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Panel fights animal abuse

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Despite some strong laws aimed at animal abusers in New Hampshire, a survey conducted by the Governor's Task Force on the Humane Treatment of Animals has determined enforcement and sentencing remain inconsistent.

While the public expects animal welfare legislation to be rigorously enforced and those who breach the regulations to receive appropriate sentences, that often does not happen, for a variety of reasons, says Dr. Jerilee Zezula, chair of the Task Force Education Committee.

Gov. John Lynch reactivated the Task Force in an effort to garner recommendations from professionals. Past efforts to adopt new laws aimed at broadening cruelty protection for New Hampshire animals met with limited success.

The group, which began meeting monthly in June, is monitoring new legislation relating to cruelty towards animals and is working to draft legislation that will further serve to prevent and punish animal abuse.

The Governor charged the Task Force with evaluating animal abuse in New Hampshire; completing a thorough evaluation of all statutory and administrative rules; accessing state, community and private programs that address animal abuse; and providing recommendations on how to prevent and address animal abuse in the state.

Senator Shelia Roberge, a longtime champion for humane treatment of animals, is chair of the task force whose goals include teaching law enforcement personnel and the legal community about the importance of cruelty laws and prosecution. The group also wants to teach the public to recognize animal abuse and take action to stop or prevent it.

The Humane Society of the United States reports that New Hampshire has rejected previous legislative efforts to establish standards for outdoor housing for dogs. A bill requiring that horses have access to shelter at all times, clarifying who may make determination of probable cause for seizing horses and seeking to increase the penalties for mistreating horses, also failed.

A law that would have allowed cruelty cases involving juveniles to be transferred to the superior court was defeated, as were efforts to establish licensing and inspection requirements for grooming and boarding facilities.

Many mental health experts agree there is a clear link between animal cruelty and violent crimes against humans. They say that, while animal cruelty is a concern because it is wrong to inflict suffering on any living creature, intentional cruelty is especially disquieting, as it is a sign of psychological distress and often indicates that an individual has been victimized or may be

predisposed to committing acts of violence.

Dr. Zezula, a veterinarian and professor of animal science at the Thompson School of Agriculture, said there are many causes of cruelty, ranging from simple ignorance or neglect to malicious intent.

Some instances of cruelty involve people copying behavior they have witnessed or been victim to. Others view harming an animal as a safe way to get revenge on someone who cares about that animal. While some people still think of animals as nothing more than property, segments of society are moving to anthropomorphize them. Those are the contrasting views that make passing new legislation so difficult, Task Force members say.

Recently, the states of Maine, Vermont and New York have adopted laws allowing judges to include pets in protective orders. Illinois and New Jersey lawmakers are considering similar measures, and animal welfare advocates in other states, including California, are lobbying for similar action.

In some states, judges have allowed lawsuits relating to emotional damage due to the loss of a companion animal to go through the court system. In 2000, Tennessee became the first state to grant animal guardians rights to pain and suffering damages as well as punitive damages related to the loss of a companion animal.

Meanwhile, a new law in New York protects veterinarians from liability if they report suspected cases of animal abuse. New Hampshire already offers such protection. Cruelty to animals is a felony in 42 states, with Kansas being the latest to pass such a law in April.

Eighteen states also classify animal abandonment as a crime. New Hampshire has joined Delaware, Vermont, Kanawha County, S.C., Marion County, Ind., Knox County, Tenn., Los Angeles, and Maricopa County, Ariz., which includes Phoenix, in establishing animal cruelty task forces.

While the Animal Legal Defense Fund has given New Hampshire high marks for its stringent animal protection laws, many states have exemptions in their cruelty laws. For example, Maine exempts the killing of one's own cats and dogs on one's own property.

Meanwhile, nationwide, the bulk of animal cruelty laws remain misdemeanor offenses, the Animal Legal Defense Fund reports.

Just how prevalent the problem is has been difficult to track, as no national database exists to provide a clear, statistical analysis of how many cruelty cases are criminally charged and prosecuted each year.

Task Force Secretary Roni McColl is a member of Through Their Eyes, a website that bills itself as a national animal abuse registry. Based in Merrimack, the nonprofit group is a network of volunteers that has created a national database listing the names of people accused and convicted of animal abuse.

Although there are no hard numbers available, there is anecdotal evidence that suggests some prosecutors are less likely to charge or prosecute alleged animal cruelty than other violent crimes, except in the most extreme cases. The apparent reluctance to prosecute stems from many factors, real or perceived, including limited resources, inexperienced staff, incomplete or botched investigations; pressure from the community to focus on other crimes; and personal or political bias against taking animal abuse as seriously as a violent crime perpetrated against a human, the task force found.

The group. which meets next on Thursday, Sept. 14, has identified current priorities as education, legislation and funding.

Having access to money, Dr. Zezula said, is the key to adequately teaching the public about animal abuse and allowing the task force to be ready to assist community and private programs involved in similar work. Members are considering whether to propose legislation to add 25 cents to the property transfer tax that would be set aside for its use.

Currently, New Hampshire law allows police to charge a person who purposely beats, cruelly whips, tortures, or mutilates any animal or causes any animal to be so abused with a Class B felony, potentially punishably by a 3.5- to seven-year sentence in the N.H. State Prison. But, while cruelty statutes are on the books, Dr. Zezula said, based on information the task force gleaned from its survey, police often are reluctant to file criminal charges, especially against animal hoarders, partly because of the cost of caring for the animals until the case is adjudicated.

While existing state law requires anyone convicted of animal cruelty who appeals his case to the superior or supreme court to post a $2,000 bond to pay for boarding costs to retain ownership of the animals, pending the final adjudication, Zezula said the cost of care prevents many police departments from taking action.

Despite a state law making it a misdemeanor crime to confine an animal in a motor vehicle or other enclosed space in which the temperature is either too high or two low, the practice continues. As part of it education effort, the task force is releasing monthly press releases, most recently using the forum to warn that dogs can easily and quickly suffer heatstroke if left for just a few minutes in a vehicle, even if the windows are left cracked open.

Other topics the task force plans to address in future press releases include animal cruelty committed by children, pets in pickup trucks, domestic violence, safe haven for animals, fighting, hoarding, grooming, shelters for horses and dogs, and enforcement of humane laws.

Dr. Zezula said animal rights continue to be a lightning rod issue, noting that lawmakers typically get more comment from constituents regarding proposed animal laws than on any other issue.

"People just seem to come out of the woodwork," Zezula said, when animal legislation is debated.

High-profile cases of cruelty, she said, help prompt change. A website launched by the task force includes links to media coverage of cruelty cases, including a recent fire in a transport vehicle sparked by an electrical fault that resulted in the death of some 60 puppies being trucked to pet shops in New Hampshire.

"We're trying to see what the problems are and give the governor some recommendations," she said.

Police departments, prosecutors and judges from throughout the state who participated in the task force's survey were asked about their knowledge and impression of existing cruelty laws. The survey results, Zezula said, showed that education is needed to increase awareness of the options existing laws provide.

The survey also revealed the need for training to help increase awareness about what constitutes cruelty, as well as clarifying the language in some laws to make them more useful, she said.

"There were a lot of complaints about the language of laws — that they create intentions but that they don't work," she said.