

## **Animal Cruelty Investigation Advisory Board**

### **2018 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, Vermont Criminal Justice Training Council*

*LT. David Gregory, Department of Fish and Wildlife*

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*Vacant, Executive Director of State's Attorneys and Sheriffs or designee,*

*Vacant, Representative of the Vermont Police Association*

January 12, 2018

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

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.

This report summarizes our work for the year 2017. We are committed to continue our work into 2018 and will strive to consider points of view from interested parties, organizations and individuals. In addition, a priority for us in 2018 will be to fill the remaining vacancies on the Board.

#### **Recommendations and Approvals:**

- We recommend that in *Title 13: Crimes and Criminal Procedures, Chapter 8: Humane and Proper Treatment of Animals, Subchapter 1: Cruelty to Animals* statutory authority to investigate animal cruelty and neglect shall be the responsibility of certified law enforcement officers. 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. In the course of 2017, the ACIAB Board secured the support of the Department of Public Safety and the Chiefs of Police for this change in statute. We believe this recommendation also addresses the need for uniform response protocol and documentation [Act 155 (2) & (3)]. We will continue work to gain the support of the Sheriff's Association and the States Attorney's Association as both are key players in effective response to animal cruelty. In addition, we are working to compile county-by-county resources that law enforcement officers can call upon for logistical and other support when investigating cases.

- We have approved the curriculum as developed by the Humane Society of the United States to satisfy the animal cruelty investigation training requirement for Level II and III law enforcement officers. The curriculum will next be reviewed for approval by the Vermont Criminal Justice Training Council. (*Section 2365b of Act 155*).
- We recommend redefining "humane officer" in *Section 351 of Title 13, Chapter 8, and Subchapter 1* as any person who has completed Level 1 of the Humane Society of the United States Introduction to Animal Welfare Investigations *and* who is sponsored by a municipality or a registered 501 (c) 3 whose purpose is animal welfare. The cost of the required training course is currently \$22 for an 8-hour day when held at the Vermont Criminal Justice Training Council and should be the responsibility of the sponsoring organization or entity. While there may be a cost increase in 2018 due to the need to purchase training materials, it is not anticipated to exceed \$50-\$75 per attendee. We believe it is important that the statutory language make clear that municipal employees are not by definition humane officers but rather can become so only through being sponsored by their municipality and taking this approved training. We recommend that the language of Act 155 (9) be revisited to address the reality that laws change over time and that all humane officers, whether or not they have 5 years of experience in the field, be required to periodically take Level 1 training to stay current.
- With respect to funding training in general, we believe the potential revenue generated from H.252 – An act relating to pet specialty license plates, which is currently directed to "to provide grants to support the work of animal shelters and rescue organizations in Vermont" could support sending humane society personnel, ACOs, and other individuals designated as "humane officers" through Level 1 animal cruelty training. If the revenues from this bill are dedicated first to training, it would provide a reliable way to fund the animal cruelty training required by the state in a way that does not add to the state budget, since these would be voluntary contributions from people buying the license plates. Additional funding sources to support training and other animal cruelty investigation expenses could be raised by a small increase to the dog license fee and/or by a voluntary 1\$ check-off box on the Vermont tax return.
- We temporarily approve that completion of Level 1 of the Humane Society of the United States Introduction to Animal Welfare Investigation hosted by the Vermont Criminal

Justice Training Council *and/or* at least 5 years of independently-verifiable experience in animal cruelty investigations shall suffice for required humane officer training (*Section 356 of Act 155*). This approval is retroactive to July 1, 2017 and shall remain in effect until the recommended redefinition of humane officer (see above) is formalized in statute.

- In our 2016 report, we recommended 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. We were very pleased by the introduction of S.123 last year and we support the intent of the bill. As it currently reads, we do feel S. 123 is lacking language that addresses the need for a mechanism that would ensure that the organizations identified as having immunity from liability in this statute are subject to inspection and regulation by a state agency.

**Conclusion:**

Thank you for the opportunity to work on this important issue. We look forward to the progress that will be made in 2018 and are available to provide testimony on our recommendations as requested