

Senate Government Operations Committee
Testimony of Sally Adams on May 1, 2024

My name is Sally Adams and I am the Deputy State's Attorney in Chittenden County. Since 2018 I have been the State's Attorney's and Sheriff's designee on the Animal Cruelty Investigations Advisory Board and currently serve as its vice-chair. In my free time, I am a volunteer and member of the Board of Directors at the Humane Society of Chittenden County and was the board chair from January 2022 to December 2023.

I'd like to begin with outlining some history around the work of the Animal Cruelty Investigations Advisory Board. On July 1, 2015, S.102 took effect and created an Animal Cruelty Response Task Force. That task force was made up of members of the governor's office, Vermont State Police, humane organizations, state's attorneys, veterinarians, the Agency of Agriculture, town clerks, Department of Children and Families, pet dealers, and sportsmens' clubs. They were tasked with studying and making recommendations regarding training for humane officers, the development of a uniform response protocol for receiving, investigating, and following up on complaints of animal cruelty, development of a centralized data collection system, and funding the various responsibilities that are involved in animal cruelty investigations. This task force was comprised of many individuals whom have testified on animal welfare issues many times in the statehouse, including Erika Holm, Dr. Kristin Haas, Joanne Bourbeau, and Trevor Whipple. The task force recommended, first and foremost that animal cruelty investigations should be a law enforcement function and that the investigations be centralized within a single statewide agency (DPS). They also made additional recommendations including the creation of an animal welfare advisory board, training recommendations, proposals for uniform response, funding recommendations, data collection recommendations, and others.

That prompted the creation of the Animal Cruelty Investigations Advisory Board (ACIAB). The Board was tasked with overseeing Vermont's system for investigating and responding to animal cruelty complaints and developing a systematic approach to responding to cruelty complaints. From the very beginning, the ACIAB focused its recommendations on creating a structure or framework for improving animal welfare in the state, including licensing and regulation of individuals and organizations that were providing animal welfare services in the State. We also focused our recommendations on establishing and funding a Division of Animal Welfare within existing state government was key to creating a uniform response system to respond to and investigate animal cruelty.

We made this recommendation explicitly and repeatedly in 2020, 2021, and 2022. In 2022, Act 147 was passed which tasked the Department of Public Safety, in consultation with the Agency of Agriculture and any other state agency, to report to House and Senate Government Operations Committees with a plan, and draft legislation to enact the plan, to unify the domestic animal welfare and related public safety functions across state government. This report, submitted in January 2023, was extremely comprehensive, it was 218 pages long, and it recommended a state-wide division of animal welfare, albeit not within the Department of Public Safety. The ACIAB supported this legislation except that the ACIAB recommended that the Division be housed in Public Safety.

We are now here, in 2024, discussing again legislation that will create a division of animal welfare that will do what the legislature recommended and sought in 2015. I have heard numerous times

over the last 4 years in statehouse committee rooms that this issue needs more studying. I could not disagree more. This issue has been studied and reported on extensively. The time to act is now. H.626, while not as comprehensive as I had hoped, and without the mandate for a regulatory framework for shelters and rescues, has been studied and reported on time and time again. To anyone who wishes to see these studies and reports, they are available [here](#).

So, why do I, as a criminal prosecutor, support this legislation and urge its passage? Because I, and my colleagues across the state, field phone calls from members of the public who have been given the run around by law enforcement, animal control officers, state agencies, and non-profits about who is going to be responsible for hearing their complaint and investigating an animal cruelty issue. Local law enforcement agencies are ill-equipped to handle these complex and nuanced criminal investigations without proper training and oversight, especially when they are understaffed and facing other important public safety issues. Local animal control officers are not trained in criminal investigations and do not have the skills and experience to investigate these cases. Countless times I've been forced to decline to prosecute a case because a local animal control officer has found themselves on the wrong side of the 4th Amendment and made evidence inadmissible in a criminal prosecution. So many cases come across my desk that are so poorly investigated or documented, that the prosecution is over before it even begins. I've also watched municipal police agencies pay thousands of taxpayer dollars to house animals seized as part of a cruelty investigation while the case makes its way through the system and vow to never put themselves in that situation again. I've had conversations with law enforcement officers where I've discussed seizing an animal and when the topic of "where does the animal go after we seize it" comes up, they decline to move forward because they can't take on the expense. Just this last fall, a local municipal police department in my county seized six dogs as part of a cruelty investigation. The dogs were living in an RV filled with garbage and feces along with 3 humans, a cat, and a rabbit. Despite my attempts to have the animals forfeited civilly, a process that is supposed to be expeditious and handled within 42 days, the city government received a bill for over \$10,000 to house the animals for more than three times as long. Just this afternoon, I had another hearing to civilly forfeit two dogs. At this point, this municipality has paid out over \$6,000 to house these two dogs while the case makes its way through the court system. After two hours of testimony, the hearing has not concluded and won't be heard again until the beginning of June resulting in approximately an additional \$3,000 bill for the sheltering of these dogs. These issues are not new. A division of animal welfare, with a director who is tasked with addressing these issues and coming up with a comprehensive plan to address them, is necessary, and long overdue.

My reservation is that this bill again focuses on "studying" and "recommending." It is my position that the studies are done. My hope is that if this bill passes, when the Director of the Division of Animal Welfare comes back to the legislature with recommendations and a request for funding to include designated staff to do all the things that have been identified as necessary to protect the welfare of animals in the State, that the requests are granted. This Division, a fully funded and staffed Division, is long overdue.