Slide 1

Investigating Crimes Against Animals

Slide 2

Introduction

- Adam J. Ricci
- Chief of Field Operations, City of Albuquerque Animal Welfare Department
- Vice President, National Animal Care and Control Association

Slide 3

Background

- Certified Animal Control Officer (State of Maine)
- Graduate of the 26th Basic Law Enforcement Training Program (State of Maine)
- Former Officer, Police Department of the State of Maine
- Animal Control Supervisor
- Enforcement of Animal Cruelty Laws
- Evidence Technician
- Special Deputy with York County Sheriff’s Department
- Assigned to County Gang Task Force
- Department liaison to Maine Gang Task Force
What is Animal Cruelty?

New Mexico Statutes – Chapter 30, Article 18, Section 30-18-1
Cruelty to animals; extreme cruelty to animals; penalties; exceptions

NM Stat § 30-18-1 (2017)
What is Animal Cruelty?

- An "animal" does not include insects or reptiles under NM Law
- Cruelty consists of a person:
  - Negligently mistreating, injuring, killing without lawful justification or tormenting an animal
- Extreme Cruelty consists of a person:
  - Intentionally or maliciously torturing, mutilating, injuring or poisoning an animal; or
  - Maliciously killing an animal

NM Stat § 30-18-1 (2017)

What is Animal Cruelty?

- For Albuquerque it is different:
  - HEART (Humane and Ethical Animal Rules and Treatment) Ordinance
    - Enacted in 2006

What is Animal Cruelty?

- An animal includes reptiles and amphibians but excludes insects and arachnids
- Cruelty consists of a person:
  - Intentionally killing an animal without lawful justification or mistreating, injuring, maiming, disfiguring, tormenting, torturing, beating, mutilating, burning, scalding, poisoning, attempting to poison or otherwise unnecessarily causing an animal to suffer physical or emotional harm. Any of the following is a separate act of Cruelty: failing to provide necessary sustenance to an animal under that person's custody or control, failing to provide adequate shelter, failing to provide potable water, failing to provide palatable, nutritious food of adequate quantity, taunting an animal, dyeing, or artificially coloring an animal under the age of 12 weeks, transporting an animal in an open vehicle without proper restraints, leaving an animal in a vehicle when the temperature is such that it could cause pain or suffering to the animal. Abandonment or neglect of an animal is Cruelty. Inaction of the owner toward an animal in need of basic or emergency medical care is Cruelty. Surgery by a veterinarian is not Cruelty but ear cropping, de-barking, tail docking or alteration by an individual who is not a veterinarian is Cruelty.
Evicted NC man charged with cruelty, abandoning pet fish

"is a life like any dog or cat."
Lt. Jerry Brewer

Man accused of abandoning pet fish is off the hook for animal cruelty, DA says

What is Passive Cruelty?
- Is a lack of action or neglect rather than the action itself
- Can be both intentional or lack of knowledge
- I disagree that intentional cruelty is ever passive cruelty
What is Passive Cruelty?

- Types of Passive Cruelty:
  - Malnourished – starvation
  - Dehydration
  - Inadequate grooming
  - Parasite infections
  - Failure to provide medical care
  - Inadequate shelter

What is Passive Cruelty?

- Underlying causes of Passive Cruelty:
  - Ignorance
  - Neglect
  - Economic Hardship
  - Mental Illness

What is Passive Cruelty?
What is Active Cruelty?

- Is when a person deliberately inflicts harm on an animal
- Sign of serious psychological issues or sociopathic behavior
- Can take place in violent homes, as a way for an aggressor to intimidate or psychologically torture others

Some common reasons for intentionally abusing an animal are:

- Need for power or control;
- Revenge, retaliation or blackmail;
- Imitation;
- Deviant arousal;
- Peer pressure and group membership;
- Boredom; and
- Dissonance

The last three in the above list tend to surface in adolescent and older teen males and may be indicative of other, more serious sociopathic behavior.
The Investigative Process

- Animal Cruelty investigations are very difficult for one person (and at times one department) to do on their own. Most cases are successfully prosecuted when the investigator and/or partner with law enforcement, media, and veterinary professionals.
- Careful planning is vital to a successful outcome. Provisions need to be in place on holding seized animals prior to attempting to remove, especially in cases involving livestock or large numbers of animals.

The Investigative Process

- Animal Cruelty investigations are very difficult for one person (and at times one department) to do on their own. Most cases are successfully prosecuted when the investigator and/or partner with law enforcement, media, and veterinary professionals.
- Careful planning is vital to a successful outcome. Provisions need to be in place on holding seized animals prior to attempting to remove, especially in cases involving livestock or large numbers of animals.
The Investigative Process

- A complaint is received and a call for service is generated.
- Anonymous calls are accepted via AWD through CrimeStoppers.
- Likely to be reported to animal control function rather than law enforcement.
- Multi-agency approach needed (depending on agency structure).
- Positive assurance between animal control and law enforcement in the neighborhoods and homes.

Retrieved from: https://animalstudiesrepository.org/
The Investigative Process

- Animal Control Officer responds to the complaint to start the investigation
- But what is the ACO trained to do?
  - Thorough knowledge of local and state laws
  - Thorough knowledge of department policy and procedure
  - Capabilities with restraint and handling of animals
  - Limited knowledge and capabilities with:
    - Fourth Amendment
    - Interview and interrogation
    - Crime scene processing

The Investigative Process

- The common elements of an investigation are:
  - Interview all suspects, witnesses and informants;
  - Answer who, what, where, when and how (the why is not needed for prosecution)
  - Gather evidence;
  - Document the evidence and your findings with:
    - Field notes
    - Formal reports
    - Forms
    - Photography
    - Videotaping
  - Consider the disposition of the animals;
  - Determine the appropriate action; and
  - Conduct a follow investigation or re-inspection as needed
The Investigative Process

- Direct
- Real
- Demonstrative
- Circumstantial
- Testimonial
- Prima Facie

Animals as Evidence

- Animals are good evidence because their conditions can improve once removed from the situation. It is important to document the original condition of the animals at the time of seizure.
- In most neglect cases, simply providing basic care such as food, water, parasite control and a healthy living environment will improve the animal’s overall health.
- Continued documentation of the animals' condition should be completed regularly.
The Investigative Process – Animals As Evidence

- Body Condition Scoring
  - Is simple, fast method of assessing the overall condition
  - Is subjective but should produce the same results with training
The Investigative Process – Animals As Evidence

- Animals are not good evidence because of their needs.
- Not only do they need care such as food, water, shelter and medical care but they have needs for mental stimulation.
- Animals associated with cases tend to have gender restrictions on how they can be handled which can result in their overall health.
- Agencies should allow for foster care.
- Utilize laws that terminate ownership prior to court cases.

---

NM Statue 30-18-1.2 Disposition of seized animals:

C. An agent of the New Mexico livestock board, an animal control agency operated by the state, a county, or a municipality, or an animal shelter or other animal welfare organization designated by an animal control agency or animal shelter, in the custody of which an animal that has been cruelly treated has been placed may petition the court to request that the animal’s owner may be ordered to post security with the court to indemnify the costs incurred to care and provide for the seized animal pending the disposition of any criminal charges of committing cruelty to animals pending against the animal’s owner.

D. The court shall determine the amount of security while taking into consideration all of the circumstances of the case including the owner’s ability to pay, and may conduct periodic reviews of its order. If the posting of security is ordered, the animal control agency, animal shelter or animal welfare organization may, with permission of the court, draw from the security to indemnify the costs incurred to care and provide for the seized animal pending disposition of the criminal charges.

E. If the owner of the animal does not post security within fifteen days after the issuance of the order, or if, after reasonable and diligent attempts the owner cannot be located, the animal may be deemed abandoned and relinquished to the animal control agency, animal shelter or animal welfare organization for adoption or humane destruction; provided that if the animal is livestock other than poultry associated with cockfighting, the animal may be sold pursuant to the procedures set forth in Section 77-18-2 NMSA 1978.
The Investigative Process – Animals As Evidence

There are several considerations when making a decision whether or not to seize animals that allegedly being cruelly treated:
- Is the animal being treated cruelly per local ordinance or state statute?
- If passive, can the problem be resolved in a reasonable amount of time with information and minor help with resources?
- If active, does the investigator have the resources to hold the animal(s) humanely if seized?
- Is there a veterinarian available who is willing to help and later testify?

The Investigative Process – Dealing with Violators

Information
- This is the first option for most passive cruelty cases that are investigated. The owner is often merely uninformed about proper animal care and once provided with information is willing to take corrective action. This option may alleviate cruelty without lengthy, costly and complicated legal proceedings.

Prosecution
- This is the last option when dealing with passive cruelty cases. This route is taken when the owner is uncooperative and the abuse is unresolved through other efforts.
- This is the first option, however, when dealing with active cruelty, as the intentional abuse is often severe and reoccurring. Strong action is necessary to provide protection for the animal and as a deterrent against future abuses.
The Investigative Process – Dealing with Violators

- Surrendering an Animal
  - If the owner no longer wants the animal or is unable to provide proper care, a signed written statement by the owner needs to be received.
  - Discretion should be given to allow the investigator the authority to decide whether to continue with further action.

- Seizure of an Animal
  - Always seize the animal that is a victim of active cruelty.
  - Law enforcement should be present.
  - A veterinarian needs to evaluate the animal(s) at the time of seizure or as soon as possible.
There are a number of different types of Personal Protective Equipment (PPE) that may and in some situations, shall be utilized during an investigation. The type of equipment needed will change based on the type of investigation.

For other responses involving animal cruelty, the equipment continues to vary. What is most important is that the equipment being utilized is trained in proper use. When handling an animal, it is important to minimize any stress on the animal, while protecting the individual attempting to or handling the animal.
In the event of an Animal Hoarding case, the following PPE should be considered and be available for use:
- Tyvek Suits
- At a minimum N95 respirators
- Ideally, half-mask, cartridge-style respirators should be provided
- Nitrile Gloves
- Nets
- Traps
- Cages
- Control Poles
PPE and ME

- All equipment should be checked prior to response
- Recommend creating "go-kits" for specific response types
- All agencies should have a kit for handling hoarding cases

Blood Sports – Dog Fighting

- Key terminology:
  - Campaign – a fighting dog's career
  - Champion – a dog with three victories
  - Convention – a dogfighting event
  - Dogmen – professional trainers and handlers
  - Grand Champion – undefeated with five wins
  - Prospect – a young, promising dog
  - Scratch lines – lines inside the ring in which dogs start behind
  - The Keep – conditioning plan in preparation of the fight
  - The show – the dogfight
Blood Sports – Dog Fighting

- Street – informal contests on street corner, back alleys and playgrounds. No rules or formality.
- Hobbyist – more organized. There is a focus on care and breeding of their dogs. Done for both entertainment and supplement income.
- Professional – have a large number of dogs. They earn money from breeding, selling and fighting. Understand conditioning regimen.
- Professional Street – wealthy individuals who engage in street style fights.

Blood Sports – Dog Fighting

- Dogfighting spans across the country and even the participants and spectators are a significantly diverse group.
- Often reflects social decay, not every dogfighter is un-wealthy.
- Those involved come from diverse professions, including lawyers, judges and other community leaders.
Blood Sports – Dog Fighting

- Other associated crimes:
  - Illegal gambling
  - Drug offenses
  - Weapon offenses
  - Prostitution
  - Warrants
Blood Sports - Cockfighting

- Cockfighting is a blood sport in which two roosters, bred for aggression, are placed beak to beak in a small ring.
- The birds are encouraged to fight to the death.
- A rooster's natural fighting instincts are exaggerated.
- This is accomplished through: breeding, feeding, training, steroids, and vitamins.

Retrieved from: https://www.aljazeera.com/mritems/Images/2015/6/24/78052f1f88e94205b165e5daf5f53d89_6.jpg

A cockfight is one 12 minute round.
- However, they can only last a few seconds.
- Roosters often wear knives or gaffs.
- These can snap through the arm in a ring.

Retrieved from: https://i.pinimg.com/736x/9e/f5/1a/9ef51a7842b9f956f4a68d1737c02019.jpg
Blood Sports - Cockfighting

- 42 States classify cockfighting as a felony
- 39 States prohibit the possession of birds for fighting purposes
- 43 States classify attending a cockfighting event as a crime
Blood Sports – NM State Law

- NM Statute 30-18-9
- Dog fighting and cockfighting; penalty

A. It is unlawful for any person to cause, sponsor, arrange, hold or participate in a fight between dogs or cocks for the purpose of monetary gain or entertainment. Participation in a fight between dogs or cocks for the purpose of monetary gain or entertainment consists of an adult knowingly:

1. Being present at a dog fight without attempting to interfere with or stop the contest; or
2. Owning or equipping one of the participating dogs or cocks with knowledge of the contest.

B. It is unlawful to train, equip or sponsor a dog or cock for the purpose of having it participate in a fight with another dog or cock, respectively, for monetary gain or entertainment.

C. Any person violating the provisions of Subsection A or B of this section, as it pertains to dogs, is guilty of a fourth degree felony.

D. Any person violating the provisions of Subsection A or B of this section as it pertains to cocks:

1. Upon a first conviction, is guilty of a petty misdemeanor;
2. Upon a second conviction, is guilty of a misdemeanor; and
3. Upon a third or subsequent conviction, is guilty of a fourth degree felony.