

## V. RECOMMENDATIONS

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### General Recommendations

#### Animal Cruelty Investigations Should Be a Law Enforcement Function

Response to animal cruelty complaints are primarily criminal investigations; and as such, the Task Force recommends that they should be led by law enforcement.

It is difficult for any one individual to possess the knowledge required to perform criminal investigations and to have the expertise in the various species about which complaints are received. A task force approach is recommended, which could include animal welfare experts (humane officers, ACOs, and animal health specialists), veterinarians, and representatives of the Department of Children and Families. It was noted that child neglect, drug abuse, and mental health issues often coincide with animal cruelty, and animal cruelty cases can serve as indicators of other issues and/or criminal activity.

The Task Force also recommends that investigations be centralized within a single statewide agency (DPS) or within regional law enforcement agencies (Sheriffs' Departments), with the goal of covering the entire state with dedicated and specially trained officers. By centralizing efforts, both the efficiency and quality of the investigations would be improved.

Implementation of this recommendation would require that a single pool of funding be established, with routine, predictable funding rather than variable or grant-based funding. It is anticipated that the burden of financing these investigations, which currently rests with towns, cities, various law enforcement agencies, VAAF, the VHF, and humane societies, would be shifted to a centralized law enforcement agency. While overall costs would go down within the State due to the improved efficiency that would result from centralization; costs are currently scattered and shared by many organizations, making cost savings challenging to measure.

#### Creation of an Animal Welfare Advisory Board

The Task Force recommends that an Animal Welfare Advisory Board be established within the Department of Public Safety, as a State Board of experts responsible for developing a systematic, collaborative approach to animal cruelty investigations, that can include training, protocols, procedures, and guidance documents; and to explore potential private and public sources of funding for animal cruelty investigations, including animal care expenses. The Task Force recommends the following Board makeup, with one member per category, except where noted:

- Department of Public Safety
- Department of State's Attorneys and Sheriffs (recommend one State's Attorney and one Sheriff designee)
- Humane Officer, Companion Animals
- Humane Officer, Large Animals
- Member of the Public
- VT Agency of Agriculture, Food and Markets
- VT Animal Control Association
- VT Constables Association
- VT Criminal Justice Training Council
- VT Federation of Dog Clubs
- VT Department of Fish and Wildlife, Enforcement Division
- VT Humane Federation
- VT Town Health Officer appointed by the VT Department of Public Health
- VT Police Chief's Association
- VT Federation of Sportsmen's Clubs
- VT Veterinary Medical Association

#### Training Recommendations

- That all humane officers (including ACOs who conduct cruelty investigations) be mandated to take a prescribed animal cruelty investigation training curriculum like the four, day-long courses currently being hosted by the Vermont Police Academy (VPA) in order to be given enforcement authority in the State's animal cruelty statute .
- That all law enforcement officers enrolled in the Level III certification training (also known as the Basic Training Academy) be required to complete a two-hour module on animal cruelty investigations; The VHF currently conducts a four hour POST Basic training at the Academy, but it is voluntary. Every law enforcement officer should at least have a basic understanding of the animal cruelty laws and their role in enforcing them.
- That a "quick start guide" for animal cruelty prosecution be developed for State's Attorneys, to include a review of current sentencing recommendations.

### Uniform Response Protocol Recommendations

- That a law enforcement agency be responsible for receiving and dispatching animal cruelty complaints, led by the Department of Public Safety or by designated Vermont Sheriffs' Departments.
- That specialized law enforcement officers, with specialized training, be detailed to staff an office within a regional or statewide law enforcement agency.
- That a "task force" approach be utilized in responding to serious animal cruelty complaints, led by law enforcement and assisted by ACOs, humane officers, veterinarians, animal health specialists, and Department of Children and Family case workers, where appropriate.
- That investigations be systematic and documented, and that written standard operating procedures (SOPs) and checklists be developed to support the objective assessment of reports of cruelty. Documentation should include objective measures as to both environmental and clinical evidence of cruelty, where appropriate.
- That guidance documents be developed and/or referenced that better detail acceptable livestock and poultry husbandry practices for the raising, management and use of animals.
- That requests for voluntary compliance be 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.
- That an animal cruelty prevention and/or education program for offenders be developed, to be accessed as part of sentencing. Participation in such a program is currently a potential condition of probation, but no such program has ever been developed in the state.

### Funding Recommendations

The Task Force understands that funding is a challenging issue. It included all suggestions for potential sources of funding, with the understanding that some may not be feasible.

The following sources of funding were discussed:

- A check off box on state income tax return forms.
- The sale of special license plates.
- The sale of special lottery tickets.

- A surcharge on animal feed, companion and/or livestock (VAAFAM currently collects approximately \$1 Million annually in surcharges on animal feed).
- Fines collected from civil tickets for animal cruelty.
- A pet food tax.
- A portion of dog license fees (similar to Vermont Spay Neuter Incentive Program). Past fees of \$3/dog license provided \$230K annual VSNIP, recent increase to \$4/license anticipated to generate \$300K annually.
- A tax on the sale of animals.
- Equine and/or cat licensing fees.
- A surcharge on Coggins tests (horses).
- A surcharge on animal vaccines.

### Data Collection Recommendations

As mentioned previously in this report, the Task Force would ideally like to see animal cruelty response be a function of law enforcement. As such, any data collected concerning criminal investigations involving animals would automatically be populated in NIBRS by the FBI, no matter which database (Spillman or Valcour) the agency is using internally. The data collected by the VHF in Animal Tracks is private, and there is currently no system in place to combine data collected by the private and public sectors. While a centralized database and collection mechanism would be ideal, further research needs to be conducted into the feasibility of this model.

### Additional Recommendations

The following issues are concerns to the Task Force and legislative changes may be considered:

- Add animal sexual abuse as a criminal offense, as it is one of four subcategories that FBI has added to its National Incident-Based Reporting System, and in order to comply with this mandatory federal reporting requirement, VT should include it as a criminal offense.
- Better define “consultation” and “enforcement” in § 354 (a) as it relates to the VAAFAM’s role.
- Better define “adequate shelter” and “adequate natural shelter” in § 365 (a) and (b) for livestock, and consider addressing confinement.

- Extend immunity from liability to humane officers, ACOs, and humane societies who are transporting or holding animals as evidence and acting on behalf of a law enforcement agency.
- Add a civil bonding requirement for the cost of care in animal seizures and forfeiture cases; At the very least, require a bond when a civil or criminal case is appealed after the defendant's conviction.
- Conduct further research into a Department of Corrections (DOC) program to provide care for animals that are seized in cruelty cases—both on-site and off-site. The DOC issued a statement that indicated they were moving forward with a program to train dogs for returning veterans, but they don't recommend starting a program for seized animals at this time.
- Conduct further research into the possibility of expanding civil ticket writing authority to trained humane officers for violations of the State's cruelty statute (13 V.S.A., Chapter 8) that qualify.