

The Governors' Commission on the Humane Treatment of Animals

Meeting Minutes

20 August, 2009

1. The regular meeting of the Governor's Commission on the Humane Treatment of Animals was called to order at 1:04PM on 20 August, 2009 in Senate Room 100 by Chairperson Morris.

2. Members Present: **Joyce Arivella, Joanne Boubeau, Christopher Conely, George Cook, Jim Kennedy, Mark Ellingwood, Michael Hughes- Secretary, Joyce Matott, Roni McCall, Patricia Morris- Chairperson, Chief Andrew Shagoury, Representative Carla Skinder, Deborah Simson, Richard Wentzell, Dr. Jerilee Zezula**

3. Agenda Item: Approval of 30 July, 2009 minutes

-The Minutes to the July meeting were approved as amended

-However, two further items were forwarded to me via e-mail after our formal approval of the minutes. They were included in the Final Version that will be on the website.

- Dr. Crawford submitted the following clarification: On page 2 under SB137, Plan A has not ended yet. It will expire 1 Jan, 2010.

- Dr. Zezula noticed that I referred to Rep. Carla Skinder in the discussion of the Sullivan County barns on page 4. I did get ahead of myself, since she was not in attendance. Her remarks presented below.

4. Agenda Item: Report on our Commission's Status with the Gov. office-Richard Wentzell reporting

-**Richard said** "The Governor is concerned about the fact that we have had a large number of cancelled meetings"

-**Richard said** "The Governor is also concerned about the excessive number of members (?)"

-Richard suggested to the Gov that we should eliminate members that have not shown up for a while.

-Chairperson Morris had a concern about Richard representing the Commission on his own rather than through her or the Secretary. He was reminded that only the Chair or the Secretary was considered the representatives of the commission to the governor, as was voted on by the commission members.

-It was established that Richard met with the Governor for his own purposes, on his own.

-The report was inconclusive. This topic may come up for discussion again at a later date.

5. Agenda Item: Commission Open Positions-Update – Roni McCall reporting

-A MOTION was made and carried that Roni will head up the recruitment effort

-Teresa Ridgeway, from Barrington, is also a candidate for the NH Veterinary Technician Assoc. position. Her resume will be available next meeting.

-There have also been requests to fill positions that are not open.

-Roni suggested that what is needed is our feedback about the candidates. Ultimately, the Gov's office makes the choices, but the Commission can surely make recommendations.

-A definite challenge is the filling the NH State Senate slot.

- There has been no reply since Senator Roberge left

- The Senate President makes the appointment

- Nancy Johnson's recommendation for this slot came up. The Sec. is at a loss to find his reference to it.

6. Agenda Item: Subcommittee Status-Study of Sullivan County Facilities

-Representative Carla Skinder mentioned that the Sullivan County Commissioners may not be as "ready to go" with the required update of the barns for our purposes as we may have thought.

-the County is currently supervising major construction on a substance abuse facility and this is occupying all of their time.

-Steve Sprowl's tour of the barns was understood to be part of a feasibility study according to Rep. Skinder. (See July minutes)

-Chairperson Morris suggested that Rep. Carla Skinder be on our sub-committee to study this project. Carla graciously agreed.

- A MOTION was made and carried that Rep. Carla Skinder will be chair of the subcommittee.

- Sub- Committee now consists of:

-Carla Skinder (Chairperson)

-Nancy Johnson

-Dr. Zezula

-Steve Sprowl

-Rep. Skinder suggested that this is probably a large enough subcommittee so as to not overwhelm the Sullivan County Commissioner

-Rep. Skinder has a Sullivan County Commission meeting she will be attending, and may have an update for us concerning the status of the barns.

7. Agenda Item: Work on Input Request Form-Secretary presenting

-The Secretary was responsible for a draft of a form. (Refer to handout)

-**Bottom-line:** The constituents of each organization so far represented by this Commission will get feed back concerning the NH RSA's dealing with animal cruelty. The form to be used will ask for no more than five (5) issues, and that the most common/interesting will be sorted by/and presented to the Commission by its members in turn.

- It was concluded that Dr. Zezula and I would refine the form and present it at the next meeting.

-Later on this same meeting a **MOTION was made and carried that we will forego the survey idea and shift our emphasis a new the Governor's report discussed below.**

8. Agenda Item: Review Requests that come to us through our web site-Roni presenting (refer to handout)

-Roni is the contact person as shown on the website

-The current secretary will take over once routinely transcribing two hours worth of recordings gets to be second nature.

- The requests are typically forwarded to people/departments with the appropriate specialties.

-So far we do not have policies in place as to how the website should be run. Chairperson Morris suggested that along with a formal e-mail policy, one should be drawn up for the handling such requests from the public.

-Chief Shagoury asked whether the State has policies for its other websites that we may or may not be adhering to

-Dr. Zezula responded by saying she is in contact with the State IT people on a regular basis and she knows she will be informed if something is inappropriate or not.

-Websites that are linked to ours are what Dr. Zezula thinks are appropriate. So far, they are all animal welfare related non-profits.

-Chairperson Morris volunteered to **draft a policy** possibly before the next meeting.

9. Agenda Item: Recent Animal Cruelty Cases-A Discussion

-Chairperson Morris did a lot of research for this discussion. It became obvious to her after talking to several county attorneys that there are a lot of issues concerning enforcement, miscommunications, and understanding the laws as they stand now. There are glaring issues in two cases that are worth mentioning here:

-The Candia Horses:

-There is an ongoing case in Candia where 12 horses were seized; animal cruelty misdemeanors/violations are filed with the district court. However, before the trial was held, the horses were returned to the defendant. This is an unprecedented move and contrary to State law: animals in protective custody are NOT given back to the defendant until the court has rendered a Decision. It is estimated the “bill” for the care of these 12 horses was in excess of \$12,000.

-Due to the high cost to care for seized horses (a responsibility of the town of Candia), the State and Defense agreed to return 11 of the 12 horses (and eventually the court ordered the return of the 12th) to the defendant, pending trial.

- An independent vet determined that the stallion (the 12th horse) in this case not be returned under any circumstances because of condition. The defendant’s vet testified otherwise, stating the horses’ health was fine and could be returned. The court ordered the 12th horse to be returned to the defendant.

-Chairperson Morris mentioned that the Candia police had all there ducks in a row. The way they handled the seizure of the 12 horses would make a good case study.

-The Greenland Repeat Offender: (Pugh)

-Also, a recent case in Greenland involved a repeat offender. Certified copies of her prior misdemeanor conviction could not be located/produced by the Portsmouth District Court.

- The County attorney stated in a newspaper interview that by law, the cruelty charge can be brought as a felony if there are two prior convictions.

-The same news article quoted the County Attorney stating that no one, including the NHSPCA, made an attempt to remove the animals between the investigation and the case being transferred to his office, so there is very little likelihood that a judge would remove the animal 15 months after the incident... would be treated as unreasonable by the judge.

-Chairperson Morris: As far as restitution goes. Even when awarded by the court, it is rarely paid and/or enforced through the courts. The court can require it, but no one is held in contempt if they do not pay.

-Chairperson Morris also found out during her research that some attorneys believe that Dr Crawford’s’ office has to get involved in all cases, and if he determines the animals are fine-there is no case. By law this is not true, Dr. Crawford is not on the front line in all cases.

-It was made clear that the lack of knowledge of how to handle animal cruelty proceedings is “horrificing”.

-Mark Ellingwood and Dr. Zezula suggested that **education is very important.**

-Mark: an infrastructure can be established to collect data into a repository that any professional in this business could have access to. The Commission could possibly create a central library of information and cases that others could use and learn by.

-Dr. Zezula has a class that is taught at the police recruit academy about the abuse laws; it is mandatory but only two hours.

- Dr. Zezula mentioned that a course is given at the police academy which is an in-service that is not mandatory, but one of a selection of continuing ed. classes. This is a more comprehensive 2-day course which does include case examples. It is available to anyone in law enforcement including prosecutors.

-George Cook asked whether we had an educational mandate to provide guidance to the people routinely involved in animal abuse cases.

-Chief Shagoury does not support the idea of mandatory in-service training. The NH Chiefs of Police have traditionally opposed laws mandating training.

-Chairperson Morris is working with the Animal Law Committee of the ABA to determine what steps must be taken to introduce an animal law committee in the NH Bar. It would be an opportunity to provide CLE (continuous legal education) to prosecutors on animal cruelty laws. Also, she has proposed to Franklin Pierce Law Center, to teach an animal law class to start in spring 2010. Tricia would also like to put something together for the prosecution side of the house in light of the gaff's in the prosecution of the Greenland case mentioned above.

-Joanne Boubeau suggested the Commission could make itself available as a resource to help with the fine points of the laws.

-the Commission could send a letter to all law enforcement, and county attorneys that we are available.

-Chief Shagoury suggested using the Police Newsletter to advertise

-The question was raised do we have a mandate to produce educational materials?

-This idea was raised in the past, but the question of financing came about.

10. New Business: To get feedback from the Commission on an idea for a new Governor's Report -Chairperson Morris presenting

-At the beginning of our discussion of recent cases, Chairperson Morris suggested that an annual or biannual report to the Governor outlining in detail the five or six cases from this year. The report could include:

-costs

-number of animals

-complaints

-agencies involved

-timelines/lifecycle

-restitutions: paid and up-paid

-Chairperson Morris emphasized throughout her report the excessive timelines on the major cases. Having cases extend beyond a year is not uncommon; therefore more costly to the towns as far as maintaining the seized animals in protective custody.

-George Cook emphasized how a report as proposed by Tricia could be used to highlight the gapping holes in the whole process used to prosecute animal abuse cases. These reports could then be channeled from the Gov office through the legislature to address what should be emphasized or changed in our humane laws. The report is an excellent idea.

-Mark Ellingwood suggested that we are probably already comfortable with the fact that NH laws are good. We did a survey awhile back that confirmed this. We need to build on the obvious, that the gapping holes in the prosecution process need to be filled.

-A MOTION was made and carried that we will forego the survey idea mentioned above (para.7), and shift our emphasis to the Governor's report as discussed.

11. New: General Discussion:

-Chief Shagoury suggested we get a guest speaker from the "Local Government Center" (LGC) for a future meeting. They represent all the municipal governments of the State. They most likely could talk on issues revolving around animal abuse cases.

-Chief Shagoury came to the idea from our discussion of education and trying to reach different groups.

- They also host a convention every year. This would help get ourselves known to various select boards and town managers and other officials that may get involved in abuse cases.

-A MOTION was made and carried that Tricia contact the "LGC" to see if they could, at some future meeting send someone to speak to us about there concerns and issues regarding animal abuse cases.

-Rep. Carla Skinder suggested we do a press release telling the public we exist, and here is what we do.

-A MOTION was made and carried that the meeting be adjourned

Meeting Adjourned: 3:03 PM

Next meeting will be held on 17 Sep, 2009 at 1:30PM in Senate Room 100.