

# Vermont Animal Cruelty Task Force Report to Vermont House and Senate Judiciary Committees



Review of Current Response Protocols,  
Training, Data Collection, and Funding

Recommendations for Improvements and  
Consolidation

January 15, 2016

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## II. INTRODUCTION

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The Animal Cruelty Task Force (the Task Force) was formed as a result of the passage of [Act 53 \(S. 102\)](#), with the goal of evaluating animal cruelty investigation and response in Vermont and recommending ways to consolidate, collaborate, or reorganize the available resources to improve response to animal cruelty statewide.

The Task Force was asked to make recommendations concerning:

- 1) The training of humane officers, animal control officers, law enforcement officers, and prosecutors;
- 2) The development of uniform response protocols for receiving, investigating, and following up on complaints of animal cruelty, including sentencing recommendations;
- 3) The development of a centralized data collection system capable of sharing data collected from both the public and private sectors on substantiated complaints of animal cruelty and outcomes;
- 4) Funding the various responsibilities that are involved with an animal cruelty investigation, including which state agencies should be responsible for any state level authority and oversight; and
- 5) Any other issue the Task Force determines is relevant to improve the efficiency, process, and result of animal cruelty response actions in Vermont.

The Task Force met six times over the course of five months. All meetings were held publicly, and members of the public were in attendance at each meeting. Meeting minutes were recorded, and agendas, minutes, and distributed materials were made available to Task Force members and the public on the [Vermont Humane Federation's website \(http://www.vermonthumane.org/animal-cruelty/vermont-animal-cruelty-task-force/\)](http://www.vermonthumane.org/animal-cruelty/vermont-animal-cruelty-task-force/)

### III. EXECUTIVE SUMMARY

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The Task Force reviewed and compared Vermont's animal cruelty response system with other states' systems in several key areas we were charged to address: *uniform operating protocols, training, data collection, funding, and other relevant issues*. This diverse group, representing private humane societies, animal rescues, veterinarians, municipalities, dog enthusiasts, state agriculture officials, sportsmen, law enforcement, social workers, and animal control officers was assembled to bring multiple agencies to the table to better understand each other's role in animal cruelty investigations, and to determine how we can work together more effectively to improve the responses and outcomes across the board for animals, the public, and the agencies tasked with this difficult job.

#### **Uniform Operating Protocols**

The Task Force determined that the states with the most effective response programs were those that centralized the function of animal cruelty response within a state agency and committed dedicated funding to the program. In Vermont, an animal cruelty case might be handled by any number of different authorities (select board members, animal control officers, public health officers, constables, animal shelter staff, or local, regional or state law enforcement officers), depending on what resources are available to that municipality. And the response protocols that those agencies employ vary as greatly as the agencies themselves.

The Task Force recommends that a multi-agency Animal Welfare Advisory Board be created within the Department of Public Safety (DPS) in order to provide continued and improved support to local animal cruelty investigations. This Board would be tasked with developing a systematic approach to investigations that would include developing a training curriculum for humane officers and additional guidance documents for case management and response. In addition, the Board could explore potential private and public sources of funding for animal cruelty investigations, including animal care expenses. Ideally the Task Force would like to see animal cruelty (and perhaps animal control) response managed under one umbrella within DPS or regional sheriffs' departments, with specially trained law enforcement officers to cover various regions of the state. It is recognized this would require a significant and dedicated funding source to support this preferred model.

#### **Training**

As defined in the animal cruelty statute, humane officers include not only law enforcement officers, but also humane society officers or agents, municipal animal control officers (ACOs), and local board of health officers or agents. While law enforcement officers have significant training in criminal procedure, there is no

mandate that humane officers without police powers receive any kind of training in order to perform their jobs as investigators. The Task Force was in agreement that in order to have authority to enforce a criminal statute, humane officers (who are not law enforcement officers) should be mandated to successfully complete a training curriculum to be determined by the Animal Welfare Advisory Board. ACOs could continue to function in their local capacity managing animal control issues (and a training program for animal control management would also be useful), but if the municipality wanted them to act as humane officers in animal cruelty investigations, they would also have to receive the training.

In addition, we recommend that a two-hour module on animal cruelty investigations be incorporated into the Vermont Police Academy's Basic Training curriculum that all Level III certified officers attend. The Task Force also briefly discussed training for prosecutors, and was in support of providing regular training in this specialized area at the annual Vermont Prosecutors Association conference.

### **Data Collection**

The concept of combining and centralizing cruelty complaint and outcome data currently being gathered by law enforcement agencies and the Vermont Humane Federation is appealing, but there doesn't seem to be a workable system to marry these two sets of data, at least at this time. While it is encouraging that the FBI will begin collecting animal cruelty data from Vermont and other state law enforcement agencies beginning in January, 2016, there will still be a separate pool of data collected via the website [www.ReportAnimalCruelty.com](http://www.ReportAnimalCruelty.com). This is another reason the Task Force recommends that all cruelty investigations be led by a law enforcement agency, with the support of animal welfare, rescue, veterinary, and animal control agencies. With law enforcement as the lead, all of this crucial data would automatically be captured in the FBI's National Incident-Based Reporting System (NIBRS).

### **Funding**

As mentioned throughout the report, in order for this system to work most effectively it needs a dedicated source of funding. Funding is needed to train humane officers, to potentially fund full-time law enforcement positions, and to help pay for the high costs of response and animal care. The Task Force reviewed and offered several funding models used by other states in this report, but understands that there may be challenges to implementation for each.

### **Other Relevant Issues**

Private, non-profit animal shelters and rescue groups assume significant liability when they are asked to assist with investigations and hold animals as "live evidence" for law enforcement authorities. While veterinarians who assist with

animal cruelty investigations have liability protection outlined within the cruelty statute, humane officers who aren't associated with a police department do not. It's the Task Force's recommendation that the legislature consider providing some measure of liability protection to licensed shelters that have to assume responsibility for holding "live evidence" on behalf of law enforcement agencies.

Several other recommendations are also outlined in the report, including adding animal sexual abuse as a crime, better defining "consultation" and "enforcement" as it relates to the Agency of Agriculture's role, better defining "adequate shelter" and "adequate natural shelter" for livestock, adding a civil bond requirement when cases are appealed after a conviction, and conducting further research into a "prison program" at the Department of Corrections to help care for seized animals.

### **Final Thoughts**

Vermont has the largest per capita rate of pet ownership in the country, with 71% of households owning at least one animal. Vermonters care deeply about animal welfare, indicated by the tremendous public response that is triggered when animal cruelty cases are in the news. The well-documented link between animal cruelty and human violence is also a serious concern. Funding will continue to be an obstacle in all areas of animal cruelty response. But until we take animal cruelty as seriously as we do other crimes, and dedicate the necessary resources to build an infrastructure to support a centralized and coordinated approach, our state will continue to struggle in this area, and animals will continue to suffer needlessly. We hope that our research and recommendations will be useful moving ahead toward the common goal of building safe communities here in Vermont for both people and animals.

## IV. ANIMAL CRUELTY RESPONSE IN VERMONT

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### Overview

Animal cruelty complaints are currently handled by multiple agencies in Vermont, including local, regional and state law enforcement agencies, private humane societies, municipal animal control officers (ACOs), the Vermont Agency of Agriculture, Food and Markets (VAAF) when livestock and/or poultry are involved, and the Vermont Humane Federation (VHF) through its online animal cruelty reporting website, [www.ReportAnimalCruelty.com](http://www.ReportAnimalCruelty.com) (also known as “Animal Tracks.”)

Members of the public often do not know how to make a complaint of animal cruelty, and once they do, they may be re-directed to several different agencies, particularly when the complaint concerns animals other than dogs. Law enforcement may see cruelty response as an animal control function, the public may have an expectation that their local shelter investigates complaints, and municipalities don’t always understand the broad authority given in statute to their appointed ACOs. This confusion has resulted in less than desirable outcomes in many cases.

The Task Force took a closer look at all of the agencies in Vermont that have some role in animal cruelty investigations, and further detailed response protocols, data collection and strengths and challenges for each sector in *Appendix A, Evaluation of Animal Cruelty Investigation and Response*.

### Comparison to Other States’ Protocols

The Task Force reviewed detailed animal cruelty response protocols in [several New England states](#), as well as Delaware’s protocols. A summary of cruelty response protocols [in all 50 states](#) (including funding provisions) was also reviewed. The Task Force generally believed that [Delaware](#) and [Maine](#) both had good models to draw from. In both states, a dedicated department was developed (and funded) within a state agency to centralize the response to both animal cruelty and animal control complaints. Delaware’s Office of Animal Welfare is also the umbrella for local disaster animal response teams. Maine’s Animal Welfare Division also oversees the inspection and licensing of breeders.

In both States their respective agency employs full-time agents tasked with inspecting and licensing animal shelters, conducting cruelty investigations statewide, and providing regular training to humane agents and ACOs. The Task Force believes that animal cruelty investigations in Vermont should be supervised or supported under a law enforcement umbrella like the Department of Public

Safety rather than the Department of Agriculture as in Maine, or the Division of Public Health as in Delaware.

## Data Collection

All Vermont law enforcement agencies participate in the National Incident-Based Reporting System (NIBRS), which is maintained by the FBI and collects data on each single incident and arrest within 22 offense categories made up of 46 specific crimes called Group A offenses.

Starting in January, 2016, the FBI added animal cruelty as a Group A offense. This will require that law enforcement report all incidents of animal cruelty, regardless of whether enforcement occurs, in four categories:

- simple or gross neglect;
- intentional abuse and torture;
- organized abuse (including dog and cock fighting); and
- animal sexual abuse\*

*\*It is important to note that animal sexual abuse is not a criminal offense in VT's animal cruelty law, unless the animal sustains physical injuries (in which case it might be prosecuted under our current animal cruelty laws). Vermont is one of only 10 states (plus the District of Columbia) where animal sexual abuse is still legal. The Task Force felt that lawmakers should consider adding this serious crime to our statute so that we can comply with the new mandatory reporting requirements. More importantly, there is a strong link between animal sexual abuse and other crimes. For example, the FBI found high rates of sexual assault of animals in the backgrounds of serial sexual homicide predators.*

The Task Force was asked to look at a centralized data collection system for the State, which may be challenging given the different systems that are used to collect and disseminate information between the public and private sectors. For example, Vermont law enforcement agencies use either the Valcour or Spillman database systems to collect criminal data, while the Vermont Humane Federation uses Animal Tracks. Individual humane societies, ACOs, and VAAF staff may or may not collect and track data in a documented, systematic manner.

Data in Valcour and Spillman is accessible to law enforcement agencies only. Animal Tracks data is only incorporated into law enforcement databases when they becomes actively involved in a case first reported in the database. The majority of Animal Tracks cases are resolved in the field by ACOs and humane officers, and never rise to the level of involvement of a law enforcement agency. This could be problematic as law enforcement may not be aware of repeated animal cruelty complaints handled by non-law enforcement personnel. This will also affect

Vermont's ability to comply with the new mandatory reporting requirements to the FBI.

Vermont is participating on the FBI's Implementation Task Force, with the goal of finding a way to share the private data collected in Animal Tracks with the law enforcement community in order to have a more accurate representation of the data state-wide. The Task Force also discussed the fact that if animal cruelty response became a function of law enforcement solely, that all of the crime data from animal cases would automatically be populated into NIBRS, which would be ideal.

### **Response Resources**

Currently, the costs of maintaining animal cruelty investigation programs are borne by Vermont's cities and towns through their support of ACOs; by local, county and state law enforcement agencies; by private, non-profit humane societies; by the VAAFM; by the VHF; and by volunteers and donors of time and services. A pool of funding for animal cruelty investigation (for not only the investigation itself but also the associated animal care and medical costs) does not exist within a single organization.

The cost of care for animals surrendered or seized during animal cruelty investigations is almost entirely supported by local humane societies, veterinarians, and national humane organizations (for larger cases). Single cases can cost tens of thousands of dollars, and many local humane societies and rescues, especially those with little or no paid staff, or those without a public facility, are hesitant to take on the financial responsibility of holding seized animals until the case is adjudicated, which could be months. If a case is appealed, it could take even longer.

As just one example, Franklin County Animal Rescue in St. Albans shared case expenses from an animal cruelty seizure conducted by the Vermont State Police on February 5, 2015. Eight dogs were removed from a residence in Richford. All eight dogs were still being housed at the shelter at the time of this report, with no end to the case in sight, and the cost for housing and medically treating these animals has exceeded \$50,000 to date.

In another example, the Lucy Mackenzie Humane Society in West Windsor assisted the Woodstock Police Department with the removal and care of 23 horses that were seized as part of a criminal investigation on November 13, 2014. The shelter shouldered the responsibility of caring for the animals in a separate location provided by the Green Mountain Horse Association, and had to divide staff time between 2 facilities for several months. After a year, the shelter accepted a plea bargain whereby the animals were signed over to them in exchange for all charges being dropped. This single case cost the shelter approximately \$100,000. While they

were successful in raising \$90,000 to help cover the costs, these were fundraising dollars that had to be diverted from other vital program areas.

Even in cases where criminal restitution is ordered to cover the high costs of animal care after a defendant's conviction, animal care agencies rarely receive any reimbursement, and the court does not make up the cost.

It's not surprising that many local shelters are hesitant to get involved in cases because of the huge burden to their already stretched time and resources. The lack of facilities to house seized animals (both small and large) for an unknown period of time is a growing crisis that could severely impact investigations moving forward.

The legislature made improvements to Vermont's civil forfeiture statute in 2014, simplifying the process for civil forfeiture trials in order to expedite the final disposition of seized animals. However in two high-profile cases in 2015 alone (Santa's Land in Putney and Jessie Lynn Gentlewolf in Townshend), both defendants successfully delayed civil and criminal court proceedings by appealing decisions that would have otherwise remanded ownership of the animals to their caregivers for adoption. In the Santa's Land case, where no animal welfare agency was able to take responsibility for the seized animals, they remain in individual foster care more than a year later, with private citizens continuing to foot the bill for the animals' care.

## 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, VAAFM, 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 (VAAFMM 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 VAAFMM’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.

## APPENDIX A. EVALUATION OF CURRENT ANIMAL CRUELTY INVESTIGATION AND RESPONSE

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### **The Vermont Humane Federation (VHF)**

#### **Response Protocols**

The VHF developed and implemented a voluntary [Cruelty Response System \(CRS\)](#) in 2007, with the goal of ensuring that every complaint of animal cruelty and neglect has a place to go, a person to investigate it, and a process to verify that appropriate action is taken and that results are documented. Along with the development of the CRS, the VHF created the website [www.ReportAnimalCruelty.com](http://www.ReportAnimalCruelty.com), and [standard operating procedures](#) to facilitate animal cruelty reporting and to allow humane officers to manage their cases and case materials in a secure environment.

Within each county in Vermont, the public is directed to contact a “[lead agency](#)” with complaints of animal cruelty or neglect by either calling a toll-free number (1-877-9-HUMANE) or logging on to the website. The lead agencies consist of three sheriffs’ departments, seven humane societies, and a state-wide Animal Tracks Administrator, a part-time position funded by the VHF. The lead agency is responsible for dispatching complaints to local authorities (when they’re in place) and coordinating and tracking investigations and outcomes of animal cruelty investigations. The majority of animal cruelty complaints received by the VHF are referred to local ACOs and humane officers associated with humane societies for investigation.

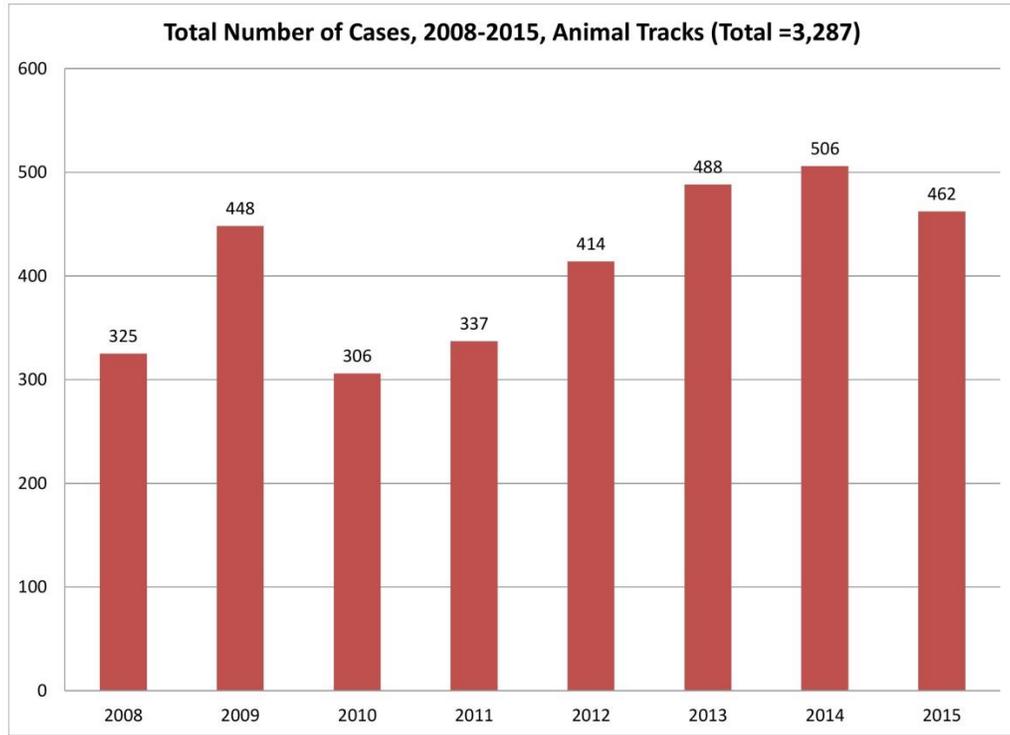
As part of its efforts to better coordinate response efforts statewide, the VHF also developed a manual for humane officers, [How to Investigate Animal Cruelty in Vermont](#), along with a voluntary training curriculum made up of four, day-long [courses](#) that are sponsored by the VPA every fall.

#### **Cruelty Statistics**

Approximately 400-500 animal cruelty complaints are handled each year by the VHF and its member agencies via [www.ReportAnimalCruelty.com](http://www.ReportAnimalCruelty.com).

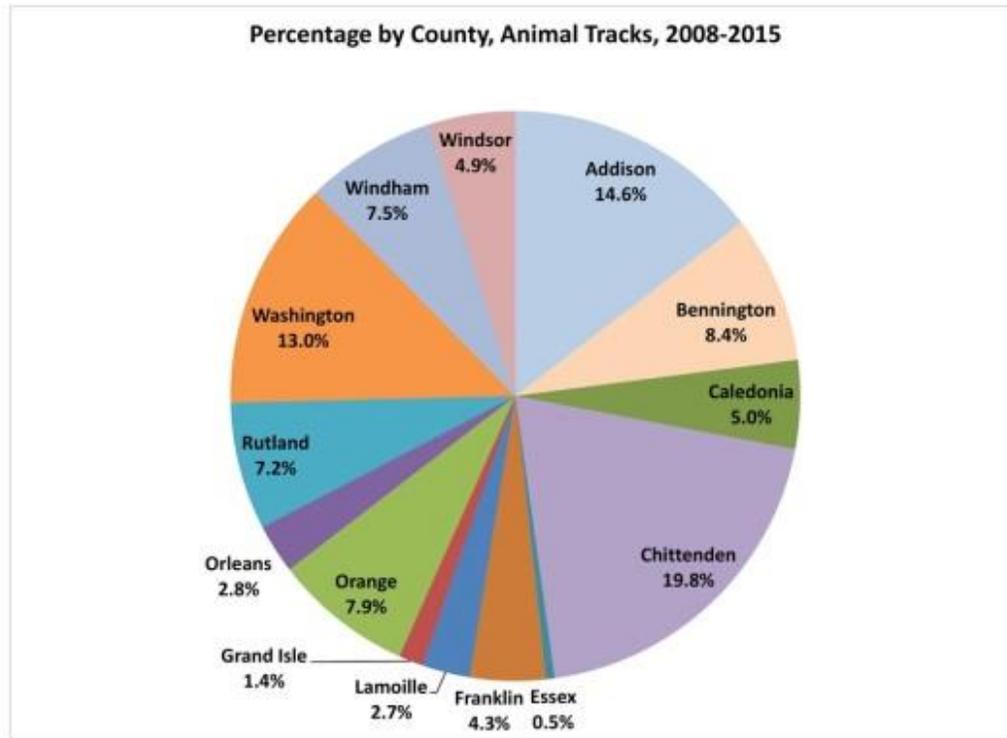
From 2008 - 2015, over 3,200 cases were handled through Animal Tracks. The vast majority of these complaints are animal cruelty complaints, rather than animal control issues.

**Figure 1: Total Number of Cases, Animal Tracks, 2008-2015**



Vermont Humane Federation, 2015

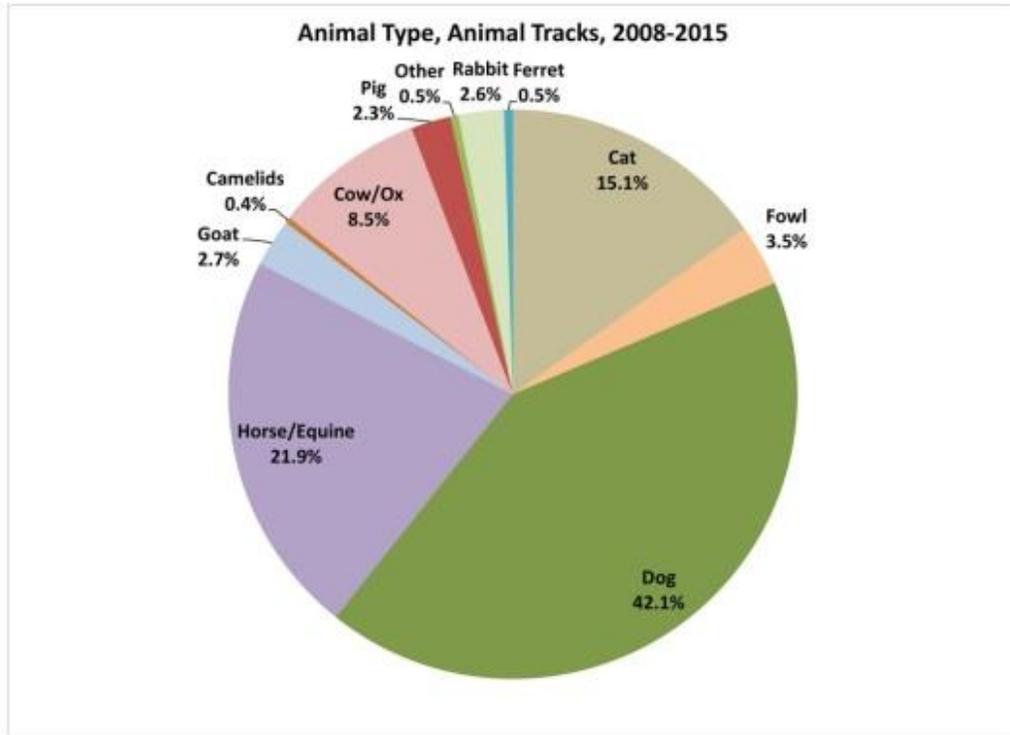
**Figure 2: Distribution by County**



Vermont Humane Federation, 2015

The most frequent species about which complaints were received were dogs (42%), horses (22%), cats (15%), and cows/oxen (8%).

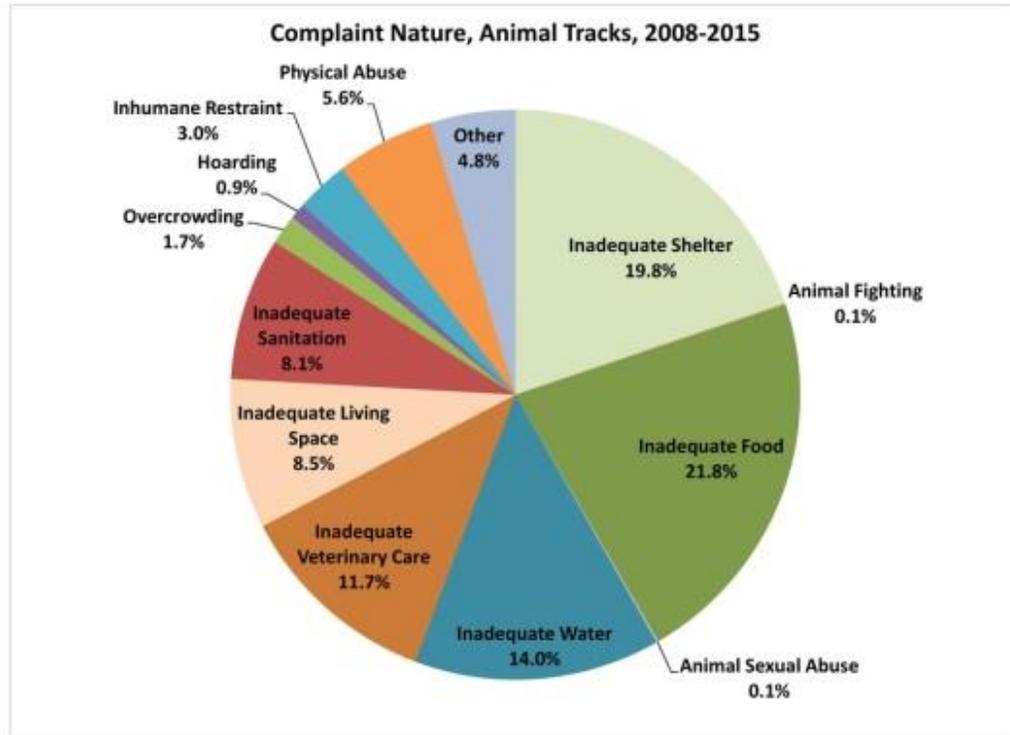
**Figure 3: Distribution by Animal Type**



Vermont Humane Federation, 2015

The most common complaints were inadequate food (22%), shelter (20%), water (14%), and veterinary care (12%).

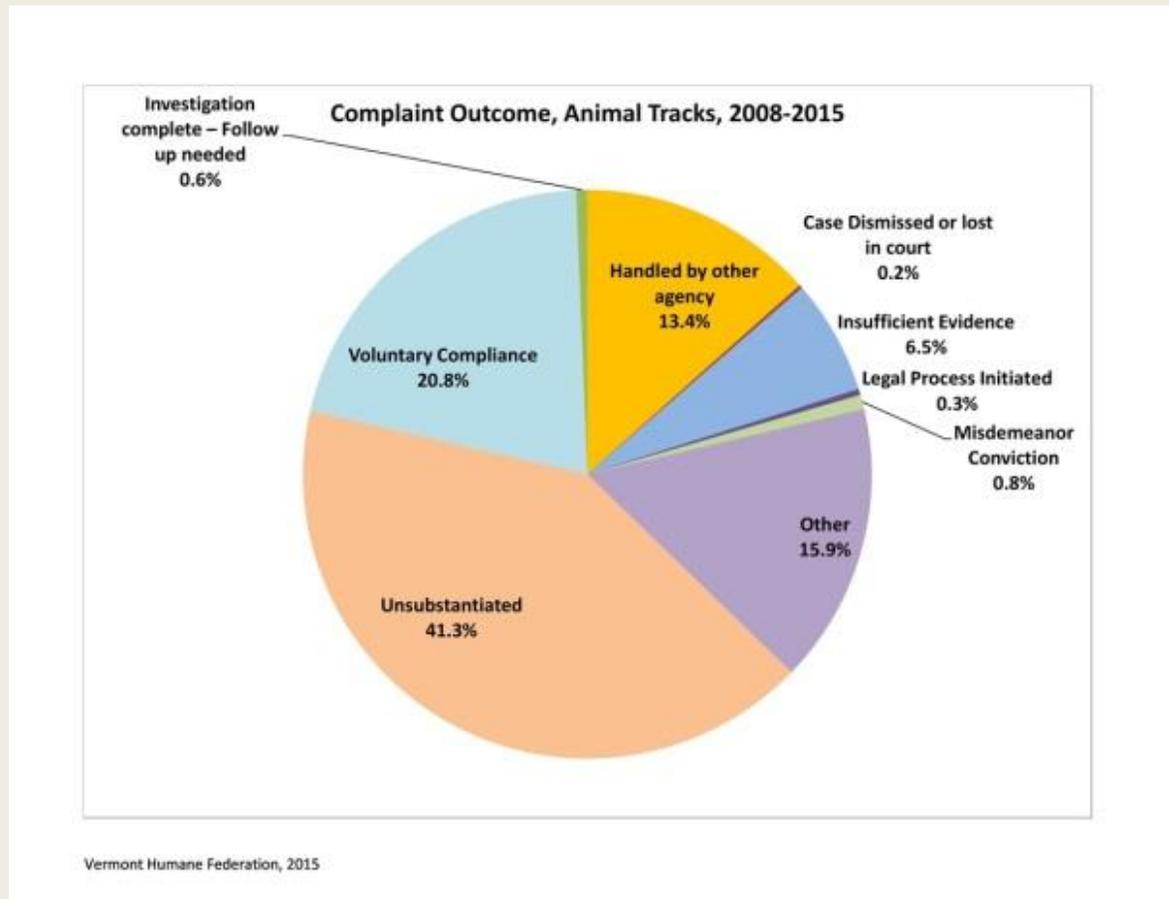
**Figure 4: Distribution by Complaint Type**



Vermont Humane Federation, 2015

The most common outcomes of the cases were unsubstantiated (41%), voluntary compliance (21%), other (16%), handled by other agency (13%), and insufficient evidence (6%). Enforcement, in this case defined as issuing a civil ticket or citing for misdemeanor or felony animal cruelty, took place in 1.3% of the cases.

**Figure 5: Complaint Outcomes**



### Strengths and Challenges

The strengths of the VHF's Animal Tracks System are that it is well monitored, it can track vital statistics, and it lends itself to a task force approach, with the administrator coordinating multi-agency responses. Public awareness has increased as this system has developed over the years, and the statistical information from the system has been useful.

Some of the challenges that have been identified through the use of Animal Tracks would be indicative of challenges that *all* agencies face when responding to animal cruelty complaints. The VHF's cruelty response system is an unfunded, voluntary system about which many of the public are still unaware. In some cases, Sheriffs' Departments take on the responsibility of acting as lead agencies (Orange, Franklin

and Caledonia Counties); however, this is an unfunded activity for the Sheriffs' Departments as well. In other cases, humane societies and rescues act as lead agents; however, the costs of doing so compete with costs for running an animal shelter. And contrary to what many people assume, most shelters do **not** employ someone to respond to animal cruelty complaints exclusively.

## **Law Enforcement Agencies**

### **Response Protocols**

Protocols for animal cruelty response vary among and between local police departments, sheriffs' departments and Vermont State Police (VSP). Law enforcement officers receive no mandatory training in this area at the VPA, so may not even know that they have authority (and an obligation) to enforce the chapter on the humane treatment of animals in the criminal code.

### **Cruelty Statistics**

The Department of Public Safety provided a [legislative report](#) to the Task Force, which was submitted to the House & Senate Judiciary Committees in 2013 and summarizes the number and nature of incident reports to law enforcement (and municipalities) based on suspected animal cruelty violations.

This report showed 40,466 animal related complaints were logged into the Computer Aided Dispatch System in a five year period (2008-2012). There was no distinction made between animal control calls (i.e. stray dogs, noise complaints, etc.), and animal cruelty complaints. Four of the complaints were noted as resulting in arrests. No additional information about these complaints was included. The report noted the difficulty in obtaining accurate statewide information, and noted that the costs of care for animals seized and surrendered was a concern.

### **Strengths and Challenges**

Law enforcement officers have the authority and training necessary to lead criminal investigations of any nature. While animal cruelty investigations hold some unique elements, the investigatory process is no different in crimes involving animals. That said, many agencies don't have the capacity or desire to take on these cases, instead believing that this should be a function of animal control or the local animal shelter. Most towns in Vermont do not have a local police department, and unless they contract with their county Sheriffs' Department, the job may fall to the State Police, who are already under-staffed and under-resourced. Some communities have implemented different models. In Burlington, for example, community service officers (CSOs) act as support to police officers, handling a variety of tasks, including animal control.

The survey revealed that some police dispatch personnel do not handle animal complaints or are misinformed on what constitutes a violation. For example, one dispatcher responded that “abandoning a litter of kittens on the side of the road is not against the law.”

Several areas of weakness were identified in the DPS report, which made the following recommendations:

- Develop a uniform reporting form and centralized database;
- Require animal cruelty investigation training be part of law enforcement officers’ basic training (Level III); and
- Develop dispatcher training to be conducted across the state.

### **The Vermont Agency of Agriculture, Food & Markets (VAAFM)**

#### **Response Protocols**

The structure of the VAAFM’s animal welfare program is detailed on its [website](#), and their standard practices around cruelty investigations are outlined in the document, [Consulting with the Agency of Agriculture on Livestock Cruelty Complaints](#), which is part of the VHF’s cruelty investigator’s manual.

The VAAFM receives animal cruelty complaints by telephone and email. The majority of these complaints are referred to the Cruelty Response System’s lead agency in each county, with the exception of those complaints received about commercial dairy farms that are regulated by the VAAFM.

In many of those cases, a dairy inspector and an animal health specialist may complete a site visit, evaluate the complaint and provide welfare-related technical assistance to owners and managers. In cases where a satisfactory resolution is not achieved, or where warranted, complaints are referred to a humane agent and/or law enforcement officer.

The State animal cruelty statute does not authorize the VAAFM to investigate animal cruelty complaints, however their Animal Health Section must be consulted prior to any enforcement action against an owner of a livestock animal pursuant to § [354 \(a\)](#). This consultation with the Agency is required because under Vermont law, animal cruelty laws may not apply to certain acceptable livestock and poultry husbandry practices. The VAAFM is seeking further clarification on what constitutes “enforcement” and “consultation” under this statute (see also pg. 14, *Additional Recommendations*).

Animal Health Section personnel also license and inspect companion animal facilities such as animal shelters, pet shops and rescue organization animal housing facilities. If an animal welfare violation is observed during an inspection, a referral is

made to the humane officer with jurisdiction in the municipality where the business is located for investigation and enforcement action if deemed necessary.

### **Cruelty Statistics**

Animal Health Section personnel do provide assistance, upon request, to humane and law enforcement officers for purposes of determining if a situation represents an acceptable husbandry practice. VAAFM personnel have provided consultation that has resulted in 167 site visits to livestock-owning properties within the last five years and has provided consultation by email or through phone conversations in many more situations.

### **Strengths and Challenges**

While there is purpose and benefit to having the VAAFM involved in livestock and poultry complaints, there are also limitations. Animal Health Specialists have multiple responsibilities, not the least of which is food safety, and the VAAFM is not included in the cruelty statute's definition of "humane officer."

Cases involving horses can be particularly challenging since they are often maintained as companion animals versus production animals. As stated previously, there has also been confusion as to what constitutes "enforcement action" and "consultation" as it relates to the VAAFM's role in animal cruelty investigations. Cases are handled best when a task force approach is taken, and the VAAFM works under the direction of a lead law enforcement or humane officer to determine whether livestock and poultry husbandry practices are acceptable or not.

### **Municipal Animal Control Officers (ACOs)**

#### **Response Protocols**

The vast majority of ACOs are appointed by a municipality, while some are employed by local police departments. Municipal ACOs operate under the direction of their select board, and their roles and responsibilities vary greatly from town to town. Animal control is an extremely important function for both public safety and animal welfare, but the turnover rates are extremely high because of the stressful and part-time nature of the job.

The Vermont League of Cities and Towns developed the [Big Book of Woof](#), a handbook developed to serve as a resource and instruction manual for municipal officials (select boards, town clerks, ACOs, town health officers, constables, and the town attorney) "involved in dog matters." The chapter on animal cruelty investigations recommends ACOs contact their local humane society or a law enforcement officer for follow-up, or refers them to the VHF's cruelty investigator's manual.

## **Cruelty Statistics**

ACOs may have their own personal system of documentation and data collection but there is no state-wide repository for animal cruelty complaints handled by municipal ACOs, unless they are initially captured in Animal Tracks and then referred to the local ACO for follow-up.

## **Strengths and Challenges**

Towns and cities rarely anticipate that ACOs will be handling the investigation of criminal complaints, and ACOs are not necessarily trained as investigators, nor to evaluate all species. Many ACOs are expected only to enforce local ordinances (noise complaints, running at large, and dog licensing), and several will only respond to calls related to dogs. Neither ACOs nor humane officers are required to receive any mandatory training in order to perform their jobs (although training is made available through the Vermont Police Academy and the Vermont Animal Control Association), and while some ACOs and humane officers are paid positions, many are volunteers. It is often difficult to find someone qualified and willing to handle complaints about anything other than dogs, particularly large animals. ACOs and humane officers have limited enforcement authority, and neither have immunity or limited liability to conduct or assist law enforcement with criminal animal cruelty investigations.

Both ACOs and humane officers expressed serious concerns about their role in cruelty investigations in an [electronic survey](#) conducted by the VHF in May, 2015. The most significant concerns cited by 11 of the lead agencies were:

- Staff time and cost of initial and follow-up investigation (73% were somewhat or very concerned);
- Limited capacity to hold seized animals (100% were somewhat or very concerned);
- Cost of holding seized animals (100% were somewhat or very concerned);
- Lack of trained staff (73% were somewhat or very concerned);
- Staff safety (100% were somewhat or very concerned); and
- Liability (100% were somewhat or very concerned).

Several lead agencies were also contacted by phone in September 2015 (Franklin County Sheriff's Office, Windham County Humane Society, Springfield Humane Society, Humane Society of Chittenden County, and Homeward Bound Animal Welfare Center) and said that investigation impediments include variability in training, willingness and response of some ACOs, and finding qualified humane officers to handle large animal calls.

## Veterinarians

### Response Protocols

Veterinarians play a vital role in animal cruelty response. Not only will their extensive professional training make them an expert partner and witness in an animal cruelty investigation, their participation is mandated in the animal cruelty statute under certain circumstances:

- According to [354 \(b\) \(2\)](#), a veterinarian licensed in Vermont must accompany a humane officer during the execution of a search warrant;
- According to [354 \(b\) \(1\)](#), animals that are voluntarily surrendered during the course of an investigation must be seen by a licensed VT veterinarian within 72 hours;
- According to [354 \(3\)](#), if animals are seized without a warrant by a humane officer who believes they are in immediate danger, the animals must be immediately taken to a licensed veterinarian for medical attention to stabilize their condition and assess their health; and
- According to [386, Confinement of Animals in Motor Vehicles](#) a humane officer who removes an animal left unattended in a standing or parked motor vehicle in a manner that would endanger it's health or safety must deliver the animal to "a humane society, veterinarian or town or municipal pound."

In addition to the cruelty statute, [Title 26 \(Professions and Occupations\), section 2404](#) protects licensed veterinarians from civil liability when they:

- Report suspected cases of animal cruelty;
- Accompany humane agents during the execution of a search warrant; and
- Evaluate and provide medical attention to an animal brought in for health assessment pursuant to 13 V.S.A., [section 354](#).

The American Veterinary Medical Association (AVMA) has a written [policy](#) on animal abuse and neglect, along with additional resources for veterinarians on their [website](#). The AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities, whether or not reporting is mandated by law. Their policy goes on to state that "prompt disclosure of abuse is necessary to protect the health and welfare of animals and people. Veterinarians should be aware that accurate, timely record keeping and documentation of these cases are essential. The AVMA considers it the responsibility of the veterinarian to educate clients regarding humane care and treatment of animals." The AVMA's white paper, [Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty](#) provides information on developing protocols for responding to suspected abuse cases prior to encountering them in practice.

## **Cruelty Statistics**

While individual veterinary practices may or may not keep records related to animal cruelty complaints, including suspicions involving their own clients, there is no centralized reporting mechanism for veterinarians to share this information statewide. There is also no legal mandate in Vermont that veterinarians report *any* suspicions of animal cruelty, even though they are granted liability protection for reporting.

## **Strengths and Challenges**

While veterinarians play a pivotal role in investigations, that role could vary from case to case depending on the protocols and understanding of both the assisting veterinarian and the agency heading the investigation. There are no written protocols outlining the veterinarian's role, expectations, or involvement in a cruelty investigation. Veterinarians are also not mandated to complete any training in order to assist with cruelty cases, even though the Vermont Veterinary Medical Association (VVMA) encourages their participation and provides two full scholarships annually to veterinarians interested in attending the VPA (or similar) training.

In addition, it can be difficult to find veterinarians willing and able to not only accompany law enforcement officials on the execution of a search warrant, but to be available to testify in court if the case goes to trial. This can be a serious stumbling block for small practices with a limited number of veterinarians to 'cover' for those participating in cases. The VVMA keeps a list of veterinarians who are willing to participate (and who have been trained) but sometimes the emergency nature of these cases can make it difficult to find a veterinarian on short notice. And while it is ideal to have a veterinarian on site who specializes in the species that are involved, it is not always practical, and a potential conflict of interest could exist with clients or potential clients in their own service areas.

Funding is also an issue for this sector. Law enforcement agencies, municipalities and animal shelters do not have funding allocated for the medical care of animals seized during the course of an animal cruelty investigation. Veterinarians are often taking time out of their normal work schedules (with paying clients) to assist with cases. Many provide not only pro bono services but a limited discount on medical procedures, follow-up tests, and vaccines as well. But the costs associated with the medical care of animals, especially when there are large numbers or livestock involved, can be a prohibiting factor for an agency to even move forward with an investigation.

## APPENDIX B. TASK FORCE MEMBERS

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<b>Member</b>	<b>Representing</b>
Pam Dalley	Department for Children & Families
Keith Flynn	Department of Public Safety
Bill Bohnyak	Department of State's Attorneys and Sheriffs
Erika Holm	Humane Officer, Domestic Animals
Deborah Loring	Humane Officer, Large Animals
Dr. Kristin Haas	VT Agency of Agriculture, Food & Markets
Paula Russell	VT Animal Control Association
Silas Loomis	VT Constables Association
Andrea McMahon	VT Federation of Dog Clubs
Clint Gray/Chris Bradley	VT Federation of Sportsmen's Clubs
Susan Allen	VT Governor's Office
Joanne Bourbeau	VT Humane Federation
Trevor Whipple	VT Police Chiefs Association
Patti Lewis	VT Town Clerks Association
Dr. William Brady	VT Veterinary Medical Association

## APPENDIX C. SUPPORTING MATERIALS

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The following supporting materials are available on the VHF's Website at <http://www.vermonthumane.org/animal-cruelty/vermont-animal-cruelty-task-force/>

### **Distributed Materials**

[Animal Cruelty BLET Rhode Island](#)  
[Animal Tracks Standard Operating Procedures](#)  
[Animal Tracks Statistics 2008 - 2015](#)  
[ASPCA and NYPD Partnership](#)  
[Consulting with the Agency of Agriculture on Livestock Cruelty Complaints](#)  
[Corrections Care of Animals Report](#)  
[Cruelty Investigation Training Syllabus](#)  
[CRS Lead Agency Survey Results 5/15](#)  
[Cruelty Response Summit Results](#)  
[DCF Humane Society MOU](#)  
[Department of Public Safety Legislative Report](#)  
[FBI Adds Animal Cruelty Crimes to National Incidence-Based Reporting System](#)  
[Investigating and Prosecuting Animal Abuse](#)  
[NE States' Animal Cruelty Response and Training](#)  
[Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect](#)  
[Public Comment Melissa Salatino 8/18/15](#)  
[Public Comment Elise Eaton 1/3/15](#)  
[SA ND Flyer 9 15 R10](#)  
[Sentencing Statistics 2008-2015](#)  
[State by State Comparison](#)  
[VEWC Meeting of the Minds 8/14/15 Report](#)  
[VEWC Survey Question 14](#)  
[VEWC Survey Results August 2015](#)  
[Vermont Animal Cruelty Statute](#)  
[Vermont Criminal Animal Cruelty Sentencing Recommendations](#)  
[VHF Animal Tracks Overview](#)

### **Meeting Agendas**

[VACTF Meeting Agenda 9/15/15](#)  
[VACTF Meeting Agenda 10/6/15](#)  
[VACTF Meeting Agenda 11/5/15](#)  
[VACTF Meeting Agenda 12/7/15](#)  
[VACTF Meeting Agenda 1/4/15](#)

## **Meeting Minutes**

[Meeting Minutes 8/4/15](#)

[Meeting Minutes 9/15/15](#)

[Meeting Minutes 10/6/15](#)

[Meeting Minutes 11/5/15](#)

[Meeting Minutes 12/7/15](#)

[Meeting Minutes 1/4/16](#)