

LEX CANIS

ANIMAL ABUSE IS VIOLENCE.

ASSOCIATION OF PROSECUTING ATTORNEYS QUARTERLY NEWSLETTER | FALL/WINTER 2012/2013 VOLUME 4 ISSUE 3/4

AN INTERVIEW

with Sherry Ramsey

SHERRY RAMSEY, ESQ.,

is The HSUS' director of animal cruelty prosecutions where she focuses exclusively on animal cruelty prosecutions. A former prosecutor and a current adjunct professor of animal law at New York Law School, Ramsey specializes in helping prosecutors build effective animal cruelty cases. Her prosecutor and judicial training seminars provide lawyers with tools to investigate, charge, and prosecute animal cruelty cases. Sherry spoke with APA President David LaBahn about her work...and her previous life!



DL: *I've heard great things about you and your work; please tell me a little about your background and education.*

SR: I'm originally from Staunton, VA, a small town in the beautiful Shenandoah Valley. I went to college at James Madison University for three years majoring in communications. Then I took a year off to work for a small newspaper when I thought—briefly—that I might want to be a newspaper reporter. It was a great experience. Then I went back and finished my last year, graduating from Mary Baldwin College in Staunton. Shortly thereafter, I met my future husband and off we went to the Big Apple to live.

DL: *What led you to animal abuse issues?*

S: I was always an animal lover. I was that proverbial child who picked up every stray kitty and begged my Mom to let me keep her. I read *Charlotte's Web* in the third grade and I saw *Bambi* in the fifth grade, so by then I was a goner. I don't think I knew I was going to devote my

professional life to helping animals until I was much older and started to notice all the large-scale abuses that were going on all around me. At some point I realized I needed to stop complaining about things and become part of the solution and try to help in any way I could. So I decided to go to law school, hoping that eventually I could find a way to work to help animals.

DL: *What have you done with your time and talents to fight animal cruelty?*

SR: After graduating from New York Law School, I worked as an assistant prosecutor in Monmouth County, NJ, first in the Appellate Division and then as a prosecutor. It was the very best training I could ever have gotten. From the beginning, as the low man on the totem pole, I was given all the animal cruelty cases to handle, which of course was a perfect fit for me. I kept them even after I could have passed them off to someone new. It was good experience to become familiar with the problems associated with proving these cases, as well as realizing some of the typical problems that can arise with the drafting of the laws. Often you can overcome certain problems but sometimes you have to simply accept that some problems need to be changed legislatively. Those were important lessons to learn.

After leaving the prosecutor's office, I opened my own small office where I focused mostly on animal law and domestic violence. I also did quite a bit of pro bono work for people and animal groups and I handled some private prosecutions for the local SPCA. I didn't make much money of course, but this kind of work was also great experience for me. After a few years I was offered a job at the Humane Society of the United States and realized that it was perfect place for me to go to be able to use what I had learned as a prosecutor and in private practice to help animals. I have been at HSUS for seven years and during that time, I have been able to help expand our prosecutor outreach and training programs to assist prosecutors in effectively prosecuting these cases. I am lucky to have found a job that suits what I believe I am

best qualified to do to help animals.

DL: *What if anything have you seen change?*

SR: I have definitely seen a change in how these cases are perceived. They are treated much more seriously than when I was a prosecutor. I seldom have trouble getting a prosecutor to speak with me about a case now. This, when I first started at HSUS, was not always the case. Now most prosecutors care about these cases and are interested in obtaining justice for the animals and protecting the community. They understand the correlation between animal abuse and future violence to humans. They treat these cases like other violent crimes—much more so now than they did even 10 years ago. So that has been a huge improvement. National groups that work on these issues like HSUS, the Animal Legal Defense Fund (ALDF) and the American Society for the Prevention of Cruelty to Animals (ASPCA), as well as many other groups have all contributed to this progress. And importantly, having an organization like the Association of Prosecuting Attorneys (APA) with support from the U.S. Department of Justice is huge and helps further legitimize all of our efforts.

DL: *Where do we need to go from here?*

SR: I think continuing this training is crucial. When someone tells me that a prosecutor or police officer does not want to handle animal cruelty cases, I immediately think that it is probably more likely that he or she has no knowledge of *how* to handle these cases. Animal cruelty and fighting cases are confusing if you have never handled them before or if you have never received training in this area of law. No other area of criminal law has such conflicting components to its enforcement, such as actual exemptions to the laws, sometimes conflicting regulations, competing property interests, and living, breathing evidence. There are so many issues that can confuse not only law enforcement but the court as well. So reaching out to all of these groups involved in the process and providing the training and education on effective enforcement, prosecution, and adjudication of these cases is, in my opinion, extremely important. No matter how great our laws are, if they are not being appropriately enforced, prosecuted, or adjudicated, they become ineffective in our efforts to fully protect animals from abuse. In addition, training the next generation of lawyers is also extremely important. I teach Animal Law

at New York Law School and it is one of the highlights of my work because I get to see the future leaders in this field. It makes me feel confident that our efforts will keep moving forward and, I hope, get stronger with all the great young attorneys who are coming forward to work in this important area of law.

DL: *Can you offer some detail of your private life that would help us get to know you better?*

SR: I started out, after graduating from college, as a professional actress. My husband and I first met doing a production of *Hamlet* at Washington and Lee University in Virginia. He was *Hamlet* and I was *Ophelia*. I always cornily say I went mad over him! We moved to New York City to become actors and then to Los Angeles. I worked in plays and on daytime television for some years before deciding to hang it up and go to law school. In a few of my non-memorable roles, I played the chief of staff of a hospital, a spoiled rich brat, a pathetic cheated-on wife on daytime television shows, and Maggie in *Cat on a Hot Tin Roof* and several other fun roles on stage. Acting was great fun and I still have the acting bug... just a bit! And that background definitely helped in my courtroom appearances. But now I let my husband, Grant Aleksander, carry on that tradition as I focus on protecting animals from abuse. I did, however, get to interview some of the actors from the film *Charlotte's Web* a few years ago for our HSUS website and it hit me, that in some ways I had come full circle. Now if only they would do a remake of *Bambi*...

ATTENTION!

Announcing the Virginia Federation of Humane Societies Annual Conference 2013 taking place April 4-6, 2013, in Virginia Beach, Virginia. For information visit www.vfhs.org

Have you visited www.APAInc.org recently? Among the many resources available to help with investigating and prosecuting animal cruelty cases, there are now 36 state cruelty law summaries. Each state summary contains a detailed description of the state's cruelty statutes and corresponding case law interpreting each provision to facilitate the prosecution of animal cruelty cases.

2012 APA CONFERENCE

Conference Participants Put Training to Work!

MICHELLE BERGEY

As a participant in the 3rd National Animal Cruelty Prosecution Conference, I experienced a comprehensive overview of the aspects of prosecuting animal abuse cases - from collecting evidence, identifying important elements of search warrants, and evaluating a case for filing, to communicating with expert witnesses such as veterinarians, preparing for trial, and sentencing recommendations.

Sessions included Cockfighting/Dogfighting, Hoarding/Puppy mills; The Link with Domestic Violence; Handling Confiscated Animals; Vet Forensics 101; and Necropsy, as well as topics specifically addressing prosecution strategy: Charging, Prosecuting, and Sentencing; Jury Selection; and Using Veterinary Forensics to Prove Your Case.

One important concept that resonated with me is the need for cooperation among a wide variety of community stakeholders: prosecutors, law enforcement agencies, animal control officers, shelters, veterinarians, and of course, community members at large. For example, the first witness to animal abuse may be a lay person, such as a postal or utility worker, who has noticed odors or debris. Furthermore, because animal control officers may not be on duty 24/7, a law enforcement officer may be the first responder to a report of animal abuse. This underlines the need for community education as well as for the training of law enforcement officers in the legal and evidentiary issues unique to animal cruelty crimes.

Attendees were also treated to an overview of the immensely uplifting public relations campaign in Baltimore to prevent animal abuse. Prominent male role models are featured with their pets in advertisements proclaiming, "Only a Punk Would Hurt a Cat or Dog." This successful campaign further highlights the importance of community stakeholders working together not only to prosecute cases of animal abuse, but also to act early to prevent it—particularly given the frightening link between animal abuse and domestic violence, child abuse, and even elder abuse.

Finally, a hands-on moot court was the focus of the

last day. This provided a unique opportunity for prosecutors, veterinarians, and law enforcement to collaborate to address the challenges of a real case.

Each conference participant received a flash drive to take home containing a wealth of resources, including handouts from the presentations as well as sample jury instructions, *voir dire* questions specific to animal abuse cases, veterinarian report templates, and more. I have had the opportunity to share some of these with the local animal control department, and the jury instructions have been particularly helpful while reviewing reports for filing consideration.

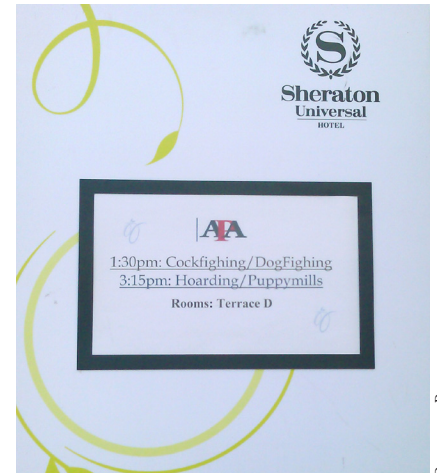
I found the conference to be incredibly informative, and particularly as a new DDA, I feel substantially more prepared to tackle animal abuse cases in my community.

Michelle Bergey is a new deputy district attorney with the San Bernardino County Office of the District Attorney. She works out of the Joshua Tree office and can be reached at mbergey@sbcda.org.

KATIE BRAY BARNETT

"My First APA Conference"

Arriving at the 3rd National Animal Cruelty Prosecution Conference and trying to choose which session to attend kept me up through the early morning hours of day one. As an attorney, I could not decide if I should attend the legal-focused sessions or branch out to understand the veterinary and law enforcement side of animal cruelty prosecution. What's more, trying to condense my conference experience into a brief article has been equally as challenging.



PERSONAL PHOTO

The first session, by the Los Angeles County District Attorney's Office, was awe-inspiring. I cannot think of a better way to kick off an animal cruelty prosecution conference than by learning about one of the most innovative prosecution programs in the country. From the investigation to the prosecution and sentencing of animal cruelty cases, it was incredibly helpful to get an outline of handling a case properly from the very beginning and to follow through as a zealous advocate of the victim through the sentencing phase.

One of the most notable and useful conference sessions applicable to the work I do was "Using Veterinary Forensics to Prove Your Case," by Dr. Melinda Merck of Veterinary Forensics Consulting, LLC, and Sherry Ramsey of the Humane Society of the United States. Understanding the nuances of animal cruelty cases is crucial to a successful prosecution. Both speakers addressed the unique issues with noteworthy examples from past cases, even delving into instances of cruelty not traditionally prosecuted. I am constantly reviewing my notes and the materials from this session as I work through a current case; and learning to ask the veterinarian the right questions, as we did at the conference, has proven to be invaluable.

Applying what I learned at the conference to a real case only reinforced the importance of the collaborative work we all do in the area of animal cruelty prosecution and affirmed the need for outreach programs like the new Animal Cruelty Prosecution Clinic at the University of Kansas. At least once a week, I refer back to my conference notes and the educational material we received.

I tried as best I could to attend a variety of the sessions, but I left Los Angeles only wishing I had more time. Thank you to the Association of Prosecuting Attorneys and the Bureau of Justice Assistance for putting on a stellar conference. I am anxiously awaiting the conference in 2013.

Katie Bray Barnett is an attorney at the Barnett Law Office, LLC, in Lawrence, Kansas. She assists humane societies on a variety of issues including animal cruelty prosecution, forfeiture of seized animals, community mediation, as well as working with area municipalities on animal-related legislation. Katie is the founder of the Student Animal Legal Defense Fund and the Animal Cruelty Prosecution Clinic at the University of Kansas School of Law. She can be reached at katie@barnettlawoffice.com.



PERSONAL PHOTO



PERSONAL PHOTO

Nancy Blaney, Animal Welfare Institute (AWI) senior policy advisor, presented the Animal Welfare Institute's first Leadership in Animal Law Enforcement Award to Deborah Knaan, Los Angeles County Deputy District Attorney and Animal Cruelty Case Coordinator, "in recognition of her extraordinary commitment to preventing and prosecuting animal cruelty crimes and improving the welfare of animals in Los Angeles County and across the country."

Mary Lou Randour, Ph.D., AWI senior advisor for animal cruelty programs and training, spoke at a conference workshop on the link between animal cruelty and domestic violence. Her co-presenters included Dr. Maya Gupta, president of the board of directors of Ahimsa House, and Sherry Ramsey, Esq., director of animal cruelty prosecutions for the Humane Society of the United States (see page 1).

BREAKING NEWS

NEW DALLAS ANIMAL CRUELTY CRIMES UNIT

The Dallas County (TX) District Attorney's Office has created a special unit to prosecute animal cruelty crimes. Establishing such a unit had been a high priority for Dallas Animal Services Division Manager (and APA Animal Cruelty Advisory Council member) Jody Jones since her arrival there a little over a year ago, and she started working with the DA's office to find better ways of handling cruelty cases. When Jody attended APA's 3rd National Animal Cruelty Prosecution Conference in October, where she served as a faculty member, she brought Dallas County DA Craig Watkins, ADA Dave Alex, and two other DA office staff members with her. ADA Alex has spoken of how deeply affected he has been by animal cruelty cases he has prosecuted in the past. Already paying special attention to animal cruelty cases because of their complexities and special needs, Alex and his colleagues found the inspiration and tools they needed at the conference to push forward with the idea for a special unit.

In a unique move to get the new unit up and running, the law enforcement support group Safer Dallas Better Dallas has pledged to raise \$200,000 to fund its first year. County commissioners will vote this month on creating two new positions for the unit—a prosecutor and an investigator. ADA Alex will lead the unit.

The creation of a special unit can lead not only to better prosecution of cases, but also to an increase in the number of cases brought. The first such special unit in Texas was established in 2009 in Harris County, where the number of cruelty and dogfighting cases the office processed went from 62 in 2005 to 113 in 2006 (when prosecutor Belinda Smith asked to be assigned to such cases) to over 300 in 2009. The presence of such special units tells the public that the justice system is taking cruelty cases seriously, which encourages the public to report such crimes and law enforcement to approach such cases more aggressively.

Jody told APA: "Dallas Animal Services is extremely grateful to District Attorney Craig Watkins for committing the resources and support to addressing violent crimes in our community. Crimes against animals are often the first signs of violent offenders in our community and providing the resources that will address these issues will go a long way towards improving the lives of people and animals in our community. As an Animal Control professional of over 20 years, I am so grateful to APA and its supporting sponsors for bringing training and resources that launch new initiatives for improving communities."



PERSONAL PHOTO

David Alex, Assistant District Attorney, Dallas County, TX; Jody Jones, Manager, Dallas Animal Services and Member, APA Animal Cruelty Advisory Council; and Dallas County District Attorney Craig Watkins, at the 2012 APA National Conference.

FELONY CRUELTY BATTLE CONTINUES IN ND

North Dakota's Ballot Measure #5, which would have made it a Class C felony "to maliciously and intentionally burn, poison, crush, suffocate, impale, drown, blind, skin, beat to death, drag to death, exsanguinate, disembowel, or dismember any living dog, cat, or horse," which enjoyed a 66 percent approval rating in October, was defeated on November 6 (See *Lex Canis* Summer 2012). Even though the measure specifically excluded agriculture, hunting, and fishing interests, the Farm Bureau and other agricultural interests worked against it. Opponents criticized outside influences, and also said that they objected to the fact that it did not cover more routine kinds of cruelty and that it covered only three species. Supporters had taken the ballot measure route because of repeated failures by the legislature to act but are now turning their attention to the 2013 legislative session, pointing out that even opponents of the ballot measure agree that the law needs to be strengthened.

DOG FIGHTING NOW A RICO OFFENSE IN IL

In Chicago, dog fighting and gang activity have long gone hand-in-hand, but more and more it was moving further underground and further out into the suburbs. But it was hard to tie dog fighting to the gangs. Now dog fighting may be viewed as evidence of an organized crime enterprise. In June, Illinois Governor Pat Quinn signed legislation that, among other things, allows the prosecution of leaders of dog fighting networks under Illinois' anti-racketeering (RICO) laws, providing an important new tool for prosecutors to apply against dog fighting organizers and financiers. Dog fighting is now regarded as an organized crime, along with drug trafficking, gun-running, and terrorism. Perpetrators will face tougher penalties than the



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current dog fighting law allows and the sentence may also include restitution and/or fines. The new law will also enable the state to seize assets from dog fight leaders, which could serve as an especially useful deterrent. The bill was sponsored by Illinois state Rep. Mike Zalewski.

BITTER DIVORCE RESULTS IN PET'S DEATH

A bitter divorce has claimed one victim: Rufus, an American Staffordshire terrier over whom James Stewart Robinson and his wife were fighting. James Robertson was arrested on animal cruelty charges for allegedly slitting the dog's throat. Sadly, this case illustrates the value of veterinary and electronic forensics in successfully charging a cruelty case. Mr. Robinson tried to blame his wife for the killing, but "forensic analysis results, plus electronic data recovered from emails, texts and voice mails, indicated that Robinson killed the dog." (<http://otm.myfoxcal.com/news/news/123754-man-wanted-animal-cruelty-case-arrested>) Apparently Robinson had even sent his wife a photo of the dog with his throat slit. He was being held on a \$40,000 bond. Investigative work by the American Society for the Prevention of Cruelty to Animals and the University of Florida forensics lab "concluded that overwhelming evidence" led to Mr. Robinson as the killer.

- MICHELLE BERGEY, DEPUTY DISTRICT ATTORNEY
 San Bernardino County Office of the District Attorney
- NANCY BLANEY, SENIOR FEDERAL POLICY ADVISOR
 Animal Welfare Institute

MISSION

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

This project was supported by Grant No. 2009-DB-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

