

**INTERIM REPORT OF THE MAYOR'S  
ANTI-ANIMAL ABUSE TASK FORCE**

**Submitted January 5, 2010**

*The greatness of a nation and its moral progress can be  
judged by the way its animals are treated.*

Mahatma Gandhi

## **Mayor's Anti-Animal Abuse Task Force**

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## **Introduction**

On May 27, 2009, a young female pit bull terrier was doused with gasoline and set on fire in broad daylight in West Baltimore. Baltimore City Police Officer Syreeta Teel observed the burning dog on the 1600 block of Presbury Street and extinguished the flames with her sweater. The dog, who was subsequently named Phoenix by her caretakers, suffered severe burns over ninety-five percent (95%) of her body. Despite extensive veterinary efforts to save her life, Phoenix succumbed to kidney failure and was euthanized on May 31, 2009. The crime sparked a public outcry and garnered national attention.

In response to this vicious crime, on July 8, 2009, the Mayor announced the creation of an Anti-Animal Abuse Task Force (“Task Force”) and charged the group with making recommendations regarding the following:

- Ways to eradicate animal abuse in the City of Baltimore, including dogfighting;
  - Methods of increasing awareness of animal cruelty laws;
  - Legislation to protect animals and prosecute abusers;
  - Training techniques for law enforcement officials on how to handle animal cruelty cases humanely and to ensure acquisition of the best evidence to prosecute animal abusers;
  - Steps to foster improved responses to incidents of animal cruelty;
- and

- Methods to improve training for Animal Control Officers for their protection as well as the animals.<sup>1</sup> The Mayor requested the Task Force to meet monthly and issue a written report in July 2010.

The Task Force has convened monthly and has formed subcommittees that also meet regularly to discuss the following topics: Reporting/Tracking of Animal Abuse Cases, Legislation, as well as Education and Outreach.

The Task Force also held a public meeting on September 16, 2009 at Polytechnic High School for the purpose of obtaining public comment. Citizens are the eyes and ears of animal abuse in the community and the Task Force believes that public input is beneficial to its mission. The group has considered these comments at its meetings, including the recommendation to issue an Interim Report.

While the size of the Task Force has remained constant, the group has benefitted from the expertise of other individuals at its subcommittee meetings. For example, the Legislative Subcommittee invited representatives from the Governor's Office, the Attorney General's Office, Maryland Votes for Animals, as well as the Animal Law Section of the Maryland State Bar Association to participate in an organizational meeting. The Legislative Subcommittee believes that a coordinated effort by all stakeholders in the legislative arena is more likely to effectuate reform.

In addition, the Task Force endeavors to make its work transparent and has worked with the Mayor's Office of Information Technology to set up a link on the Mayor's webpage to post information and receive comments. While the Task Force does not have the manpower to respond to specific questions, the website provides a forum for the continuing exchange of information.

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<sup>1</sup> City of Baltimore Press Release, July 8, 2009. A copy of this Press Release is attached as Exhibit 1.

To date, the Task Force has formulated recommendations for the tracking and reporting of animal cruelty cases, methods to improve training for animal control officers, steps to improve responses to incidents of animal cruelty, increasing awareness of animal cruelty laws, and legislation to protect animals and prosecute abusers. It has also focused attention on the needs of the Baltimore Animal Rescue and Care Shelter (“BARCS”), the City’s animal shelter and caretaker of the victims of abuse. Although the group is publishing interim recommendations in these subject areas, the Task Force will continue to revisit these topics throughout the year.

Our examination into these subject areas has not been all bleak. While the Department of Animal Control is in urgent need of assistance and reform, other systems, such as the current system for tracking animal related concerns, operates fairly effectively and needs only minor revamping to track animal cruelty cases. And while additional legislation should be enacted to prosecute abusers, on a positive note, the State’s Attorney’s Office of the City of Baltimore has shown great commitment in the prosecution of Travers and Tremayne Johnson, the defendants charged with aggravated animal cruelty in the burning death of Phoenix.<sup>2</sup>

In formulating these recommendations, the Task Force is mindful of the extreme budgetary pressures placed on the City of Baltimore by the current recession, which has resulted in a hiring freeze and furloughs for existing employees. Accordingly, where it is able, the Task Force has attempted an incremental approach to its recommendations. Obviously, much reform can be effectuated with a budget surplus. In this time of fiscal deficits, however, the Task Force has attempted to craft realistic solutions and recognizes that some of its recommendations cannot be implemented in the current budgetary

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<sup>2</sup> A photograph of Phoenix is attached hereto at Exhibit 2.

environment. Accordingly, we hope that our recommendations provide a roadmap for several years for dealing with the problem of animal abuse.

The public response to the work of the Task Force has been positive. Public sentiment is changing and a “no tolerance” policy toward animal abuse is emerging. Moreover, it is well recognized that animal abuse is a precursor to violent crime against people and the Task Force has sought to emphasize that its work benefits the goal of public safety as much as animal welfare. If the City of Baltimore seeks to eradicate drug violence, gang violence, child abuse and spousal abuse, it must also eradicate animal abuse, for when one encounters animal abuse or dogfighting, one of the former scourges is likely to be present. Stamping out animal abuse is one of the most effective crime prevention tools available to law enforcement officials.

We wish to thank all those who have assisted us in this endeavor. We are grateful to the Mayor for her support of BARCS and for commissioning our work. In addition, we are indebted to Randall Lockwood, Ph.D., who travels from out of state to attend our meetings not only to share his personal expertise, but also to lend much valuable support from the ASPCA.

*Caroline A. Griffin  
December 15, 2009*

## I. TRACKING AND REPORTING ANIMAL ABUSE

### A. Introduction.

Animal cruelty is completely overlooked as a crime classification throughout the nation in databases such as the Uniform Crime Reporting System and the City of Baltimore is no exception in failing to track these crimes.<sup>3</sup> While Baltimore has both a comprehensive 311 Call System that directs public questions relating to animals to the Bureau of Animal Control, and a detailed statistical tracking system that analyzes responses to those calls, the City currently has no system for tracking animal cruelty cases. Because animal cruelty is both an indicator crime<sup>4</sup> and a predictor crime,<sup>5</sup> effective tracking provides a useful tool for predicting when animals and people are most at risk.<sup>6</sup>

Moreover, because of the high correlation between animal abuse and other types of interpersonal violence, effective animal protection measures include the cross-reporting of information by social service agencies, as well provisions for animal safety in domestic violence orders. In Maryland, however, there is no mechanism for an employee of the Department of Social Services to report a case of suspected animal abuse during the course of a child abuse investigation. Moreover, Maryland law currently does

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<sup>3</sup> There is only limited tracking of animal abuse cases. The Animal Abuse Registry Database System is the only current active database, which posts information on the website Pet-Abuse.com. This database is not comprehensive because it utilizes information only from court filings, voluntary reporting, and press releases.

<sup>4</sup> The phenomenon that animal abuse often occurs in conjunction with other forms of abuse, such as child abuse or spousal abuse.

<sup>5</sup> The phenomenon that those who have a history of violence toward animals are at higher risk for inflicting violence against humans.

<sup>6</sup> R. Lockwood, Ph.D. Counting Cruelty: Challenges and Opportunities in Assessing Animal Abuse and Neglect in America, F. Ascione R. Ed. *International Handbook of Theory and Research on Animal Abuse and Cruelty*. W. Lafayette, IN: Purdue University Press.

not provide for the protection of animals in domestic violence orders. Changes in these areas would greatly protect animals.

### **B. Baltimore City's One-Call Center.**

Baltimore has a One-Call Center for non-emergency matters, which citizens may access by dialing 311. Calls into the 311 system are diverted primarily to 13 agencies, including the Department of Health, of which the Bureau of Animal Control (“Animal Control”) is a division. Operators staff the 311 Call System seven days a week from 6:00 a.m. – 10:00 p.m. and calls relating to animals are directed to Animal Control. Calls seeking requests for municipal services are entered into the CitiTrack Service Request System (“CitiTrack System”).

Alternatively, citizens may access the CitiTrack System directly online or during non-business hours by clicking on the 311 Online Directory on the City of Baltimore’s website at [www.baltimorecity.gov](http://www.baltimorecity.gov). Citizens may make online service requests to Animal Control to report a barking dog, an animal running at large, a staged dogfight, a stray animal held or trapped, unsanitary conditions, a dead animal pick-up, or to request a trap or a housing inspection. Conspicuously lacking from the online service is any service request to report a suspected claim of animal neglect or cruelty.

Elsewhere on the City’s website is a City Services Directory for questions relating to “Animal Matters.” Therein, citizens are given telephone numbers for obtaining a dog license and for the “municipal animal shelter.” Citizens are directed to call 311 to report animal bites or complaints or to request assistance with the pick-up of dead animals, unwanted animals, traps for stray or wild animals, or rodent problems. Again, there is no

specific information in this section on how to report a claim of suspected animal neglect or cruelty.<sup>7</sup>

Animal Control is staffed 24 hours a day and officers triage service requests into one (1) of thirteen (13) categories: 1 – Police/Fire/Sheriff/City Work Crew Standby; 2 – Aggressive Animal; 3 – Animal Bite Pickup; 4 – Animal in Danger; 5 – Animal Attack; 6 – Animal at Risk; 7 – Trapped in Vacant Building; 8 – Running At Large; 9 – Stray Held; 10 – Healthy Unwanted; 11 – Unsanitary Conditions; 12 – Barking Dogs; and 13 – Trap Request.

The triage ranking contains no specific provision for suspected animal neglect or animal abuse. According to Robert Anderson, the Director of Animal Control and a Task Force member, an injured animal or an animal at risk for neglect or abuse is classified as an “Animal in Danger,” which signifies an emergent level of risk, including potential imminent death, or as an “Animal at Risk,” which signifies a lesser though nevertheless high level of risk. Because animal neglect and abuse cannot be confirmed without an inspection, it is safer to utilize the broader categories of Animal in Danger and Animal at Risk at the triage stage.<sup>8</sup>

Animal Enforcement Officers (“AEOs”) are dispatched by priority according to the potential risk of harm to an animal or the public. After investigating an incident, AEOs submit field reports detailing their findings. Information from these field reports is

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<sup>7</sup> On the other hand, the link to the Baltimore City Health Department page does provide relevant information about reporting an abuse claim. Therein, under the link for the Bureau of Animal Control, citizens are directed to call 311 or access the Baltimore CitiTrack Service Request System online to file a complaint including claims of animal cruelty, neglect, fighting, etc. This section also contains links to regulations regarding “Acceptable Standards for Proper Animal Care for Enforcement of Anti- Cruelty Laws.” However, most citizens are not aware that Animal Control is a division of the Health Department. Consequently, while this page contains useful information, citizens may not access this page initially.

<sup>8</sup> For example, a citizen may mistakenly report that an animal has been abused, when in fact, it has been hit by a car. Both scenarios would be deemed an animal in danger and would receive a priority response.

then sent to the Mayor's Office of Information Technology ("MOIT"), which compiles the information monthly on a CitiTrack Statistical Report ("CitiTrack Report"), which both summarizes the data as well as Animal Control's response time. The CitiTrack System is sophisticated and allows citizens to make follow-up calls to the 311 Call Center or go online to learn the outcome of their service requests.

While an AEO will describe evidence of animal abuse in a field report, this descriptive information is not transmitted to the MOIT. Rather, the CitiTrack Report compiles statistical data for 19 categories of requests, including "Animals in Danger" and "Animals at Risk."<sup>9</sup> Consequently, the CitiTrack Report does not currently track animal neglect and cruelty cases.

In addition to the lack of specific tracking, and the inability to make a service request online for suspected animal cruelty, there is significant confusion among citizens as to where to report a claim of animal cruelty. This fact was made clear at the public meeting and was reinforced at the October 2009 Task Force meeting, where a poll of Task Force members resulted in several different responses for reporting a claim of animal cruelty. Because most people are uncertain as to where to report animal cruelty, the public should be educated through a media campaign. The media campaign should also educate citizens as to what constitutes abuse and why it is so critical to report.

With help from the ASPCA, the subcommittee has reviewed some of the best practices for reporting animal cruelty elsewhere in the country. Interestingly, the State of Vermont has effectuated one of the top cruelty response systems in the country, which

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<sup>9</sup> The remaining categories are: Aggressive Animal, Animal Attack, Animal Bite Victim Report, Barking Dog Report, Barking Dogs, Dead Animal Pick Up, Healthy Unwanted Animals, Kennel Issues, Police/Fire/Sheriff/City Work Crew Standby, Running At Large Pick-Up, Staged Dog Fight, Stray Held, Trap Request, Trapped in Vacant Building, Unsanitary Conditions, Animal Bite Pickup, and Volunteer. The final CitiTrack Report is more detailed and contains more categories than the initial Triage Report.

utilizes a statewide secure web-based case management and reporting system called Animal Tracks. A citizen anywhere in the state may report non-emergency complaints by calling a telephone number or going to the website [www.ReportAnimalCruelty.com](http://www.ReportAnimalCruelty.com). *See Exhibit 3.* The citizen report is then directed to the appropriate animal control agency for processing. The website permits law enforcement agencies, humane agencies, and prosecutors to log all case activities and materials in one centralized location. While implementing a statewide reporting system is beyond the jurisdiction of the City of Baltimore, the online 311 Directory should be revised to allow citizens to report suspected cases of animal neglect and cruelty. In addition, the website could educate the public as to what constitutes animal cruelty and provide information regarding Maryland's anti-cruelty laws.

### **C. Cross-Reporting by the Department of Social Services.**

With extremely limited exceptions, Maryland law currently provides for the mandatory reporting of suspected child abuse cases by all persons.<sup>10</sup> Because animal abuse and child abuse often co-exist, the cross-reporting of animal abuse by social service investigators can be an extremely useful tool in protecting animals. While some jurisdictions have implemented the cross-reporting of animal abuse cases through legislation, other jurisdictions have utilized a more informal cross-reporting system through "memoranda of understanding."

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<sup>10</sup> MD. CODE ANN. FAM. LAW § 5-705(a) (2006 Repl. Vol.) states: (1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State . . . who has reason to believe that a child has been subjected to abuse or neglect shall: (i) if the person has reason to believe the child has been subjected to abuse, notify the local department or the appropriate law enforcement agency; or (ii) if the person has reason to believe the child has been subjected to neglect, notify the local department.

For example, in 1995, the County of San Diego entered into an “Interagency Agreement Between the Department of Animal Control and the Department of Social Services Children’s Services Bureau for Reporting Suspected Instances of Animal Cruelty or Neglect,” which provides for the following:

Any County of San Diego Department of Social Services (DSS, Children’s Services Bureau (CSB) Social Worker (after receiving specified training described below) in his or her professional capacity or within the scope of his or her employment, who has knowledge of or observes an animal whom he or she knows or reasonably suspects has been the victim of animal cruelty or neglect, shall report the known or suspected instance of animal cruelty or neglect to the County of San Diego Department of Animal Control (DAC).<sup>11</sup>

The Memorandum Agreement simply imposes a duty to report; not a duty to investigate. It further provides that the Department of Animal Control provide the necessary training to social services employees in identifying and reporting animal cruelty and that when abuse is suspected, the social services employee fax a report to Animal Control.<sup>12</sup> In the absence of legislation, Baltimore should consider an informal cross-reporting relationship between Animal Control and the Department of Social Services.

#### **D. Protection of Animals in Protective Orders.**

According to the Humane Society of the United States, up to 71% of battered women report that a pet was threatened, harmed, or killed by their partners and up to 48% of women delay leaving a dangerous domestic situation because of a fear that their partners will harm or kill the family pet. As a result of these compelling statistics,

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<sup>11</sup> A copy of this Interagency Agreement is attached to this Report at Exhibit 4.

<sup>12</sup> A copy of the San Diego Suspected Animal Cruelty/Neglect Report is attached at Exhibit 5.

thirteen (13) states, as well as the District of Columbia and Puerto Rico, have enacted legislation containing provisions to protect animals in protective orders issued in domestic violence cases.<sup>13</sup>

Over the past two years, Maryland has attempted to pass similar legislation by amending Maryland law governing the issuance of protective orders.<sup>14</sup> While the legislation has passed the Senate (Senate Bill 736 – Sen. Raskin), it has stalled both years in the House Judiciary Committee (H.B. 901 – Del. McComas). This proposed legislation seeks to protect pets and service animals in interim, temporary and final protective orders by allowing a District Court Commissioner or judge to order a respondent (the person alleged to have committed the abuse) to: (1) remain away from the pet or service animal; (2) refrain from cruelty or aggravated cruelty toward a pet or service animal; and (3) give the pet or service animal to the person eligible for relief or to a suitable third party.

Notwithstanding strong support for this legislation from family law advocates, domestic violence support groups, animal welfare groups, and the public, Maryland has failed in passing legislation to protect pets and service animals in domestic violence cases. The resistance in the House Judiciary Committee is perplexing, particularly given that the proposed legislation does not seek to enhance any criminal penalties for assault, but rather to amend *civil* domestic violence orders to allow for the protection of animals. While a criminal court can order a defendant to refrain from abusing an animal as a condition of bail, there is no such provision in a civil case. According to the State Police

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<sup>13</sup> These states include California, Colorado, Connecticut, Hawaii, Illinois, Louisiana, Maine, Nevada, New York, North Carolina, Tennessee, Vermont, and Washington.

<sup>14</sup> MD. CODE ANN. FAM. LAW § 4-501 *et. seq.* (2006 Repl. Vol.).

Uniform Crime Report for 2007, 19,391 domestic violence crimes occurred in Maryland; the number of incidents involving pets is unknown.

#### **E. Recommendations for Tracking and Reporting Animal Abuse.**

The following recommendations would promote two goals outlined in the Mayor's Press Release, namely, steps to foster improved responses to incidents of animal cruelty and methods of increasing awareness of animal cruelty laws. *These recommendations are listed in terms of feasibility and expense, commencing with recommendations that are easiest to achieve.*

1. The Tracking and Reporting Subcommittee of the Task Force has discussed the mechanics of tracking animal abuse cases with Robert Anderson and Ray Schreiner of the Mayor's Office of Information Technology ("MOIT"). Animal Control field reports are in the process of being revised to allow Animal Enforcement Officers (AEOs) to check off a box to report incidents of: (1) animal neglect, (2) animal abuse, or (3) when the police have been notified. This information will be transmitted to the MOIT, which will prepare a separate report to track animal neglect and abuse cases. Animal Control and the MOIT have already taken the initiative to implement this recommendation, which should be effectuated in or around January 2010. The costs of implementing this recommendation are negligible.

2. While the vast majority of animal abuse cases are referred to Animal Control through the 311 call system, animals suffering from abuse and neglect are also surrendered directly to BARCS, the non-profit shelter component to Animal Control, and the Maryland SPCA, a private non-profit animal shelter on Falls Road. The MOIT has advised that BARCS and the SPCA can submit service requests to the MOIT for animal

neglect and abuse victims that are surrendered directly to these shelters. Moreover, the Police Department should also submit service requests for any animal cruelty cases it investigates directly, so that the MOIT tracks *all* cases of animal abuse and neglect. The costs of implementing this recommendation are negligible.

3. In addition to tracking cases of abuse from all sources, the MOIT should map this data so that AEOs and police officers have knowledge of areas experiencing high concentrations of abuse. The mapping of abuse cases could be useful not only for determining where animal cruelty occurs but *when* it occurs as well. For example, mapping has revealed that the highest concentration of dog bite cases occurs between 6:00 a.m. – 8:00 a.m. and 6:00 p.m. - 8:00 p.m., when many citizens are going to and from work. The costs of implementing this recommendation are negligible.

4. The online CitiTrack Service Request System should be amended to contain service requests for cases of suspected animal neglect or abuse. This will allow citizens to report animal abuse cases when the 311 Call Center is closed. The costs of implementing this recommendation are negligible.

5. In the absence of legislation, the Task Force recommends that Animal Control and the Department of Social Services - Child Protection Services consider an interagency agreement whereby social services employees be required to report suspected cases of animal abuse or neglect. An experienced AEO or a humane educator could provide the necessary training to social services employees. The costs of implementing this recommendation are negligible.

6. Given the extremely high correlation between spousal abuse and animal abuse, legislation providing for the protection of pets and service animals in protective

orders would be an extremely effective measure to protect victims of abuse, both human and animal. Maryland should continue its efforts to enact such legislation.

7. The City should educate the public as to *what* constitutes animal abuse and *why* it is critical to report. Baltimore should utilize the City's cable channel (channel 25) and the City's website to provide information concerning this issue, as well as provide contact information for assistance. Finally, the website and cable channel could explain the link between animal abuse and other types of abuse and crime, as well as provide information regarding local and state anti-cruelty laws. The costs of implementing this recommendation would be negligible.

8. The City of Baltimore needs to clarify how and where to report animal cruelty on its website, on its cable channel, as well as through a media campaign. In a nutshell, individuals with information regarding animal neglect or cruelty should call 311; individuals who witness dogfighting or cruelty crimes in progress should call 911. A successful media campaign could include signs on Animal Control vehicles, signs on MTA buses, and billboards. Signs should also be posted in public schools. Finally, the City should repair the neon sign above Animal Control's office at 301 Stockholm Street. This sign, which is visible from I-295 and I-395, could direct people to report animal cruelty.

The costs of public advertising can be significant. An effective media campaign that utilized interior advertising on MTA buses for a four-week period would cost approximately \$5,000 - \$7,500; a campaign that utilized the rear advertising space of MTA buses would cost approximately \$15,000 - \$18,000; and a campaign that utilized side panels on MTA buses would cost approximately \$18,000 - \$25,000.

Similarly, the costs for billboard advertising are significant. According to one advertiser, the costs per unit for a 12' x 25' sign for a four-week period can range from \$900 for a low profile area to \$5,000 for a high profile area. Less expensive options include ecoposters, which cost approximately \$200 for an eight-week campaign, or premier vinyl panels, which cost approximately \$750/year, excluding production costs. A media campaign presents an opportunity for corporate underwriting. For example, Alley Cat Allies has recently launched a billboard campaign in Baltimore to raise awareness of stray and feral cats and low-cost spay/neuter services, which was made possible through a generous donation. A copy of the billboard image is attached at Exhibit 6.

In conclusion, the City of Baltimore already has a sophisticated data compilation system through the CitiTrack Service Request System, which has not been utilized to date to track animal abuse cases. Because the groundwork for this reporting system is already in place, the tracking of abuse cases is feasible with no expense and little additional manpower. Effective tracking and reporting of cruelty cases, together with a media campaign and cross-reporting of abuse cases, will help protect animals and people from injury and crime.

## **II. THE BUREAU OF ANIMAL CONTROL**

### **A. Introduction.**

Animal Control is a division of the Baltimore City Health Department and is charged with protecting the public welfare by: (1) ensuring that all pets are licensed and properly vaccinated; (2) apprehending dangerous/vicious animals; (3) rescuing injured animals; and (4) preventing the spread of zoonotic diseases, such as rabies. Animal

Control works in conjunction with BARCS in finding homes for adoptable animals and reuniting lost animals with their owners. Animal Control and BARCS are located at 301 Stockholm Street in Baltimore and are a short distance from M&T Stadium. The entrance to the facility faces the middle branch of the Patapsco River.

For the twelve month period ending on December 17, 2009, Animal Control responded to a total of 31,870 service requests, which included 3,473 requests for animals in danger and 5,374 requests for animals at risk. As detailed above, animals in these two categories are oftentimes the victims of abuse or neglect. The Bureau also responds to approximately 1,000 dog bite cases annually. While the number of service requests varies by year, the demands on Animal Control have been increasing steadily. For example, in 1999, Animal Control responded to 19,651 calls. Accordingly, Animal Control has seen a fifty percent (50%) increase in its workload over the past ten (10) years.

During the past twelve (12) months, the 311 Call Center transmitted 20,688 service requests to Animal Control; Animal Control received an additional 11,182 calls directly for service, for a total of 31,870 service requests. While the service requests into the 311 Call Center represent only two-thirds (2/3) of the total volume of service calls into Animal Control, this number nevertheless amounted to seven percent (7%) of the total number of service requests into the 311 Call Center. *See Exhibit 7.* There is significant demand for the services that Animal Control provides and these statistics reflect the burdens placed on this agency.

## **B. Current Staffing and Minimum Requirements for Relevant Personnel.**

Animal Control is staffed 24-hours per day. The employee roster includes a Director, currently Robert Anderson, who is expected to retire in January 2010, three (3) Supervisors, sixteen (16) Animal Enforcement Officers (“AEOs”), one (1) Environmental Sanitarian II employee, two (2) Drivers, as well as administrative/word processor personnel, the majority of which are temporary, part-time employees.

Among employees performing field work, drivers are responsible for picking up dead animals, which totaled 4,196 in fiscal year 2009. Drivers are neither trained nor charged with investigating the cause of death in animals. Indeed, the job description for Driver I personnel does not list *any* minimum requirements either for education or experience and simply requires employees to maintain a valid Maryland Class C Noncommercial driver’s license.

The City’s sixteen (16) AEOs spend the bulk of their time responding to service requests throughout the City, covering 81 square miles of territory, and issuing citations for violations of the City’s animal welfare laws. AEOs are diverted from their field work when required to testify at Environmental Control Board hearings for animal control citations that they issue.

According to the City’s Department of Human Resources, AEOs must be high school graduates or have a GED, along with one year of experience in handling animals. AEOs learn field work on the job and can receive specialized training at the East Coast Animal Control Academy, which conducts 90-hour training programs at the Community College of Carroll County. Students learn about investigating animal cruelty, including interviewing witnesses, gathering evidence and photographs, preservation of evidence,

writing reports, and testifying in court. The costs for attending the program are approximately \$1,600 per officer including lodging. Not all AEOs have attended the Academy, as it is not a condition of employment, and Animal Control currently receives funds to send one (1) to three (3) officers for training each year.

The Bureau's sole Environmental Sanitarian II is responsible for investigating the approximately 1,000 dog bite cases that Baltimore encounters each year. During the summer months when these incidents rise, an AEO is usually diverted from his or her designated responsibilities to assist in these investigations. Unlike AEOs, Environmental Sanitarian II employees are required to have a bachelor's degree in environmental science or environmental health.

### **C. Authority Vested in Animal Control Officers.**

As a result of television shows such as *Animal Cops*, which profiles animal control officers who have police authority, misconceptions abound regarding the authority vested in AEOs. While AEOs are required to obtain a commission as special police officers by the City of Baltimore or the State of Maryland, they have no authority to make arrests or carry guns. Accordingly, AEOs often encounter dangerous situations and must call for police backup when investigating dogfighting or crimes in progress against animals.<sup>15</sup> Police response times vary, but may take as long as 40 minutes. In the interim, witnesses flee, crime scenes are not secured, and evidence degrades.

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<sup>15</sup> On December 1, 2009, an AEO was shot in the hand while filling out paperwork in his vehicle. The officer was injured after placing a dog in his vehicle in the 700 block of Pontiac Avenue in Brooklyn. The Baltimore City Police Department does not know whether the AEO was targeted or hit by stray gunfire and the case remains under investigation.

In the majority of abuse cases, an AEO will conduct an investigation and, if Animal Control determines that a crime has occurred, deliver the file to the major at the relevant police district. Currently, there is no liaison between Animal Control and the Baltimore City Police Department (“BCPD”) and no channel of communication to discuss ongoing investigations.

In the summer of 2009, the City bore witness to five (5) cases of animal torture involving cats; regrettably, none of these cases is being prosecuted due to lack of sufficient evidence.<sup>16</sup> With the transfer of files from Animal Control to the BCPD, critical time elapses. Investigations that initially appear promising ultimately deteriorate. In the interim, witnesses change their stories and recant. Animal Control does not learn of the outcome of the investigations it initiates and the majority of these cases are never referred to the State’s Attorney’s Office for prosecution. This vexing shortfall is the weakest link in the City’s effort to eradicate animal abuse and must be changed.<sup>17</sup>

Some members of the public have suggested that these problems could be resolved by transferring control over Animal Control from the Department of Health to the BCPD. This suggestion would impose unnecessary responsibilities on the Police Department, which already faces punishing burdens in protecting the public from crime. AEOs are more than capable in handling the vast majority of requests relating to animals, such as barking dog complaints, stray animal reports, and requests for traps. Police

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<sup>16</sup> A photograph of a kitten -- who was subsequently named Gabrielle by her caretakers at BARCS -- is attached at Exhibit 8. Witnesses originally reported seeing children stoning the kitten and setting her on fire not once, but twice. Gabrielle remained on the street for approximately ten (10) days before Animal Control was able to rescue her. After conducting an initial investigation, Animal Control transferred this case to the BCPD. Unfortunately, however, the BCPD did not refer the case to the State’s Attorney’s Office for prosecution.

<sup>17</sup> The only animal abuse and dogfighting cases that are currently being prosecuted are cases that the Police Department initiated.

manpower should be reserved for crimes against animals, such as animal abuse and dogfighting.

AEOs lack the authority, training, and resources to properly investigate the crimes of dogfighting and animal abuse. Ideally, the City should designate three (3) police officers (1 detective sergeant and 2 detectives) to Animal Control to investigate crimes, make arrests, and preserve evidence. The personnel costs for hiring three (3) experienced police officers (salary and benefits) would be \$225,000. As set forth below, the Task Force is mindful that the current budget crisis and hiring freeze may render this collaboration difficult at the present time. Yet, of all the recommendations set forth in this Interim Report, this is the single most critical recommendation proposed and would do more than anything else to protect animals and eradicate abuse.

The City of Baltimore previously assigned police officers to assist Animal Control. For example, in 2007, Mayor Dixon commissioned a Dogfighting Task Force and dedicated three (3) police officers to assist with these investigations. According to Robert Anderson, this collaboration was effective and successful in procuring convictions for dogfighting and animal cruelty.

The City cannot rob Peter to pay Paul. Animal Control could, however, offset the expense of utilizing dedicated police officers. If police officers were available to investigate crimes against animals, AEOs would have more time to issue citations, which generate revenue. However, revenue generated from these citations is currently applied to the City's General Fund, rather than Animal Control's budget. According to Robert Anderson, the additional revenue generated by existing AEOs would offset the cost of dedicating police officers to Animal Control.

In 2009, AEOs issued citations totaling \$1,030,225, a fifty percent (50%) increase from the prior year, and an eighty-five percent (85%) increase from 2002. Based on citations written to date, Robert Anderson anticipates that Animal Control will issue citations totaling approximately \$1.5 million in fiscal year 2010. Although Animal Control is not responsible for collecting the revenue from these citations, the Task Force recommends that the City apply this revenue toward the operating budget for Animal Control, rather than deposit it into the General Fund.<sup>18</sup> This change in funding would provide an added incentive for AEOs and would result in even greater productivity.

The Task Force has also investigated whether the federal Community Oriented Police Services (“COPS”) program could provide funds for dedicating police officers to combat animal abuse. Baltimore, however, has already applied to the COPS program to hire additional police personnel, which are needed to staff existing districts. If the City obtains federal funding to hire additional officers, it should designate three (3) officers to Animal Control.

The second and overriding barrier is public safety. The BCPD cannot sacrifice three (3) officers at the present time. Accordingly, the City could consider hiring retired police officers to assist Animal Control. Although barriers must be overcome, the Task Force urges the City to implement this recommendation as soon as it is able.

Modest improvements can nevertheless be made in the current climate. AEOs should receive, in addition to their training at the East Coast Animal Control Academy, specialized training at the police academy in forensics and investigative techniques.

Likewise, police officers should be required to participate in focused training programs

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<sup>18</sup> The City of Baltimore Finance Collections Department is responsible for collecting this revenue. Unfortunately, the amount of revenue that the Finance Department actually collects is substantially lower than the face value of the citations issued.

through the ASPCA and other animal protection organizations. Task Force member Dr. Randall Lockwood has advised that the ASPCA has both online programs and CD-ROM based programs for officer training in animal abuse. In addition, the ASPCA would be willing to provide live training to the BCPD at no charge. The ASPCA regularly provides live training to the New York Police Department and the New York State Police Academy with great success.

Because the victims of these crimes do not have a voice, animal abuse investigations require expertise in preserving and presenting evidence in court. AEOs and police officers would benefit from additional and specialized training in these areas.

#### **D. Budget and Staffing Shortages.**

As with animal control agencies around the country, Baltimore City's Animal Control is chronically underfunded and understaffed. In October 1999, the Humane Society of the United States conducted a two-day onsite visit and detailed these and other problems in a report titled The Humane Society of the United States Professional Animal Services Consultation Report ("HSUS Report"). At the time, HSUS noted that because of understaffing, the thorough investigation of animal cruelty complaints is almost non-existent because officers have little time to do anything more than address the highest priorities.<sup>19</sup> Despite the passage of a decade, many of these problems remain and Animal Control's staffing shortages have actually worsened, given the steep increase in the number of service calls per year.

In 1999, Baltimore City's population was estimated to be 650,253 and Animal Control's staff included seventeen (17) AEOs and four (4) Sanitarians. At the time, the

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<sup>19</sup> HSUS Report, p. 140.

National Animal Control Association (“NACA”) recommended staffing of animal control bureaus at the rate of one officer/16,000 – 18,000 people. The HSUS Report noted, by contrast, that Baltimore City had one officer per 30,964 people, including sanitarians.<sup>20</sup> Accordingly, in 1999, Baltimore City’s Bureau of Animal Control was staffed at nearly 50% below the recommended national standards.

Staffing shortages remain. While a new census will be conducted in 2010, the current population of Baltimore City is estimated to be 626,919.<sup>21</sup> Animal Control now has only sixteen (16) AEO’s, two (2) drivers, and one (1) Sanitarian, along with three (3) Supervisors to staff the Bureau 24 hours per day. NACA currently utilizes a “Calls for Services” formula for determining acceptable staffing levels for animal control agencies. According to Robert Anderson, minimum acceptable staffing would require employing twenty-five (25) AEO’s, two (2) Sanitarians, and four (4) Supervisors. Animal control agencies that are unable to respond to animal emergencies not only fail the animals in need, but also develop poor reputations on the part of the public who expect their emergency to be a priority.<sup>22</sup>

Animal Control’s staffing shortages are due to a lack of adequate funding. According to a 2001 publication from HSUS and the International City/County Management Association, governmental animal control programs should be funded at the rate of \$4.00 -\$7.00 per capita.<sup>23</sup> According to Carolyn Machowski, Manager of Shelter

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<sup>20</sup> *Id.*, p. 139.

<sup>21</sup> Table 4: Annual Estimates of the Resident Population for Incorporated Places in Maryland, April 1, 2000 – July 1, 2008; U.S. Census Bureau 2009-07-01.

<sup>22</sup> HSUS Report, p. 140.

<sup>23</sup> G. Handy, *Animal Control Management: A Guide for Local Governments*, International City/County Management Association, 2001, pp. 3, 17.

Services at HSUS, the \$4.00 per capita level is an “absolute minimum level of funding.” Using the current estimated population of 636,919, the operating budget for Animal Control should be between \$2,547,676 (using a \$4.00 per capita estimate) and \$4,458,433 (using a \$7 per capita estimate). The combined operating budget for Animal Control and BARCS is \$2,884,586, which is at the minimum level for departmental budgeting based on standards established in 2001.

Even if the City does not hire additional AEOs this fiscal year, the City can nonetheless adopt alternative measures to increase the number of animal abuse investigations. For example, the City should consider converting the two (2) current Driver positions to AEO positions. These Drivers pick up more than 4,000 dead animals per year, yet have no training or experience in cruelty cases, and thus, are unqualified to investigate or opine as to the cause of death in these animals. Dr. Randall Lockwood of the ASPCA conservatively estimates that twenty percent (20%) of these animals are victims of animal abuse; yet their deaths are never even investigated, much less reported.<sup>24</sup>

The current pay scale for a driver is \$27,076 - \$28,775; the pay scale for an AEO is \$33,376 - \$37,511. Although this personnel change would cost approximately \$5,000 - \$10,000 more per employee, it would result in significantly more investigations of animal abuse, which have been unaccounted to date.

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<sup>24</sup> Until recently, a physician at the Johns Hopkins Hospital performed necropsies (animal autopsies) for BARCS on a *pro bono* basis. This physician has relocated and BARCS currently has no expert to perform this service, which is critical in animal abuse cases resulting in death.

### **E. Baltimore Animal Rescue and Care Shelter.**

The animal shelter operation of Animal Control was previously known as the Baltimore City Municipal Animal Shelter. In response to the HSUS Report, which noted that the shelter suffered from several problems, such as poor operations and unsanitary conditions, the City and several citizens began a successful campaign to convert the shelter to a nonprofit organization, which occurred in July 2005.

The shelter is now known as the Baltimore Animal Rescue and Care Shelter, or BARCS, and is an official 501(c)(3) organization. The Animal Control/BARCS partnership is a unique concept in the United States. Because of its non-profit status, BARCS now has the ability to raise funds and hire volunteers, who assist employees in providing care for shelter animals.<sup>25</sup> In addition, BARCS now provides significantly more services to Baltimore residents.

BARCS cares for nearly 12,000 animals per year. Since the conversion to a nonprofit organization in 2005, adoptions have increased exponentially from a total of 90 in 2004 to approximately 2,600 in 2009. BARCS also helps the community by providing services such as spaying and neutering for animals in its adoption program, public education and outreach, and tracking services for lost and found pets. Finally, BARCS sponsors low-cost rabies and micro-chipping clinics, as well as low cost dog training classes.

Despite these improvements, BARCS labors under a critical lack of space. According to Shelter Planners of America, a well-respected national consulting firm, the average shelter space per animal is 3-4 square feet; by contrast, animals housed at

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<sup>25</sup> Barcestoberfest is the shelter's largest fundraising event. Attached at Exhibit 9 is a photograph of Mayor Sheila Dixon taking an "Oath of Kindness" at this event.

BARCS have on average only 1.83 square feet of space. According to a Needs Assessment Study it performed, BARCS should have 34,567 square feet of space, but currently has only 22,000 square feet of space. BARCS receives between 30-40 animals per day. During the summer months, when animal intake is at its highest, there are insufficient cages to handle the daily influx of animals and the shelter is forced to euthanize a high volume of animals due solely to space constraints.<sup>26</sup>

Equally troubling is the location of the building that houses Animal Control and BARCS at 301 Stockholm Street, which fronts the middle branch of the Patapsco River and is in a flood plain. According to Rick T. Lewis, D.V.M., a veterinarian, an Animal Control Board member, and an expert on disaster relief planning, it would be impossible to evacuate the approximately 400 animals housed at BARCS at any given time. Moreover, Animal Control and BARCS would have little or no ability to help the community in providing temporary shelter for pets in the event of a disaster or flood. At a bare minimum, the City must identify a location where animals housed at BARCS would be transferred in the event of an evacuation and the City should investigate whether any federal funds through FEMA or other agencies would be available for disaster preparedness planning. In addition, the Department of Transportation should promulgate regulations that would allow citizens to bring companion animals onto public transportation during a declared disaster.

If Baltimore succeeds in its efforts to combat animal cruelty, the demand for shelter services for abused and neglected animals will increase dramatically. Given the

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<sup>26</sup> According to the HSUS Report, "the number of animals needing sheltering services in a community will annually equal approximately five to seven percent (5% - 7%) of the human population of the area served, whether the area is urban, suburban, or rural." HSUS Report at p. 22. Accordingly, based on Baltimore's estimated population of 636,919 residents, BARCS should have the capacity to handle 31,846 – 44,584 animals per year. Based on these figures, BARCS is insufficient to handle Baltimore's current needs.

space constraints, it is difficult to envision how BARCS could possibly handle additional animals, particularly those with greater medical needs.

Although the funding of a new shelter may seem unrealistic, Prince George's County recently overcame many obstacles and opened a new Animal Services Facility in July 2009. Charles E. Wilson, the Director of the Department of Environmental Resources, recently announced in a speech:

The 37,000 square foot, state-of-the-art facility, one of the newest in the nation, boasts a modern design with a 21<sup>st</sup> century ventilation system, sound dampening controls, natural lighting and bio-retention landscaping. It contains 250 kennel runs that greatly increases the ability to house homeless, animals, an exotic animal room, a spay/neuter clinic, an isolation/quarantine area and a soothing reflection room that provides pet owners with a quiet place for bereavement.

Prince George's County faces many of the same budgetary challenges as the City of Baltimore. It has simply made animal welfare a priority.

Astonishingly, despite caring for nearly 12,000 animals per year, BARCS does not have the funds to employ a full-time veterinarian. Rather, it relies on part-time veterinarians and veterinary technicians. BARCS has created a "Franky Fund," which is used to care for sick and injured animals, including those who have suffered from animal cruelty.

As with Animal Control, BARCS is understaffed. At the time of the HSUS Report, when BARCS and Animal Control were one entity, HSUS advised that "[m]anagement must immediately reassess the number of workers required to properly clean each area of the facility on a daily basis, and ensure that an adequate number of workers is available, and that an appropriate level of sanitation is maintained." *HSUS*

*Report at p. 74.* BARCS currently has nine (9) kennel employees on average per day, who are responsible for caring for approximately 400 animals. These employees not only perform all kennel services, but are also responsible for assisting the public with adoptions, redemptions, and lost and found pets, which are time-consuming, but critical services. HSUS currently recommends that BARCS have fifteen (15) employees per day to handle kennel maintenance exclusively. Accordingly, BARCS is staffed at less than two-thirds (2/3) appropriate levels.

When Baltimore contemplated constructing a slots parlor on or around Stockholm Street, the Baltimore Development Corporation investigated possible sites to relocate Animal Control and BARCS. The City terminated these efforts when the slots proposal failed to materialize. Given the current space constraints, which will only increase with greater enforcement of Maryland's cruelty laws, as well as the risk of harm to animals housed in a flood plain, the City should renew its efforts to locate BARCS when funding becomes available.

**F. Recommendations to Protect Animal Enforcement Officers and Animals; For Improving Training Techniques for Law Enforcement Officials; and for Improving Responses to Incidents of Animal Cruelty.**

The following recommendations would promote three goals outlined in the Mayor's Press Release, namely improving training to protect AEOs and animals; improving training techniques for law enforcement officials to acquire best evidence to prosecute abusers; and for improving responses to incidents of animal cruelty. *These recommendations are listed in terms of feasibility and expense, commencing with recommendations that are easiest to achieve.*

1. The Task Force should evolve into a Mayor's Commission on Anti-Animal Abuse, so that the work of the Task Force can continue beyond its one-year term. The Commission should be expanded to include a citizen from each legislative district. The Commission would monitor progress in implementing recommended reforms as well as monitor animal abuse and dogfighting in each district. There would be no cost in implementing this recommendation, as the Commission would consist of volunteer members.

2. AEOs should receive, in addition to their training at the East Coast Animal Control Academy, specialized training at the police academy in forensics and investigative techniques. The costs of implementing this recommendation would be negligible.

3. The police academy should provide basic training to cadets in investigating animal cruelty and dogfighting. In addition, existing police officers should participate in more focused training programs for investigating animal cruelty cases through the ASPCA and other animal protection organizations. The ASPCA provides online programs and CD-ROM training programs for police officers and would be willing to provide a live training program to the BCPD at *no cost*. The costs of implementing the remaining recommendations would be negligible.

4. The BCPD should designate an existing officer to serve as a liaison for Animal Control, the BCPD, and the State's Attorney's Office. This officer (and his/her designee) would serve as a contact person for all animal cruelty cases transferred from Animal Control to the BCPD. In addition, he/she would supervise the additional investigation of cruelty cases and serve as a liaison to the State's Attorney's Office.

Finally, this officer would report back to Animal Control regarding the further investigation and prosecution of animal cruelty cases. The costs of implementing this recommendation would be negligible.

5. The City should redirect revenue generated from the issuance of Animal Control citations toward the budget for Animal Control, rather than into the General Fund. This change in funding would provide an added incentive for AEOs and would result in even greater productivity. The costs of implementing this recommendation would be negligible.

6. All AEOs should be required to attend the East Coast Animal Control Academy as a condition of employment. Sufficient funding should be provided for this critical training, which would protect officers as well as animals. The cost for attending the Academy is \$1,600 per AEO.

7. The City should consider eliminating the two (2) driver positions at Animal Control and converting these positions to AEO positions. These officers would be responsible not only for retrieving dead animals, but investigating whether they were victims of abuse. The costs of implementing this recommendation would be \$5,000 - \$10,000 for each additional AEO.

8. BARCS should be properly staffed to include a full-time veterinarian, who would provide routine care for nearly 12,000 animals that pass through its doors each year. Over time, this veterinarian would receive training in forensic investigation and documentation of animal cruelty. The personnel costs including benefits for a full-time veterinarian would be \$110,000 per year.

9. BARCS should be properly staffed to have fifteen (15) employees per day to handle cleaning and feeding of the shelter population, which averages 400 animals on any given day. BARCS currently has only nine (9) kennel employees per day. The annual personnel costs including benefits for each full-time kennel employee is \$30,000. Although the total cost for proper staffing of the kennel would be an additional \$180,000 per year, additional positions could be added incrementally, as the budget permits.

10. In lieu of relying on an existing police officer to serve as a liaison for Animal Control, the BCPD, and the State's Attorney's Office, the City should hire a "cruelty czar" who would be responsible for shepherding animal abuse cases from the time an abused animal is rescued until sentencing of the convicted abuser. This individual would serve as a liaison among several agencies and would work with Animal Control, the BCPD, and the State's Attorney's Office to ensure that animal abuse cases are investigated thoroughly and documented properly, to ensure that the State's Attorney Office has sufficient evidence to prosecute abusers. As this would be a new position, the personnel costs for this position are uncertain.

**11. The City should designate three (3) police officers (1 detective sergeant and 2 detectives) to work with Animal Control to investigate cases of animal cruelty and dogfighting. Because of the current lack of personnel, the City should initially hire retired police officers for these assignments. This is the single most important recommendation for eradicating animal cruelty that the Task Force has proposed to date. The total personnel costs including benefits for each experienced officer would be approximately \$75,000 per year, for a total of \$225,000. Much of this expense could be offset by freeing existing AEOs from time-**

**consuming cruelty investigations, which would allow them to issue more citations and generate additional revenue.**

12. Animal Control should be properly staffed to include a minimum of four (4) Supervisors, twenty-five (25) AEOs, and two (2) Sanitarians. The personnel costs including benefits for these employees are as follows: AEO - \$50,000; Supervisor - \$54,000; Sanitarian - \$62,000. The total additional personnel costs to properly staff Animal Control would be \$466,000, provided that the two existing driver positions have been converted to AEO positions. These positions should be filled incrementally as the budget allows.

13. The City should renew its efforts to relocate BARCS and Animal Control to a larger facility to accommodate not only the current influx of animals, but the increased demands that will arise with greater enforcement of Maryland's cruelty laws. Because of the existing high volume of animals at BARCS, the City has no means to assist the community by providing temporary shelter for companion animals in the event of a disaster. Moreover, the current location of these operations on Stockholm Street is problematic. Because the facility fronts the Patapsco River, it would be highly unlikely – if not impossible – to evacuate approximately 400 animals in the event of a hurricane or flood. If it is not feasible to relocate these operations, the City should either rebuild or greatly expand the current facility. The costs of building a brand new shelter with necessary space of 34,567 square feet could cost upward of nine to ten million dollars. The costs of renovating an existing building or expanding the current building would be significantly less.

At a bare minimum, the City must identify a location where animals housed at BARCS would be transferred in the event of an evacuation and the City should investigate whether any federal funds from FEMA or other agencies would be available for disaster preparedness planning. In addition, the Department of Transportation should promulgate regulations that would allow citizens to bring companion animals onto public transportation during a declared disaster.

### **III. LEGISLATION TO PROTECT ANIMALS AND PROSECUTE ABUSERS**

#### **A. Maryland's Cruelty Laws.**

Maryland has recently dropped into the bottom tier of states in terms of the strength of its animal cruelty laws.<sup>27</sup> Aside from seeking protection for animals in domestic violence orders, which is a civil remedy, there are significant opportunities to protect animals through amendments to Maryland's criminal laws.

By way of background, Maryland has misdemeanor and felony penalties for animal cruelty. Misdemeanor cruelty occurs if an individual overdrives or overloads an animal, deprives an animal of necessary sustenance, or inflicts unnecessary suffering or pain on an animal. This crime is punishable by a 90-day jail sentence and a \$1,000 fine. MD. CODE CRIM. LAW §10-604 ANN. This statute also authorizes a court to order psychological counseling for a defendant as a condition of sentencing. This is a progressive provision, which has been underutilized by the courts.<sup>28</sup>

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<sup>27</sup> Animal League Defense Fund 2009 State Animal Protection Laws Ranking.

<sup>28</sup> Sheppard Pratt Hospital, the largest mental health hospital in the area, does not currently have any formal programs to counsel convicted animal abusers. The ASPCA Anti-Cruelty Group employs a full-time counselor who can assist in making recommendations for appropriate assessment and treatment programs. The Task Force will be investigating counseling programs from other states and hopes to make recommendations in its final report.

Felony animal cruelty occurs when an individual intentionally mutilates, tortures, cruelly beats or cruelly kills an animal. MD. CODE CRIM. LAW §10-606 ANN. Travers and Tremayne Johnson, the defendants charged with the burning death of Phoenix, have been charged with felony animal cruelty, as well as with lesser included crimes. This crime is punishable by up to a three-year sentence and a \$5,000 fine, as well as court-ordered counseling.

The penalties for felony animal cruelty in Maryland are weaker than in its neighboring states. Maryland's maximum sentence of three (3) years incarceration and a \$5,000 fine pales in comparison to Pennsylvania, which may impose a maximum sentence of seven (7) years incarceration and a \$15,000 fine. The District of Columbia may impose a maximum sentence of five (5) years imprisonment and a \$25,000 fine; and Virginia may impose a maximum sentence of five (5) years imprisonment and a \$2,500 fine.

In a letter dated July 1, 2009 to Governor Martin O'Malley, Attorney General Douglas F. Gansler recommended that Maryland's felony cruelty statute be clarified. Citing a 2002 ruling from the Circuit Court of Frederick County, the Attorney General noted that a judge acquitted a defendant for killing two of his neighbor's cats with the shotgun, claiming that the term "cruelly kills" is ambiguous. This reasoning seems questionable, given that Maryland already defines "cruelty" as the "unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission, or neglect." MD. CODE CRIM. LAW §10-601(c) ANN. Nonetheless, the statute should be clarified if defendants have relied on its wording to obtain acquittals. For example,

Maryland should consider replacing the phrase “cruelly kills” with either “needlessly kills” or “unnecessarily kills.”

It is also a felony under Maryland law to arrange or conduct a dogfight, or to allow or transport a dog to be used in a dogfight. The penalties for dogfighting mirror the penalties for felony animal cruelty, namely imprisonment for up to three (3) years, a \$5,000 fine, and court-ordered counseling. MD. CODE CRIM. LAW §10-607 ANN. Although the penalties for attending a dogfight were increased in 2008 from a 90-day sentence and a \$1,000 fine to a one-year sentence and a \$2,500 fine, it nonetheless remains a misdemeanor to attend a dogfight as a spectator. Maryland is in the minority of states in this regard and should continue its efforts to make this crime a felony, given the likelihood that dogfighting participants can rely on the claim of being a spectator to avoid meaningful prosecution.

Maryland has weak laws with respect to abandoning animals and tethering animals outdoors. The intentional abandonment of an animal is a misdemeanor punishable only by a \$100 fine. MD. CODE CRIM. LAW §10-612 ANN. Maryland’s statute governing the tethering of dogs outside simply prohibits: (1) metal collars and collars that are too small; (2) restricting a dog’s access to food and water; and (3) unsafe or unsanitary conditions. MD. CODE CRIM. LAW §10-612 ANN.<sup>29</sup>

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<sup>29</sup> Baltimore City’s Regulations for the Acceptable Standards for Proper Animal Care for Enforcement of Anti-Cruelty Laws are more detailed and provide greater protection for animals. Under Regulation 4, “If a dog is confined on a tether, excepting periods of time that are brief and incidental, the tether shall be at least three and a half times the dog’s body length and positioned to prevent tangling and hanging.” It also requires that a “tethered dog shall wear a properly fitted harness or buckle type collar, and be released from the tether at least twice daily for exercise.” A violation of this Regulation, however, is a civil offense, not a criminal offense. Accordingly, Maryland’s criminal law with respect to tethering needs to be strengthened if it to function as a meaningful deterrent.

With the exception of increasing the penalties in 2008 for being a knowing spectator at an illegal animal fight (dog or bird), legislative initiatives to protect animals over the past two years have failed. For example, legislation was introduced last year to prohibit a person from owning more than 50 breeding dogs at any one time, to protect animals in domestic violence orders, and to require the owner of an animal who is removed from a residence because of mistreatment to complete an administrative remedy through a local animal control agency. These bills failed.

Despite these setbacks, opportunities for protecting animals remain. Modest amendments to Maryland's existing animal cruelty laws could protect animals and ease the financial burden to Baltimore for dealing with crimes against animals. For example, there is no provision in Maryland's cruelty laws barring a convicted abuser from owning animals in the future. Moreover, there are no cost of care, restitution, or bonding provisions, which would require convicted abusers to reimburse shelters for the cost of caring for abused animals, including their veterinary care. BARCS roughly estimates that the daily cost of caring for an impounded animal is approximately \$20.00 per day and animals may be impounded for several months while a defendant is awaiting trial.<sup>30</sup> Furthermore, veterinary bills for abused animals can total thousands of dollars. Under Maryland current cruelty laws, convicted abusers do not pay for these expenses; rather BARCS is forced to absorb these expenses.<sup>31</sup> These inequities obviously beckon reform.

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<sup>30</sup> Because abused animals are rarely – if ever – brought to court as evidence, this policy of impounding animals until disposition of a criminal case is unnecessary. Animals that are impounded for months suffer enormous stress and utilize critical space at BARCS. Sheryl Goldstein, Esquire, the Director of the Mayor's Office on Criminal Justice and a Task Force member, has suggested that these incidents be reviewed on a case-by-case basis and that impounded animals be released from BARCS when the attorneys consent.

<sup>31</sup> The Baltimore City Code authorizes AEOs to impound any dog or cat that is unlicensed or not wearing a valid identification tag while outdoors. The Code also requires an "owner" or "keeper" of an animal to pay

The Task Force will be devoting significant time in the coming months to examining the crime of dogfighting. Our brief exposure to date reaffirms the conclusion that dogfighting is not only becoming a more widespread crime, but a more underground crime as well. Because urban dogfighting is rarely an organized enterprise, such as in the case of Michael Vick, defendants are difficult to apprehend and prosecute. Dogfighting usually occurs in alleys and basements and with little notice to foil detection. The implements of dogfighting, on the other hand, are more apparent. Suspects who possess scarred or injured fighting dogs, as well as trophies, rape stands, and steroids, should be prosecuted for possessing dogfighting paraphernalia as well as for dogfighting. Maryland should enact a dogfighting paraphernalia statute in addition to enhancing the penalty for being a knowing spectator at a dogfight.

Finally, Baltimore is plagued with the indiscriminant breeding of pit bulls and fighting dogs. Efforts must be made to strengthen laws to protect animals from inhumane breeders and those who breed dogs for fighting. These reforms can be effectuated more easily at the local level rather than the state level.<sup>32</sup>

## **B. Recommendations for Legislation at the State Level.**

*The Task Force recommends the following legislative initiatives on the State level, which are ranked in terms of those most likely to succeed in the current environment.*

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the fee set for each day that the animal has been impounded, as well as all other costs incurred in maintaining the animal, including boarding and inoculations. Baltimore City Code §10-308(d)(i)(ii). This statute does not sufficiently indemnify BARCS in the event of animal abuse. Animals are often abused by individuals who are not their “owners” or “keepers.” Likewise, stray and feral animals are all too often the victims of abuse. As in the case of Michael Vick, convicted animal abusers should pay restitution.

<sup>32</sup> The Legislative Subcommittee is studying the animal welfare statutes of the Baltimore City Code, as well as the relevant regulations of the Baltimore City Health Department, and will make any necessary recommendations in its Final Report.

1. Maryland should amend its misdemeanor and felony cruelty laws to authorize a judge, in his/her discretion, to ban a convicted defendant from owning animals for as long as is deemed necessary to protect animals.
2. Maryland should amend its misdemeanor and felony cruelty laws to provide either a cost of care, restitution, or bonding provision. These provisions require convicted defendants to pay for the costs of impoundment for animals seized due to neglect, abuse, or dogfighting, including their veterinary expenses.
3. Maryland should consider changing or defining the term “cruelly kills” in MD. CODE CRIM. LAW §10-606 ANN., so as to avoid any perceived ambiguity in the statute. Maryland should consider replacing this phrase with either “needlessly kills” or “unnecessarily kills.”
4. As discussed earlier in Section I.D, Maryland should continue its efforts to enact legislation so that animals may also be protected in domestic violence orders.
5. Maryland should enhance the penalty for being a knowing spectator at an animal fight from a misdemeanor to a felony.
6. Maryland should enhance the penalty for abandoning an animal from a fine not exceeding \$100 to a fine not exceeding \$1,000. Given the low penalty, there is no incentive for the enforcement of this crime, which is rampant.
7. Maryland should enhance the penalty for misdemeanor animal cruelty from a 90-day sentence and a \$1,000 fine to a one-year sentence and a \$2,500 fine, which will bring Maryland more in line with surrounding states. The majority of animal cruelty cases fall under this statute and the penalties for this level of abuse are too low.

8. Maryland should enhance the penalties for felony animal cruelty consistent with the District of Columbia, which may impose a maximum sentence of five (5) years imprisonment and a \$25,000 fine.

9. Maryland should enact a dogfighting paraphernalia statute.

#### **IV. WHERE WE GO FROM HERE**

The Task Force will continue to examine these topics in the coming months, particularly the crime of dogfighting and its aftermath. In addition, the Legislative Subcommittee will be working with legislators who will not only assist in refining these initiatives, but will sponsor animal protection legislation in the 2010 session.

The Education and Outreach Committee has just begun its work. Ann Gearhart, of the Snyder Foundation for Animals and a Task Force member, has already consulted at length with executives from the Baltimore City School Board. The school system and the faith based community are two of our greatest allies, and the subcommittee will outline recommendations for obtaining their assistance with humane education and outreach. The Task Force also anticipates that there will be opportunities for the public to assist in educating children and adolescents, so that animal neglect and abuse do not occur in the first place.

Success in effectuating meaningful reform is much more likely to occur with support from the private sector. The City of Baltimore, Animal Control, and the BCPD cannot be expected to bear total responsibility for protecting animals from abuse. Citizens must report these crimes when they occur. Finally, public and private foundations should help fund these initiatives.

The public has demonstrated a strong commitment in the fight against animal cruelty and the \$26,000 of reward money raised for Phoenix reaffirms this conclusion. Many charities and matching programs, however, do not support “animal causes,” a philosophy that is anachronistic and short-sighted. The recommendations set forth in this Interim Report promote the goals of public safety and education, as much as they promote the goal of animal protection. Many of these recommendations will be nothing more than mere aspirations without financial support. The Task Force hopes that private and public foundations create charitable vehicles to assist the City of Baltimore in implementing these critical recommendations.

## V. TASK FORCE RECOMMENDATIONS

1. Animal Control field reports should be revised to allow Animal Enforcement Officers (“AEOs”) to report incidents of: (1) animal neglect, (2) animal abuse, or (3) when the police have been notified. This information should be transmitted to The Mayor’s Office of Information Technology (“MOIT”), which can then track animal neglect and abuse cases. The costs of implementing this recommendation are negligible.
2. The MOIT should grant access to BARCS and the Maryland SPCA to allow them to submit service requests for animal neglect and abuse victims that are surrendered directly to these shelters. Likewise, the Police Department should submit service requests for any animal cruelty cases it investigates directly so that MOIT tracks all animal cruelty cases. The costs of implementing this recommendation are negligible.
3. The MOIT should begin mapping all cases of animal cruelty so that Animal Control and the Baltimore City Police Department (“BCPD”) have readily accessible information regarding where and when the crimes of animal abuse and dogfighting are occurring. The costs of implementing this recommendation are negligible.
4. The online Service Request System should be amended to contain service requests for cases of suspected animal neglect or abuse. This will allow citizens to report animal abuse cases when the 311 Call Center is closed. The costs of implementing this recommendation are negligible.
5. Animal Control and the Department of Social Services - Child Protection Services should consider an interagency agreement whereby social services employees are required to report suspected cases of animal abuse or neglect. An experienced AEO or a humane educator could provide the necessary training to social services employees. The costs of implementing this recommendation are negligible.
6. Given the extremely high correlation between spousal abuse and animal abuse, legislation providing for the protection of pets and service animals in protective orders would be an extremely effective measure to protect victims of abuse, both human and animal. Maryland should continue its efforts to enact such legislation so that animals may also be protected in domestic violence orders.
7. The City should educate the public as to *what* constitutes animal abuse and *why* it is so critical to report. Baltimore should utilize the City’s Cable Channel 25 and website to provide detailed information concerning this issue, as well as provide contact information for assistance. Finally, the website and cable channel could explain the link between animal abuse and other types of abuse and crime, as well as provide information regarding local and state anti-cruelty laws. The costs of implementing this recommendation would be negligible.

8. The City of Baltimore needs to clarify how and where to report animal cruelty through its website, cable channel, and through a media campaign. In a nutshell, individuals with information regarding animal neglect or cruelty should call 311; individuals who witness dogfighting or cruelty crimes in progress should call 911. A successful media campaign could include signs on Animal Control vehicle, signs on MTA buses, and billboards. Signs should also be posted in public schools. Finally, the City should repair the neon sign above Animal Control's office at 301 Stockholm Street. This sign, which is visible from I-295 and I-395, could direct people to report animal cruelty.

An effective media campaign that utilized interior advertising on MTA buses for a four-week period would cost approximately \$5,000 - \$7,500; a campaign that utilized the rear advertising space of MTA buses would cost approximately \$15,000 - \$18,000; and a campaign that utilized side panels on MTA buses would cost approximately \$18,000 - \$25,000. The costs for billboard advertising for a 12' x 25' sign for a four-week period can range from \$900 for a low profile area to \$5,000 for a high profile area. Less expensive options include ecoposters, which cost approximately \$200 for an eight-week campaign, or premier vinyl panels, which cost approximately \$750/year, excluding production costs. A media campaign presents an opportunity for corporate underwriting.

9. The Task Force should evolve into a Mayor's Commission on Anti-Animal Abuse, so that the work of the Task Force can continue beyond its one-year term. The Commission should be expanded to include a citizen from each legislative district. The Commission would monitor progress in implementing recommended reforms as well as monitor animal abuse and dogfighting in each district. There would be no cost in implementing this recommendation, as the Commission would consist of volunteer members.

10. AEOs should receive, in addition to their training at the East Coast Animal Control Academy, specialized training in forensics and investigative techniques at the police academy. The costs of implementing this recommendation would be negligible.

11. The police academy should provide basic training to cadets in investigating animal cruelty and dogfighting. In addition, police officers should participate in focused training programs for investigating animal cruelty cases through the ASPCA and other animal protection organizations. The ASPCA provides online programs and CD-ROM training programs for police officers and would be willing to present a live training program to the Baltimore City Police Department ("BCPD") *at no cost*. The costs of implementing the remaining recommendations would be negligible.

12. The BCPD should designate an existing officer to serve as a liaison for Animal Control, the BCPD, and the State's Attorney's Office. This officer would: (a) serve as a contact person for all animal cruelty cases transferred from Animal Control to the BCPD; (b) supervise additional investigation of these cruelty cases; (c) serve as a liaison to the State's Attorney's Office; and (4) report back to Animal Control regarding any final investigation and prosecution of animal cruelty cases. The costs of implementing this recommendation would be negligible.

13. The City should redirect revenue generated from the issuance of Animal Control citations toward the budget for Animal Control, rather than into the General Fund. This change in funding would provide an added incentive for AEOs and would result in even greater productivity. The costs of implementing this recommendation would be negligible.

14. AEOs should be required to attend the East Coast Animal Control Academy as a condition of employment. Sufficient funding should be provided for this critical training, which would protect officers as well as animals. The costs for attending the Academy are \$1,600 per AEO.

15. The City should consider eliminating the two (2) driver positions at Animal Control and converting these positions to AEO positions. These officers would be responsible not only for retrieving dead animals, but investigating whether these animals were victims of abuse. The costs of implementing this recommendation would be \$5,000 - \$10,000 for each additional AEO.

16. BARCS should be properly staffed to include a full-time veterinarian, who would provide routine care for nearly 12,000 animals that pass through its doors each year. Over time, this veterinarian would receive training in forensic investigation and documentation of animal cruelty. The personnel costs including benefits for a full-time veterinarian would be \$110,000 per year.

17. BARCS should be properly staffed to have fifteen (15) kennel employees per day to handle cleaning and feeding of the shelter population, which averages 400 animals on any given day. BARCS currently has only nine (9) kennel employees per day. The annual personnel costs including benefits for each full-time kennel employee is \$30,000. Although the total cost for proper staffing of the kennel would be an additional \$180,000 per year, additional positions could be added incrementally as the budget permits.

18. In lieu of relying on an existing police officer to serve as a liaison for Animal Control, the BCPD, and the State's Attorney's Office, the City should hire a "cruelty czar" who would be responsible for shepherding animal abuse cases from the time an abused animal is rescued until sentencing of the convicted abuser. This individual would serve as a liaison among several agencies and would work with Animal Control, the BCPD, and the State's Attorney's Office to ensure that animal abuse cases are investigated thoroughly and documented properly, so that the State's Attorney Office has sufficient evidence to prosecute abusers. As this would be a new position, the personnel costs for this position are uncertain.

19. **The City should designate three (3) police officers (1 detective sergeant and 2 detectives) to work with Animal Control to investigate cases of animal cruelty and dogfighting. Because of the current lack of personnel, the City should initially hire retired police officers for these assignments. This is the single**

**most important recommendation for eradicating animal cruelty that the Task Force has proposed to date. The total personnel costs including benefits for each experienced officer would be approximately \$75,000 per year, for a total of \$225,000. Much of this expense could be offset by freeing existing AEOs from time-consuming cruelty investigations, which would allow them to issue more citations and generate additional revenue.**

20. Animal Control should be properly staffed to include a minimum of four (4) Supervisors, twenty-five (25) AEOs, and two (2) Sanitarians. The personnel costs including benefits for these employees are as follows: AEO - \$50,000; Supervisor - \$54,000; Sanitarian - \$62,000. The total additional personnel costs to properly staff Animal Control would be \$466,000, provided that the two (2) current driver positions have been converted to AEO positions. These positions should be filled incrementally as the budget allows.

21. The City should renew its efforts to relocate BARCS and Animal Control to a larger facility to accommodate not only the current influx of animals, but the increased demands that will arise with greater enforcement of Maryland's cruelty laws. Because of the existing high volume of animals at BARCS, the City has no means to assist the community by providing temporary shelter for companion animals in the event of a disaster. Moreover, the current location of these operations on Stockholm Street is problematic. Because the facility fronts the Patapsco River, it would be highly unlikely – if not impossible – to evacuate approximately 400 animals in the event of a hurricane or flood. If it is not feasible to relocate these operations, the City should either rebuild or greatly expand the current facility. The costs of building a brand new shelter with necessary space of 34,567 square feet could cost upward of nine to ten million dollars. The costs of renovating an existing building or expanding the current building would be significantly less.

At a bare minimum, the City must identify a location where animals housed at BARCS would be transferred in the event of an evacuation and the City should investigate whether any federal funds from FEMA or other agencies would be available for disaster preparedness planning. In addition, the Department of Transportation should promulgate regulations that would allow citizens to bring companion animals onto public transportation during a declared disaster.

22. Maryland should amend its misdemeanor and felony cruelty laws to authorize a judge, in his/her discretion, to ban a convicted defendant from owning animals for as long as is deemed necessary to protect animals.

23. Maryland should amend its misdemeanor and felony cruelty laws to provide either a cost of care, restitution, or bonding provision. These provisions require convicted defendants to pay for the costs of impounding an animal due to neglect, abuse, or dogfighting, including their veterinary expenses.

24. Maryland should define or replace the term “cruelly kills” in its felony cruelty statute (MD. CODE CRIM. LAW §10-606 ANN.), so as to avoid any perceived

ambiguity in the statute. Maryland should consider replacing this phrase with either “needlessly kills” or “unnecessarily kills.”

25. Maryland should continue its efforts to enact legislation so that animals may also be protected in domestic violence orders.

26. Maryland should enhance the penalty for being a knowing spectator at an animal fight from a misdemeanor to a felony.

27. Maryland should enhance the penalty for abandoning an animal from a fine not exceeding \$100 to a fine not exceeding \$1,000. Given the low penalty, there is no incentive for the enforcement of this crime, which is rampant.

28. Maryland should enhance the penalty for misdemeanor animal cruelty from a 90-day sentence and a \$1,000 fine to a one-year sentence and a \$2,500 fine, which will bring Maryland more in line with surrounding states. The majority of animal cruelty cases fall under this statute and the penalties for this level of abuse are too low.

29. Maryland should enhance the penalties for felony animal cruelty consistent with the District of Columbia, which may impose a maximum sentence of five (5) years imprisonment and a \$25,000 fine.

30. Maryland should enact a dogfighting paraphernalia statute.