

## **Animal Cruelty Investigation Advisory Board**

### **Report to the House and Senate Committees on Judiciary, House Committee on Agriculture and Forest Products, and Senate Committee on Agriculture**

**Act No. 155 of 2016**

#### ***Animal Cruelty Investigation Advisory Board***

*LT. Walter Smith*, Department of Public Safety  
*Kristin M. Haas, DVM*, State Veterinarian  
*Gwynn Zakov*, Vermont League of Cities and Towns  
*Erika Holm*, Central Vermont Humane Society  
*Jessica Danyow*, Addison County Humane Society  
*Mary McFaun*, Vermont Federation of Dogs Clubs  
*Jennifer Firpo*, Criminal Justice Training Council  
*LT. David Gregory*, Department of Fish and Wildlife  
*Dr. William E. Brady Jr.*, Vermont Medicine Association  
*Rick Gauthier*, Criminal Justice Training Council  
*Vacant*, Executive Director of State's Attorneys and Sheriffs or designee,  
*Vacant*, Representative of the Vermont Police Association

January 13, 2017

#### **Summary and Background:**

2016 Act No. 155 tasked the creation of an Animal Cruelty Investigation Advisory Board for the purpose of discussing issues involving the cooperation and coordination of all agencies, organizations and individuals that currently have purview over animal welfare issues. The Board's duties are to review Vermont's existing systems for investigating and responding to animal cruelty complaints, and to make recommendations to the Legislature regarding a streamlined, collaborative process that provides the best services to Vermont's animals statewide, given monies available.

Specifically, the Board is responsible for the following:

1. Identifying and monitoring the extent and scope of any deficiencies in Vermont's system of investigating and responding to animal cruelty complaints;
2. work with the Department of Public Safety to study the feasibility of designating on law enforcement agency to receive, dispatch, and document the outcome of animal cruelty complaints, and with the assistance of the Vermont Sheriff's Association, develop a uniform response protocol for assigning complaints to the appropriate local law enforcement agencies;
3. ensure that investigations of serious animal cruelty complaints are systemic and documented, and develop written standard operating procedures and checklists to support

- the objective investigation of cruelty complaints that include objective measures of both environmental and clinical evidence of cruelty;
4. ensure that requests for voluntary compliance are made in writing, with clear requests and timelines, and include a timeline for the investigator to perform a follow-up visit to confirm actions taken;
  5. develop a guide for animal cruelty prosecution, including a review of current sentencing recommendations for State's Attorneys;
  6. research the feasibility of developing and implementing an animal cruelty prevention and education program for offenders to be used as a part of offenders' sentencing;
  7. explore potential private and public sources of funding for animal cruelty investigations, including animal care expenses;
  8. develop trainings, protocols, procedures, and guidance documents for agencies engaging in animal welfare responsibilities;
  9. develop and identify funding sources for an animal cruelty investigation certification program for humane officers in accordance with 13V.S.A. §356, and develop a standard by which a person who has been actively engaged in this State as a humane officer conducting animal cruelty investigations for at least five years preceding July 1, 2017 may become certified without completion of the certification program requirements;
  10. identify funding sources for the training requirement under 20V.S.A. §2365b;
  11. develop recommendations for providing liability protection and reducing uncompensated costs to animal shelters and animal welfare groups that assist law enforcement authorities in animal cruelty investigations;
  12. explore changing the annual deadline for dog licensure under 20V.S.A. §3582 better to align with the time of year dogs require annual veterinary care; and
  13. determine what should appropriately constitute an enforcement action triggering the obligation of the Agency of Agriculture, Food and Markets to assist law enforcement pursuant to 13 V.S.A. §354(a).

The Animal Cruelty Investigation Advisory Board met five times between October 2016, and January 2017. As a newly created Advisory Board, the majority of time and discussions during this time frame centered on navigating the long list of duties and responsibilities that it was given by the Legislature.

The Board determined it would be prudent to prioritize its duties, given the short time frame between the first meeting held in October and the January 15<sup>th</sup>, 2017 deadline for the first report. The Board spent a great deal of time discussing Vermont's existing framework for animal cruelty response in the State in order to develop a familiarity with the concerns and perspectives of multiple stakeholders. The Animal Cruelty Investigation Advisory Board prioritized two issues for discussion and inclusion in its inaugural report. The Board plans to meet at least six times during 2017 to address the outstanding issues in Act 155. In order to make well-informed recommendations on these remaining issues, the Board must hear from a variety of interested parties, organizations and individuals, some of whom have not yet participated in discussions, despite holding a seat on the Board.

## **Recommendations:**

The Animal Cruelty Investigation Advisory Board recommends that the Vermont Legislature make the following changes in Title 13: Crimes and Criminal Procedures, Chapter 8: Humane and Proper Treatment of Animals, Subchapter 1: Cruelty to Animals.

1. Redefine “humane officer” so that only certified law enforcement officers have statutory authority to investigate animal cruelty and neglect allegations. This change is necessary because acts constituting cruelty to animals are criminal in nature, and restricting investigative responsibility to certified law enforcement officers will ensure uniform reporting, investigation and enforcement of animal cruelty cases statewide.
2. Add liability protection for shelters/rescues/foster groups that assist law enforcement in investigations and/or seizures from the time that these parties are asked by law enforcement to assist with an investigation until case resolution.

Under the existing statutory framework, rescue organization and animal shelter employees and agents are reluctant to assist with cruelty cases due to uncertainty about legal protections and/or concerns about coverage under private insurance policies. Due to their subject matter expertise and logistical resources, rescue organizations and animal shelter personnel are essential partners in this process, and their input contributes to a successful outcome.

Vermont’s existing “Good Samaritan” law, found at <http://legislature.vermont.gov/statutes/section/26/044/02405> could be adapted to provide liability protection for organizations and individuals that assist with cruelty cases.