

NH Governor's Commission on The Humane Treatment of Animals
Monthly Meeting Minutes
May 11, 2022

Call To Order

- Having achieved a quorum, the regular monthly meeting of the Governor's Commission on The Humane Treatment of Animals was called to order at 1:04pm by Co-Chair Jennifer Eber.

Roll Call

Commissioners Present

- Jozi Best – NH Farm Bureau
- Cynthia Collins – General Public
- Jennifer Eber – Co-Chair, General Public
- Kurt Ehrenburg – Humane Society of The United States
- Heather Faria – NH Federation of Humane Organizations (Late)
- Shelia Johannsen – Animal Control Officers Association of NH
- Wendy Munroe – NH Veterinarian Technician's Association
- Dr. Jane Barlow-Roy – NH Veterinary Medical Association
- Tom Seymour – Secretary, General Public
- Steven Sprowl – SPCA Humane Cruelty Investigator (Late)
- Sheriff William Wright – NH Sheriff's Association

Commissioners Absent

- Senator Jeb Bradley – NH State Senator
- Representative Barbara Comtois – NH State Representative
- George Cook – Dog Owners of The Granite State & NH Musher's Association
- Marga Coulp – General Public
- Dr. Steve Crawford – NH State Veterinarian
- Thomas DeRosa – General Public
- Elaina Enzien – UNH Cooperative Extension
- Patricia Morris – NH Equine Association
- Chief Dean Rondeau – NH Police Chief's Association
- Dr. Jeri Zezula – Co-Chair, General Public

Public Present

- Catherine Falbe
- Christine Falbe
- Marta Huruin

Review and Approval of Meeting Minutes

- Sheriff Wright motioned to accept the March meeting minutes. Dr. Barlow-Roy seconded the motion. Approval was unanimous.
- **Next:** Dr. Zezula to post meeting minutes on the Commission website.

Old Business

Subcommittee Updates

- *Subcommittee 1 (Data/Laws):* No report at this time.
- *Subcommittee 2 (New Legislation):* No report at this time.

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- *Subcommittee 3 (ACO Reporting)*: Wendy Munroe told the Commission that the Subcommittee was working to determine ACO requirements as set by other states where NH lacks training. Maine and Massachusetts offer basic and advanced level training options. In Massachusetts, Mayors designate ACOs who operated under veterinarian supervision for euthanasia cases. The ACO fees are paid by the town or a charity. They use a 115-page regulation manual. They also run an ACO certification academy.

Wendy said the Subcommittee planned to complete their review prior to the next meeting.

Dr. Barlow-Roy said that it is very difficult dealing with cases when there are always questions regarding who is in charge when an ACO is not employed. The reporting hierarchy, along with responsibilities, vary greatly depending on the ACO's status being either appointed, elected, or hired.

Sheriff Wright advised that police departments are limited in size and can struggle undertaking mandated requirements, especially in small municipalities. He suggested any proposal written should include requirements for permitting of the ACO. It is important to set standards for NH ACO (reporting, follow-up). Police Standards and Training should develop investigative courses to offer with ACO classes. The Sheriff also thought it would be helpful to loop the police academy into Commission's activities.

Steve Sprowl said that the Humane Society contracts for ACO work. Some ACOs report to the police department, while others report to Selectmen. Efforts to organize the ACO function should work to standardize the requirements. Currently there are conflicts between police departments and Selectmen. Steve also reminded the Commission that there are Police Standards and Training classes for ACOs, but the academy runs ACOs through the part-time program and will often skip over ACO courses to focus on other police related topics.

Heather Faria commented that ACOs do not investigate crimes. When issues arise, non-law enforcement people try to investigate cases but often cannot get citizens to cooperate as they lack any enforcement authority. Sheriff Wright said that the same holds true for law enforcement unless the officer has reasonable suspicion or probable cause. He suggested that perhaps ACOs should be supported by police departments, the NH State Attorney General, or the NH State Veterinarian. However, there is a need to develop the end goal and then pull in affected parties to help generate path forward.

Sheila Johannsen said that when an ACO is investigating it is assumed they report the crime details to the police department, NH SPCA, and the State. She said it is also assumed that appropriate actions would then follow. Sheila questioned if the state should be mandated to develop ACO standards. She further suggested an end goal should include formal structured reporting to develop strong database.

Jennifer Eber said for our next meeting discussions with other parties should occur to begin the Commission's process. Sheriff Wright will contact John Scippa of the NH Police Standards and Training for input on what he thinks of ACO issues. Wendy

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Munroe will contact Chief Dean Rondeau regarding local police department interactions and responsibilities regarding ACO activity.

Jozi Best reminded the Commission that ACOs do more than investigate cruelty, abuse, or neglect cases. Their responsibilities can also include handling strays, bite cases, etc. She also cited personal experience with other dogs. She reported an incident to an ACO, but never had feedback. She feels this illustrates the need for standards.

Dr. Barlow-Roy questioned why reporting would not take place. Sheriff Wright offered that if an action is not legislated it winds up being done by different agencies and the matter of how it is handled can be different between agencies.

- *Subcommittee 4 (Training)*: No report at this time.
- *Subcommittee 5 (Legislation Tracking)*: Please refer to "Legislative Update" under New Business, below...

Follow-Up Divorce Bill: HB 1103 (J Eber)

- Guests Christine and Catherine Falbe advised the Senate Bill amendment passed and is now headed back to the House of Representatives for approval. Jennifer Eber had forwarded links to Commission so members may offer personal opinion on the bill and amendment. Currently, the Governor has stated that the Commission cannot take any action on any pending legislation.
- The Falbes also informed the Commission that dog in question was attacked once more and nearly died. The dog has been relinquished and is recovering. They asked if an attacked animal can be placed under protective custody. Steve Sprowl provided detailed steps required if rabies is in question.
- Jozi Best mentioned that several RSAs and amendments call out the term "animals", not just dogs or cats. The Falbes also found that legislators do not understand that "division of property" cannot be changed after the fact as current law prohibits it, hence the amendment. Steve Sprowl supported that sentiment and felt that animals need to be removed from property classification. Dr. Barlow-Roy urged caution where animals might be considered sentient beings and might inadvertently set the bar too high. She also has found that property issues involving animals to be very complicated. She has clients who will ask for both parties to confirm ownership resulting from divorce.

Follow-Up Density of Animals on Property (J Best / J Maynard)

- Jozi Best informed the Commission that the owner in question in the Maynard issue has opened up to the idea reducing the animal population with most, if not all, for sale. The local health officer tested the water at this location and the water tested ok. Jozi also found that the town (Sutton, NH) does have a noise ordinance, but it does not speak to guard dogs barking at night. Mr. Maynard was advised to meet with Sutton Selectmen to request they write warrant article to revise noise ordinance.

Follow-Up Governor's Office on Appointments and AG (J Eber)

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- Jennifer Eber advised that the Governor's office is working to name a replacement for Gary Lambert who resigned in January 2022. She also mentioned that there appears to be a candidate in line that expressed interest in joining.

Follow-Up Cost of Care Information (Dr. S Crawford)

- This is placed on hold until Dr. Crawford is in attendance.

Office on Community Outreach Coordinator (J Eber)

- Jennifer Eber reached out to NH DOJ to inquire if this position has been filled as it offers the potential for an attorney expert in animal cruelty cases. The position has yet to be filled.

Prosecutor Training

- Steve Sprowl followed up on an earlier conversation noting that prosecutors are not knowledgeable on animal right RSAs. He said prosecutors do not understand that repeat offenders need to be convicted of at least one offense when multiple offenses are brought. This would allow later offenses to escalate to a felony. A felony charge offers greater possibilities. He also noted training classes revealed prosecutors were found unaware of the full extent of the law. Jennifer Eber offered to start looking and inquire if the NH Bar Association could conduct such training. Jennifer also offered to start an email chain in which Steve, Chief Rondeau and Kurt Ehrenburg (who has training materials available) would all discuss whether additional police prosecutor training could be scheduled..

New Business

Legislative Update (All)

Jennifer Eber, Dr. Barlow-Roy, Kurt Ehrenburg, Steve Sprowl, and George Cook (via email) provided updates as follows:

- SB 368 (Pet Vending): Continues to move forward. The revolving fund for hearing officers is capped at an annual expenditure of \$75k and also changes the language recognizing the new term of official certificate of transfer tied to the animal records database passed last season. It sets an administrative fine of not to exceed \$1k for each violation by a licensed pet vendor under this section.
- HB 1186 (Companion Animals During States of Emergency): Kurt Ehrenburg told this Commission that the bill has passed with amendment referring to "reasonable accommodations" in addition to use of trailers.
- HB 1066 (Cyno-Bacteria Blooms) was designated as Ought to Pass on May 5th.

Law Enforcement Survey (Final Results) (J Eber)

- Jennifer Eber noted that only a limited number of Commission members responded to the last survey sent. Jennifer will be asking Dr. Zezula to re-send the survey link as more respondents are needed for the survey to provide any value.

Reports on any Cruelty Cases (All)

- Steve Sprowl commented he has cases pending but cannot speak about them at this time. He did say that 5 horses were seized in Northwood. When asked about using the State's Cost of Care Fund, Steve said that they cannot submit a claim, but the local police department can.

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- Sheila Johannsen mentioned that a dog vendor, well-known for selling sick dogs, is building another home out of state. Sheila is hopeful the individual is moving permanently. Steve Sprowl knows of this person and said they will not get away with such behavior in Maine because Maine goes so far as to assign a State Trooper from each barracks to ACO work. Dr. Barlow-Roy advised that veterinarians cannot act upon or report cruelty cases but can advise authorities. Sheriff Wright mentioned the law enforcement is also limited by what they are allowed to check and what is found. He also said that the public too often expects charges to be brought if an animal is not treated as they expect it to be. Unfortunately, the public's expectation may well exceed treatment required by law. Steve Sprowl agreed with the Sheriff's comments adding that the public needs to be prepared to step up and assist. Lacking that, too many cases are not brought.

Commission Meetings Going Forward (J Eber)

- Jennifer Eber said she received good feedback regarding the Commission meetings going forward. She plans to send calendar invitations going forward. Jennifer also mentioned that feedback indicated that Thursday late mornings is preferred by most Commissioners. She also said that we would discuss the possibility of taking a summer hiatus during July and August.

Comments from Members/Guests

- No comments other than those already referenced.

Adjournment

- With no further business to conduct, Steve Sprowl motioned to adjourn. Sheila Johannsen seconded the motion. The motion passed unanimously. Co-Chair Jennifer Eber adjourned the meeting at 2:46pm.

Next Meeting

- Date/Time: June 8, 2022, 1:00pm to 3:00pm pm
- Location: State Department of Safety (33 Hazen Drive, Concord, NH)
 - **Second Floor Conference Room**