

Memorandum Urging Approval

COMMITTEE ON ANIMALS AND THE LAW

Animals and the Law #2 - GOV

September 4, 2015

S. 5320

By: Senator Ritchie

A. 7207

By: M. of A. Magee

Senate Committee: Finance

Assembly Committee: Governmental Operations

Effective Date: Immediately

AN ACT to amend the executive law and the agriculture and markets law, in relation to police training regarding animal cruelty and protection laws.

SECTION AND LAW REFERRED TO: Sections 840 and 837 of the Executive Law and Section 16 of the Agriculture and Markets Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL**

S.5320/A.7207 adds requirements to the Executive Law and the Agriculture and Markets Law that will provide for ready access to the animal cruelty laws by police officers and prosecutors, and further requires that police officers and prosecutors be provided education and training in responding to reports of animal cruelty, and investigating and prosecuting crimes against animals.

Animal cruelty as defined in New York State encompasses a wide range of abusive activities, from negligence to intentional torture and unjustifiable killing. In addition to the innate seriousness of crimes committed against animals, there exists a growing body of evidence linking acts of animal cruelty with subsequent violent crimes against people. There are numerous accounts of companion and farm animals being tortured and abused to intimidate or emotionally harm victims of domestic violence. Dog and animal fighting is linked to increases in crimes involving narcotics and firearms. Federal and state laws against dog fighting recognize the animal cruelty, abuse and neglect imposed upon the animal, as well as the danger to public safety and welfare.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.

In recognition of the seriousness of crimes against animals, New York has enacted many new provisions of law in recent years that recognize additional acts of animal cruelty as crimes. To enhance police officer response to reports of animal cruelty, the state in 2014 implemented a statewide hotline for the public to alert police officers to overt or suspected acts of animal neglect, cruelty or abuse.

The FBI recently recategorized animal abuse as a group A felony, giving the agency increased ability to track cases of animal abuse, and requiring state law enforcement agencies nationwide to report incidents of animal cruelty and arrests based on subcategories of animal abuse.

While the federal government and New York State are responding to the increased need for animal cruelty and protection laws, the education and training of New York police officers and prosecutors in enforcing the laws and investigating and prosecuting animal cruelty is often unaddressed. Animal cruelty cases constitute a substantial amount of police officer and prosecutor workloads across the state, yet standard police education and training programs do not include information on animal cruelty and protection laws. New York animal cruelty laws span multiple state codes, but up-to-date compilations of the various laws and provisions are often unavailable. When police officers and district attorneys lack knowledge of the laws, protocols and procedures for enforcing animal cruelty provisions or prosecuting crimes against animals, animals are left in danger of imminent death or exposed to extreme and prolonged suffering, and animal abusers may be left to continue perpetrating acts of animal cruelty.

The growing need for training police officers and prosecutors in animal cruelty laws is evidenced by the free training programs and toolkits offered by the FBI, the U.S. Department of Justice and many national animal advocacy organizations such as the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals. Requiring training and education for police officers and prosecutors may provide an impetus to take advantage of nationally recognized training and educational development opportunities.

Where training in animal cruelty laws has been provided, it has greatly enhanced enforcement. In 2011, the ASPCA educated and trained the NY Police Department and prosecutors within New York City on the NYS animal cruelty laws and the procedures that should be followed when responding to complaints of animal cruelty. As subsequently reported in 2014, the training initiative resulted in a 160% increase in the rescue of neglected and abused animals, and the arrests and prosecutions of the individuals responsible for those crimes of animal abuse and neglect.

Current provisions of the Executive Law associated with training municipal police officers make reference to the development of policies and procedures for the investigation and prevention of animal cruelty, as defined in the Agriculture and Market Law, but do not require education and training of the police enforcing these laws. This bill will add education and training of municipal police officers in the provisions of New York's animal cruelty laws to ensure that they are equipped to enforce those laws.

There is currently no requirement to make the animal cruelty and protection provisions of the Agriculture and Markets Law readily accessible to those who are enforcing the law, or prosecuting offenders. Enactment of this bill corrects that deficit and will provide police officers and prosecutors with ready access to the provisions of law that they need to charge the crime of animal cruelty and prosecute it.

The provisions of this bill will go a long way in assisting police officers and prosecutors to meet the growing need for combating animal cruelty in New York State.

Based on the foregoing, the New York State Bar Association Committee on Animals and the Law **SUPPORTS this legislation and urges its approval by the Governor.**

Chair of the Committee: Natalie A. Carraway, Esq.