TO THE FIRST EDITION OF LEX CANIS, the Association of Prosecuting Attorneys' (APA) quarterly newsletter devoted to the prosecution of animal cruelty and fighting crimes. This newsletter is designed to assist prosecutors and their allied law enforcement and community partners in a difficult and evolving area of the law. Whether an investigation has just been opened or the case is on appeal, we stand ready to assist so that abusers will be held fully accountable for their actions.

First, I would like to introduce you to APA. We were formed in January 2009 as a prosecutorial think tank based in our nation's capital. Our mission is to support and enhance the effectiveness of prosecutors in their efforts to create safer communities. The project will include training, publications and technical assistance, and one of the issues we will address is the link between animal cruelty and fighting and other violent crime. Many violent criminals, including serial killers, also abused and killed animals during their reigns of terror. This project is made possible by a grant from the United States Department of Justice through the Bureau of Justice Assistance.

While this project is new, substantial work has already been done to assist local prosecutors. Joan Schaffner at the George Washington University Law School is overseeing a comprehensive analysis of state animal abuse statutes and case law; some are already posted on our website. In addition, we are compiling an online library of briefs, motions, search warrants and other legal memos to assist in investigating and prosecuting animal cruelty and fighting cases.

The end of September marked the beginning of the project's training component. Thanks to the Animal Welfare Institute (AWI) and George Washington University, approximately 40 prosecutors, investigators and medical professionals attended two days of training. The faculty included many national experts and received very good evaluations. During 2010, APA will conduct at least one national training and multiple webinars on current issues in animal cruelty and fighting.

The first newsletter is devoted to the current issue of home foreclosures and the effects on family pets.

Author Allie Phillips, a former prosecutor and vice president of public policy for the American Humane Association (AHA), another APA partner, offers practical tips to help prosecutors address this crisis.

Finally, this issue would not have been possible without AWI's help and support: Nancy Blaney, Cameron Creinin, Beth Herman, and Ava Rinehart provided valuable assistance as editors and designers, and APA is grateful for their hard work and dedication in making Lex Canis a reality. The Animal Welfare Institute was our very first partner and through its financial and policy support, our project has come to life.

I hope all of you have a safe and prosperous 2010. Please use our website at [www.APAInc.org](http://www.APAInc.org)

and feel free to contact me at [David.LaBahn@apainc.org](mailto:David.LaBahn@apainc.org) if you need case assistance or have issues we should address in future trainings and publications.

*-David LaBahn*

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CAMERON CREININ

# RECESSION PETS: AMERICA'S SILENT VICTIMS

By Allie Phillips

MORE THAN ONE YEAR INTO THE RECESSION, we are still seeing news reports every night about its devastating effects on families. Americans are paying more for gas, food and energy. The unemployment rate has hit an all-time high, and millions of people are losing their homes to foreclosure. Often not discussed, however, are the lost victims of the crisis: family pets.

No Paws Left Behind estimates that up to 4 million homes may be in foreclosure by the time this crisis is over, and approximately 1 million animals will be displaced. In October 2009, 1 of every 385 homes—or approximately 300,000 homes—received a foreclosure filing (a decrease from prior months). So how many animals are really affected? According to the American Veterinary Medical Association's 2007 U.S. Pet Ownership and Demographics Source Book, 59.5 percent of all American homes have pets (dogs, cats, rabbits, and other mammals). With 114.3 million homes in the U.S. and approximately 1.92 animals per household, as many as 350,000 family pets were in jeopardy of losing their homes in October 2009 alone.

Companion animals are showing up at the nation's already overcrowded shelters in record numbers, as their families find they can no longer afford to care for them or their new living arrangements do not allow pets. In a November 24, 2009 MSNBC feature, the Elkhart, Ind., animal shelter stated it was required to euthanize 600 animals in one month. This shelter has been inundated with 600-700 animals per month—and can only house 266. Surrendering a family pet to a shelter is traumatic for most pet owners. But more traumatic is what the pet experiences when its family leaves it behind at the foreclosed home, either tossed outside to fend for itself or locked inside a house that may not be inspected for months.

The legal aspect of “recession pets” is that some are suffering from neglect at the hands of their former owners. Locking a pet inside a home, often without sufficient food or water, or setting it loose outside in hopes that a stranger will save it, constitutes neglect and/or abandonment. In November 2009, a request for help came from a Michigan real estate agent in the Detroit metropolitan area who took

over a foreclosed home in which several cats were running loose. This real estate agent was not equipped to handle the animals in the home.

In one widely publicized case in Michigan in February 2008, two dogs and five cats were abandoned outside during the cold winter. Two of the dogs were tethered and did not have access to food or water. Concerned neighbors began feeding the pets and pleaded with the county animal control agency to rescue them. After five weeks had passed and animal control still refused to help, a media frenzy ensued, and a local shelter came to the aid of all the animals. Animal control claimed the pets were not “abandoned” because kind neighbors fed the dogs. Numerous attorneys in Michigan disagreed with that assessment. Yet that rationale is being used all over the country and animals are not getting the help they need.

## WHAT LEGAL PROFESSIONALS CAN DO TO HELP

If you are employed as a prosecutor, it is important that your office set a policy to take animal cruelty, including pet abandonment and neglect, seriously. Unfortunately, this is not universally the case, but it should be. Every state has laws against abandonment and neglect, including provisions for seizing pets from abandoned houses. There is no reason for animals to languish when laws are sufficient to rescue them and bring them to safety. Educate your community on the perils



PHOTO COURTESY OF AMERICAN HUMANE ASSOCIATION

*Allie Phillips, J.D., is the vice president of public policy for the American Humane Association and vice president of No Paws Left Behind, a nonprofit organization providing funding and finding safe placements for pets in the foreclosure crisis. She was also an assistant prosecuting attorney from Michigan.*

of animal abandonment and neglect by issuing a press release or posting information on your office website concerning the penalties. Sample tip sheets for homeowners can be downloaded at <http://www.americanhumane.org/assets/docs/protecting-animals/PA-pro-foreclosure-homeowner-tips.pdf>. If people are educated regarding the law and potential ramifications of violating it, this may help them avoid adding criminal charges to their financial difficulties.

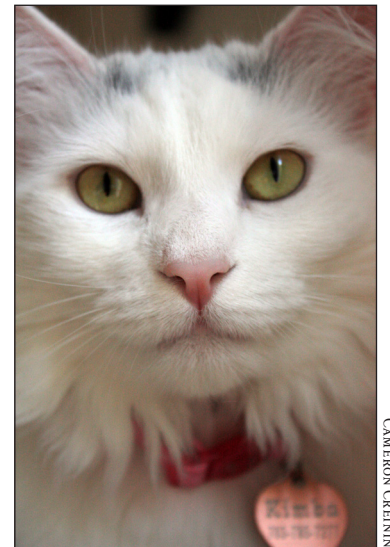
There are many ways that you can help your community avoid pet abandonment. As a prosecutor, you enjoy a special status in your community and can encourage good behavior by example. Consider volunteering your time to an animal shelter or animal rescue organization. Here are some ways that you can help:

- Offer pro bono legal assistance. Providing legal expertise and time, particularly to shelters with investigatory powers, can help them understand the animal welfare laws, particularly local ordinances, and provide the best response to abandoned animals.
- Host a fundraiser to raise money for your local animal shelter or animal rescue organizations that assist your local shelter.
- Create a pet food pantry in your community. If your local animal shelter obtains pet food at a fraction of the retail cost, consider offering excess food to pet owners in need. Also, check with your local pet food store to see if extra bags of pet food or broken/damaged bags or cans of food can be made available to pet owners who need assistance and might otherwise face the agonizing choice of feeding their families or their companion animals.
- If your local animal shelter provides on-site spay/neuter, vaccination, or other veterinary services for shelter animals, offer to help the shelter expand its program to provide low-cost care to pet owners in your community. It will help struggling pet owners obtain reduced-cost services, as well as bring in additional funds to your shelter.
- Offer to foster a shelter animal in your home, or help to create a network of foster homes. Having foster homes available to provide home-based housing for pets helps alleviate the overcrowding at the shelter. It also allows the shelter to offer

temporary boarding or foster care to pets while families relocate to pet-friendly housing. King Street Cats in Alexandria, Virginia, recently helped a woman with two cats who had lost her job and her home. The agreement was to house the cats for three months and then reassess the situation. The pet owner was motivated to find employment quickly so that she could get back into her home with her two beloved cats. She succeeded and was recently reunited with her cats.

- Check with your local Meals on Wheels to see if pet food is available through the organization’s “We All Love Our Pets” initiative. Too many senior citizens are giving their meals to their beloved pets due to financial constraints. For more information, visit [www.mowaa.org](http://www.mowaa.org)
- Lastly, consider making a donation to your local shelter. While the intake of animals has increased during the financial downturn, donations have decreased for some shelters, thus making it more difficult to handle the influx of animals.

Although many people are feeling the effects of the economic crisis, we are all in this together, and you can help prevent pet abandonment and neglect in your community. When needed, however, laws against neglect must be enforced. For more information about pets caught in the middle of the nation’s economic crisis, visit [www.americanhumane.org](http://www.americanhumane.org).



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#### MISSION

Support and Enhance the Effectiveness of  
Prosecutors in Their Efforts to Create Safer  
Communities.

#### BREAKING NEWS

Legislators in both Michigan and New Jersey recently took major steps to crack down on dogfighting by introducing bills (House Bill 5656; S3144, respectively) to allow the prosecution of the leaders of dogfighting rings under the Racketeer Influenced and Corrupt Organizations Act (RICO). Another New Jersey bill (S3145, A1419) authorizes courts to include pets in domestic violence restraining orders. For more details, visit [www.APAInc.org](http://www.APAInc.org)



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