

# Cost Analysis of Animal Cruelty in New Hampshire

2008 Report



Governor's Commission  
on the  
Humane Treatment of Animals

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## Introduction

The Governor's Commission on the Humane Treatment of Animal (Executive Order 2006-3) was established to "evaluate animal abuse in New Hampshire, perform an analysis of all statutory and administrative rules, assess State, community and private programs that address animal abuse, and provide recommendations on ways to better prevent and address animal abuse in New Hampshire." (Executive Order 2006-3; John H. Lynch, Governor)

Under the Chairmanship of Senator Sheila Roberge, the Commission met as a group and eventually broke into three subcommittees to address what came forward as the major categories of issues – Legislation, Education, and Funding. The Governor received an Annual Report relating the accomplishments and concerns of these subcommittees.

One issue that has always been, and continues to be, a concern is the financial and social cost of animal cruelty to the state and other agencies and the fact that lack of financial resources (town, state and private) is a major factor that prevents animal cruelty cases from being adjudicated or in some cases even investigated.

This report is an attempt to put a value on the cost of animal cruelty to the state and citizens of New Hampshire.

## New Hampshire Animal Cruelty Law

The animal cruelty statutes are found in the Criminal Code in Chapter 644 titled *Breaches of the Peace and Related Offenses* (State of New Hampshire Revised Statutes On-Line). (See Appendix A for complete RSA's) In RSA 644:8 "cruelty to animals" is defined as including "but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any animal without proper provision for its care, sustenance, protection or shelter." An "animal" is a "domestic animal, a household pet or a wild animal in captivity."

The law later describes and lists examples of misdemeanor and felony offenses. First time "negligent" offenses are misdemeanors; second "negligent" offenses are felonies. "Negligently" is defined as a culpable state in New Hampshire Criminal Code meaning when a person "fails to become aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct." RSA 626:2 (State of New Hampshire Revised Statutes On-Line)

First time felony offenses under the cruelty law are the more serious actions ("beats, cruelly whips, tortures, mutilates or causes the animal to be so") "purposely" committed upon an animal. "Purposely" in RSA 626:2 is when the "conscious object is to cause the result or engage in the conduct that comprises the element." The "conscious" intent of the action must be proven to convict with felony penalty for a first time cruelty charge.

The cruelty law contains a specific RSA related to animal fighting - **644:8-a Exhibitions of Fighting Animals** (State of New Hampshire Revised Statutes On-Line) where all aspects of the

crime (keeping, breeding, training an animal for fighting or establish, promote or be present at a fight) are felony offenses.

An integral and much utilized section of the law deals with exigent circumstances when the animal is in danger for its health or life and there is not time to procure a warrant. In this case (RSA 644:8 IV-a. (a) (State of New Hampshire Revised Statutes On-Line)), a law enforcement officer, animal control officer, or officer of a licensed humane society may take the animal into temporary protective custody. If the animal is livestock, a licensed veterinarian must accompany the officer to make this decision. Depending on the circumstances, this is often a cruelty offense and is treated as such once the safety and well being of the animal is assured.

Other RSA's address animals in hot/cold cars and enclosed spaces, animals use in school science fairs, interference with police dogs or horses, interference with organizations, projects or facilities involving animals, transportation of dogs in pickup trucks, exposing poisons, and shelter for horses.

## Animal Cruelty in New Hampshire

Animal cruelty and abuse occurs throughout the United States and many cases have caused national outcries such as the Michael Vick dog fighting case. All states have cruelty laws and, in some areas, there are also municipal cruelty laws. Of the 50 states, 45 have felony provisions in their cruelty statutes. (It should be noted that animal fighting is not always part of the cruelty law but is in a different section of the law or statute. Dog fighting is a felony in all 50 states. Cockfighting is illegal in all 50 states, but a felony in only 35.(HSUS, 2008)

New Hampshire is not immune to animal cruelty! The National Animal Abuse Registry<sup>1</sup> reports 195 convicted felony cases in the last 5 years. This data does not include unresolved or misdemeanor cases. The list below indicates the types of acts that may be prosecuted under the cruelty laws.

### **Types of Cruelty Seen in New Hampshire**

#### *Neglect*

- Improper shelter
- Lack of water
- Lack of or insufficient food
- Lack of proper grooming
- Lack of veterinary care for a noticeable illness or injury
- Improper transportation
- Hot/cold cars and shelter

#### *Abandonment*

#### *Overworking*

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<sup>1</sup> <http://www.inhumane.org/>

### *Beating*

- Domestic violence
- Cruel training/discipline methods

### *Torture*

- Drowning/inhumane killing<sup>2</sup>
- Sexual assault on an animal
- Burning
- Purposeful harm

### *Mutilation*

### *Animal Fighting*

- Organized dog fighting
- Street fighting gangs
- Cock fighting

## **Discussion**

Of the types of cruelty seen in New Hampshire, the majority is, by far, neglect cases. Most people do not intentionally harm animals but, because of life circumstances, animals may be neglected. If a neglect case involves a single animal, it is fairly easily resolved through education or adjudication. The most complex neglect cases involve multiple animals and are most always referred to as “hoarding” situations. Often many animals- these may be pets or even livestock- must be taken into temporary protective custody at the expense of the agency that takes the case. “Hoarders”<sup>3</sup> are individuals who often suffer from mental illness and the cases are not easy to resolve and almost always the lead agency finds it almost impossible to receive restitution upon resolution. (Patronek, 2008) Hoarding, to be effectively handled, often requires many resources unrelated to animals because the situation may be accompanied by public health code violations, child neglect, elder neglect, self neglect, and mental health issues.

Because hoarding cases take up so much time and resources, they are often ignored or put off for as long as possible because of the financial cost to the community. The animals in these situations are truly abused and often die very painful deaths. New Hampshire communities often tolerate these situations until they are impossible to ignore.

Organized dog fighting occurs in New Hampshire. The most notorious case was the Devito 2002 case of Newton, NH where a man living in an upper class suburban community pled guilty to dog fighting. 43 pit bulls were confiscated and were housed for 4 months at the expense of the town of Newton and several other towns and humane organizations that cooperated to remove and house the dogs. (Restitution was eventually obtained.) In the course of the dog fighting investigation, records, money, and drugs were found that enabled him to also be prosecuted for

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<sup>2</sup> Reference standard: *AVMA Guidelines on Euthanasia*, [http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf)

<sup>3</sup> The following criteria are used to define animal hoarding: More than the typical number of companion animals; inability to provide even minimal standards of nutrition, sanitation, shelter, and veterinary care, with this neglect often resulting in starvation, illness, and death; denial of the inability to provide this minimum care and the impact of that failure on the animals, the household, and human occupants of the dwelling (Patronek G. J., 1999)

tax evasion and other crimes. Because of the Devito case, the cruelty law was amended and a voluntary New Hampshire Animal Fighting Task Force was established<sup>4</sup>. Dog fighting is still an ongoing issue in New Hampshire both as street fighting in the cities and organized rings. Organized fighting is very clandestine, often involves other criminal activity, and is very difficult to investigate.

Purposeful animal abuse occurs in New Hampshire, often in conjunction with domestic violence. 50% of Americans consider pets to be part of the family. (AVMA, 2007) Twelve independent studies have reported that between 18% and 48% of battered women delay leaving abusive situations of fear for the safety of their animals. (Ascione, 2007) Children exposed to domestic violence were found to be three times more likely to be cruel to animals than children in non-violent households. (Currie, 2006) In New Hampshire, Domestic Violence Shelters have worked with area animal care facilities, primarily humane societies, to set up “Safe Havens” for pets whose owners choose to go to domestic violence shelters. Unfortunately, there is not much help for families that have livestock or horses. Also many women and police departments are not aware of the “Safe Havens” for animals, so it is not utilized as often as it might be.

Other forms of purposeful animal abuse occur in New Hampshire, often committed by children and teens. Animal abuse is felt to be an early indicator of conduct disorders which may lead to other violent crimes. Law enforcement and the court system need to become more cognizant of this possibility, investigate and enforce animal cruelty laws, and monitor these young people.

The New Hampshire Police Standards and Training Council has taken steps to educate law enforcement. This year it has included a two-hour segment about Animal Cruelty in the Police Academy as well as offering a two-day “In Service” training in January 2009. This should assist law enforcement and animal control officers affiliated with police departments to recognize and better investigate animal cruelty cases.

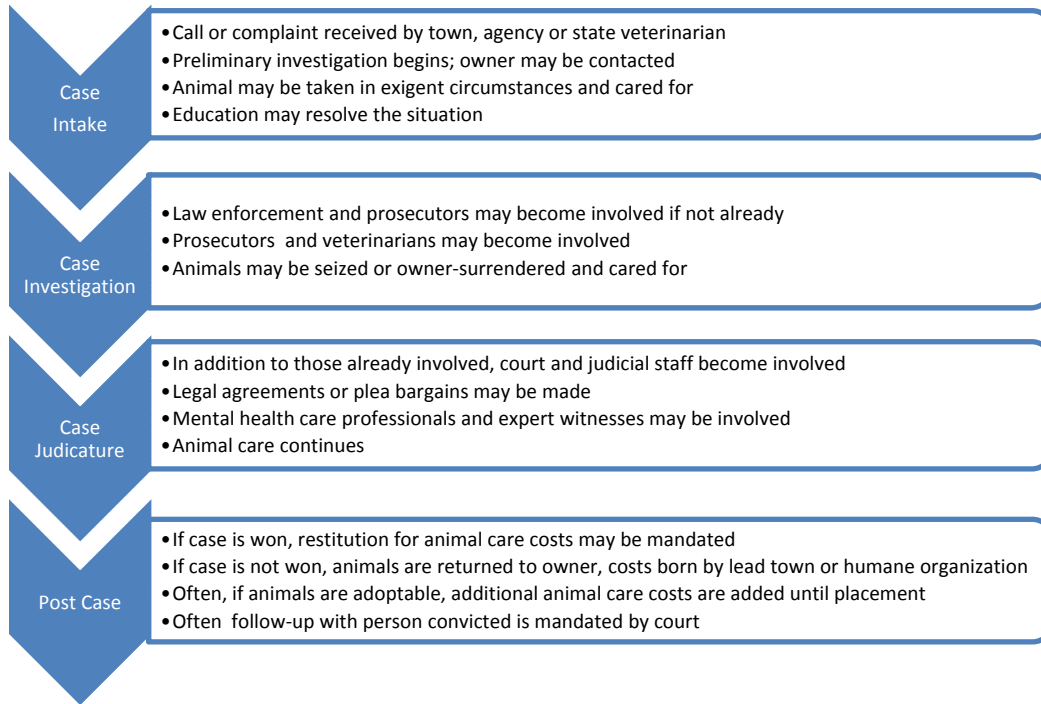
In addition, for three years, Jerilee Zezula, D.V.M. of the Applied Animal Science curriculum of the Thompson School at UNH and a Commission member, has coordinated a team-taught on-line animal cruelty course specifically designed for New Hampshire animal control and humane officers. This course has been taken by law enforcement officers, animal control and humane officers, interested UNH students, and others involved in animal care and advocacy roles.

## **Steps in a Cruelty Investigation and/or Prosecution**

A schematic follows that outlines the basic steps and stages of a cruelty investigation. For the purpose of this report, the chart emphasizes the law enforcement/animal advocate roles but it should be noted that owners, when identified, are involved and their rights are maintained under the law.

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<sup>4</sup> <http://www.nhspca.org/nhaftf/index.htm>



## Animal Cruelty Investigation Cost Breakdown

The true monetary cost of animal cruelty investigations and possible prosecution to individual towns and counties is very difficult to quantify. The Commission would like to explain the costs involved and use a few representative cases as examples for actual expenses. The cost breakdown is itemized in the table below. A detailed explanation follows it.

### Cruelty Investigation Cost Categories

<b>Phase</b>	<b>Specific to Case ( Animal Care)</b>	<b>Salary/Overhead Expenses</b>
<b>Case Intake</b>	Animal Handling/Transport Boarding Fees Veterinary Exam Costs Veterinary Health Care Costs Euthanasia Post Mortem Exam/Lab Remains disposal	Call intake time ACO/Humane Officer Police Officer Vehicle /Gas expenses for all Veterinarian for Probable Cause/livestock Shelter/Veterinary Hospital staff time Department of Agriculture/State Veterinarian
<b>Case Investigation</b>	Boarding Fees Veterinary Health Care Costs Euthanasia	ACO/Humane Officer Police Department Prosecutor's Office

Post Mortem Exam/Lab	Veterinarian and staff
Remains disposal	Shelter/kennel staff
	Department of Agriculture/State Veterinarian
<b>Case Judicature</b>	
Boarding Fees	ACO/Humane Officer
Veterinary Health Care Costs	Police Department
Euthanasia	Prosecutor, county attorney, attorney general
Post Mortem Exam/Lab	Veterinarian and staff
Remains disposal	Shelter/kennel staff
Expert witness expenses	Court and Judicial Staff
	Department of Agriculture/State Veterinarian
<b>Post Case</b>	
Boarding Fees until adoption	Veterinarian and staff
Veterinary Health Care Costs	Shelter/kennel staff
Euthanasia	Court staff follow up
Post Mortem Exam/Lab	Police/humane officer follow-up
Remains disposal	

## *Discussion of Cost Breakdown*

### **Intake Phase:**

Animal cruelty is usually reported by a New Hampshire citizen who has witnessed an act of cruelty or who has seen an animal that appears neglected. This is reported to the local humane society, the local Animal Control Officer or police department, or the state veterinarian's office. An employee of one of these agencies must spend time gathering information, first by interviewing the witness then, if need be, following up with an actual investigation. Animal Cruelty is a crime in NEW HAMPSHIRE, but none of these agencies, with the exception of a few humane societies, have anyone on staff whose primary job responsibility is to handle cruelty cases. This means that the report of cruelty is taking the time of an employee who is being paid to do other duties. (It should be mentioned that only police officers and animal control or humane officers with official police training have full law enforcement authority to do criminal investigations. The state veterinarian, most humane investigators and animal control officers do not have full law enforcement authority to enforce the criminal code.)

A physical investigation also requires vehicle and gasoline costs. This is necessary in many cases to determine if cruelty is being or has been committed. If the case involves livestock, a licensed veterinarian must be present during the seizure to determine probable cause. That veterinarian is paid for his/her time unless he/she volunteers.

If the animal needs immediate assistance, then it/they must be transported to a veterinary hospital or shelter. Boarding, grooming and veterinary examination, laboratory, treatment and care costs



quickly build up as well as staff time at the shelter or veterinary hospital whose primary responsibilities are not the handling of cruelty cases. Often more staff hours must be added to care for the animal(s).

If the animal is suffering and cannot be treated, euthanasia, post mortem exam and laboratory costs and remains disposal may be incurred.

### **Investigation Phase:**

If the animal(s) is/are deceased or remains with the owner, investigation costs are primarily for salaries and transportation costs of the professionals conducting the investigation. If the animal(s) is/are removed from the owner or surrendered, the care costs continue as well as possible euthanasia costs as above. At this time, if prosecution is being considered, the city/town/county prosecutor's office is now involved and those costs must be added.

As mentioned previously, if warrants must be obtained or arrests are made, a police department or a humane agent with police powers must be involved and a veterinarian must be involved for probable cause to remove of livestock.

### **Judicature Phase:**

If the case is prosecuted, until a plea bargain is reached or there is guilty plea or a conviction, the animal care-related costs continue. Costs incurred by the investigator's agency, town prosecutors, county attorney's office and state attorney general's office also continue. Additional costs of court system and judicial staff are added if there is a trial. These vary greatly between misdemeanor and felony cases. In addition, there may also be expert witness expense costs incurred.

### **Post Case Phase:**

If the defendant is found innocent, the animals are returned and the costs cease to keep mounting. If the defendant is found guilty, the court decides what happens to the animal(s). In most cases they are turned over to the shelter or rescue agency. Animal care costs continue until the animal is placed or euthanized. (While this is not directly related to the cruelty case, costs are incurred because of the cruelty case. No case, no animals. These costs may be partially offset by adoption fees.) Often the perpetrator must be monitored by an assigned agency to make sure he/she does not offend again.

If there is an appeal, the animal care costs continue through the appeal process.

## Cruelty Investigation Cost (Expense) Recovery

The following table itemizes where the cost recovery for expenses comes from using the same case phases and expense categories as above. Overhead expenses are kept in the table because they are hidden costs seldom covered by any restitution and continue to be accumulated through every phase of the case and sometimes after. Costs specific to the case, usually animal care related costs) are sought with agreements and restitution.

### Cruelty Investigation Expense Recovery

<i>Phase</i>	<i>Specific to Case (Animal Care)</i>	<i>Unrecovered Salary/ Overhead Expenses</i>
<b>Case intake</b>	<ul style="list-style-type: none"> <li>No cost recovery during this phase if case goes to judicature. Expenses continue.</li> <li>Possible cost restitution with legal agreement for billable costs</li> <li>Possible specific public donations to defray billable costs</li> </ul>	Humane Agency Town Department of Agriculture Veterinary Hospital Veterinary Hospital discounts/donations
<b>Case Investigation</b>	<ul style="list-style-type: none"> <li>No cost recovery in this phase. Expenses continue.</li> </ul>	Humane Agency Town Department of Agriculture Veterinary Hospital Veterinary Hospital discounts/donations Prosecutor /County Attorney/ AG Court System
<b>Case Judicature</b>	<ul style="list-style-type: none"> <li>Restitution and fines are assigned if case is won. Often these are not collectable.</li> <li>No cost recovery if case is lost</li> <li>Possible specific public donations</li> <li>Possible additional costs incurred if monitoring is mandated by court</li> </ul>	Humane Agency Town Department of Agriculture Veterinary Hospital Veterinary Hospital Discounts/Donations

## *Discussion of Expense Recovery*

Animal cruelty cases are first reported in the town in which the offense occurred. The town is legally responsible for all animal care costs until the case is resolved, which means that the town taxpayers are paying all incurred costs. In discussing total costs, it is important to understand that there are two basic cost categories, *animal care expenses* and *overhead expenses* which include the salaries and expenses of investigators and prosecutors. The Commission has discovered that it is very difficult to obtain accurate cost data on either of these categories, as will be explained in subsequent sections of this report. In New Hampshire, there is no unified system for the recording of complaints, or the investigation of complaints, and all towns do not have access to the same level of support from local humane organizations or animal control officers. As a result both the details of investigation and the cost of investigation and prosecution will likely vary significantly from case to case. Furthermore, there are three possible outcomes that must be considered for any initial complaint: 1. The complaint may be unfounded. 2. The complaint may be resolved with education. 3. The complaint may be prosecuted or plea bargained. Each of these possible outcomes has a significantly different cost associated with it.

### **Intake Phase:**

The Commission has learned that in some towns, in which animal control duties are performed by the police department, there is no way to estimate the percentage of time that animal cruelty issues involve police time. In the case of a town that may have a full-time animal control officer, that cost is more easily known. In some cases, a non-profit humane agency will take on a case independently if they have a cruelty investigator with powers of arrest, in which case the humane agency will bear the brunt of the costs. To further complicate the estimation of costs during the intake phase, some towns may have a contractual relationship with a humane agency to perform investigations, while other towns may not.

However, during this phase, there are minimal animal care costs if the complaint can be resolved through education and support, and, obviously no prosecutorial costs. Yet there is also no means for recovery of the investigator's time and travel expenses. During the intake and investigation phases, often a legal agreement may be obtained where the animal(s) are signed over to either the town or humane agency. Sometimes restitution payments may be stipulated, which are almost always designated to cover animal care related costs only, and seldom take into account the salary and overhead costs of all involved. In reality, restitution is not usually obtained in neglect cases because the neglect is often due to the defendant not having the financial ability to care for the animal(s). The Commission was not able to find an accurate means of discovering and documenting the terms of these legal agreements to assess the magnitude of cost recovered or the effectiveness of their cost recovery.

### **Investigation Phase:**

During the investigation phase, it is presumed that the animal(s) involved are receiving care and treatment for the duration of the investigation. Depending upon the nature of the offense, the

number of animals involved, and the severity of the abuse, costs will vary greatly. Animal care costs include shelter, feeding, grooming, and veterinary care.

Animal care costs are borne initially by the humane agency (or in some cases private animal hospitals) providing the care. Again, depending upon the facility available to provide shelter feeding and grooming, costs will vary widely, and there is no uniform practice whereby shelters can bill towns for these costs. If the costs are ultimately recovered from the individual found guilty of the abuse through restitution, then this lessens the financial burden to the town. Court ordered restitution, though, is often an unreliable source of repayment and the town is still liable. If a non-profit agency is involved, on rare occasions, it may be able to solicit voluntary community funds or private contributions to cover costs of specific cases.

When attempting to quantify the cost of veterinary services in abuse cases, some shelters may have staff veterinarians, so the cost would again be initially borne by the humane agency, but that is rare in New Hampshire. Private veterinary practices may be paid for their services through the case phases, but very often the expenses related to abuse cases end up being non-recoverable costs to the veterinary office and therefore become a de facto donation. Not all veterinary offices can break down their charges associated with abuse cases, and therefore it is difficult to estimate the magnitude of these non-recoverable costs.

The New Hampshire Department of Agriculture, Markets, and Food (NHDAMF) does not provide animal care, but does become involved with the investigation of many cruelty cases, especially with livestock, licensed pet stores, and kennels. Staff time and expenses are covered by that department's General Fund budget appropriations, as would also be the case for the services of the state veterinarian. Although this office does not specifically track budget expenditures related to cruelty cases, it has put together an estimated cost analysis for this report. (See Appendix C) NHDAMF estimates it spends between \$42,298 and \$58,079 per year handling cruelty complaints.

In the special case of animal fighting cruelty, paraphernalia, equipment, money, etc. **may** be forfeited to the state to reimburse case costs effective 1/1/2009. This addition to RSA 644:8-a acknowledges the other crimes often associated with animal fighting and the exceptionally high costs for seizing and housing multiple fighting animals while awaiting a court resolution.

### **Case Judicature:**

During the judicature phase, all of the aforementioned animal care and veterinary costs continue to accumulate, and additional costs are incurred during the prosecution of the case. The Commission attempted to obtain information from the County Attorney's offices related to the prosecutorial cost of these cases with little success. There is no uniform system for accounting for time spent on specific cases, or the expenses related to the specific cases. Since the general result would be to assign restitution and possible fines should a guilty verdict be found, the limited success of restitution recovery means that the prosecutorial costs are largely borne by taxpayers.

## Specific Case Examples

From the New Hampshire Society for the Prevention Of Cruelty to Animals (NHSPCA) (Sprowl & Hughes, 2008):

The data used for this report was collected from sixteen (16) of the more prominent cases the NHSPCA has dealt with over the last five (5) years. The one exception is the Devito Pit bull case of 2002. It may be safe to say that these cases are representative of all cases investigated by NHSPCA.

Data was collected for the following categories:

1. Effective Date of Investigation (Date)
2. Boarding fees for victim animals
3. Veterinary and & Miscellaneous Costs
4. Court Ordered Restitution
5. Restitution Paid as of 6/24/2008

Town	Date	Animals	Board	Vet + Misc	Value of Services Rendered	Court-ordered Restitution	Paid to Date	Remarks
Salem	2/21/04	18 cats 4 dogs	\$ 1440.00 \$ 4968.00	\$3420.00	\$9,728.00	\$9,728.00	\$0.00	\$900.00 to euthanize 18 FeLv positive cats
Epping		19 dogs	\$11,900.00	\$7,155.00	\$19,055.00	\$17,953.00	\$0.00	
Danville	3/24/08	1 dog	\$2,075.00		\$2,075.00	\$2,075.00	\$0.00	
Salem	9/14/07	18 dogs	\$14,800.00	\$2,615.00	\$17,415.00	\$17,158.00	\$0.00	Misc=finance charge handling fees
Rye	12/3/06	4 horses 5 cats	\$10,000.00	\$4,084.00	\$14,327.00	\$10,000.00	\$10,000.00	
Exeter	1/1/04	cats	\$1,240.00	\$2,025.00	\$3,265.00	\$3,265.00	\$85.00	Balance deleted due to death
Hampton Falls	4/1/03	Livestock	\$2,550.00	\$234.00	\$2,748.00	\$2,748.00	\$2,748.00	Hampton Falls

Town	Date	Animals	Board	Vet + Misc	Value of Services Rendered	Court-ordered Restitution	Paid to Date	Remarks
Danville	9/4/07	1 dog	\$2,480.00	In-house-free	\$2,480.00	\$2,488.00	\$0.00	
Epping		1 dog	\$2,610.00		\$2,610.00	\$2,610.00	\$0.00	Special billing
		5 horses						
		6 rabbits						
Warner	8/9/05	22 various	\$18,907.00	\$5,748.00	\$24,955.00	\$24,955.00	\$0.00	
Candia	7/20/04	1 horse	\$1,305.00	\$1,439.00	\$3,342.00	\$2,743.97	\$2,744.00	\$ 500 for burial \$83.75 for trans, \$300 farrier
Raymond	10/27/04	9 abandoned hamsters	\$7,140.00	\$65.00	\$7,205.00	\$7,205.00	\$0.00	
Berlin	4/22/05	39 pigeons	\$3,395.00		\$3,395.00	\$3,395.00	\$3,395.00	
		3 rabbits						
		1 chicken						
Chester	1/20/05	Horse	\$410.00	\$410.00	\$900.00	\$820.00	\$340.00	Trans Fee, Farrier
Bedford	6/12/03	Dogs & cats				\$20,300.00	\$9,358.00	
Newton	2/14/02	37 pitbulls	\$30,317.00	\$4,004.00	\$34,321.00	\$34,321.00	\$30,000.00	\$2175= euth 29 dogs
	<b>Grand Totals:</b>		\$147,821.00	\$115,537.00	\$31,199.00	\$161,765.00	\$58,670.00	
						<b>Unpaid Restitution as of 6/2008</b>		
						\$103,095.00 64% of total mandated		

**Explanation of categories:**

- Date:** When work started on investigation.
- Boarding Fees:** Costs incurred by the NHSPCA to house the victim animals, such as:

- a. Rental of housing unit (kennel or barn stall) valued at an average of \$12/day/per kennel, \$16 for stall. The first day board for all is \$20/per.
3. **Veterinary and Miscellaneous:** Veterinary care includes the value of NHSPCA in-house veterinary care, euthanasia costs, medications and the use of local private veterinarians as needed. Miscellaneous costs include transport expenses, mileage, handling fees, finance charges.
4. **Value of Services Rendered:** This is for animal/case related costs only. The sum of boarding, veterinary and miscellaneous charges. It does not include any overhead charges or special care charges that may be involved with boarding.
5. **Restitution:** The restitutions are court ordered. They may or may not reflect NHSPCA request.
6. **Restitution Paid to Date:** Self-explanatory

## Discussion

These representative cases, unfortunately, do not list all the costs associated with them as this report previously outlined. Costs itemized are simply direct animal - related costs owed to the NHSPCA. If police and prosecutorial costs are added, it is estimated there would be at least \$2000 added to each case and more for felony offenses. (See Appendix B) Adding in the other overhead costs other agencies and extra staff time would amount to even more.

It should be noted that all cases resulted in a conviction and court ordered restitution. The restitution is supposed to be collected by the Department of Probation and dispersed to either the NHSPCA or the town. If it is a serious multi-animal neglect case and the defendant cannot pay, there is no payment. Also, restitution does not cover all costs just direct animal care costs. It should also be noted that if any of these cases had been lost in court, the expenses would still exist, but there would be no court-ordered restitution! Unfortunately, this often happens because of legal technicalities.

To explain restitution, if the NHSPCA has a contract with the town, that town pays NHSPCA and restitution goes to the town. If the town does not have a contract with the NHSPCA, the shelter has to wait for the defendant to pay. In the cases above, the money is owed to the NHSPCA.

While these are only some examples from one agency, these types of cases with similar expenses and lack of restitution are occurring statewide. Each town and shelter handles cases differently. Animal cruelty cases are very expensive and some towns are forced to or choose to ignore some very egregious cases because of the costs involved. Several humane societies actively conduct cruelty investigations and most of the other humane societies help out with cases involving large numbers of animals. They are often never compensated for their costs.

## Cruelty Data Tracking and Cruelty Response System (CRS)

The Commission investigated data on animal cruelty that has been compiled by two different organizations in an attempt to quantify the number of animal cruelty cases in New Hampshire and if possible, their cost implications. In addition, the Commission did receive an analysis from the Grafton County Attorney's office with some specifics on animal cruelty cases. (See Appendix B)

The limitations of these data must be pointed out at the outset. The cruelty data tracking websites are volunteer-based organizations, drawing their data from published newspaper accounts in some cases, and therefore cannot be considered to be a complete representation of the number of cases. When assessing costs, it would be appropriate to separate out the number and cost of investigating complaints, the number and cost of prosecuting misdemeanors, and the number and cost of prosecuting felonies, and an attempt has been made to do so. The two website databases consulted were:

1. The **National Animal Abuse Registry** ([www.inhumane.org](http://www.inhumane.org)) is an all-volunteer, 501(c)3 non-profit, based in Merrimack, NH. The database was started in 2000 to meet a need of animal shelters and animal adoption agencies to be able to reference potential adopters because more and more convicted animal abuse offenders were crossing state lines to adopt animals. The National Animal Abuse Registry obtains the information from court records and news sources.
2. **Pet-Abuse** ([www.petabuse.com](http://www.petabuse.com)) began after an animal abuse case occurred in the webmaster's community and the perpetrator then fled the country to escape conviction.

The Commission attempted to survey towns, shelters and police departments regarding cruelty cases in their communities. The written survey produced little useable data, but this report includes a spreadsheet in Appendix D of the results obtained from the survey and data-tracking websites. The survey spreadsheet listing the animal cruelty cases from New Hampshire was compiled using this data with the assistance of Steve Sprowl from the NHSPCA, Maureen Prendergast of the Animal Rescue League and Roni McCall of the National Animal Abuse Registry, all of whom are members of this Commission.

The Commission would like to mention that the New Hampshire Federation of Humane Organizations (NHFHO) is supporting the establishment of a Cruelty Response System (CRS), patterned after one in Vermont, to standardize cruelty reporting and streamline and coordinate resources in cruelty investigations. Funding is being sought through grants and donations for this project. If this comes to pass, it should be much easier for a citizen to report cruelty.



## Conclusions and Suggestions

Ideally, as with other crimes, *prevention* is the best solution. Often “neglect” animal cruelty is caused by lack of knowledge about proper animal care (husbandry) and awareness of the costs of keeping an animal. Hoarding might be minimized if the general public were made aware of the situation and realized the hoarder is not just eccentric, but actually needs psychological help. The public may then be more comfortable calling attention to the problem cases. The family involved in domestic violence needs to be made aware that their animals can be protected under the law and to seek help earlier rather than later. All New Hampshire citizens, of all ages, need to know the seriousness of animal cruelty, how to recognize animal abuse and neglect, and how to go about reporting animal cruelty.

The Commission feels that there should be committed state funding for education on the proper care of animals and recognition of cruelty. This should be delivered to both school children and adults. Education should be not just about pets but about livestock and horses as more people in the state are considering small farming to offset the rising costs of food. The education could be delivered in many ways - classroom lessons and awareness, press releases, adult education classes, television and radio public service announcements and more. Some non-profit organizations and New Hampshire Cooperative Extension are doing this to some degree, but it is not always statewide or an overall sustained effort.

Due to the influence of this Commission, animal cruelty has been added to the New Hampshire Police Academy and In-Service Training through New Hampshire Police Standards and Training Commission. This will enhance police recognition of animal abuse and their skills in handling cruelty investigations. This is a much needed step in the right direction. More could be done to complete the education of law enforcement and the justice system about animal cruelty. Animal cruelty should be added to the Part-time Police Officers Training Academy because that is where most animal control officers are trained. In addition, judges and prosecutors should receive some exposure to the seriousness of animal cruelty and appropriate penalties.

Finally, this report points out the need for a source of funding to help defray the inevitably high costs associated with prosecuting animal cruelty. While it is not a responsibility of this Commission to draft legislation, we feel that a dedicated source of state funds should be established to help cover expenses during investigation and judicature. This would allow towns and other organizations deal with the crime of animal cruelty as they would any other case without having the high costs impede the investigation or prosecution. Any restitution awarded by the court and received would be put back into this fund.

The Commission would like to solicit ideas and actively promote the establishment of such a dedicated, state-supported fund. To do this effectively, we ask for active support from Governor Lynch and ask to be guided by his staff about ways of obtaining funds and likelihood of establishing a cruelty expense fund, i.e. what will, won't, and might work.

## Commission Members and Acknowledgements

### TASK FORCE MEMBER LIST

NAME	REPRESENTS
Arivella, Joyce	NH Dog Breeders Association
Bourbeau, Joanne	National Humane Organizations
Cook, George	Sled Dog Owners Association
Crawford, Stephen	State Veterinarian
Ellingwood, Mark	NH Fish & Game Department
Estes, Wayne	NH Sheriffs' Association
Hall, Lisa	General Public
Kennedy, James	NH Wildlife Association
Matott, Joyce	American Boarding Kennel Association
McCall, Roni, Secretary	General Public
Morrell, Susan	Attorney General's Office
Morris, Trish	General Public-NH Bar Assn. Member
Prendergast, Maureen	Municipal Animal Shelters
Presby, Sheila, Chair	NH Veterinary Technician Association
Shagoury, Andy	Police Chiefs Association
Simson, Deb	NH Cat Fanciers
Skinder, Carla	House of Representatives
Sprowl, Steve	NH Federation of Humane Organizations
Vacant	Animal Shelter Boards
Vacant	Animal Control Officers
Vacant	NH Senate
Vacant	UNH Cooperative Extension
Wentzell, Dick	General Public
ZeZula, Jerilee	General Public
<b>Non- Voting</b>	
Hughes, Michael	General Public
Johnson, Nancy	General Public

### Acknowledgements:

Rick St. Hilaire, Office of the Grafton County Attorney for cruelty prosecution cost estimates in Appendix B.

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# Appendices

## Appendix A: New Hampshire RSA's Related to Cruelty to Animals

updated July 31, 2008<sup>5</sup>

### TITLE LXII CRIMINAL CODE

#### CHAPTER 644 BREACHES OF THE PEACE AND RELATED OFFENSES

##### 644:8 Cruelty to Animals. –

I. In this section, 'cruelty' shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any animal without proper provision for its care, sustenance, protection or shelter.

II. In this section, 'animal' means a domestic animal, a household pet or a wild animal in captivity.

II-a. In this section, 'shelter' or 'necessary shelter' for dogs shall mean any natural or artificial area which provides protection from the direct sunlight when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from inclement weather shall have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained.

(II-a. In this section, "shelter" or "necessary shelter" for dogs shall mean any natural or artificial area which provides protection from the direct sunlight **and adequate air circulation** when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from ~~inclement~~ **the** weather shall **allow the dog to remain clean and dry. Shelter shall be structurally sound and** have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained. Effective 1/1/09)

III. A person is guilty of a misdemeanor for a first offense, and of a class B felony for a second or subsequent offense, who:

(a) Without lawful authority negligently deprives or causes to be deprived any animal in his possession or custody necessary care, sustenance or shelter;

(b) Negligently beats, cruelly whips, tortures, mutilates or in any other manner mistreats or causes to be mistreated any animal;

(c) Negligently overdrives, overworks, drives when overloaded, or otherwise abuses or misuses any animal intended for or used for labor;

(d) Negligently transports any animal in his possession or custody in a manner injurious to the health, safety or physical well-being of such animal;

(e) Negligently abandons any animal previously in his possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance or shelter; or

(f) Otherwise negligently permits or causes any animal in his possession or custody to be subjected to cruelty, inhumane treatment or unnecessary suffering of any kind.

III-a. A person is guilty of a class B felony who purposely beats, cruelly whips, tortures, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured, or mutilated.

IV. (a) In addition to being guilty of crimes as provided in paragraphs III and III-a, any person charged with cruelty to animals may have his or her animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar. The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted. In addition, the court may prohibit any person convicted of animal cruelty from having future ownership or custody of other animals for any period of time the court deems reasonable or impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals.

(b) If a person convicted of cruelty to animals appeals the conviction and any confiscated animal remains in the custody of the arresting officer or the officer's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial court may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the appeal. If the conviction is affirmed on appeal, the costs incurred for the board and care of

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<sup>5</sup> Law changes that go into effect 1/1/09 are double indented and in a smaller font.

the animal shall be paid to the custodian from the posted security and the balance, if any, returned to the person who posted it.

IV-a. (a) Except as provided in subparagraph (b) any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been *or is being* abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order. Such officer shall leave a written notice indicating the type and number of animals taken into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the animal returned and any other relevant information. Such notice shall be left at the location where the animal was taken into custody. The officer shall provide for proper care and housing of any animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been returned or claimed, the officer shall petition the municipal or district court seeking either permanent custody or a one-week extension of custody or shall file charges under this section. If a week's extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title and custody of the animal shall rest with the officer on behalf of the officer's department or society. The department or society may dispose of the animal in any lawful and humane manner as if it were the rightful owner. If after 14 days the officer or the officer's department determines that charges should be filed under this section, the officer shall petition the court. (Effective 7/1/08)

(b) For purposes of subparagraph (a) the investigating officer for livestock, as defined in RSA 427:38, III, <sup>6</sup>shall be accompanied by a veterinarian licensed under RSA 332-B <sup>7</sup>or the state veterinarian who shall set the probable cause criteria for taking the animal or animals.

(c)(1) For purposes of subparagraph (a), for facilities licensed to conduct live running or harness horseracing or live dog racing pursuant to RSA 284, the appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society shall:

(A) Notify the director of the pari-mutuel commission of the circumstances arising under subparagraph (a);

(B) Enter the grounds of the facility with the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission;

(C) Take such horses or dogs into temporary protective custody as determined by the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission; and

(D) Comply with subparagraph (a) after taking a horse or dog from a facility licensed pursuant to RSA 284 into temporary protective custody.

(2) This paragraph shall not preempt existing or enforcement authority of the pari-mutuel commission, pursuant to RSA 284 or rules and regulations adopted pursuant to such authority.

V. A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any

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<sup>6</sup> **427:38 Definitions.** – As used in this subdivision:

III. "Livestock" shall mean all cattle, goats, sheep, swine, horses or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk (*cervus elephus canadensis*), fallow deer (*dama dama*), red deer (*cervus elephus*), reindeer (*Rangifer taradus*).

**Source.** 1985, 72:1. 1995, 130:5. 1998, 310:2, eff. Aug. 25, 1998.

<sup>7</sup> NH Veterinary Practice Act

decisions made for services rendered under the provisions of this section or RSA 435:11-16.<sup>8</sup> Such a veterinarian is, therefore, under this paragraph, protected from a lawsuit for his part in an investigation of cruelty to animals.

**Source.** 1971, 518:1. 1975, 460:1. 1979, 23:1. 1981, 575:2. 1982, 8:4. 1983, 231:2. 1985, 72:3. 1989, 57:1. 1994, 234:1-3, eff. Jan. 1, 1995. 1998, 283:1, eff. Jan. 1, 1999. 1999, 152:1, eff. Jan. 1, 2000; 308:1, eff. Sept. 14, 1999. 2000, 4:1, eff. Feb. 4, 2000. 644:8, IV-a. (a) and IV-a(c) eff. 7/1/08

**644:8-a Exhibitions of Fighting Animals. –**

I. No person shall keep, breed, or train any bird, dog, or other animal, with the intent that it or its offspring shall be engaged or used in an exhibition of fighting, or shall establish or promote an exhibition of the fighting thereof. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. Any person present at any place or building when preparations are being made for an exhibition of such fighting with intent to be present at such exhibition, or present at, aiding in or contributing to, such an exhibition, shall be guilty of a class B felony .

III. All animals so kept, bred, or trained by a person charged with violating the provisions of paragraph I may be seized by the arresting officer, pursuant to RSA 595-A:6<sup>9</sup> and RSA 644:8. Upon said person's conviction, said animals may, at the discretion of the court, be destroyed in a humane manner by a licensed veterinarian. The costs, if any, incurred in boarding the animals, pending disposition of the case, and in disposing of the animals, upon a conviction of said person for violating paragraph I, shall be borne by the person so convicted.

IV. Upon conviction of a violation of this section, all animals used or to be used in training, fighting, or baiting, and all equipment, paraphernalia, and money involved in a violation of this section may be forfeited to the state at the discretion of the court, pursuant to RSA 595-A:6. Proceeds of any such forfeiture shall be used to reimburse local government and state agencies for the costs of prosecution of animal fighting cases. Proceeds which are not needed for such reimbursement shall be deposited in the companion animal neutering fund, established in RSA 437-A:4-a.

V. In addition to other penalties prescribed by law, the court may issue an order prohibiting a person who is convicted of a violation of this section from owning or possessing any animals within the species that is the subject of the conviction, or any animals kept for the purpose of training, fighting, or baiting, for a period of time determined by the court. (Effective 1/1/09)

**Source.** 1979, 30:1, eff. June 5, 1979. 2003, 98:1, eff. Jan. 1, 2004.

**644:8-aa Animals in Motor Vehicle. –**

I. It shall be cruelty to confine an animal in a motor vehicle or other enclosed space in which the temperature is either so high or so low as to cause serious harm to the animal. "Animal" means a domestic animal, household pet, or wild animal held in captivity.

II. Any person in violation of this section shall be guilty of a misdemeanor as set forth in RSA 644:8.

III. Any law enforcement officer or agent of a licensed humane organization may take action necessary to rescue a confined animal endangered by extreme temperatures, and to remove the threat of further serious harm.

IV. No officer or agent taking action under paragraph III shall be liable for damage reasonably necessary to rescue the confined animal.

**Source.** 1981, 575:1, eff. July 7, 1981.

**644:8-b Docking Tail of Horse. –** If any person shall cut the bone of the tail of a horse for the purpose of docking the tail, or shall cause or knowingly permit the same to be done upon the premises of which he is in control, or shall

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<sup>8</sup> Law related to the Treatment of horses. This section follows.

<sup>9</sup> Pertaining to Search Warrants

assist in or be present at such cutting, he shall be guilty of a misdemeanor. Written permission from the state veterinarian shall be obtained by a licensed veterinarian to perform surgical operations pursuant to this section. The state veterinarian shall promulgate rules relative to granting authorization for such operation.

**Source.** 1979, 263:1, eff. Aug. 20, 1979.

**644:8-c Animal Use in Science Classes and Science Fairs. –**

I. In this section:

(a) "Animal" means any member of the kingdom of Animalia.

(b) "Vertebrate animal" means any animal belonging to the subphylum Vertebrata of the phylum Chordata, and specifically includes all mammals, fishes, birds, reptiles and amphibians.

II. Live vertebrate animals shall not be used in experiments or observational studies, with the following exceptions:

(a) Observational studies may be made of the normal living patterns of wild animals, in the free living state or in zoological parks, gardens, or aquaria.

(b) Observational studies may be made of the living patterns of vertebrate animals in the classroom.

(c) Observational studies on bird egg embryos are permitted. However, if normal bird embryos are to be allowed to hatch, satisfactory humane consideration shall be made for disposal of the baby birds.

(d) Vertebrate animal cells such as red blood cells or other tissue cells, plasma or serum, or anatomical specimens, such as organs, tissues, or skeletons, may be used in experiments or observational studies.

III. No school principal, administrator or teacher shall allow any live vertebrate animal to be used in any elementary or secondary school, or in any activity associated with such school, such as science fairs, as part of a scientific experiment or procedure in which the health of the animal is interfered with, or in which pain, suffering, or distress is caused. Such experiments and procedures include, but are not limited to, surgery, anesthetization, and the inducement by any means of painful, lethal, or pathological conditions through techniques that include, but are not limited to:

(a) Administration of drugs;

(b) Exposure to pathogens, ionizing radiation, carcinogens, or to toxic or hazardous substances;

(c) Deprivation; or

(d) Electric shock or other distressing stimuli.

IV. All experiments on live vertebrate animals which are not prohibited by this section shall be carried out under the supervision of a competent science teacher who shall be responsible for ensuring that the student has the necessary comprehension for the study to be undertaken.

V. No person shall, in the presence of a pupil in any elementary or secondary school, perform any of the procedures or experiments described in paragraph III or exhibit any vertebrate animal that has been used in such manner. Dissection of any dead animal, or portions thereof, shall be confined to the presence of students engaged in the study to be promoted by the dissections.

VI. Science fair projects originating in other states that do not conform with the provisions of this section shall not be exhibited within the state.

VII. Any live animal kept in any elementary or secondary school shall be housed and cared for in a humane and safe manner and shall be the personal responsibility of the teacher or other adult supervisor of the project or study.

VIII. Ordinary agricultural procedures taught in animal husbandry courses shall not be prohibited by this section.

IX. Any person who violates this section is guilty of a misdemeanor.

**Source.** 1985, 54:1, eff. June 22, 1985.

**644:8-d Maiming or Causing the Death of or Willful Interference With Police Dogs or Horses. –**

I. Whoever willfully tortures, beats, kicks, strikes, mutilates, injures, disables, or otherwise mistreats, or whoever willfully causes the death of a dog or horse owned or employed by or on behalf of a law enforcement agency and whoever knows that such dog or horse is owned or employed by or on behalf of a law enforcement agency shall be guilty of a class B felony.

II. Whoever willfully interferes or attempts to interfere with the lawful performance of a dog or horse owned or employed by or on behalf of a law enforcement agency and whoever knows that such dog or horse is owned or employed by or on behalf of a law enforcement agency shall be guilty of a misdemeanor.

**Source.** 1988, 203:1. 1994, 111:1, eff. Jan. 1, 1995. 1998, 365:1, eff. Jan. 1, 1999.



**644:8-e Willful Interference With Organizations or Projects Involving Animals or With Animal Facilities. –**

I. Whoever willfully causes bodily injury or willfully interferes with any property, including animals or records, used by any organization or project involving animals, or with any animal facility shall be guilty of a class A misdemeanor.

II. Whoever in the course of a violation of paragraph I causes serious bodily injury to another individual or economic loss in excess of \$10,000 shall be guilty of a class B felony, and may be subject to an order of restitution pursuant to RSA 651:63.<sup>10</sup>

III. For the purposes of this section:

(a) "An organization or project involving animals' means:

(1) A commercial or academic enterprise that uses animals for food or fiber production, agriculture, research, education, or testing.

(2) Any lawful competitive animal event, including but not limited to conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities.

(3) Any fair or similar event intended to advance the agricultural arts and sciences.

(b) "Animal facilities' means any vehicle, building, structure, research facility, or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale.

(c) "Economic loss' means "economic loss' as defined in RSA 651:62, III.<sup>11</sup>

IV. Nothing in this section shall be construed to restrict any constitutional, statutory, regulatory or common law right.

**Source.** 1993, 170:1, eff. May 24, 1993.

**644:8-f Transporting Dogs in Pickup Trucks. –**

I. No person driving a pickup truck shall transport any dog in the back of the vehicle on a public way, unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, the dog is cross tethered to the vehicle, the dog is protected by a secured container or cage, or the dog is otherwise protected, in a manner which will prevent the dog from being thrown or from falling or jumping from the vehicle.

II. Notwithstanding paragraph I, this section shall not apply to the following:

(a) A dog being used by a farmer or farm employee while actually engaged in farming activities requiring the services of a dog; or

(b) A hunting dog being used at a hunting site or between hunting sites by a licensed hunter who is in possession of all applicable licenses and permits for the species being pursued during the legal season for such activity.

III. Any person who violates this section shall be guilty of a violation.

**Source.** 1996, 191:1, eff. Jan. 1, 1997.

**644:16 Exposing Poisons. –** If any person shall in any way or place purposely expose an active poison or deadly substance for the destruction of any animal, or for any other purpose except the destruction of rats or other vermin in his own building or upon his crops, he shall be guilty of a violation.

**Source.** 1971, 518:1, eff. Nov. 1, 1973.

**TITLE XL AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY  
CHAPTER 435 ANIMAL CARE, BREEDING AND FEED  
Treatment of Horses**

**435:11 Similar Animals. –** The term "horse' as used in this subdivision shall include all members of the equine species.

**Source.** 1985, 72:1, eff. July 1, 1985

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<sup>10</sup> Restitution laws

<sup>11</sup> III. "Economic loss" means out-of-pocket losses or other expenses incurred as a direct result of a criminal offense.

**435:12 Proper Care.** – No person shall overdrive, overwork or overload a horse in his or her care. No person shall buy, sell or exchange any horse that is unfit to be used for riding, driving, draft or reproduction purposes, unless it is for rehabilitation or slaughter. No person shall torture, beat, mutilate or abandon any horse, or aid in such abuse, or permit any horse in his or her care to be subject to abuse of any kind.

**Source.** 1985, 72:1, eff. July 1, 1985. 2003, 9:1, eff. April 22, 2003.

**435:13 Proper Feeding.** – All horses shall receive roughage in proportion to their size, age, temperament and amount of work they are required to perform. Grain may also be required when roughage alone will not meet their daily nutritional requirements. All horses shall be fed on a regular daily schedule, and all food shall be clean and free from excessive moisture. All horses shall have available a sufficient quantity of fresh water to maintain hydration.

**Source.** 1985, 72:1, eff. July 1, 1985. 2003, 9:1, eff. April 22, 2003.

**435:14 Shelter Available.** – Horses shall be provided either:

I. An adequately ventilated, dry barn with stalls of sufficient size so that the horse is able to lie down, and shall be provided adequate and suitable exercise in arenas, barn yards, paddocks or pastures; or

II. A roofed shelter, with at least 3 sides from November 1 through April 15, shall be provided for horses kept in paddocks or pastures, and said horses shall not be kept tied but shall be able to move around freely.

**Source.** 1985, 72:1, eff. July 1, 1985. 2003, 9:2, eff. April 22, 2003.

**435:15 Veterinarian Services and Probable Cause Determinations.** –

I. A probable cause determination for seizing horses pursuant to a cruelty investigation shall be made only by the state veterinarian or a veterinarian licensed under the provisions of RSA 332-B. No seizing or taking of horses shall be made without a probable cause determination.

II. Pursuant to RSA 644:8, V, a veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered under the provisions of this subdivision.

**Source.** 1985, 72:1, eff. July 1, 1985. 2003, 9:2, eff. April 22, 2003.

**435:15-a Rulemaking.** – The commissioner shall adopt rules, under RSA 541-A,<sup>12</sup> relative to the care, shelter, and feeding of horses, and the enforcement of this subdivision.

**Source.** 2003, 9:3, eff. April 22, 2003.

**435:16 Penalty.** – Any owner failing to comply with the provisions of this subdivision shall be notified as to the proper care of horses. Upon a second offense, the horse shall be seized and not returned until restitution for the expenses involved in the seizure is made and proof of proper care is given. Upon a third or subsequent offense, the horse shall be permanently seized. Whoever violates the provisions of this subdivision shall be guilty of a violation.

**Source.** 1985, 72:1, eff. July 1, 1985

## **TITLE VII SHERIFFS, CONSTABLES, AND POLICE OFFICERS**

### **CHAPTER 105**

#### **POLICE OFFICERS AND WATCHMEN**

##### **Domestic Animals**

**105:14 Cruelty to Animals.** – Whenever an officer makes an arrest upon view, or upon a warrant for a violation of any provision of RSA 441:4-a,<sup>13</sup> he may take into his possession the animal which is the subject of such cruelty, and if the owner has no knowledge of such taking he shall give him notice forthwith.

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<sup>12</sup> ADMINISTRATIVE PROCEDURE ACT

**Source.** 1870, 4:4. GL 281:29. 1881, 10:1. PS 267:2. PL 382:2. RL 445:2. RSA 575:2. 1973, 532:15, eff. Nov. 1, 1973.

**105:15 Examination, etc.** – Whenever an officer shall take any such animal into his possession, which appears by reason of age, injury or other cause to be disabled for use, said officer shall call upon 3 disinterested citizens, who, under oath, shall examine such animal, and if they shall find such animal to be disabled for use said officer shall at once cause such animal to be killed.

**Source.** 1881, 10:2. PS 267:3. 1897, 22:1. PL 382:3. RL 445:3. RSA 575:3. 1973, 532:15, eff. Nov. 1, 1973.

**105:16 Expenses.** – All expenses incurred under RSA 105:14 and 15 shall be paid by the owner of such animal, and may be collected by an action on the case, or by enforcing a lien upon the animal.

**Source.** 1881, 10:2. PS 267:3. 1897, 22:1. PL 382:4. RL 445:4. RSA 575:4. 1973, 532:15, eff. Nov. 1, 1973.

**105:17 Arrest.** – If any person shall be found violating the laws in relation to cruelty to animals he may be arrested and held without warrant, in the same manner as in case of persons found breaking the peace.

**Source.** 1870, 4:4. GL 281:29. PS 267:8. PL 382:12. RL 445:12. RSA 575:12. 1973, 532:15, eff. Nov. 1, 1973.

**105:18 Special Deputies.** – Any officer or agent of any incorporated society for the prevention of cruelty to animals, upon being designated in writing for that purpose by the sheriff of any county in this state, may, within such county, make arrests and bring before any court or magistrate having jurisdiction offenders found violating the provisions of this subdivision.

**Source.** 1870, 4:7. GL 281:32. PS 267:10. PL 382:14. RL 445:14. RSA 575:14. 1973, 532:15, eff. Nov. 1, 1973.

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<sup>13</sup> This law was recodified in 1985 and the reference now is 435:5 Colts Less Than 90 Days Old. –

I. It is unlawful for any person in this state to have in his possession an equine colt that is less than 90 days old that is not being nursed by its dam, unless the colt was born in this state, and its dam has died within this state before the colt became 90 days old.

II. It is unlawful for any person in this state to sell an equine colt that is less than 90 days old that is not being nursed by its dam.

III. If convicted of a violation of this section a person shall be guilty of a misdemeanor.

**Source.** 1985, 72:1, eff. July 1, 1985.

Most likely there was a broader reference in 1870 when the law was first written.

## Appendix B: E-Mail Correspondence from Grafton County Attorney

My best conservative guess is that felony animal cruelty cases cost taxpayers per case on average about \$2000 to investigate and prosecute and that the New Hampshire taxpayer has spent at least \$124,000 on these felony cases over the last five years. This estimate does not include misdemeanor animal cruelty cases, which would increase the total number of cases much more, and uses conservative assessments. My belief is that the cases cost more than \$2000. My conclusions are based on the following estimates and assumptions:

\$385 in prosecutor costs (14 hours of work on a case at \$27.50/hr.)

\$165 in Victim/Witness costs (5 hours of work on a case at \$25/hr. plus \$40 in postage and phone, and other admin costs)

\$675 in police costs (15 hours of work for two officers at \$22.50/hr., which includes investigation, figuring where the animals will be located, taking the animals/evidence into custody, documenting the scene, report writing, testifying, talking with the prosecution)

\$600 in court costs (includes judge time and court expenses)

\$75 in travel expenses/gas etc.

I have received felony animal cruelty prosecutions numbers from 5 of the 10 counties. Based on these numbers, my experience, and knowing the various counties' populations and crime problems, I venture to make some educated guesses about the numbers of animal cruelty cases going to superior court. I estimate that from 2002-2007 there have been roughly 62 felony animal cruelty cases statewide. The breakdown is as follows:

Merrimack	12 (estimate)
Hills	17 (actual)
Rockingham	12 (actual)
Strafford	8 (estimate)
Grafton	3 (actual)
Belknap	2 (estimate)
Sullivan	2 (estimate)
Cheshire	2 (actual)
Coos	2 (actual)
Carroll	2 (estimate)

I wish I could be more helpful. Obviously, the numbers reflect best guesses.

Sincerely,  
Rick St. Hilaire  
Office of the Grafton County Attorney

## Appendix C: NHDAMF Cost Breakdown for Cruelty Complaints

### Welfare complaint time on primary complaints

\*does not include time spent on cases in which the office is asked to assist rather than be primary investigator

\*does not include other 'state' time – attorneys, law enforcement, courts, etc.

#### *Phone intake*

- 2-3 calls per day
- 15 minutes per call (staff)
- 10-15 hours per month
- 120-180 hours per year

#### *E-mail review of complaints*

- 5-10 per week
- 5 hours per week (state vet)
- 20 hours per month
- 240 hours per year

#### *Investigation*

- 10-15 per month
- 3 hours per call (1 hour background; 1 hour drive time; 1 hour review on site)
- 30-45 hours per month (80% staff; 20% state vet)
- 360-540 hours per year

#### *Post-investigation Reports*

- 15-20 per month
- 1 hour per report
- 15-20 hours per month (80% staff writing and filing; 20% state vet reviewing)
- 120-180 hours per year

#### *Follow-up visits*

- 3-7 per month
- 1.5 hours per visit (1 hour drive time; ½ hour review)
- 5-12 hours per month (80% staff; 20% state vet)
- 60-144 hours per year

#### *Supplies*

- fuel, paper, copier use, storage space (physical or electronic), postage
- 50 mile RT average per complaint or recheck; 20 mpg vehicle; 15-20 complaints or rechecks per month
- 37.5 – 50 gallons fuel per month @ \$3.50 per gallon
- \$1575 – 2100 fuel cost per year**
- non-fuel supplies @ \$1 per complaint
- \$10-15 per month
- \$120-180 per year**

**Information requests**

- 10-15 per month
- 30 minutes per request
- 5-7.5 hours per month
- 60-90 hours per year (80% staff; 20% state vet)

**Staff time**

-phone	120-180	hours
-investigation	288-432	hours
-reports	96-144	hours
-follow-up	48-116	hours
-information requests	48-72	hours
<b>-TOTAL</b>	<b>571-908</b>	<b>hours</b>

52 weeks @ 37.5 hours per week	=	1950 hours per year
\$63,000 avg. salary + benefits / 1950 hours	=	\$32.31 / hour staff time
\$32.31 / hour x 571-908 hours	=	\$18,449-\$29,337 / year

**State veterinarian's time**

-e-mail review	240	hours
-investigation	72-108	hours
-reports	24-36	hours
-follow-up	12-28	hours
-information requests	12-18	hours
<b>-TOTAL</b>	<b>360-430</b>	<b>hours</b>

52 weeks @ 37.5 hours per week	=	1950 hours per year
\$120,000 avg. salary + benefits / 1950 hours	=	\$61.54 / hour state vet time
\$61.54 / hour x 360-430 hours	=	\$22,154-\$26,462 / year

**Annual Cost**

-staff	\$18,449-\$29,337
-state vet	\$22,154-\$26,462
-fuel	\$1,575-\$2,100
-non-fuel supplies	\$120-\$180
<b>-TOTAL</b>	<b>\$42,298-\$58,079 per year</b>

**Cost per investigated complaint**

- average 150 complaints per year @ 3.8-6.1 staff hours per; 2.4-2.9 state veterinarian's hours
- \$281.99 - \$387.19 per investigated complaint**

## Appendix D: Survey Results

City/Town	County	Case file	Date	Costs	Status	Agency
Milford	Hillsborough	100+ cats removed from barn	11/01/06	\$11,786.40	not charged	Animal Rescue League, Bedford, NH
Sandown	Rockingham	3 horses seized over health concerns	02/15/08	\$500.00	surrendered	NHSPCA
Manchester	Hillsborough	abandoned a black pit bull	10/29/05	\$200.00	plead guilty	Manchester Animal Shelter/Bedford Animal Rescue League
Londonderry	Rockingham	Dog tethered to stop sign while owner went shopping	05/27/06	\$250.00	Fined	Derry District Court
Bedford	Hillsborough	31 puppies, 14 cats seized	06/12/03	\$40,601.38	Convicted	NHSPCA/Merrimack District Court
Raymond	Rockingham	Little Critter Pet Center owner, employee, abandons 3 hamsters to the wild	10/00/04	\$2,025.00	Convicted	NHSPCA
Mont Vernon	Hillsborough	dogs and cats seized	08/01/06	\$1,528.22	Not charged	Natl. Animal Abuse Registry/ARL
Merrimack	Hillsborough	Abandoning a cat	12/06/03	\$241.00	Civil suit	Natl. Animal Abuse Registry
Hudson	Hillsborough	Emaciated & tick infested dog	06/01/05	\$322.00	Convicted	Hudson ACO
Exeter	Rockingham	abandoned 3-year-old terrier/corgi mix in parking lot in winter	03/07/07	\$259.00	Convicted	NHSPCA
Salem	Rockingham	49 dogs & 2 birds animals seized from mobile home	09/14/07	\$85,905.00	Convicted	NHSPCA/Monadnock/Salem ARL
Rye	Rockingham	Mistreatment of 5 horses and cats	12/03/06	\$14,000.00	Civil/incompetent	NHSPCA
Epping	Rockingham	3 horses, 2 ponies, a dog and rabbits seized	03/27/06	\$5,926.00	Plea	NHSPCA
Danville	Rockingham	dogs seized from ACO	11/00/03	\$2,200.00	Convicted	NHSPCA
Raymond	Rockingham	theft of kitten from pet store	10/13/08	\$300.00	Convicted	Raymond District Court
Hudson	Hillsborough	Beating dog with a rolling pin	01/18/04	\$651.00	Convicted	Hudson ACO
Plainfield	Sullivan	2 dogs, 2 finches, 4 chickens seized	00/00/05	\$1,955.00	not charged/incompetent	UVHS
Chester	Rockingham	horses seized	00/00/05	\$825.00	Convicted	NHSPCA
Bennington	Hillsborough	underfeeding horses, 4 seized	7/00/03	\$4,000.00	Charges dropped	Bennington PD
Goffstown	Hillsborough	Emu at large	02/19/07	\$300.00	not charged	NHSPCA
Hooksett	Merrimack	2 horses seized	06/30/05	\$3,000.00	Convicted	NHSPCA
Pittsfield	Merrimack	15 dogs seized	11/16/05	\$650.00	Convicted	NHSPCA
Warner	Merrimack	57 animals seized	08/09/05	\$320,000.00	Convicted	NHSPCA
Hudson	Hillsborough	1 parakeet seized	00/00/03	\$72.00	Convicted	Hudson ACO
Hampton	Rockingham	Illegally butchering	04/03/03	\$23,163.00	Convicted	

City/Town	County	Case file	Date	Costs	Status	Agency
Falls		animals at home				
Brookline	Hillsborough	1 dog seized	00/00/04	\$728.00	Convicted	Brookline PD
Brookline	Hillsborough	68 animal complaints	00/00/03	\$1,222.00	Ordinance Violations	Brookline PD
Campton	Grafton	5 dogs seized	00/00/04	\$470.00	Convicted	Campton PD/ACO
Campton	Grafton	1 horse seized	00/00/03	\$820.00	Convicted	Campton PD/ACO
Candia	Rockingham	7 dog complaints	00/00/03	\$7,830.00	Misdemeanor	Candia PD/NHSPCA
Canterbury	Merrimack	2 dog complaints	00/00/04	\$750.00	Unfounded	Canterbury PD
Canterbury	Merrimack	1 dog complaint	00/00/03	\$1,000.00	Misdemeanor	Penacook HS
Colebrook	Coos	malnourished horse	00/00/04	\$1,000.00		Colebrook PD
Concord	Merrimack	2 cats surrendered	00/00/04	\$550.00	surrendered	Concord PD
Concord	Merrimack	5 seized dog	00/00/03	\$1,200.00	2 misdemeanors 3 felonies	Concord PD
Dover	Strafford	68 dog, 16 cats, 3 kittens complaints, 2 cats surrendered	00/00/03	\$400.00	surrendered	Dover ACO
Dover	Strafford	74 dog, 12 cats, 3 kittens, 1 rat, 2 birds 13 cats surrendered	00/00/04	\$800.00	surrendered	Dover ACO
Dublin	Cheshire	1 cow seized, 1 cow dead	00/00/04	\$110.00	Misdemeanor	Dublin PD/Monadnock HS
Groton	Grafton	35 dog complaints, 3 surrendered	00/00/03	\$950.00	Misdemeanor	Groton PD
Groton	Grafton	17 dog, 3 cat complaints, 3 dogs surrendered	00/00/04	\$950.00	Misdemeanor	Groton PD
Hudson	Hillsborough	32 dog, 2 cow, 2 horse complaints, 1 dog seized	00/00/03	\$400.00	Ordinance Violations	Hudson ACO
Hudson	Hillsborough	42 dog, 1 cow, 1 horse complaints	00/00/04	\$800.00	Ordinance Violations	Hudson ACO
Lee	Strafford	2 dog complaints	00/00/03	\$60.00	not charged	Lee PD
Lee	Strafford	2 dogs, 1 puppy, 2 cat complaints	00/00/04	\$200.00	not charged	Lee PD
Lincoln	Grafton	1 dog complaint	00/00/04	\$700.00	Misdemeanor	Lincoln PD
Plymouth	Grafton	1 horse complaint	00/00/04	\$200.00	not charged	Plymouth PD
Portsmouth	Rockingham	2 dog complaints	00/00/04	\$1,000.00	1 misdemeanor 1 felony	Portsmouth PD
Rochester	Strafford	1 dog surrendered	00/00/03	\$100.00	misdemeanor	Rochester ACO
Rochester	Strafford	2 dogs, 2 hamsters, 1 bird complaint, 2 animals seized	00/00/04	\$300.00	Misdemeanor	Rochester ACO
Springfield	Sullivan	4 dogs, 2 pigs, all surrendered	00/00/04	\$120.00	surrendered	Springfield PD
Springfield	Sullivan	3 dogs, 1 cat, 1 rabbit complaints, all surrendered	00/00/03	\$140.00	surrendered	Springfield PD
Thornton	Grafton	1 dog complaint	00/00/03	\$1,000.00	misdemeanor	Thornton PD
Wilmont	Merrimack	1 dog surrendered	00/00/03	\$200.00	surrendered	Wilmont PD
Wilmont	Merrimack	1 dog complaint	00/00/04	\$250.00	Not charged	Wilmont PD
Wilton	Hillsborough	13 cats surrendered	00/00/04	\$240.00	misdemeanor	Wilton PD
Nashua	Hillsborough	Cat thrown onto	07/12/06	\$250.00	Not charged	Natl. Animal Abuse



City/Town	County	Case file	Date	Costs	Status	Agency
Manchester	Hillsborough	Everett Turnpike, left for dead in rush hour confidence men bilk woman in attempt to get neighbors cat back	08/01/05	\$173.00	plea agreement	Registry
Epping	Rockingham	19 Italian Greyhounds seized from attic	06/18/07	\$13,983.56	Convicted	NHSPCA
Candia	Rockingham	horse neglected	00/00/04	\$5,783.42	Convicted	NHSPCA
Candia	Rockingham	horse neglect	00/00/04	\$8,400.00	Convicted	Candia PD
Sandown	Rockingham	dogs, cats seized	00/00/06	\$2,000.00	Convicted	NHSPCA
			<b>TOTAL</b>	<b>\$575,739.98</b>		