

# The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes  
20 November 2017

1) The regular meeting of the Governor's Commission on the Humane Treatment of Animals was called to order at 1:00 PM in Room 206 of the Legislative Office Building by Chairperson Patricia Morris.

2) **Members Present:**

- a) Dr. Jane Barlow Roy, NH Veterinary Medical Association
- b) Patricia Morris, Chairperson & Equine Association
- c) Lindsay Hamrick, National Humane Organization & Secretary
- d) Chief Dean Rondeau, NH Police Chiefs Association
- e) Sheila Johannesen, NH Animal Control Association
- f) George Cook, Dog Owners of the Granite State
- g) Heather Faria, NH Federation of Humane Organizations
- h) Steve Sprowl, Humane Cruelty Investigator
- i) Cynthia Collins, Marga Coulp, Tom Seymour, Dr. Jeri Zezula, Tom Ruzer and Jennifer Eber, General Public
- j) Dot Perkins, UNH Cooperative Extension
- k) Chairman John O'Connor, House Representative
- l) Dr. Stephen Crawford, State Veterinarian
- m) Sheriff Brad Balerino, Sheriff's Association
- n) Gary Lambert, NH Sportsmen
- o) Senator Regina Birdsell, Senate Representative

**Public Present:** Krystina Snyder, member of the public; Simon Thompson, Shaheen & Phinney; Rob Johnson, NH Farm Bureau

3) **Members Absent:** Wendy Munroe, NH Veterinary Technician Association

4) **Secretary's Report:** George Cook motioned to accept the minutes as amended. Chief Dean Rondeau seconded. All voted in favor.

5) **Subcommittee Reports**

a) **Animal Cruelty Cases & Conviction Tracking**

- i) Subcommittee: Steve Sprowl, Lindsay Hamrick, Marylee Gorham, Sheila Johannesen, Chief Dean Rondeau, Jennifer Eber, Heather Faria, Marga Coulp
- ii) What do we want to track?
  - a) The spreadsheet provided by the NH Federation of Humane Organizations is flexible and can be available via a private Google link. The information will not include defendant information. The spreadsheet tracks cases that come through the non-profits but does not capture cases handled on the local level with non-profit assistance. Edits to consider include listing the lead agency/organization and participating organizations as well as state agency involvement.
  - b) The IMC law enforcement system can catch the remaining complaints when law enforcement inputs the information into the system. In cases where animal control officers are handling calls, dispatch is inputting the information. The County Attorneys' offices collect certain crime statistics on an annual basis and the Commission can submit a request to the Attorney General's office to request collection of animal cruelty related data. The IMC can collect data on convictions, open investigations and dismissed cases. The County Attorneys typically collect the data by January 30<sup>th</sup> of this year and the Commission can determine an appropriate deadline to submit the data to the Governor's office based on these deadlines. Similarly, the state is moving toward use of Justice 1, a shared database that would make reporting more efficient and consistent.

- c) The Commission discussed what kinds of complaints to track including violations of animal cruelty. This subcommittee can create best practices for ACOs or other entities to report. Lindsay Hamrick commented that the Fed and ACO reporting should mimic the IMC.

- iii) Court tracking

- a) Jennifer Eber created an initial review of District and Superior Court cases and asked the Courts to pull out RSA 437 and RSA 644:8 violations. Dr. Crawford suggested adding RSA 435 to encompass the equine shelter statute. It would be helpful to have data on cases where restitution is ordered and the amount ordered by the courts as well as to specify individual cases rather than total charges as there may be multiple charges in one case. The data given does not include juvenile statistics and while the details of those cases may be confidential, an idea of the volume of cases would be helpful. As high profile cases occur, attorneys and law students can also contact the courts for more information.

- iv) The subcommittee will discuss best practices for tracking and present to the full Commission.

- b) **Legislative Subcommittee**

- i) Subcommittee: Senator Birdsell, Representative O'Connor, Lindsay Hamrick, Dr. Crawford, George Cook, Dr. Barlow, Trish Morris, Wendy Munroe, Jennifer Eber, Tom DeRosa, Gary, Sheriff Brad Balerino
- ii) See attached for the legislative spreadsheet and links to bill language for animal related legislation.
- iii) The Commission will vote on whether each bill is pertinent to our work as well as the Commission's position at the December meeting. All members are asked to review the bills and come to the December meeting prepared with feedback.

- c) **Training & Funding**

- i) Subcommittee: Cynthia, Dot, Tom DeRosa, Jeri Zezula, Christy
- ii) See attached for the current training schedule for law enforcement, animal control and humane officers and list of trainings that have been offered.
- iii) Veterinarians do not receive training on animal cruelty unless a veterinarian seeks out those courses nationally. Commission is unaware of training offered for veterinarians regionally. NHSPCA humane investigator has been through all three levels of training but that training is not required. NHSPCA, Pope Memorial SPCA and Animal Rescue League of NH are the three shelters with humane investigators.

- iv) Subcommittee needs to identify the target groups.

- a) Public education – update the brochures and the links via the Commission website

- v) Funding

- a) Decal license plate options for non-profits. An animal related non-profit could submit as an amendment to an existing bill for a cruelty fund decal.

- i) Gold Star Mother & Organ Donor (Sen. Birdsell) & Boy Scouts (O'Connor)

- b) Dog licensing

- i) 233,698 dogs that are registered annually in New Hampshire

- ii) Could add funding options into RSA 644:8 from the dog licensing revenue

- iii) Dr. Jeri learned more about the victim's compensation program that allows victims to apply for funds through the AG's office. Started in 1991 and is managed by a Commission and are funded by penalty assessments – restitution, speeding tickets, grants. Some states have setup this format for animal cruelty cases. About 700K is funded each year and there is a cap on reimbursement set at 30K for an individual. Chief Rondeau clarified that there is a ~20% penalty assessment on violations in NH and that 1-2% goes to the victim's compensation fund.

- d) Currently waiting on approval to meet as subcommittees via email.

- 6) **Recent Supreme Court Decision – State of NH vs. Joni Osgood**

- a) Trish can send the decision to any commission members interested. Defendant was convicted in a jury trial of three counts of misdemeanor animal cruelty. The defendant appealed to the Supreme Court claiming the State failed to prove that she owned the horses at the time the charges were filed as the horses were boarded by Southwick. The owner was responsible for cleaning stalls, veterinary care and training and the stable was responsible for the remaining care. Osgood stopped coming to the stables and stable owner did

not let horses out of stables for a long period of time. Supreme Court upheld the lower court's decision that the owner was responsible.

- b) What responsibility did the boarding facility have as the horses were in his possession and custody? Chief Rondeau commented that the owner was ultimately responsible but there may have been civil recourse for the owner to charge the boarding facility with not providing care. Dr. Crawford confirmed that the facility owner's employee may also have been charged in this case. Steve Sprowl spoke to the portion of the abandonment law that allows the transfer of ownership after seven days that an owner receives a certified letter alerting them to the abandonment although this language should be in a contract prior to an animal arriving rather than after the animal was abandoned.
- c) Similar Winchester situation arose years ago when an owner left \$5,000 to a neighbor to care for the horses who did not care for them and a horse died which also highlighted the issue of who was responsible whether the owner or the service provider.

7) **Senator Bradley LSR: Relative to Animal Cruelty**

- a) There have been five stakeholder meetings and the final version was submitted to the Office of Legislative Services for review. The final version and bill number should be available this week.
- b) RSA 437 changes:
  - i) Defines a "breeding female" dog under the definition of a "commercial breeder" as an unspayed female dog that is bred for the purposes of selling her offspring. A commercial breeder is defined as a person with five or more breeding female dogs.
  - ii) The Commission voted on whether RSA 437 fell under the Commission's Executive Order. Seventeen voted in favor of including it in discussions, two opposed (Dr. Crawford, Chairman O'Connor) and one abstained (Dot Perkins).
- c) RSA 644:8 changes:
  - i) Clarifies that a felony charge can include animal cruelty that results in death or serious bodily injury of an animal. The current felony definition is "purposeful mutilation, torture, beating or whipping" and this definition would allow charges in egregious cases where mutilation, torture, beating and whipping cannot be proven specifically. There are exemptions for slaughter, normal agricultural practices and veterinary practices in this section.
  - ii) The cost of animal care section clarifies that anything said in the civil proceedings can't be used in the criminal proceedings. This section exempts all livestock except horses that are not part of an agricultural operation.
  - iii) Trish Morris has sent this section to Susan Morrill with the AG's office for her unofficial opinion. If the cost of care section passes, the Commission will need to update the Manual for Prosecutors to reflect the new process and help guide what "reasonable cost" may mean.

8) **Next Meeting:** The Commission will meet on the 3<sup>rd</sup> Monday of each month from 1-3:30pm in the Legislative Office Building, Concord.

- a) December 18<sup>th</sup>

9) **ADJOURNED:** 3:12 PM

- a) **MOTION:** Trish Morris motioned to adjourn the meeting at 3:12pm. Seconded by George Cook. All voted in favor.

10) **Respectfully submitted by:** Lindsay Hamrick, Secretary