

The Governor's Commission on the Humane Treatment of Animals

Meeting Minutes
September 17, 2018

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 203 of the Legislative Office Building by Acting Chair, Dr. Jeri Zezula.

2) **Members Present:**

- a) Lindsay Hamrick, National Humane Organization & Secretary
- b) Tom DeRosa, Dr. Jeri Zezula, Jennifer Eber, Tom Seymour, Cynthia Collins, Marga Coulp - General Public
- c) Kristi Atherton, NH Farm Bureau
- d) Chairman John O'Connor, House Representative
- e) Senator Regina Birdsell, Senate Representative
- f) Sheila Johannesen, Animal Control Officers Association of New Hampshire
- g) Steve Sprowl, Humane Cruelty Investigator
- h) Heather Faria, NH Federation of Humane Organizations
- i) Wendy Munroe, NH Veterinary Technician Association
- j) Gary Lambert, NH Sportsmen
- k) Dr. Stephen Crawford, Department of Agriculture
- l) George Cook, Dog Owners of the Granite State
- m) Dr. Jane Barlow Roy, NH Veterinary Medical Association
- n) Dot Perkins, UNH Cooperative Extension

Public Present: Dave McKillop, NH Wildlife Federation; Courtney Aschbauch, Office of Legislative Services; Tyler Clark & Dick Bouley, NHVMA

Members Absent: Patricia Morris, Chairperson & Equine Association; Sheriff Brad Valerino, Sheriff's Association; Chief Dean Rondeau, NH Association of Chiefs of Police

3) **Secretary's Report:** Lindsay presented the minutes from the May meeting. Dr. Crawford requested clarification on section 8(c) to include the concerns regarding a proposed hoarding provision in the cruelty law and the criminalizing of a mental health condition. Dr. Zezula requested clarification on section 7 (c) that she had approached the NH Animal Control Association about possibly creating a voluntary certification program for ACOs. The ACO Association is part of the Municipal Association and could hold classes and exams there without a fee. Chairman O'Connor motioned to approve the minutes as amended. Senator Birdsell seconded. All members voted in favor.

4) **Current Cruelty Cases & News**

- a) The sentencing for the defendant in the Great Dane cruelty case was held in Superior Court in June and the defendant was ordered a suspended jail sentence pending counseling requirements, full restitution to the HSUS to include costs through another appeal or the rehoming of the dogs (~\$3 million), restitution to the town of Wolfeboro, a ban on animal ownership with the exception of one dog who was returned to her in December after the District Court process, and the Court forfeited the dogs to the State to be rehomed. The defendant did relinquish the dogs rather than require they be held through the Supreme Court appeal process. HSUS was given three months to place the dogs, including time for spay/neuter and recovery and the emergency shelter was closed in the beginning of September, after 15 months of operations, when all adoptable dogs had been placed

into experienced homes. Thanks to the Department of Agriculture for their assistance in ensuring the rehoming process met state laws and the mandated requirements by the Court.

- b) Jennifer Eber asked if the Commission should consider submitting an amicus brief which is a document from a 3rd party with information for the Supreme Court to consider in their review of the case. She believes the Governor's Commission has standing to submit a brief and Lindsay commented that the Governor's manual was utilized by both the defense and prosecution in the case. Jennifer Eber will present the Supreme Court challenges at the October meeting for the Commission to discuss.
- c) The defendant in the Alexandria German Shepherd case, in which 48 animals are being held by the NHSPCA, was convicted in Plymouth District Court in June and she has appealed to Superior court which is scheduled for the end of September. She was ordered to pay \$2,000/animal to retain ownership of the animals through the appeal process but has not yet paid. Steve Sprowl reported there is a hearing about the bond in September. Lindsay mentioned that this is likely an opportunity to tighten the existing cruelty law to require a timeframe for the post-conviction bond to be paid (this is existing law). The case has cost the NHSPCA over \$200,000.
- d) In July, the Cheshire County Sheriff's office evicted a man in Marlborough for a foreclosure. They removed 52 Labrador Retrievers who were held at the Monadnock Humane Society in Swanzey. The Monadnock shelter has spent over \$60,000 and had to cancel other programs in order to house the animals. The prosecutor requested that some of the dogs be placed into foster homes but the defendant objected and it took the Court six weeks to rule the dogs could be placed into temporary homes. This may also be an opportunity for clarification in the current law. The trial was held Friday but was delayed due to motions from the defendant who is representing himself.
- e) Dr. Crawford reported that the Department of Agriculture has received 18 complaints over the past three months which is a typical average. Nine were resolved, three involve disease and quarantine control, two are being monitored by law enforcement and one involved an alleged sanctuary in New Hampton in which 50 animals were removed. Because they were surrendered to Live & Let Live Farm in Chichester by the owners, they will not be held for the duration of the criminal case.
- f) Heather stated that the NHFHO would be updating their 2018 statistics and will provide those to the Commission when they are ready.

5) 2019 Legislative Initiatives

- a) Timetable for 2019 Bills
 - i) Incumbents can file legislation through this Friday, Sep. 21st and then all House legislators can submit between November 13th – December 3rd. January 4th is the last day to sign off on legislation. Senators can submit after the election for a period of 7-14 days. The Commission should be able to review bills during the December meeting prior to session beginning in January.
- b) **HB 1385: Relative to a Committee to Study Animal Welfare**
 - i) This is a carryover bill from 2018 and would set up a committee to study animal welfare. The House Environment & Agriculture Committee will begin work on this bill and their proposed changes to 2018's SB 569 (cost of care, commercial breeders), this week and next. Chairman O'Connor stated that the committee is likely to introduce legislation concerning the transfer of pets, inspections, animal control officer roles, stating the process for law enforcement to seize animals in the law rather than only the handbook, and cost of care. George asked if the intention of HB 1385 was duplicitous of the Governor's Commission's role. Dr. Barlow Roy said that this committee may be able to move legislation faster than the Commission.
 - ii) Senator Birdsell will report back if Senators are anticipating animal-related legislation.

6) Cruelty Tracking Subcommittee

- a) Jennifer Eber and Heather Faria have been working on the biannual report. Jennifer would like to include data from the Department of Agriculture as well. The subcommittee intends to submit the draft to the Commission in October or November. The subcommittee will also be highlighting the gaps in reporting and recommendations for future data collection processes.

7) Legislative Subcommittee

- a) The subcommittee did not meet this summer.
- b) Lindsay spoke to ongoing concerns regarding cost of care and commercial breeder oversight and openness for ideas and discussion.

8) Funding & Education Subcommittee

- a) The subcommittee updated the animal care brochures and will be updating the format to a black and white version which is easier to read.
- b) There is still interest in exploring a voluntary certification program for Animal Control Officers. Lindsay suggested inviting some of the board of the ACO Association for a discussion with the Commission. Dr. Zezula and Sheila will coordinate.

9) Repository for attorneys/prosecutors

1. Trish suggested we try to collect motions/complaints/search warrants/court orders on a password protected website accessible to prosecutors. The humane investigators, Department of Agriculture and HSUS receive requests for these on a regular basis. Dr. Crawford suggested that the website be publicly available as long as it only discussed resolved cases or public documents and Lindsay agreed that it would be beneficial to have a public site. The site could be a combination of suggested templates, working off of the suggestions already in the Governor's Manual as well as real world examples. Dr. Zezula will be attending an in service at the Police Academy on warrant writing and will report back on any details that may guide this project or the suggestions in the cruelty manual.
2. Commission members discussed inviting a prosecutor or two to a future meeting to review the cruelty law. Lindsay will reach out to the County Attorney handling the Great Dane case.

10) Protocol Manual Updates

- a) Everyone has been assigned a protocol manual assignment to review. Lindsay will send out a word version of the manual for review. Members should meet with others assigned to the same section and assign someone to summarize the suggestions for the October meeting. By November, each group should have updated the document with comments or suggested changes.

11) Review of other state cruelty laws

Trish suggested that members review the laws from other states and has assigned each member ~three states. This will help guide future discussions on the weaknesses and strengths of the cruelty law. Members will have reviewed their assigned states by the November meeting and report out then.

Examples include:

- a) Definition of animal
- b) Probable cause/authority to seize animals/ACOs/Humane Agents
- c) Mental States/Mens Rea
- d) Disposition of the Animals
- e) Bonding and Cost of Care
- f) Veterinary Immunity
- g) Mandatory Reporting
- h) Civil Remedies

- i) Commission members are asked to talk with their stakeholders about these and any other suggestions for the cruelty law. Trish doesn't believe the law can be edited nor does she expect the Commission to rewrite the law but she would like a report to the Governor to discuss these issues. The Farm Bureau, Dog Owners of the Granite State, NH Federation of Humane Organizations, HSUS, Granite State Animal League (represented via a public member) and NHVMA have all begun or will begin soon the process of discussing legislation with their constituents. Dr. Zezula feels it's important that constituents are able to weigh in and not just board members of organizations. Lindsay noted that this will be a long but important conversation and the research portion is the first phase, followed by suggestions for legal change. The NHVMA has held conversations with Dr. Gary Patronek from Tufts Veterinary School who is the expert on animal hoarding as well as Dr. Sara White who practices in NH and VT. Dr. Barlow stated that there are no easy answers to this issue but Dr. Patronek suggested looking to the Clark County, OH community approach to hoarding as an example.
- j) Commission members are asked to review other state's law (see attached) through the Animal Legal Defense Fund website. Note: Members are asked simply to review the text of the law, not the interpretation by ALDF.

12) New Business

- a) George asked if the Handbook on NH laws which is different from the Governor's Commission manual, has been updated recently. Steve Sprowl stated that it has not but Dr. Zezula and Steve will work together to see who at NHSPCA was maintaining the manual and if it should be updated. It is a useful tool for law enforcement and others to quickly reference all NH laws pertaining to animals.

13) 2018 Meeting Dates

- a) The final meetings for 2018 will be October 15th, November 19th, and December 17th at 1pm. Location in the Legislative Office Building in Concord TBD.

14) Call to the Public

- a) No comments

Tom Seymour moved to adjourn the regular meeting at 2:32pm. Sheila Johannsen seconded. All voted in favor.

Respectfully submitted by: Lindsay Hamrick, Secretary