

Animal Cruelty Investigation Advisory Board
(Created by Act No. 155 of 2016)
2021 Report to the House and Senate Committees on Judiciary, House Committee on
Agriculture and Forestry, and Senate Committee on Agriculture

Animal Cruelty Investigation Advisory Board

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2016 Act No. 155, Section 1943 tasked the creation of an Animal Cruelty Investigation Advisory Board (ACIAB) for the purpose of reviewing Vermont's existing systems for investigating and responding to animal cruelty complaints, and making recommendations to the Legislature regarding a streamlined, collaborative process that provides the best services to Vermont's animals statewide and to advise on issues involving the cooperation and coordination of all agencies that exercise animal welfare responsibilities.

For five years we have produced annual reports, as mandated by Act 155, that have addressed various of the (13) thirteen issues we are charged with analyzing. We, the members of the ACIAB, are appreciative that the Legislature, specifically the House Committee on Agriculture and Forestry, has invested as much time as they have in listening to the problems we have described and encountered. There has been specific, positive legislation that has come out of how seriously they have taken our recommendations and for this we are grateful.

Previous reports have indicated that the greatest barrier to the development of a "streamlined, collaborative process that provides the best services to Vermont's animals

statewide” is the fact that there is no single state office, agency, department, or staff member who is dedicated to addressing questions of animal welfare and building a system to support it. As we have indicated in several of our past reports, animal welfare laws and regulations, the violations of which could lead to instances of cruelty, currently are a patchwork affair that desperately needs centralization. Some are housed at the municipal level, some at the county level; some at the state level. Some are the purview of law enforcement, some of the judicial system, some of the Agency of Agriculture, and some of the Department of Children and Families. Addressing questions of animal welfare and animal cruelty response in this environment is like fixing a window in a house that has no foundation and the players involved in “cooperation and coordination of all agencies that exercise animal welfare responsibilities” are too various and have too many competing interests to be effective in this arena. The result is that members of the private, non-profit sector have shouldered the work of dealing with the victims of animal cruelty and of demonstrating the need for the state to recognize animal welfare as one of its responsibilities to support.

In fact in the summer of 2021, a group of animal welfare advocates, comprising members of the ACIAB and members of the Vermont Humane Federation, did undertake the process of submitting a Sunrise Application to the Office of Professional Regulation asking for the regulation of groups and individuals doing animal transport and rescue. Animal transport and rescue are an arena where previous ACIAB reports have indicated that much institutional animal neglect and suffering occurs as well as being an avenue that opens the door to violations of the cruelty statute due to lack of regulatory oversight. The OPR staff we communicated with, while unable to take on a full review of the issues for procedural reasons, were fully convinced of the potential for human harm that the lack of regulation causes and have and we invite the legislature to invite them to testify on the matter. The Vermont Animal Welfare Regulations coalition is actively trying to engage legislators in taking up the issue.

The passage of Act 38 in 2021 called for the ACIAB to develop training for humane officers by 2023 and to maintain and at least annually update index of individuals who have completed the training. Currently the work of developing a training is being done by yet another coalition of people from the non-profit animal welfare community and members of the ACIAB. The commitment of these people to improving animal welfare is certainly great enough that the training will be developed. However, the maintenance of the records of trained investigators and where they will be housed is a problem we are ill-equipped to address. The ACIAB has never been given any resources—meeting space, access to a website in which to house reports and meeting schedules, communication tools, help filling vacant seats or monitoring board member terms, compensation for driving to and attending meetings—to do our work and so the idea of

housing records of any kind becomes moot. Neither does Act 155 specify a leadership structure, other than mentioning rotating Chairs, for the members of the ACIAB. This lack of resources has effectively created a system whereby the forward momentum of the ACIAB's work has depended on the initiative and interest of individual members and the good faith of individual people cannot be counted on to indefinitely uphold statutory mandates.

This Vermont Animal Welfare Regulations coalition, as well as the ACIAB, were made aware of H.504 last week and share the belief that the bill, well-intentioned as it may be, was not drafted by a legislator well-versed in the issues that we have been advising on. In fact, we see many of the provisions of H.504 as requesting work that has already been done by the ACIAB and previous study committees such as the now defunct Animal Cruelty Task Force. We do agree with the spirit of H. 504 but feel that what it proposes delays meaningful solutions to the well-known and previously identified problems facing animal cruelty enforcement, conflicts with existing statute, and does not appreciate the complexity of the question of where a potential Division of Animal Welfare (that could regulate animal transport and rescue as well as develop and coordinate cruelty response) could be housed. We would appreciate being called to testify on the bill.

The ACIAB has spent the last 5 years attempting as best we can to comply with our mandate. While we have made progress on some issues, the current structure of the Board, its lack of resources, and the patchwork of animal welfare statutes and regulations sprinkled all over state and local government has made it difficult to make headway in building the foundation for this house. Complicating our progress is legislative inertia that both fails to address the issues we've repeatedly raised as barriers to protecting animals and improving our system of animal welfare and stymies us from effectively continuing our work. We hope that together we can find ways to move forward in developing a comprehensive response to the issues facing animal welfare in Vermont.

We look forward to your response to our report and to engaging on this important issue.

Respectfully submitted,
Jessica Danyow, Chair