

LEX CANIS

ANIMAL ABUSE IS VIOLENCE.

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NEWS FROM THE
ASSOCIATION OF
PROSECUTING
ATTORNEYS

IN INTERVIEW WITH...

Association of Prosecuting Attorneys President and CEO David LaBahn devotes his column this issue to chatting with Maya Gupta, Ph.D., the new executive director of the Animals and Society Institute. ASI's mission is to "support practices to address the relation between animal cruelty and other violence; develop knowledge in the field of Human-Animal Studies; and promote action to protect animals through the adoption of compassionate public policy." Before taking on this new role at ASI, where she had been active for many years in other capacities, Maya was executive director of Ahimsa House in Georgia, which, at no charge and through a network of foster homes and boarding facilities, "provides emergency pet safehousing, veterinary care, pet-related safety planning, legal advocacy, a 24-hour crisis line, outreach programs, and other services to help the human and animal victims of domestic violence reach safety together." Ahimsa House greatly expanded its capacity during Maya's tenure.

DL: *Tell us a little bit about your background and education.*

MG: I'm originally from West Lafayette, Indiana, where my parents were both professors at Purdue University. As I imagine is the case with most of those you've interviewed for this column, animals were an important part of

my childhood: a scraggly but wonderful stray showed up on our back porch when I was four, and my obsession with horses led to participation in the 4-H club and local equestrian competitions. At age 16, however, I fled to the big city to attend college at Columbia University, double majoring in psychology and French. As fate would have it, I later wound up back in a small college town, earning my M.S. and Ph.D. in clinical psychology from the University of Georgia: one of the few psychology programs that didn't think I was nuts for wanting to study animal abuse!

DL: *You obviously were animal-oriented from a young age! What drew you to animal abuse issues?*

MG: Having fostered cats for a rescue group while living in a tiny New York City apartment



during college, I figured I would always be involved in animal protection work, but assumed it would be separate from my career. Professionally, I knew I wanted to become a clinical psychologist specializing in some aspect of relationships, possibly domestic violence, but wasn't sure where my focus would be. It wasn't until I spotted a New York subway poster advertising a domestic violence crisis hotline, and mentioning animal abuse as a warning sign, that the light bulb went on above my head. Learning that a compelling body of evidence demonstrated a link between animal abuse and domestic violence, I set out to go a step further: to look for subtypes in patterns of "link violence" that might help us do a better job of predicting, preventing, and responding to violence in all its forms.

DL: After that light bulb went off, how did you translate that inspiration into a career?

MG: During graduate school, I became involved as a volunteer with a young nonprofit known as Ahimsa House. Founded by a survivor of domestic violence who had lost her own cat during her search for safety, Ahimsa House focused on providing emergency shelter for animals while their owners were at a domestic violence shelter. I went on to become a board member, board president, and finally executive director of Ahimsa House, during which time I was able to help the organization grow to provide services across Georgia, expand the range of animal species we could accommodate (everything from bearded dragons to horses), and develop a very active outreach program that raises public and professional awareness about this issue. I'm proud to have built a statewide agency that focuses exclusively on the domestic violence/animal abuse link and that collaborates with many systems—domestic violence and other human services, criminal justice, civil legal services, a broad spectrum of animal welfare professionals and agencies, and many more—to provide a unique resource and voice for this topic.

This January, I moved on from Ahimsa House to become the new executive director of the Animals and Society Institute, based in Ann Arbor, Michigan, though I'm remaining in Georgia. ASI's work focuses on three areas: developing the field of human-animal studies; responding to the link between animal abuse and interpersonal violence; and integrating research on the connections between humans and animals into informed public policy. The aspect of our work most relevant for prosecutors is our AniCare/Rapid Response program. AniCare trains mental health professionals in the assessment and treatment of both juvenile and adult animal cruelty offenders, which is a missing piece in most clinicians' education. More broadly, we're working to institutionalize "the link" within our justice systems and to familiarize the mental health community with animal cruelty so that courts have a resource for more sophisticated evaluations of these offenders and prosecutors have better resources for consultation. This is particularly vital in states where evaluations and/or counseling are mandated for animal cruelty offenders, but I think more judges even in non-mandated states will order mental health involvement as animal cruelty cases receive increased public and justice system attention.

DL: You have been in the field a long time and seen things from a unique perspective. What if anything have you seen change and where do we need to go from here?

MG: Familiarity with "the link" is certainly at an all-time high. It's exciting to see animal cruelty now receiving attention everywhere from major media channels to government agencies. However, I think we need to be careful not to sensationalize this topic by promoting the false idea that every animal abuser is a serial killer in training. The reality is that there are many types and degrees of animal abuse, just as there are types and degrees of other violence. A child who pulls a cat's tail because

she hasn't yet learned that animals feel pain is not the same as one who sets fire to the tails of dozens of cats because it gives her a thrill. An adult who swats at his dog once in frustration and immediately regrets it is not motivated by the same factors as someone who kills the family dog for the express purpose of intimidating everyone in the home. All of these situations need to be taken seriously, of course—and particularly in the case of juveniles, we should avoid erring in the other direction and assuming a child will “grow out of” even the mildest acts of aggression toward animals—but each type of animal abuse needs a different type of response. Following on from this idea, we need to keep a critical eye on the burgeoning research on the link to make sure the studies we cite are of high quality. Similarly, as we introduce routine screening for animal abuse into our professional systems, we need to select solid, validated measurements.

This way, we can ensure that our response to animal abuse through programs, policies, and our justice system is carefully coordinated and science-based, rather than knee-jerk... and, in the courtroom, we can also avoid holes emerging during cross-examination!

DL: How do you unwind?

MG: I balance out work-related stress by running marathons—I'm trying for one in every state, but it's a race against time and decrepitude; looking after my seven rescued chickens, six rescued cats, and two rescued racehorses; and rewriting pop songs into advertising jingles. My masterpiece is “Rice Rice Baby” (“Light up the stove and grab the wok by the handle”), though for some strange reason I haven't received any lucrative offers from the Madison Avenue ad agencies just yet...!

SAVE THE DATE

FOR THE 4TH NATIONAL ANIMAL CRUELTY PROSECUTION CONFERENCE

The Association of Prosecuting Attorneys (APA), in partnership with the Animal Legal Defense Fund (ALDF), will convene the 4th National Animal Cruelty Prosecution Conference from **May 5–7th**. The Prosecuting Attorneys' Council of Georgia (PAC) will host the gathering in **Atlanta, GA**. This conference will bring together prosecutors and professionals in the criminal justice and animal welfare fields. Registration is now open at www.APAInc.org. There is no registration fee. Details on travel and agenda will be available soon.

The University of Florida's Maples Center for Forensic Medicine and the American Society for the Prevention of Cruelty to Animals have announced a new online master's degree program in veterinary forensics. The two-year program, scheduled to begin this May, will include courses in pathology, osteology, animal law, and the interaction of farm animal welfare and the forensic sciences. Additional information is available at <http://www.forensicscience.ufl.edu/veterinary/>

WHAT DO WE KNOW ABOUT SAFE HAVENS FOR PETS PROGRAMS: RESULTS OF A SHORT SURVEY

Mary Lou Randour, Ph.D., Animal Welfare Institute · Lori Kogan, Ph.D., Colorado State University

THE EMERGENCE OF SAFE HAVENS FOR PETS PROGRAMS.

“Safe havens,” as used here, refers to sheltering services that assist victims of domestic violence with placing their companion animals out of harm’s way so that they themselves can leave an abusive situation. The ways in which these programs operate vary from community to community. Some are networks of foster care homes; others involve using additional kennel space of the local humane society or veterinarians. A few are co-located with domestic violence shelters. Others are independent nonprofit organizations that house only the companion animals of dv victims, or are formal partnerships between domestic violence agencies and animal welfare agencies or groups. Others, such as legal services agencies, may refer callers to shelter providers. Depending on the local arrangement, family members may be able to visit their pets while they are in safe-keeping. How long a pet may stay in a safe haven depends on the local arrangement. The pet’s location is typically highly guarded in order to protect the pets and their family members.

Those working on the front lines of domestic violence began to notice that some victims reported they could not leave their abusers because they had no safe place to take their pets. Picking up on this observation, researchers, particularly Frank Ascione, Ph.D., began to study the problem. His studies found that of those battered women with pets, from 48 percent to 71 percent also had pets who have been abused or killed. It is unclear exactly when the formation of safe havens for pets programs began, but by 2000, Dr. Ascione, with support from the Geraldine R. Dodge Foundation, had published a reference book

that remains useful today: “Safe Havens for Pets: Guidelines for Programs Sheltering Pets for Women Who are Battered.” Each community that forms a safe haven program does so in a way that suits the community needs and resources. While they may vary in many aspects, safe havens share many common features. Dr. Ascione’s book helps those wanting to start a safe haven for pets program so that they know how others have done it and don’t have to re-invent the wheel.

Similarly, the SAF-T Start-Up Manual (www.animalsandfamilies.org) provides advice on how to begin safe haven for pets programs that are co-located with domestic violence shelters, and the website includes a list of those shelters (approximately 80) that house domestic violence victims and their companion animals. This manual does not, however, include guidelines for establishing safe havens for pets programs that are not onsite.

The Animal Welfare Institute (AWI) reasoned that an inclusive national directory of pet safe havens, encompassing the many different services that assist domestic violence victims with pets, would provide a practical resource to the victims, their advocates, law enforcement, and mental health professionals that could facilitate the safe exit of a domestic violence victim and her or his pets from a dangerous situation. The newly developed national directory is now listed at www.safehavensforpets.org and contains approximately 1,400 entries.

WHAT DO WE KNOW ABOUT SAFE HAVENS FOR PETS PROGRAMS?

Not enough. Realizing the value in knowing what kind of organizations they are and how they provide their services, AWI decided to

conduct an electronic survey of those safe havens programs in the directory whose entries included an email address.

METHODOLOGY AND FINDINGS.

Using MailChimp, we sent the survey to the 895 programs for which we had an email address. We had a bounce-back rate of 19.11

percent, leaving 654 remaining operative email addresses. After an additional sifting of incorrect emails and adding a few new ones, the total number of viable email addresses was 590. The final count of 150 respondents represents a response rate of 25 percent from viable email addresses. Survey questions and the findings follow:

1. Please indicate the type of your organization (Domestic violence/ not a domestic violence agency)

Slightly over 83.55 percent of respondents indicated they were a domestic violence agency and 16.45 percent were not.

2. During crisis calls do you ask questions about whether an individual has pets in the home? (Yes or No)

Among the respondents, 63 percent indicated that they do ask questions about whether an individual has pets in the home during crisis calls.

3. During intakes, do you ask questions about whether an individual has pets in the home? (Yes or No)

The percentage of respondents who indicated that they ask a similar question about pets in the home during intake was slightly higher at 71 percent.

4. What type of housing assistance do you provide for the animals of domestic violence victims; check all that apply. (Personal/private foster homes; animal shelter or other local animal agencies; veterinary clinics; on-site housing for pets at the dv shelter)

Remembering that respondents could select more than one method of assistance, and therefore that the percentages listed will add up to more than 100, most of the housing assistance for pets was provided by animal shelters or other local animal agencies (71 percent). The second most commonly used method was personal and private foster homes at 40 percent. A sizeable minority also used on-site housing for pets at the domestic violence shelter (22 percent) and veterinary clinics (25 percent).

5. Would you be interested in joining an email list for shelters that are helping victim's pets? (Yes or No)

Ninety-three respondents indicated they were interested in joining a listserv for safe havens for pets programs maintained by Ahimsa House. ("Ahimsa House provides emergency pet safehousing, veterinary care, pet-related safety planning, legal advocacy, a 24-hour crisis line, outreach programs, and other services to help the human and animal victims of domestic violence reach safety together." www.ahimsahouse.org)

6. *Would you be willing to schedule a telephone interview so that we could learn more details about your safe pet housing program? (Yes or No)*

Seventy-two respondents indicated that they would be willing to engage in a phone interview and offer more detailed information about their safe haven for pet program.

DISCUSSION.

The purpose of the national directory of safe havens for pets programs is to offer a vital resource to domestic violence victims and their advocates. It is yet another concrete way in which the animal protection and domestic violence communities are working together on common goals. There is always more to be done, of course. However, the results of the survey are encouraging. A sizeable majority of the respondents indicated that they ask about pets in the home during either crisis or intake calls. While the numbers are high, the goal would be to have 100 percent of all programs that take intake and crisis calls from domestic violence victims ask whether there are pets in the home and, if so, if a safety plan is needed for the pets.

Another interesting finding is that 25 percent of respondents answered that they used veterinary clinics as a safe haven for the pets of domestic violence victims. This suggests the advisability of more actively linking up the animal protection, domestic violence, and veterinary communities. It also was encouraging that a large number of respondents were interested either in joining a listserv of safe havens for pets programs or were willing to participate in a longer, telephone interview.

This short survey is only the beginning and the findings have limitations. The response rate was low and the 150 respondents represent only about 11 percent of the total number of programs in the directory, and are not a randomly selected group. Generalizations from

this group to the larger population of programs should be made cautiously.

There are many challenges with conducting any research that is scientifically adequate. One of those challenges is to find individuals in the identified population who will respond. Many are busy, do not see the benefit of responding to the questionnaire, or may not know the individuals making the request. That is why there are so many “convenience samples” in research, e.g., prison populations and college sophomores.

Even with the limitations and challenges to any research, we believe that learning more specific, empirical information about safe havens for pets programs—where they are, what type they are, what resources they need, etc.—will further the mission shared by animal protection, law enforcement, and domestic violence service providers to keep animals, children, families, and communities safer.

For more information on the listserv or on safe havens, contact Dr. Randour at marylou@awionline.org.

The Association of Prosecuting Attorneys congratulates the National Sheriffs' Association and Deputy Executive Director John Thompson on the successful launch to this new coalition. We look forward to being a part of this new forum for bringing groups and ideas together to address animal cruelty.

PRESS RELEASE - THE NATIONAL SHERIFFS' ASSOCIATION



JOHN THOMPSON | (703) 838-5313 | JTHOMPSON@SHERIFFS.ORG

ALEXANDRIA, VIRGINIA – The National Sheriffs' Association (NSA) announced the formation of a new independent coalition to fight violence against animals. Over 50 individual professionals, agencies, and organizations in the fields of law enforcement and the courts, mental health, domestic violence, animal protection, and policymaking attended the first meeting on January 22, 2014, at the National Sheriffs' Association Winter Conference in Washington D.C.

The new National Coalition on Violence Against Animals (NCVAA), will facilitate cooperation in ongoing and new efforts both to end animal abuse and to increase understanding that it occurs in the general context of violence in society.

By bringing their collective resources to bear on the problem of animal abuse, the members of the NCVAA will develop and promote policies, strategies, guidelines, and programs that will reduce violence against animals and its harmful effects on children, families, and society. Until recently, violence towards children, partners, and the elderly had been considered to be unrelated to violence towards animals. However, overwhelming scientific research demonstrates the close relationship between animal cruelty and other types of crimes, including interpersonal violence, property crimes, and drug offenses. The body of research that has established this strong association also reveals that people who commit acts of cruelty

towards animals rarely stop there. Such cruelty is often a marker of a perpetrator with a higher tendency toward violence.

Dramatically supporting the scientific research are cases that have captured the public's attention:

- Contract killer Richard Kuklinski abused animals as a youth.
- Serial killers Ted Bundy, Richard Chase, Carroll Edward Cole (linked with 35 murders and executed for 5), Jeffrey Dahmer (who killed and cannibalized his victims), Albert DeSalvo (the Boston Strangler who killed 13 women), Dennis Rader, Gary Ridgeway all engaged in acts of animal cruelty prior to their careers as serial killers.
- School shooters in Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Littleton, Colorado; Conyers, Georgia; and San Diego, California, shared a common feature. Prior to killing their classmates and teachers, all of the boys involved in these school shootings had performed acts of animal cruelty such as shooting dogs, setting cats on fire, blowing up cows, and killing other small animals.
- Mass murderers also had animal cruelty in their backgrounds. Patrick Sherrill, who killed 14 coworkers at a post office and then shot himself, had a history of stealing local pets and allowing his own dog to attack and mutilate them. Brenda

Spencer, who opened fire at a San Diego school, killing two children and injuring nine others, had repeatedly abused cats and dogs. Sadistic killers also followed a similar pattern. Earl Kenneth Shriner, who raped, stabbed, and mutilated a 7-year-old boy, had been widely known in his neighborhood as the man who put firecrackers in dogs' rectums and strung up cats.

"It is encouraging that cooperation among these disciplines with respect to violence against animals has been improving steadily in recent years. This coalition will build upon and accelerate this momentum by bringing all of these elements together to achieve the national, multidisciplinary coordination of efforts that is, in our opinion, urgently needed," said Sheriff (ret.) Aaron Kennard, Executive Director of the National Sheriffs' Association.

"This alliance of law enforcement and animal welfare advocates will enhance all of our efforts to end violence against animals," said David LaBahn, President and CEO of the Association of Prosecuting Attorneys. "Tackling this issue will also have a positive effect on other areas of criminal justice linked to animal abuse such as domestic violence and child and elder abuse."

INVITED ORGANIZATIONS

AEquitas
 American Bar Association
 American Humane Association
 American Psychological Association
 American Society for the Prevention
 of Cruelty to Animals
 Animal Legal Defense Fund
 Animal Rescue Corps
 Animal Welfare Institute
 Animals and Society Institute
 American Parole and Probation Association
 Association of Prosecuting Attorneys
 Chesapeake Animal Services

George Washington University, Law School
 Humane Society of the United States
 International Association of Chiefs of Police
 Major County Sheriffs' Association
 Montgomery County, OH, Animal
 Resource Center
 National Animal Care & Control Association
 National Center for Missing &
 Exploited Children
 National Children's Advocacy Center
 National Council Against Domestic Violence
 National Council of Juvenile and
 Family Court Judges
 National District Attorneys Association
 National Link Coalition
 National Native American Law
 Enforcement Association
 National Network to End Domestic Violence
 National Resource Center on Domestic
 Violence
 National Sheriffs' Association
 Office of the Allegheny County (PA)
 District Attorney
 Office of the Los Angeles County
 District Attorney
 Office of the Sheriff, Cook County, IL
 Office of the Sheriff, Davies County, KY
 Office of the Sheriff, Johnson County, KS
 Office of the Sheriff, Sedgwick County, KS,
 Animal Justice Coalition
 Office of the Virginia Attorney General
 Preventing Child Abuse America
 Society of Animal Welfare Administrators
 Society for the Prevention of Cruelty
 to Animals, LA
 Washington Humane Society

BREAKING NEWS—NEW LAWS ON THE BOOKS

The federal law against animal fighting now covers spectators and also includes enhanced penalties for those who bring minors to animal fights. The Agricultural Act of 2013 that President Obama signed on February 7 (P.L. 113-79) includes language prohibiting knowingly attending an animal fight and knowingly bringing a minor (someone 16 years old or younger) to an animal fight. The penalty for the former offense is a fine (under 7 U.S.C. 2156) and/or imprisonment for up to a year; the penalty for the latter offense is also a fine and/or imprisonment for up to three years. This law is a major new tool for dealing with key enablers of animals fights, i.e., spectators, whose admission fees and wagers fuel this illegal industry, and who also provide “cover” for the promoters, trainers, and owners during a raid. Moreover, by providing for higher penalties for bringing minors, it acknowledges that exposure to animal cruelty can desensitize children to cruelty at an early age. This common-sense law will improve efforts to rid our communities of this cruel and dangerous crime.

Important advances in state laws addressing animal cruelty occurred last year:

On June 14, **Texas** Governor Rick Perry signed S.B. 555, which is intended to “further protect the pet of a person named in or protected by certain protective orders.” S.B. 555 amends the Family Code to make “protective orders regarding a pet, companion animal, or assistance animal possessed by a person named in or protected by the order [also] applicable to such animals in the actual or constructive care of the person.” Thus, under Section 85.021(1)(C) of the Family code as amended, a protective order “may prohibit a party from... removing a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, from the possession or actual or constructive care of a person named in the order...” It also amends the Penal Code “to specify, for purposes of statutory provisions establishing the conduct that constitutes an offense relating to the violation of certain court orders or conditions of bond in a family violence case, that possession of a pet, companion animal, or assistance animal by a person means actual care, custody, control, or management of [that animal] by the person or constructive possession of [that animal] owned by the person or for which the person has been the primary caregiver.”

(Bill Analysis, <http://www.capitol.state.tx.us/tlodocs/83R/analysis/pdf/SB00555I.pdf#navpanes=0> and <http://www.capitol.state.tx.us/tlodocs/83R/analysis/pdf/SB00555H.pdf#navpanes=0>)

In May, **Colorado** Governor John Hickenlooper signed Senate Bill 226, the “Dog Protection Act,” which requires training for local police and sheriffs in handling situations involving dogs. (The requirement does not apply to state law enforcement.) The “legislative declaration” section of the bill notes that “[i]n Colorado alone, there are multiple instances every year of dogs being shot by local law enforcement officers...” and “[i]n the last five years alone, there have been more than thirty dog shootings by local law enforcement officers in Colorado...” (Media reports put the number at over 40.) It further acknowledges that “in many of these cases, the dogs were shot despite not exhibiting any signs of aggression...” and that “[d]eadly force, which should be an option of last resort, is rarely necessary to defuse situations or mitigate any risk presented by dogs...”

The new law requires officers to complete a three-hour online training course in dog behavior and non-lethal strategies for

responding to dog encounters while on duty, and creates the “Dog Protection Task Force,” a volunteer entity charged with developing the training program. SB226 also directs local law enforcement agencies to adopt policies and procedures for handling dog encounters, including “procedures that allow dog owners to remove or control their dogs whenever circumstances warrant.” The training curriculum must be available no later than July 1, 2014, and local officers must complete the training by January 1, 2015. New hires after that date must complete the training within their first year on the force.

In one of the shooting cases in 2012, Commerce City police officer Robert Price shot a dog who had already been tasered and restrained by an animal control officer. Not only was the dog killed, but bullets ricocheted off the floor, nearly striking the animal control officer and others. After an investigation, Officer Price was charged with the felony of aggravated animal cruelty. He has pleaded not guilty.

In July, **Pennsylvania** Governor Tom Corbett signed HB 82 (Act 50), a new “cost of care” law requiring persons charged with animal abuse to pay up to \$15 per day plus medical costs to care for the animals involved for the duration of the case, or surrender them to the

shelter. Three cases in particular illustrate the need to remove this burden from shelters. In 2008, the Pennsylvania SPCA faced \$1 million in expenses to care for more than 250 sick and injured cats seized from Tiger Ranch, a supposed cat “sanctuary.” In a case last year, the Humane Society of the Harrisburg Area and Gentle Giants Draft Horse Rescue accumulated \$100,000 in costs to care for nearly 30 Morgan horses seized from a breeding farm near Hershey that was described as a “hell-hole.” And as of last year, the Cumberland Valley Animal Shelter had spent \$80,000 still caring for four Huskies seized in 2010 from a Franklin County couple with two cruelty convictions.

On June 30, “Nitro’s Law” was signed in **Ohio**. Stemming from an egregious cruelty case involving the starvation deaths of eight dogs at a Youngstown kennel, which could only be charged as a misdemeanor, the law applies in any case where a commercial kennel license is in effect; it excludes large breeding facilities but does cover boarding, training, rescue, or small-scale breeding facilities. In such cases, cruelty to a companion animal can be charged as a fifth degree felony for a first offense.

SHOOTING OF KITTENS SPARKS OUTRAGE

In June 2013, North Ridgeville (OH) Humane Officer Barry Accorti responded to a call from a homeowner about a litter of kittens living in her woodpile. Officer Accorti’s response? He shot all of the kittens, in full view of the homeowner’s children. After a public uproar and demands by the Ohio SPCA that Accorti be fired, Police Chief Mike Freeman defended Accorti’s actions as “euthanasia” and said that

no disciplinary action would be taken. This response stirred up further public protest.

Given the cruelty of Accorti’s actions, as well as the violations of Ohio law involved, ALDF Senior Attorney and Criminal Justice Program Director Scott Heiser sent the following Letter to the Editor to Ohio media outlets:

(see next page)

“The Death of Common Sense”

Dear Editor:

Barry Accorti has no business carrying a gun or holding a job as a humane officer. Police Chief Mike Freeman’s defense of Mr. Accorti is legally inexcusable, and, at the very least, Mr. Accorti should be terminated from his position with the North Ridgeville Police Department. Ongoing efforts to defend a man who shot five kittens (in front of small children no less) by minimizing his actions as “appropriate” and “euthanasia” evidence the death of basic common sense.

The facts, as widely reported in the media, do not appear to be in dispute. On June 10, 2013, Mr. Accorti was acting in his capacity as a humane officer for the North Ridgeville Police Department, and responded to a citizen request for assistance with a litter of feral kittens living in a woodpile on her property. Rather than go to the trouble of capturing and transporting the kittens to a shelter, or even explaining to the property owner the barriers he perceived to that option, Mr. Accorti decided that the kittens were, in his words, going to “kitty heaven.” Within visual and auditory range of young children, he executed all five kittens with a gun. Not only was this behavior unnecessary, it was illegal, and Chief Freeman’s attempts to imply that this conduct was lawful are sadly mistaken.

Mr. Accorti’s conduct violated both Ohio law and the American Veterinary Medical Association’s guidelines for humane euthanasia. Apparently ignored by Chief Freeman, the AVMA expressly states: “[g]unshot is not recommended as a routine approach to the euthanasia of dogs, cats, or other small companion animals, and should not be used when other methods are available and practicable.”

As to Ohio law, ORC §§ 4729.531 and 4729.532 regulate humane euthanasia by lethal injection and demonstrate a clear legislative intent to preclude humane officers from shooting stray animals as a matter of course. To be fair to Mr. Accorti and Chief Freeman, there are situations where euthanizing an animal via gunshot can be defended, but those situations are limited to true emergencies in order to mitigate agony, or cases where conditions are such that one can control the animal (e.g., livestock killings under OAR 901:12-1-01) and ensure that the projectile is accurately placed in the brain. Mr. Accorti was not responding to an emergency, and shooting these feral kittens was not a controlled situation where Mr. Accorti could guarantee a bullet to the brain in each (or any) of the kittens.

More than seventy years ago, the Ohio Attorney General issued a formal opinion concluding that a dog warden or other local officer does not have the authority to shoot or maim or kill a dog found running at large in violation of a rabies quarantine order. That was the AG’s opinion on potentially rabid dogs in 1942, and the Ohio Legislature has not since expanded the authority of humane agents to accommodate Mr. Accorti’s conduct.

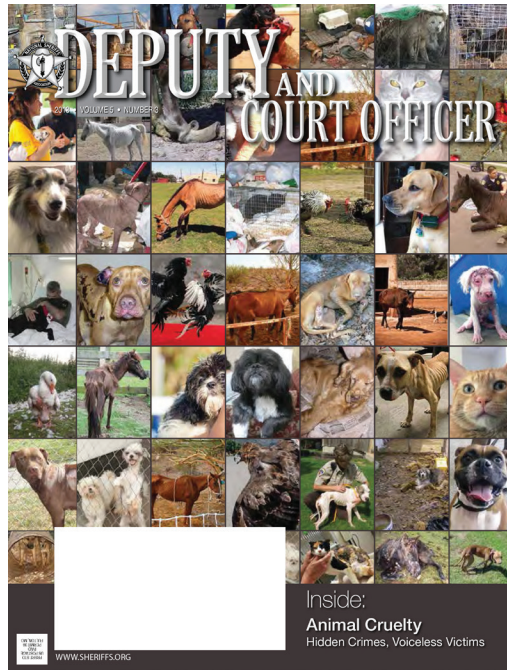
It is basic common sense that, were euthanasia necessary, lethal injection would have been the only humane (and legal) option on these facts. RIP common sense.

Respectfully,
Scott A. Heiser, Sr. Attorney & Director,
Criminal Justice Program, Animal Legal Defense Fund

UPDATE: The Ohio SPCA later reported that the North Ridgeville City Council and Mayor announced that the police and animal control officers would no longer respond to calls about cats. Rather, they would furnish callers with traps and refer them to the Friendship Animal Protective League.

MAJOR SUPPORT FOR ADDING ANIMAL CRUELTY TO NATIONAL CRIME DATABASES

Kudos to the National Sheriffs' Association (NSA) which, with no dissent, adopted Resolution 2013-02, supporting the addition of animal cruelty to the FBI's crime reporting programs. The resolution states that "the National Sheriffs' Association advocates for the training and resources necessary for law enforcement to further develop knowledge and awareness of the link between animal cruelty and domestic violence, child abuse, elder abuse, and gang violence by mandating the collection of animal cruelty data" by the FBI. Read the resolution at <http://bit.ly/18sQhpc> A recent issue of NSA's publication Deputy and Court Officer (2013, vol. 5, #3) was devoted almost entirely to animal abuse. (Available at www.sheriffs.org)



CHECK IT OUT!

The U.S. Department of Justice's Office of Justice Programs (OJP) invited Sherry Ramsey, director of animal cruelty prosecutions for the Humane Society of the U.S., to write an article on the importance of animal cruelty cases: *The Implications and Risks of Animal Cruelty and How the Criminal Justice Community Can Help*. <https://ojpdiagnosticcenter.org/blog/implications-and-risks-animal-cruelty-and-how-criminal-justice-community-can-help>

This was an extension of the "listening session" on animal cruelty OJP held in April 2013, to which it had invited representatives of the law enforcement, animal protection, domestic violence, child welfare, and other interested communities, to share their thoughts on animal cruelty and its intersection with public safety.

QUESTIONS?

Do you have questions? We have answers! Los Angeles County Deputy District Attorney and Animal Cruelty Case Coordinator Deborah Knaan will host a Q&A column for *Lex Canis*. While assistance with cases and other matters is available through APA, this is a way to share concerns and possible remedies with a wide audience, letting many benefit from others' experiences. Email your questions to dknaan@da.lacounty.gov

MISSION

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

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