

Animal Cruelty Investigation Advisory Board

2019 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. Robert Lucas, 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
Dr. William E. Brady Jr., Veterinarian
Sally Adams, Esq. State's Attorneys and Sheriffs Association
Vacant, Representative of the Vermont Police Association

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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 2018. We are pleased to have filled one of the vacancies on the board and to have had nearly 100% commitment from originally appointed Board members to another term. We are committed to continue our work into 2019 and will strive to consider points of view from interested parties, organizations and individuals.

For the purposes of education and to bring new legislators up to speed on our work, we have included our 2017 and 2018 reports for easy reference.

Of note in the 2017 reports are our recommendations to clarify the definitions in Title 13 to more explicitly assign responsibility for investigating animal cruelty to certified law enforcement officers.

In our 2018 report, we addressed the fact that regular training for humane officers needed to occur more than once and used the word periodically to imply this. To further clarify this, we suggest that periodically be defined as 5 or fewer years.

Summary:

Our 2019 report addresses two of the statutory mandates of Act 155, the charge to: (1) “identify the scope of any deficiencies in Vermont’s system of investigating and responding to animal cruelty complaints” and the charge to: (8) “develop trainings, protocols, procedures, and guidance documents for agencies engaging in animal welfare responsibilities”.

Recommendations:

We believe there are two issues at the state level that hinder the efficient investigation of animal cruelty and that negatively impact carrying out animal welfare responsibilities.

1. Antiquated statutory language
2. Lack of consistent state oversight

Antiquated statutory language

We recommend that the language and definitions in Title 20 be considered to see if they are still relevant today and sufficiently comprehensive. Title 20 defines the various types of people and organizations that deal with animals but we do not believe it is exhaustive. For example, two decades ago there were really only county humane societies and dog breeders who handled and re-homed animals. Today there are still county humane societies and dog breeders but also home-based rescue groups and networks of people who foster dogs for organizations. There are also groups who operate by bringing animals from out of state to deliver to new owners at public locations. In mid-2018 we did an informal survey of the animal-businesses registered with the Secretary of State’s office revealed approximately 135 organizations that had the potential to fall into mismanagement and potentially endanger the lives of animals. We believe many of these businesses, as well as the groups described above, would not be covered by current statute. We have done a survey of the ways in which other states define organizations that deal with animals and recommend looking at Colorado and Maine for two states that have current and comprehensive laws. Attached are the respective statutes from each state for your reference.

Inconsistent state oversight

The second hindrance to effective investigation into animal welfare is the current absence of any state agency or regulatory body that has oversight and inspection authority over businesses that deal with animals, regardless of how they are defined. The absence of this mechanism allows for individuals to operate without any accountability and allows for situations that may have started as benign neglect to blossom in full-fledged problems that impact animal welfare and in some cases negatively affect municipalities. Without a mechanism for oversight, there often no way to inspect organizations when a complaint is made. Problems that could be easily addressed through education and support can fester and become full-ledged cruelty situations. The Agency of Agriculture was charged with this responsibility up until 2016 when a change to statute removed it.

In our 2018 report, we expressed our support for S. 123 (passed in the special legislative session of June 2018 as part of S. 4) the bill that recommended liability protection for groups that assist law enforcement with investigations and seizures but we also noted that the bill lacked language that would clarify that these groups were in some way sanctioned by an agency that could hold them accountable to best practices.

We believe that the Secretary of State's divisional Office of Professional Regulation (OPR) is a model of oversight that could be applied to groups dealing with animals and would not require re-creating the wheel. The mission of the OPR is: "to protect the public from incompetent or unethical practitioners through a system of licensure. We achieve this by supporting boards and advisor groups that oversee licensure of 50 professions."

If the definitions in Title 20 are reviewed and updated to include the current landscape of animal groups, referenced above, and each group were required to be registered with the OPR, we believe the instances of animal neglect would be more easily spotted and rectified.

Historically the Agency of Agriculture was responsible for inspecting and registering animal groups but we would like to suggest that there are two other state agencies that might house the OPR's board or advisory group: the Department of Public Safety and the Department of Health.

We feel the Agency of Agriculture is not the best home for this function because its primary charge is promoting agriculture, not protecting companion animals. The Department of Public Safety seems logical in that it is already the Department where the ACIAB Board lives within it and well-run animal organizations reduce the risk of dangerous animals being adopted, thereby increasing public safety. Additionally, they already have a regional barracks organization. However, the Department of Public Safety has many other charges and their current mission in no way reflects animals as a concern.

The Department of Health seems logical in that there is a strong relationship between well-run animal facilities and reducing public health risks such as sanitation and the transmission of zoonotic diseases.

It is worth noting that the State of Maine has, within its state government structure, a Department of Animal Welfare and a comprehensive “Pet Animal Care and Facilities Act”. We recognize the creation of a new department in Vermont’s government would be onerous, but the establishment of a Division of Animal Welfare within one of these Departments could be effective in addressing many of the animal questions that come before the Legislature and the Governor.

Conclusion:

Thank you for the opportunity to work on this important issue. We look forward to the progress that will be made in 2019. Members of our Board are willing and available to appear before the committee to expound on our report and to answer any questions the committee may have.