2012 REPORT OF THE MAYOR'S ANTI-ANIMAL ABUSE ADVISORY COMMISSION

Submitted to:
Mayor Stephanie Rawlings-Blake
and The Baltimore City Council

Mayor's Anti-Animal Abuse Advisory Commission

Caroline Griffin, Esq., *Chair*

Randee Askin, *Recycled Love Rescue, Council District 10*

Jennifer Brause, *Executive Director, BARCS*

Shana Challmes, *At-Large Representative*

Major Samuel Cogen, *Baltimore City Sheriff's Office*

The Honorable Robert Curran, *Liaison, Baltimore City Council*

The Honorable Nicholas D'Adamo, *Retired, Baltimore City Council, Council District 2*

Luz Damron, *Council District 11*

Aileen Gabbey - *Executive Director, Maryland SPCA*

Ann Gearhart- *The Snyder Foundation for Animals*

Mary Beth Haller, Esq. – *Assistant Commissioner for Environmental Health*

Sgt. Carla Hamlin - *Baltimore City Police Department*

Delmonica Hawkins, *Department of Juvenile Services*

Jonathan Kaufman, DVM, *Eastern Animal Hospital*

Elizabeth Koontz - *Office of Mayor Stephanie Rawlings-Blake*

Judith Kunst, *Council District 7*

Randall Lockwood, Ph.D – *Senior Vice-President for Forensic Sciences and Anti-Cruelty Projects, ASPCA*

Carolyn Meyers, *Council District 9*

Zoe Michal – *Office of City Council President, Bernard "Jack" Young*

Sharon Miller – *Director of Animal Control*

Debra Rahl, *BARCS*

Jennifer Rallo, ASA – *Office of the State's Attorney for Baltimore City*

The Honorable Gale Rasin, *Circuit Court for Baltimore City*

Karen Reese - *Recycled Love Rescue, At-Large Representative*

Donna Rummel, *Council District 1*

Officer Dorian Salmon, *Baltimore City Police Department – Animal Cruelty Liaison*

DeBora Smith, *Council District 13*

Vacancy – *Baltimore City Public Schools*

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Introduction

Progress is often slow and uneven, but is usually perceptible. After witnessing more than two years of genuine reform and progress, the Mayor's Anti-Animal Abuse Advisory Commission (Commission) has faced numerous obstacles over the past year, which have stymied our efforts to effectuate change. The unfortunate reality is that many believe we have not made progress in the past year; but rather, that we have lost ground in our efforts to protect animals from abuse.

The reasons for our lack of progress are numerous. Animal Services remains underfunded and understaffed; the Baltimore City Office of Animal Control (Animal Control) did not have a Director at the helm in 2012; there has been turnover within many agencies; Maryland's highest court issued an opinion regarding pit bull dogs that has caused many residents and shelters to panic; and too many animal abuse cases remain unresolved. Most distressing of all, many of the stakeholders in the fight against animal abuse have not cooperated with the Commission.

As a result of these problems, the Commission is demoralized and depleted. Many members have resigned or simply failed to show up to our monthly meetings. Conspicuously, Robert Anderson, the former Director of Animal Control, announced his resignation in October 2012. Mr. Anderson was involved in animal welfare for 35 years, participated in our initiative since its

inception as a Task Force in 2009, and was an expert in many areas, including the interpretation of Title 10 of the City Code pertaining to animal services, and the tracking of animal abuse cases. He resigned in frustration with several agencies.

Without the support of stakeholders, the Commission is impotent, as we are simply an advisory Commission with no enforcement power, no investigative power, and no money. Our multi-disciplinary Commission, which includes an internationally renowned cruelty expert, a Circuit Court Judge, a veterinarian, a seasoned prosecutor, and the Executive Directors of several non-profit organizations, all volunteer their time. Our sole authority is to issue recommendations. We cannot implement recommendations without the commitment and cooperation from agency officials.

This Report will candidly reflect the problems we have encountered during the past year. Although we strive to work collaboratively with all stakeholders, our requests for information and assistance have often gone unanswered, prompting City Council President Bernard "Jack" Young to inquire whether the Commission should have subpoena power. Other stakeholders have questioned the need to attend our monthly meetings or simply have failed to show up. We know that we will run the risk of alienating some agencies by demanding accountability. Nevertheless, it is a risk that we are willing to bear, not only because we need to improve our response to animal abuse cases, but also because this initiative is so important.

While the link between animal abuse and human violence is well known, the statistics regarding this correlation bear repeating. Animal abusers are five times more likely to commit violent crime, four times more likely to commit property crimes, and three times more likely to commit drug and disorderly conduct crimes.[1] Animal abuse is a crime that is found in the vast majority of homes where child abuse is substantiated and is the reason why many domestic violence victims delay leaving their homes. Despite this compelling evidence, many law enforcement officials in Baltimore continue to treat animal abuse as a minor property crime.

Despite several setbacks, 2013 promises to be a better year. Mayor Rawlings-Blake recently met with Commission members on two occasions and expressed her concern and support for the Commission's work. Animal Control now has a conscientious and thoughtful Director at the helm. And, the Deputy Commissioner of the Baltimore City Police is evaluating best practices for responding to these crimes. For many Baltimore City residents, animal abuse is a crime for which there is zero tolerance and our Commission has broad public support. As with other types of violence that are no longer tolerated, such as child abuse and spousal abuse, the struggle for credibility was long, frustrating, and arduous. We know that the path to progress is not always easy, but

[1] A. Arluke, J. Levin, & C. Luke. "Cruelty to Animals and Other Crimes," Massachusetts Society for the Protection of Cruelty to Animals and Northeastern University (1997).

fortunately, there are many individuals on this Commission who are deeply committed to this initiative.

We cannot overstate the contributions of Commission member, Dr. Randall Lockwood, who is the Senior Vice-President of Forensic Sciences and Anti-Cruelty Projects for the ASPCA. Dr. Lockwood has an international reputation and, despite his heavy travel and speaking schedule, makes time to come to Baltimore each month to attend our meetings. Dr. Lockwood has always accommodated our requests for assistance, whether to train police officers, animal enforcement officers, or judges. He has showcased our work at national conferences and in publications sponsored by the ASPCA and the Justice Department. Dr. Lockwood generously shares his expertise quietly and without fanfare and we are a much more educated Commission because of him.

Other Commission members deserve mention as well, for they have given of their time well beyond our monthly meetings or have helped to implement our recommendations, particularly Councilman Robert Curran, retired Councilman Nicholas D'Adamo, The Honorable Gale Rasin, Circuit Court for Baltimore City, Mary Beth Haller, Esq. of the Health Department, Assistant State's Attorney Jennifer Rallo, Zoe Michal of the Office of Council President Bernard "Jack" Young, Officer Dorian Salmon, Animal Cruelty Liaison for the Baltimore City Police, Major Sam Cogen of the Baltimore City Sheriff's Office, Aileen Gabbey of the Maryland SPCA, Jennifer Brause and Debby Rahl of

BARCS, Karen Reese of Recycled Love Rescue, Ann Gearhart of the Snyder Foundation for Animals, and Judith Kunst, an extraordinary community leader.

Respectfully submitted,

Caroline A. Griffin
April 10, 2013

I. THE STAKEHOLDERS

A. Baltimore City Office of Animal Control

We continue to devote significant discussion in our reports to the burdens of the Baltimore City Office of Animal Control (Animal Control), an entity that is chronically underfunded and understaffed. Animal Control remains the neglected step-child of the Baltimore City Health Department, which compromises Baltimore's efforts to combat animal cruelty.

Over the past year, we have witnessed a decline in the quality of cases investigated, as well as in the morale of animal enforcement officers (AEOs) themselves. The Commission believes these problems were attributable to a lack of leadership, as Animal Control did not have a Director at the helm in 2012. The failure to place an Interim Director on site at Animal Control in 2012 was unacceptable.

Over the past year, we observed that documentation was inadequate in some abuse cases and that other AEOs failed to call for police back-up when responding to crime scenes. Recently, a seasoned AEO failed to refer a particularly severe animal abuse case to our liaison at the police department, Officer Dorian Salmon, in violation of established protocols. Compounding the problem, the patrol officer who responded also failed to refer the matter to Officer Salmon, who first heard of the case ten (10) days later when the Commission Chair inquired about the status of the case. These failures quite obviously compromise the prosecution of these cases. While all AEOs have

participated in the two-week animal control training at the East Coast Academy in Carroll County, AEOs need yearly in-service training regarding processing of animal cruelty scenes, investigative techniques, documentation, and protocols. Connecticut recently enacted legislation mandating that all animal control officers receive at least six (6) hours of in-service education each year and AEOs in Baltimore should also receive yearly training as well.

The Commission addressed these issues with Mary Beth Haller, Esq., the recently appointed Assistant Commissioner for Environmental Health and the current liaison from the Health Department to the Commission. Ms. Haller assumed her role in February 2012, following the departure of Olivia Farrow, who had worked at the Health Department for two decades. Over the past year, Ms. Haller was consistently responsive to concerns relating to animal neglect and cruelty, often answering telephone calls and emails after normal business hours. She also required that AEOs participate in all training opportunities that were available.

Specifically, in April 2012, three (3) AEOs participated in a 90-minute training on officer safety and animal cruelty that Dr. Lockwood presented to the Baltimore Police Department, and other AEOs attended an Animal Abuse Leadership Summit that the Baltimore County State's Attorney's Office hosted in September. In June 2012, Ms. Haller began a program of monthly trainings for AEOs on targeted subjects, such as investigations, preservation of evidence, and code enforcement. AEOs now participate in relevant webinar trainings co-

sponsored by the ASPCA, the National District Attorney's Association, and the Animal League Defense Fund.

In addition to problems with the quality of investigations, and inconsistent referrals to the police department, we still do not know how many cases of neglect and cruelty that Animal Control confirmed in 2012, even though the Commission had worked with Animal Control and the Mayor's Office of Information Technology (MOIT) in 2009 to establish a reporting system so that these cases could be authenticated, tracked and mapped. As with all crimes, it is critical for law enforcement officials to know the neighborhoods where these crimes are concentrated so that they can allocate additional resources as needed. We have recently discovered, however, that Animal Control never fully implemented or sustained these protocols.

Although we had intended to report on the number of cruelty cases that have been substantiated, Ms. Haller discovered after reviewing the data that the neglect and cruelty cases that had been forwarded to MOIT in 2012 had not been authenticated consistently. The reporting system that the Commission devised in 2009 provided that AEOs would report cases of neglect and abuse to MOIT only after they were confirmed through an investigation. However, the source of data from the MOIT reports includes both confirmed data from Animal Control as well as unsubstantiated data from 311 call operators. Moreover, it likely that many cases of substantiated animal abuse were not forwarded to MOIT at all.

Accordingly, the map that is attached to this Report at Exhibit 1 reflects only police responses for the animal cruelty calls in 2012.

Nonetheless, accurate data does exist in terms of the number of service requests referred annually to Animal Control. We do know that in 2012, Animal Control received a total of 24,132 service calls of which 4,071 requests were for animals at risk, in danger, injured, abused or neglected. From this, we can say without hesitation that animal cruelty and neglect remain widely prevalent in Baltimore City. The new Director is working with MOIT to accurately track confirmed cases of neglect and abuse going forward.

The Commission had long been interested in discussing these and other issues with Baltimore City Health Commissioner Dr. Oxiris Barbot. Dr. Barbot attended a Commission meeting on May 9, 2012, eighteen (18) months after she was appointed. The Commission asked the Health Commissioner if she would be willing to serve on an *ad hoc* committee to develop a contingency plan in the aftermath of the *Tracey v. Solesky* decision and she agreed. However, when the Commission Chair emailed the Health Commissioner and other officials on May 14, 2012 to request such a meeting, the Health Commissioner failed to respond or acknowledge the email. The General Assembly failed to pass remedial legislation and our shelters are now facing a crisis.

The Commission was encouraged, however, by some of the ideas that the Health Commissioner proposed at the meeting. For example, she suggested that a brief video could be made regarding how to report animal abuse, which could

be shown to prospective jurors in the jury assembly room at the Circuit Court for Baltimore City. In addition, she stated that the Health Department could apply for grants for anti-cruelty initiatives, given that 80% of the current budget of the Health Department consists of grant funding. The Health Commissioner should implement these proposals in 2013.

While the lack of a Director imposed an additional burden on Animal Control, we do not wish to cast stones, for the most part, at the AEOs who currently work at Animal Control, together with Sandy Carrigan, the Animal Bite Coordinator, for many of the problems that occurred over the past year. These employees labor under some of the most stressful conditions of any City employees, endure high levels of compassion fatigue, yet continue to fulfill their demanding roles with concern toward animals. In recent weeks, certain employees have faced personnel issues, have been reprimanded, or have been terminated for cause and staffing levels are at a precariously low level, which compounds the challenges for the existing AEOs. The Commission previously recommended that Animal Control have twenty-five (25) AEOs. While the current budget allocates funding for fifteen (15) AEOs, as of this writing, Animal Control has only nine (9) AEOs who are working full-time. These 9 officers must respond to all animal control service requests, 24-hours a day, 7-days a week. It is, quite simply, an impossible task.

Ms. Haller devoted considerable time in hiring a new Animal Control Director. While a qualified candidate had accepted the position in August 2012,

the candidate withdrew her acceptance at the eleventh hour and accepted a similar position in Cheyenne, Wyoming at a higher salary.

Ms. Haller was instrumental in ultimately hiring Sharon Miller, who assumed her duties on January 2, 2013. Ms. Miller, who worked for many years as a supervisor at NIH, has been extremely dedicated in learning the operations of Animal Control, is steadfastly committed to training officers and combating abuse, and has implemented new protocols to improve operations. Although she has been employed for less than four (4) months, she has responded to several emergencies and has shown initiative by researching grant opportunities that would benefit animal welfare and complement the work of the Commission. She has reached out to other stakeholders in the animal welfare world and is an asset to Animal Control.

While we are optimistic that 2013 will be a better year, the glaring lack of critical resources at Animal Control can no longer be ignored. This chronic lack of funding not only causes animals to suffer needlessly, but also jeopardizes the health and safety of Baltimore's residents. These problems were made crystalline following one Commission member's interaction with Animal Control.

On the morning of November 4, 2012, at 6:15 a.m., Judge Gale Rasin was walking her dog Emma on a leash in her Baltimore neighborhood when Emma was attacked by two dogs roaming at large. The dogs were of mixed breed, one female and one male; both were unaltered and the female was in heat. The female dog attacked Emma's neck and the male dog attacked her hind quarters.

Neighbors heard screams and called 911. Another neighbor attempted to separate the dogs and eventually hit the female dog over the head with a shovel, ultimately stopping the attack, which lasted over ten (10) minutes. Neighbors then captured the dogs and placed them in crates in Judge Rasin's garage.

Fire officials and paramedics arrived promptly, but left after determining that no individuals were injured. A police officer arrived shortly thereafter and also wanted to leave, after determining that no crime had occurred and that the situation was "under control." Judge Rasin asked the officer to stay until Animal Control arrived at the scene. A neighbor called 311, which call was forwarded to Animal Control at 6:38 a.m. In the meantime, one of the attacking dogs escaped and, once again, a neighbor restrained the dog. The initial responding police officer stayed until his shift ended, when he was replaced by two other officers. Judge Rasin remained at the scene with Emma, who was bleeding and badly injured, until Animal Control arrived at 8:20 a.m., two (2) hours after the attack occurred, at which point, the aggressive dogs were removed from her garage.

There were numerous causes for this delay. First, the police dispatcher could not contact anyone at the Bureau of Animal Control, because the office was closed at that hour to the public and the office has no voicemail system. Further, Animal Control has staffing for only one AEO during the night shift on weekdays. And while the night shift AEO had a cell phone, the City Operator did not contact him and assumed that the 311 Call Center would process the request, as the Call Center opens at 6:00 a.m. Unfortunately, however, AEOs do

not have computers in their trucks and are unable to receive service requests from the 311 Call Center. Corrective action was taken in response to this incident, and City Operators are now instructed to call the night shift AEO directly by cell phone up until 8:00 a.m., even though the 311 Call Center opens at 6:00 a.m.

AEO Lukiewiski responded to the scene upon arriving on his shift later that morning. He worked closely with Judge Rasin to investigate the case, but the owners of the dogs were never located and the dogs were euthanized. Emma's puncture wounds responded to veterinary treatment, which included multiple staples, a drain, and antibiotic therapy.

This animal attack not only caused serious medical injuries and economic damages, but also jeopardized the health and safety of several Baltimore City residents. According to Dr. Lockwood, approximately thirty percent (30%) of all dog bites against humans occur during dog-on-dog attacks. Unfortunately, this scenario is repeated far too often. Because of cuts in services, Animal Control stopped responding in 2012 to complaints of animals running-at-large, even though it had been responding to more than 3,000 of these requests annually.[2] While clearly not all stray animals attack, it was fortunate that Judge Rasin's neighbors had the wherewithal to restrain these dogs, thereby avoiding further injury. It is ironic, however, that a citizen must either personally restrain a dog

[2] We recognize that these service requests may be non-productive, because dogs running-at-large, by definition, are moving targets and may no longer be in the vicinity when an AEO arrives at the scene, usually several hours later.

running-at-large or incur injury before receiving assistance from a Department charged with preserving public health.

At the risk of sounding like a broken record, Animal Control needs additional personnel so that that animal-related service requests are handled in a timely fashion. At a bare minimum, the City should allocate sufficient funding so that Animal Control can respond to requests that threaten public safety. If AEOs are required to respond to service requests 24-hours a day, it is imperative that they receive timely notice of these requests. It is unacceptable that Animal Control has resources to staff only one (1) AEO during the night shift for a City of more than 600,000 residents.

Given the lack of personnel and technology, Animal Control cannot effectively respond to dog attacks in a timely fashion. Baltimore is not alone in this regard. Because time is often of the essence, and because the ratio between animal control officers and patrol officers is so great, some cities now require police officers to respond to dog-on-dog attacks, including Rochester, St. Louis and New York City. While most police officers do not have sufficient training to deal with vicious dog attacks, this incident reinforces the conclusion that Animal Control should not be an agency of the Health Department, but rather, a division of a law enforcement agency.

This incident not only illustrates the lack of resources at Animal Control, but also the toll of rampant animal abandonment in our City, and thus, is of concern to the Commission. While the history of these dogs will never be

known, it is likely that they were neglected or abandoned, as they were not altered, had not received standard veterinary care, were possibly used for breeding or fighting, had no identification or license, were dog aggressive, and were ultimately unclaimed.

Aside from protecting public health, Animal Control needs additional personnel so that it can investigate cases of animal neglect and abuse. For example, Animal Control picked up over 4,000 dead animals in 2012. The bodies of these animals are simply disposed of and these cases are generally not investigated, even though Dr. Lockwood has estimated that twenty percent (20%) of dead animals found on the street may be victims of abuse. Our efforts at counting cruelty cases will never be accurate so long as these potential abuse cases fall under the radar.

We renew our prior recommendations for additional training and personnel for Animal Control and include new recommendations for basic equipment and technology to improve response times and operations.

B. Baltimore City Police

The Baltimore City Police (BCP) has assumed a much greater role in investigating animal abuse crimes. Unfortunately, however, the Commission's relationship with the BCP has deteriorated since the retirement of Police Commissioner Bealefeld and the promotion of Col. Skinner from Chief of Patrol to Deputy Commissioner. While the Patrol Division has been handling these

investigations, the Commission concludes that the leadership in the Patrol Division no longer has the commitment or desire to respond to animal crimes. Accordingly, the Commission reverts to its original recommendation that three (3) dedicated officers be assigned to handle animal abuse cases as part of a special unit.

Commissioner Bealefeld supported the Commission since its inception as a Task Force. He attended and spoke at the initial press conference launching the initiative in July 2009, as well as at a press conference that the Commission held honoring Officer Syreeta Teel, the police officer who risked her personal safety to extinguish the flames that had engulfed Phoenix. Commissioner Bealefeld also assigned a high ranking police officer – Lt. Col. Sheppard – to serve on the original the Task Force.

Commissioner Bealefeld also met with several members of the Commission namely, Councilman D'Adamo, Jonathan Kaufman, D.V.M., Robert Anderson, and Caroline Griffin on November 4, 2011. The Commissioner explained that the BCP had been moving away from using special units and that he preferred to create a "sense of urgency" among the entire Patrol Division in responding to animal abuse cases. Although the Deputy Commissioner had previously advised that the BCP did not have the personnel to designate three (3) officers to handle animal abuse investigations, the BCP designated Officer Dorian Salmon to serve as the Animal Abuse Liaison. From the beginning, Officer Salmon has been hard-working and dedicated to these cases. In response

to these genuine efforts to investigate animal abuse crimes, the Commission withdrew its recommendation of having three (3) dedicated officers assigned to animal cruelty cases in its 2011 Report to the Mayor.

Deputy Commissioner Skinner also provided critical support to the Commission when he was serving as the Chief of the Patrol Division. During his tenure, the police implemented coding procedures and a new database within the BCP so that these crimes could be measured, located, and researched more easily.[3] He ordered protocols for assigning animal cruelty cases and increased awareness of these crimes at the patrol level. The Deputy Commissioner also assigned significant resources to a felony case that involved the death of several animals and provided periodic updates by phone to the Commission Chair.

In addition, the Deputy Commissioner attended several meetings of the Commission at a time when it was holding monthly meetings in a conference room at the Snyder Foundation for Animals in Clipper Mill. This meeting space was not large enough for the recently expanded Commission and the Deputy Commissioner invited the Commission to hold its monthly meetings at Police Headquarters. The Commission continued to hold its monthly meetings, as well its case review meetings, at police headquarters through August 2012, when these conference rooms became unavailable the month after Commissioner

[3] These coding procedures require additional refinement, as animal abuse cases continue to fall through the cracks. For example, when patrol officers charge suspects with multiple offenses and animal cruelty is observed, but is not the primary charge, *e.g.* when serving a search warrant for drugs, Officer Salmon is not notified.

Bealefeld retired. Councilman D'Adamo then arranged for the Commission to host its meetings at the Du Burns Arena in Canton.

Thereafter, the police department's interest in the Commission began to wane. At the request of the police department, the Commission Chair attended a meeting at police headquarters on February 20, 2013. At the meeting, a high ranking official of the command staff asked the Commission Chair why the BCP needed to attend Commission meetings, despite legislation within the City Code, setting forth the composition of the Commission, including a permanent seat for a designee of the Police Commissioner. When the issue of case review meetings was raised, where best practices are often discussed and developed for the collection and preservation of evidence, a police sergeant, who had been attending these meetings for more than two (2) years, stated that she thought the meetings were "unproductive."

The BCP is not solely to blame for the lack of interest in these case review meetings. The State's Attorney's Office assigned a different prosecutor to handle animal abuse cases in the District Court after its original prosecutor was appointed to the bench. The new prosecutor changed the format of these meetings, which curtailed questions and limited discussion.

Although these case review meetings had previously been productive and presented opportunities for improvement, discussions were limited and became increasingly more defensive. The Commission Chair discussed these concerns with the State's Attorney's Office, which addressed the problem promptly.

We recognize that it is unusual for police officers and prosecutors to discuss their work with others, as they are accountable solely to their own agencies and otherwise have discretion in the performance of their duties. Memory, however, is often short. Our original Task Force was created in response to a case of severe animal cruelty – the torching of a dog in broad daylight – that caused public outrage not only in Baltimore, but nationwide. Although this crime was a felony, trial testimony revealed that the police did not investigate this case for five (5) days and began their investigation after significant public outcry had been expressed. Moreover, the police discarded critical forensic evidence – the sweater Officer Teel used to extinguish Phoenix's flames – and the remaining forensic evidence that they collected was contaminated due to improper storage.

The lack of forensic evidence was problematic at trial. Although Phoenix had literally been soaked in accelerant, no witness could identify, to a reasonable degree of probability, precisely what type of accelerant had been used in the commission of the crime.

Although the State's Attorney's Office devoted some of its top talent to prosecute this case – not once, but twice -- the Phoenix case revealed that the BCP had little experience in investigating animal abuse cases. The case was compromised because the BCP did not recognize that the burning of a dog was a crime, or worse, consciously elected not to investigate it. Our Commission has been charged with the following, among other things:

- Ways to eradicate animal abuse in the City of Baltimore, including dogfighting;
- 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; and
- Steps to foster improved responses to incidents of animal cruelty.

Baltimore City Code, Article 1 §55-10(b)(1)(4) and (5).

Our meetings are relevant and necessary. It is imperative that we work with police officers who not only recognize the importance of investigating these crimes, but appreciate the value of holding animal abusers accountable. We no longer see a "sense of urgency" from the leadership in the Patrol Division. Moreover, simply too few patrol officers have received any training in this area, although the ASPCA has provided an open invitation to train officers at no cost to the BCP. As with AEOs, some patrol officers who have responded to animal abuse cases have failed to refer these cases to Officer Salmon for further investigation, in violation of established protocols.

Commission member Dr. Randall Lockwood has trained police departments around the country, including Chicago, Memphis, Los Angeles, Ft. Lauderdale, Louisville, Reno as well as the New York State Police. He has prepared curricula for 4-day, 2-day, and half-day police trainings. During the past year, he also authored a Dogfighting Toolkit for Law Enforcement through

the COPS Office of the U.S. Department of Justice, which he has shared with the BCP and Sheriff's Office.

On April 11, 2012, the patrol division arranged for Dr. Lockwood to conduct his first training for the BCP since the Commission was created and he was allotted 90 minutes, half of which was devoted to officer safety. Approximately twenty-five (25) police officers and (3) AEOs attended. On September 21, 2012, a similar number of police officers and six (6) AEOs attended an Animal Abuse Leadership Summit that the Baltimore County State's Attorney's Office sponsored. Dr. Lockwood is conducting a second training on May 21, 2013, and has suggested that the time be extended to allow more time for crime scene documentation and evidence collection.[4] The Director of Animal Control will be sending AEOs to this training as well.

Despite these problems, there has been, nonetheless, great improvement in the investigation of animal abuse cases since the Mayor's initial Task Force was created in July 2009. Our representative from the veterinary community, Dr. Jonathan Kaufman of Eastern Animal Hospital, has had several discussions with the police department, as there had not only been significant confusion among the veterinary community regarding how to report abuse, but also, varying

[4] In 2010, Sgt. Sarah Avery of the Eastern District wrote and obtained a grant with the Law Enforcement Training Institute for officer training in animal cruelty investigations. As a result of her initiative, she and fourteen (14) of her colleagues attended the National Cruelty Investigations School Level I training course in Charlottesville, Virginia on February 8 – 12, 2010. These officers received forty (40) hours of specialized training including writing search and seizure warrants in animal cruelty investigations, crime scene processing, veterinary evaluations and animal law. Sgt. Avery is not a member of the Mayor's Commission.

responses by patrol officers. Veterinarians now call 911 in all cases of suspected animal abuse.

Patrol officers have also assisted Animal Control in numerous investigations and bring critical expertise in processing crime scenes. As noted earlier, we continue to hear reports that AEOs do not consistently call for police back-up when responding to crime scenes, which can make the investigation of these cases much more difficult for Officer Salmon. In August 2012, Ms. Haller began examining responses in abuse cases and she and Ms. Miller have taken disciplinary action against AEOs who have failed to comply with established protocols. Officer Salmon continues to meet periodically with Ms. Miller to discuss cases, and communication between these agencies has improved.

For these reasons, the Commission reinstates one of its initial recommendations that three (3) dedicated officers be assigned to investigate animal neglect and cruelty cases. Because of staffing shortages, these officers could be part of another unit, such as a domestic violence unit. In the meantime, the Animal Cruelty Liaison could report to Animal Control 1-2 days per week, which would promote greater uniformity in the response and investigation of these cases, as well as coordination with the BCP. Our experience has taught us, if nothing else, that these crimes require a coordinated response between Animal Control and the Police.

Animal cruelty can be a violent crime that is deeply destabilizing in the neighborhoods in which it occurs. These cases are of great public interest and

media coverage can be helpful in notifying the public when perpetrators have not been located, when rewards have been offered, or when shelters need assistance with paying extraordinary veterinary expenses for abused animals.

Our relationship with the BCP has gotten off track and the Commission is eager to resume the productive relationship that it previously enjoyed. Because the new Commissioner faced many critical demands when he first arrived in Baltimore, the Commission waited several months before requesting an introductory meeting. On February 4, 2013, the Commission Chair formally requested a meeting between Police Commissioner Anthony Batts and a small contingent of the Commission, where these members had hoped to discuss – if not resolve – some of these issues raised this Report. Although the meeting request was forwarded to the Chief of Staff for the BCP, the Commission never received a response to the request.

We know that these concerns are being taken seriously and that the Deputy Commissioner is currently analyzing how the BCP can respond optimally to these crimes. The BCP is also working with Animal Control and BARCS to develop best practices for handling animal cruelty cases.

C. Baltimore City State's Attorney's Office

The State's Attorney's Office continues to devote significant resources to the prosecution of animal abuse cases and their designee to the Commission is a committed member who provides valuable expertise to the Commission.

The State's Attorney's designee, Jennifer Rallo, was also involved in the retrial of Travers and Tremayne Johnson case in the Phoenix case. As was reported extensively in the media, a second jury acquitted the brothers after less than an hour of deliberations. The second trial was compromised not only because of a lack of forensic evidence, but also because witnesses who had previously testified were either uncooperative or refused to testify. We commend the State's Attorney's Office for its zealous prosecution of a difficult case and the retrial sent a strong message to the community that these crimes will not be tolerated. Travers Johnson remains in jail after pleading guilty on April 22, 2012 to attempted second-degree murder and the use of a handgun in a crime of violence.

Finally, the State's Attorney's designee devotes significant time outside of our monthly meetings on anti-cruelty initiatives and best practices. For example, she is currently working with the police department to address roll call training at all nine (9) police districts regarding how to properly handle animal abuse calls.

D. Department of Juvenile Services

The Department of Juvenile Services (DJS) has neither advised us of any activities that it has pursued in the past year nor provided us with any recommendations for inclusion in this Report. While Commission member Karen Reese expended considerable time and resources in hosting a 2-day Anicare training workshop for mental health professionals on October 28-29, 2011, referrals to Anicare-trained counselors have been limited, even though our liaison from the State's Attorney's Office reports that these referrals have been effective. As we noted in the initial Task Force Report:

> Because animals are treated as property under the law, the criminal justice system has yet to take a firm stand on adjudicating violence against animals. As a consequence, many perpetrators go unidentified until their violence is directed against humans. Because of this delay in identifying potential criminals, referral for treatment typically occurs long after the window of opportunity for basic therapeutic intervention has closed.

The Anicare Model of Treatment for Animal Abuse (1999) p. 3.

It is imperative that DJS participates and cooperates with the Commission, as perpetrators of some of Baltimore's worst animal cruelty cases are in the DJS system.

E. Baltimore City Public School System

As noted in our Report for 2011, the Commission met with Dr. Andres Alonso, the Superintendent of the Baltimore City Public School (BCPS), on

November 9, 2011 to discuss humane education and improved responses to animal abuse in Baltimore City.

From that point forward, the BCPS began sending a representative to our meetings and the BCPS now has a permanent seat on the Commission. Unfortunately, however, the designee stopped attending our meetings and responding to our emails. Humane education remains a critical initiative and while the BCPS has not adopted humane education into its curricula, several non-profit organizations continue to provide such education to classrooms, including The Snyder Foundation for Animals, B-More Dog, the Maryland SPCA, as well as the Open Society Institute, through grant recipient, Natalie Keegan. These organizations, however, cannot reach all students.

We continue to recommend that the BCPS incorporate humane education into its curricula and hope for a more productive relationship with the BCPS in the coming year.

F. Department of Social Services

Since we issued our Interim Report more than three (3) years ago, we have recommended cross-reporting between Animal Control and the Department of Social Services (DSS), as an effective means for stopping animal abuse. Unfortunately, we have had no traction with DSS on this issue. We have attempted to invite the Director of DSS to our meetings in the past, but have not been successful. Last year, Commission member Zoe Michal of Council

President Jack Young's Office, arranged for the Director of DSS to attend our Commission meeting on September 12, 2012. Approximately 20 minutes before the meeting started, however, the Director's assistant called to advise that she was no longer able to attend the meeting.

We cannot implement any cross-reporting without the support and agreement of DSS. Although we had hoped to implement this recommendation voluntarily, the recently amended Commission legislation now includes a permanent seat for DSS, as there are significant opportunities for these two agencies to work together to reduce violence. A designee from DSS will be attending the April 2013 Commission meeting.

The benefits of cross-reporting cannot be overstated. In a study dating back to 1983, Dr. Lockwood found that the correlation between families with substantiated child abuse and animal abuse approached ninety percent (90%).[5] As the New York Times reporter Charles Siebert noted in his article, *The Animal Cruelty Syndrome*, which discussed Baltimore and the Phoenix case, "The link between animal abuse and interpersonal violence is becoming so well-established that many U.S. communities are now cross-training social-service and animal-control agencies in how to recognize signs of animal abuse as possible indicators of other abusive behaviors." *NYT Magazine, p. 47 (June 13,*

[5] DeViney, L., J. Dickert and R. Lockwood, "The Care of Pets Within Child Abusing Families," *International Journal for the Study of Animal Problems,* 4(4):321-336 (1983).

2010). At a minimum, Animal Control and DSS should enter into an interagency agreement for the cross-reporting of animal abuse.

Some states have gone further and have mandated cross-reporting through legislation. Connecticut recently joined West Virginia and Illinois as states with fully mandated cross-reporting, which mandates that animal control and child welfare personnel report to each other.

The new law provides that as of October 2011, all animal control officers in Connecticut who find suspected animal cruelty must report those cases to the Commissioner of Agriculture who, in turn, will provide the information to the Commissioner of Children and Families. Addresses referenced in these reports where child abuse/neglect investigations are ongoing will be transmitted to child welfare investigators. Likewise, employees of the Department of Children and Families (DCF) who suspect that an animal is being harmed, neglected or treated cruelly are required to report it to the Commissioner of Agriculture.

The legislation further provides that the two Commissioners will develop and implement training for DCF employees on the identification of neglect, cruelty and harm to animals and its relationship to child welfare practice. Similarly, they must implement training for animal control officers concerning the identification and reporting of child abuse and neglect.

Maryland should consider enacting such mandated cross-reporting, which would raise the state's profile in being responsive to violence in all forms.

II. LEGISLATION

The 2012 legislative session was unproductive for animal welfare/anti-cruelty initiatives. Aside from extending the deadline for the Spay/Neuter Task Force to complete its work, no meaningful legislation was passed in 2012, and Maryland dropped to 39th nationwide in the most recent Animal Protection Laws Rankings published by the Animal League Defense Fund. Regrettably, Maryland has fallen back into the bottom tier, while the following contiguous states are ranked in the top tier: West Virginia (7th), Virginia (11th), District of Columbia (16th) and Delaware (18th). Even worse, the Humane Society of the United States ranks Maryland 43rd in the country in anti-dogfighting legislation.

Much work remains to be done. Although the General Assembly did not pass remedial legislation in response to the *Tracey v. Solesky* case, the legislature did pass two (2) significant animal welfare bills during the 2013 legislation session.

A. *Tracey v. Solesky* - Civil Actions – Personal Injury or Death Caused by Dog – Rebuttable Presumption (Emergency Bill HB78/SB160).

In April 2012, the Maryland Court of Appeals modified Maryland's common law in *Tracey v. Solesky* by establishing a strict liability standard for people who own, harbor or control "pit bull," pit bull mix" or "cross-bred" pit bull mix dogs, claiming that such dogs are "inherently dangerous as a matter of law."

The impact of the decision was swift and harsh. Pit bull type dogs are among the most popular in Maryland, and the decision affects an estimated 84,000 dogs. On August 21, 2012, the Court granted in part a Motion to Reconsider by limiting its holding only to "purebred pit bull" dogs.

The Court's breed discriminatory holding, which was not based on any expert testimony in the record, is without precedent, as no other court in the nation has imposed strict liability on landlords in dog bite cases. Astonishingly, the Court took judicial notice of disputed facts in rendering its holding. The decision is also contrary to legislative trends nationwide. Ohio, which was the only remaining state to have a statewide breed discriminatory law, repealed its legislation in 2012.

As with most animal legislation, the *Tracey* decision had a profound effect on thousands of Maryland residents. The decision was also discriminatory toward many residents, and was particularly punitive to families who rent their homes. Many pit bull owners have worried for a year that they will be forced to choose between surrendering their dogs or losing their homes. Others have already received notices that they can no longer keep their pit bull dogs. For example, residents of Armistead Gardens, a Baltimore cooperative of 1,500 houses, received a letter from their Board of Directors on August 23, 2012, advising them to get rid of their pit bull dogs immediately or "the board may take legal action, including termination."

Animal advocates, landlords, and shelters scrambled to understand the Court's decision and several members of the Commission were embroiled in the debate, which limited the Commission's ability to pursue anti-cruelty initiatives during the summer months. Jennifer Brause, Executive Director of BARCS, and Aileen Gabbey, Executive Director of the Maryland SPCA, fielded numerous inquiries from the public, not to mention surrenders at their shelters, and testified before the Pit Bull Task Force and during the special session. The Commission Chair worked with a coalition of shelters across the State to file an *amicus* motion before the Court of Appeals and also worked with a spectrum of lobbyists to develop a strategy before the General Assembly.

Unfortunately, the Maryland Legislature failed to pass remedial legislation during the 2013 session and the holding of *Tracy v. Solesky* remains in effect. We do not yet know the full impact of this failure, but anticipate that many Maryland residents will be forced to surrender their dogs to overcrowded shelters and that dogs will be destroyed.

B. The Spay/Neuter Bill (SB 820/HB 767).

On May 10, 2011, Governor O'Malley signed legislation creating a Spay/Neuter Task Force and charged it with determining the most appropriate means for creating a statewide spay/neuter fund in Maryland. The Task Force, which included Commission members Aileen Gabbey and Jennifer Brause, met for two years in Annapolis and concluded that a sustainable funding mechanism

for affordable spay neuter services was imperative in Maryland. Despite years of aggressive spay/neuter efforts, surrenders at BARCS and at the Maryland SPCA increased over the past year and Baltimore lacks sufficient shelter space to house its homeless animal population.

Overpopulation is not only a problem in Baltimore, but statewide. The Task Force found that of the 96,000 animals that are surrendered annually to Maryland shelters, approximately 46,000 are destroyed each year. These statistics are unacceptable in the 21st century.

Fortunately, the Spay/Neuter bill passed by an overwhelming majority in the House and Senate, and the Governor is expected to sign the bill into law.[6] The bill sets up a statewide fund for targeted community grants for spay/neuter, which will be funded by a surcharge on existing pet food registration fees. As described in more detail in Section IV, some of Baltimore's poorest neighborhoods have suffered from a critical lack of spay/neuter services, creating a seemingly endless supply of animals that are homeless and at greater risk for abuse.

C. The Bait Dog Bill – Criminal Law – Aggravated Animal Cruelty – Baiting (SB 360/HB542).

The Bait Dog bill amends Maryland's dogfighting statute, MD. CRIM. LAW ANN. § 10-607, by treating dog baiting the same as dog fighting. Bait dogs are used either to train fighting dogs or test the fighting or killing instinct of other

[6] The Spay/Neuter bill passed in the House by a vote of 123 to 13 and in the Senate by a vote of 46 to 1.

dogs. They are often unaggressive by nature and dogfighters limit their ability to defend themselves by tying their jaws and legs. Similar legislation failed to pass in 2012.

The Bait Dog bill is often referred to as "Molly's Law," named after a severely injured puppy that a contractor discovered in an abandoned building in Baltimore in October 2012.[7] Molly had large puncture wounds and a fulminant infection, which caused her skin to slough off. Lisa Morabito, a BARCS employee, fostered Molly, during which time she endured several major surgeries and lost one of her eyes. Although Molly appeared to be recovering, infection spread to her spinal cord, causing her severe pain and paralysis, and Molly was humanely euthanized. Her crime remains unsolved.

Although many believed that Maryland's cruelty laws already safeguarded against the crime of dog baiting, the Attorney General of Maryland issued an advisory opinion on March 30, 2012, in response to a request from Senator Bryan W. Simonaire, concluding that no provision of Maryland's current law prohibits the ownership, selling, transporting, or training of bait dogs.[8] The Bait Dog bill closes this loophole.

Commission member Major Samuel Cogen of the Sheriff's Office testified in support of this bill both before the Senate Judicial Proceedings Committee and the House Judiciary Committee. Major Cogen provided expert testimony as to

[7] Photographs of Molly can be found at the Introduction of this Report as well as at Exhibit 2.

[8] A copy of the Attorney General's Opinion is attached as Exhibit 3 to this Report.

the need for the bill as well as the importance of treating dog baiting as an aggravated felony crime. Lisa Morabito also testified on behalf of BARCS, as she was most familiar with the injuries that Molly sustained. The Senate and House both voted unanimously to pass these bills, which Governor O'Malley signed into law on April 9, 2013.

D. Costs of Cruelty – Criminal Law – Animal Cruelty – Payment of Costs (SB 37/HB 865).

The cost of care bill provided that judges could order convicted defendants to pay, as a condition of sentencing, "all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant." The Commission recommended enactment of such a bill in its initial Report. While the Senate voted unanimously to pass the bill, the House Judiciary Committee never voted on bill, where the bill died.

III. EDUCATION AND OUTREACH

A. Water Bill Inserts

Commission member Zoe Michal from the Council President's Office has played a key role in investigating several outreach opportunities for the Commission.

Most recently, Ms. Michal contacted the Department of Public Works (DPW), which issues water bills. These bills, which are mailed quarterly to 207,000 households, often contain inserts with public service messages. Ms.

Michal obtained approval from DPW for the Commission to create a color insert on how to report animal abuse, which will be included in an upcoming quarterly water bill.

Ms. Michal also obtained funding for this initiative, which will cost $1,813 in printing costs, when she presented the idea to Commission member Ann Gearhart of the Snyder Foundation for Animals. Ms. Gearhart discussed the idea with the Foundation's Executive Director, Lora Junkin, who obtained approval for the expenditure from her Board of Directors.

The Commission believes that this initiative will be an effective tool for reminding the public about the importance of reporting animal abuse.

B. Comcast Video – How To Report Abuse

Ms. Michal also arranged for the Commission Chair to participate in a Comcast Newsmaker interview, which discusses what constitutes animal abuse and how to report it. The video clip is now available on the Commission's webpage on the Baltimore City website.

C. The Office of Justice Programs of the U.S. Department of Justice

The Office of Justice Programs (OJP) of the U.S. Department of Justice has been interested in the Commission's work and has invited several members to their offices in Washington, D.C. In April 2012, Dr. Lockwood and the Commission Chair gave a presentation to an animal cruelty working group and they returned in July 2012 to discuss other initiatives. OJP has invited these

Commission members, along with Judge Gale Rasin and Dr. Jonathan Kaufman, to a "listening session" with fifteen (15) animal cruelty experts on April 30, 2013.

D. The Judicial Institute of Maryland

Judge Gale Rasin and the Commission Chair submitted a proposal to the Judicial Institute of Maryland for a half-day training for judges on "Animal Abuse and the Link to Personal Violence." The Board of the Judicial Institute not only accepted the proposal, but requested that the program be expanded to a full day, which will be offered in November 2014. The Commission has recruited local and national animal cruelty experts, including Rachel Touroo, D.V.M., the Director of Veterinary Forensics at the ASPCA, and Scott Heiser, Esq., the Director of Criminal Justice Programs for the Animal League Defense Fund.

E. The Phoenix Project

Several members of the Commission have continued their collaboration with the Druid Heights Community Development Corporation to create "The Phoenix Project," in memory of the dog that was the impetus for our original Task Force. As we discussed in the 2011 Report, juveniles enrolled in the Druid Heights "We Can Achieve" Program have built large doghouses of extraordinary quality in an effort to help animals in need. Although doghouses may raise concerns for some about tethering, they can alleviate the need for outdoor shelter for residents who cannot otherwise afford it, and thus, provide comfort for animals that must spend some time outdoors. The Commission has brought

together members of the rescue community, who have identified other unmet animal needs that this program could address, such as housing and feeding stations for community cats.

The We Can Achieve Program has recruited a seasoned professional in the construction field who volunteers his time to teach carpentry skills and the program has received a small grant from the Mayor's Office on Criminal Justice. Sharon Miller has also investigated potential grant sources and would like to utilize AEOs not only to locate households that could benefit from these doghouses, but deliver them to needy residents as well.

The Director of the We Can Achieve Program, Adrian Muldrow, has reached out to the Commission because he appropriately recognizes the benefits of this program, which extend well beyond learning valuable professional skills. The Phoenix Project is a concrete program for developing empathy for the basic needs of animals and the Commission has offered to provide additional speakers to the program to enhance empathy development. Mr. Muldrow hopes that his students will maintain long-term relationships with the animals they assist.

IV. THE PRIVATE SECTOR

We continue to see progress in the animal welfare world through the steadfast commitment of several non-profit entities and the private sector. Animal welfare is an important issue for thousands of Baltimore residents and countless individuals in Baltimore City volunteer their services and donate their

resources to non-profit organizations that alleviate animal suffering. We highlight the work of four (4) organizations that are represented on our Commission – BARCS, the Maryland SPCA, Recycled Love Rescue, and the Snyder Foundation for Animals, as well as two (2) non-profit organizations with which the Commission has worked, B-More Dog and Community Cats of Maryland.

A. BARCS

BARCS is the largest companion animal shelter in Maryland, which takes in nearly 12,000 dogs and cats and more than 800 exotic wildlife and small animals each year. BARCS receives the majority of animals that are the victims of neglect and abuse in Baltimore.

While BARCS is a non-profit organization governed by a Board of Directors, it remains the City's only open admission shelter and is required to accept every animal that comes through its doors, including all animals impounded by Animal Control. Since it took over the operations of the Baltimore City Municipal Animal Shelter in 2005, it has increased adoptions and reduced euthanasia rates every year. The live release rate at BARCS has increased from two percent (2%) in 2005, when it assumed operations, to sixty-eight percent (68%) in 2012, when it saved more than 7,500 lives, an increase of more than 1,300 lives over the prior year.

BARCS received national recognition last year on two occasions. In March 2012, it was featured on Animal Planet when mixed martial arts fighter John Rallo adopted a kitten from BARCS. BARCS also received national attention when it won a total of $41,000 in the Rachael Ray/ASPCA $100,000 Challenge, for finding homes for more than 2,053 pets during a three-month period, an increase of 679 lives saved over the same period the prior year, more than any other competitor in the Northeast. Several local athletes have helped to promote adoptions at BARCS. Raven Torrey Smith adopted a puppy during this challenge and Oriole Matt Weiters and his wife Maria filmed a PSA about adopting from BARCS.

While these adoption numbers are impressive, BARCS had a surge in intake last summer and continues to struggle with inadequate space to this day. BARCS is often completely full and it made urgent requests for foster homes this past month when it lacked sufficient kennel space for dogs and accepted approximately fifty (50) cats from a single hoarder.

As we discussed in our Interim Report, BARCS performed a Needs Assessment Study several years ago that concluded that BARCS requires 34,567 square feet of space based on its yearly intake numbers, yet it operates with only 22,000 square feet at its current location on Stockholm Street. Animal Control, which shares the same building, needs additional space as well. AEOs need a more secure area to unload potentially dangerous animals. AEO Supervisors currently work in a former storage area and the bite coordinator does not have a

private office, even though she is required to discuss medical injuries with bite victims.

Moreover, BARCS fronts the middle branch of the Patapsco River and is in a flood plain. As we stated more than three (3) years ago:

> At a bare minimum, the City must identify a location where animals housed at BARCS would be transferred in the event an evacuation and the City should investigate whether any federal funds through FEMA or other agencies would be available for disaster preparedness planning.

Interim Report, p. 26. The City has never identified an evacuation site for BARCS. When Hurricane Sandy approached, Executive Director Jennifer Brause became concerned about the safety of the animals at the shelter. Ms. Brause had previously discussed a possible evacuation plan with Frank Remesch, the General Manager of First Mariner arena, who, without hesitation, agreed to house all animals at First Mariner during Hurricane Sandy.[9] BARCS arranged for the evacuation of more than 200 animals with assistance from the private sector and many volunteers.

The evacuation was well-organized and successful. Hoffberger Moving Services donated a moving van and truck for transporting supplies and animals. Over 100 volunteers assisted with the evacuation effort during the early morning hours of October 29, 2012, which was completed in less than 2 ½ hours. The animals stayed at the First Mariner Arena for the duration of the storm and

[9] Frederick (Rick) T. Lewis, Jr., D.V.M., of Academy Animal Hospital, greatly contributed to the effort as well. Prior to the evacuation, Academy Animal Hospital accepted thirteen (13) dogs from BARCS that were either quarantined or the subject of bite investigations.

returned to BARCS the following day.[10] Several BARCS employees stayed at the Arena overnight to ensure the welfare of the animals.

In the last three (3) months, Lt. Governor Anthony Brown and Senator Brian Frosh of Montgomery County, Chair of the Senate Judicial Proceedings Committee from Montgomery County, have both visited BARCS. While some local officials have also visited the shelter, we encourage other members to do so as well. It is essential for City officials and members of the Baltimore City delegation to witness first-hand the need for additional space at BARCS and to appreciate how this shelter assists thousands of constituents each year.

B. Maryland SPCA

In addition to its robust adoption program, the Maryland SPCA provides a number of services that help both animals and Baltimore residents and it performs more low-cost spay/neuter surgeries than any other shelter in the State. In 2012, the Maryland SPCA altered more than 8,400 animals, of which 2,000 were community/feral cats. It also provided affordable veterinary care to over 3,700 animals through its Wellness Clinic.

The Maryland SPCA works with BARCS and the Baltimore Humane Society in a coalition known as the Baltimore Animal Welfare Alliance (BAWA), whose mission is to work together to save the lives of animals in the Baltimore Metropolitan area. In 2012, the Maryland SPCA transferred in over 800 animals

[10] Photographs from the evacuation are attached at Exhibit 4.

from BARCS and accepted these animals into its adoption program, which frees up critical shelter space at BARCS for incoming animals. In addition, each June, BAWA hosts the "Baltimore 500," a campaign that seeks to find homes for 500 cats and kittens during the peak of "kitten season," when animal surrenders surge. The coalition substantially exceeded its goal in 2012 by adopting 769 cats and kittens during the month of June alone.

The Maryland SPCA is also working with BARCS in the coming year to provide spay/neuter services in the neighborhood of Cherry Hill, where pet overpopulation and animal cruelty are chronic problems. Both shelters received grants from PetSmart for targeted spay/neuter programs. The SPCA's grant provides funding to alter 2,000 indoor cats and the BARCS grant provides funding for TNR (trap, neuter and return) in the 21225 zip code, the area from which the greatest number of cats are surrendered.

Finally, the Maryland SPCA works with Meals on Wheels to provide pet food to residents who are housebound. This program often allows elderly residents to keep their animals, rather than surrender them to crowded shelters. In 2012, the SPCA delivered 10,000 pounds of canned food and 9,000 pounds of dry food to the Meals on Wheels program.

C. Recycled Love Rescue

Commission members Karen Reese and Randee Askin serve on the Board of Directors of Recycled Love Rescue, a non-profit organization founded in 2004

to rescue animals from abuse, injury, neglect and abandonment. In 2007, the organization was awarded custody of three (3) dogs that Michael Vick had formerly owned, in a selection process that was highly scrutinized by the U.S. Attorney's Office and the Justice Department.

Like other rescue organizations, Recycled Love assists BARCS by taking in animals that have been neglected, have special needs, or simply do not do well in a shelter environment. During Hurricane Sandy, Ms. Reese, Board President Jennifer Viglucci, and Board member Jaime Senesi not only assisted with the evacuation efforts, but also transferred several cats from First Mariner into their adoption program that were exhibiting signs of stress during the evacuation.

Recycled Love also responds to numerous citizen requests for help with animals when Animal Control cannot assist. In one instance, an elderly woman from Eireman Avenue contacted the rescue about a declawed cat that a neighbor had abandoned when she moved out of the neighborhood. Ms. Reese and Ms. Askin spent several hours rescuing the abandoned cat and discovered at least twenty-five (25) other cats were living on the street on that block alone. Recycled Love rescued and adopted several other cats from Eireman Avenue and delivered pet food supplies to the residents who were trying to help these abandoned animals. As this one example demonstrates, there are a seemingly endless number of animals on the streets of Baltimore that are homeless, struggle for survival on a daily basis, and are at risk for injury and abuse.

The Commission has invited several members of the rescue community to participate in Commission meetings, as these volunteers often rescue animals that are neglected or abused. Feral cat caretakers have also discovered animals that have been killed. Animal abuse is a crime that causes not only unimaginable suffering, but hardship and economic loss to these selfless individuals who seek to combat it. There are many members of the Baltimore rescue community who do not serve on this Commission, but who devote countless hours and significant resources to rehabilitate these animals. We will never be able to calculate the cost of this crime, but the toll of animal abuse is staggering and we must renew our efforts to end it.

D. Snyder Foundation for Animals

The Snyder Foundation for Animals (Snyder Foundation) is a private, nonprofit organization whose mission is to promote the humane treatment of animals through education and philanthropic support. Over the past twenty (20) years, it has invested several million dollars in humane education and grants to support humane organizations throughout Maryland, particularly for spay/neuter programs. In 2012, it awarded grants totaling $94,500 for spay/neuter programs alone, which were used to alter approximately 1,685 cats and dogs. Three (3) TNR groups as well as BARCS received grants for spay/neuter and medical supplies.

The educational and outreach initiatives of the Snyder Foundation are broad. It offers more than 40 different educational programs to students, and has also provided training on the correlation between animal cruelty and human violence for family service and domestic violence prevention. In addition to funding the water bill inserts, the Snyder Foundation launched a poster campaign to "Take Animal Abuse Seriously"and printed thousands of bookmarks, which were distributed throughout the City.

E. B-MoreDog

B-More Dog is a local, volunteer, community-based nonprofit organization whose mission is to promote responsible dog ownership through education and outreach programs. They conduct monthly "Pit Bulls on Parade" events at the Inner Harbor, provide free humane education seminars for the Baltimore City Public Schools, provide a free spay/neuter program, and host Community Pit Bull Days, the organization's signature event.

Commission members have volunteered at Community Pit Bull Days, which offer a range of services and support for pit bull type dogs and their owners in carefully selected, underserved areas of the City. B-More Dog has identified these areas based on data from BARCS and Animal Control, targeting areas where the highest number of surrenders occur, such as Ellwood Park, Armistead Gardens, Central Park Heights and Herring Run. All attendees are offered a package of health care services including rabies and distemper DAPPv

combo vaccines, counseling regarding booster vaccines, and free spay/neuter vouchers. They also provide a leash and collar exchange, so that dog owners may exchange makeshift leashes and collars for new, appropriately fitting ones. B-More Dog vaccinated 365 dogs in 2012, of which seventy percent (70%) were pit bull type dogs. By bringing a veterinarian into these communities, B-More Dog helps residents who do not have transportation and cannot avail themselves of vaccine clinics at BARCS.

Finally, B-More has worked tirelessly with the Maryland General Assembly and a coalition of animal advocates, including BARCS and the Maryland SPCA, the Humane Society for the United States, and the ASPCA, for remedial legislation in response to the *Tracey v. Solesky* decision.

F. Community Cats of Maryland

In November 2007, Baltimore City passed legislation making the practice of "trap-neuter-return" (TNR) the preferred method of managing feral or community cats, which are often the offspring of abandoned cats and can be wild and untouchable. While this legislation has made TNR legal in Baltimore, the City has never provided funding to spay and neuter its feral cat population.

Community Cats of Maryland (CCMD) is another private, non-profit organization that works with the City to assist residents who care for community cats, by providing educational workshops and low cost spay/neuter clinics. CCMD held 11 clinics in 2012 and altered nearly 500 cats, primarily

from Baltimore City. While the non-profit charges only $20 per surgery, approximately one-third of the feral cat caretakers that utilize these clinics cannot afford this fee and CCMD covers the entire cost of these surgeries through donations.

CCMD and the new Animal Control Director are spearheading new efforts focused on spreading the word about TNR practice and complying with City regulations, as well as speaking to the issue of animal abuse with respect to feral cats. CCMD and Animal Control respond to questions and problems from residents and distribute education and outreach information at colony sites. CCMD also provides detailed information on its website regarding how to report animal abuse.

V. CONCLUSION

Baltimore has received much positive attention both locally and nationally for creating the first Anti-Animal Abuse Commission in the country and has been held up as a model for other cities to follow in addressing this crime. The City has made great strides in the fight against animal abuse, but as this Report attempts to demonstrate, it has a long way to go. The Commission needs members who take animal abuse seriously and are genuinely concerned about stopping this crime. We cannot waste this opportunity nor rest on our laurels. We can do better and we must do better.

Unlike so many other social issues that divide us, we are fortunate that the fight to end animal abuse is a cause than unites many people. It is a cause that is important to Democrats and Republicans alike and men and women of all ages. It even draws strong support from juveniles. We must capitalize on this broad support, not only to stop these senseless and brutal crimes, but also to keep our neighborhoods, residents, and companion animals safe from violence as well.

We are committed to raising the bar once again and are optimistic that 2013 will be a better year.

VI. COMMISSION RECOMMENDATIONS

1. In addition to receiving specialized training in forensics and investigative techniques, Animal Enforcement Officers (AEOs) should receive yearly in-service training in the documentation of animal neglect and cruelty cases, protocols for responding to these cases, as well as training in the proper and humane handling of animals.

2. 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.

3. The City of Baltimore needs to clarify how and where to report animal neglect and cruelty through media outlets. The Health Department should create a PSA on how to report abuse that could be shown to prospective jurors in the jury assembly room at the Circuit Court for Baltimore City.

4. AEOs should have mobile devices in their vehicles so that they can receive service requests from the 311 Call Center. Vehicles should also be equipped with computers that contain databases that identify prior animal control complaints at an address. Finally, AEOs should have access to databases available to other law enforcement officials, such as MVA records, criminal records, and records from parole and probation.

5. Animal Control should be equipped with a telephone system that includes a voicemail system.

6. Animal Control requires additional personnel so it can timely respond to service requests that involve injured animals or threaten public safety. Animal Control should be properly staffed to include a minimum of four (4) Supervisors, twenty-five (25) AEOs, two (2) Bite Coordinators, as well as clerical staff. The personnel costs including benefits for these employees are as follows: AEO - $50,000; Supervisor - $54,000; Bite Coordinator - $62,000. These positions should be filled incrementally as the budget allows.

7. The Baltimore City Police should designate three (3) police officers to investigate cases of animal neglect, cruelty and dogfighting. These officers could work as part of a unit that investigates other crimes, such as domestic violence.

8. In the absence of creating an Animal Abuse Unit, the current Animal Cruelty Liaison should be assigned to work 1-2 days per week at Animal Control, to ensure uniformity in the response to investigation of animal cruelty cases.

9. Until such time as an Animal Abuse Unit is created, additional officers from the Patrol Division of the BCP should receive training in recognizing signs of animal neglect, cruelty and dogfighting, as well as effective police responses when encountering dogs and responding to dog-related incidents. Dr. Randall Lockwood of the ASPCA has offered to conduct additional trainings at no cost to the BCP.

10. Domestic violence clinics and shelters should return to the protocols established a decade ago regarding questions relating to animals in the home. Clinics should amend their intake forms to determine if animals in the household are in need of protection. While this information is often obtained during an initial interview, statistics concerning the demand for safe haven programs in Maryland would be helpful for protecting animals in cases of domestic violence. The costs of implementing this recommendation are negligible.

11. The Department of Juvenile Services (as well as other social service agencies) should amend their forms so that caseworkers routinely ask questions regarding animal abuse at intake. This would allow caseworkers to identify offenders and refer them to treatment if necessary. The costs of implementing this recommendation are negligible.

12. Guidance counselors and mental health professionals working in the Baltimore City Public School System should receive training on the link between animal abuse and human violence, as they are natural conduits for disseminating information regarding animal abuse prevention.

13. District and Circuit Court judges should have access to the names of mental health professionals who have training and experience with assessing and treating animal abuse perpetrators, so that courts can readily make referrals to experienced professionals as a condition of sentencing.

14. In the absence of legislation, 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.

15. Over time, the City should require other agencies to report suspected animal neglect and abuse, such as the Baltimore Housing Department, the Department of Public Works, and the Department of Transportation.

16. Maryland should enact legislation mandating the cross reporting of abuse between animal control agencies and the Department of Social Services.

17. 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.

18. 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."

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

20. Maryland should enhance the penalty for abandoning an animal, which currently carries a fine not exceeding $100. The penalties for animal abandonment should be consistent with the penalties for misdemeanor animal cruelty, namely, a fine not exceeding $2,500 and/or a sentence of up to 90 days.

21. 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.

22. Maryland should enact a dogfighting paraphernalia statute.

23. The Mayor's Office should make anti-animal abuse legislation one of its priorities when the General Assembly reconvenes in 2014, as the Mayor's support would carry great weight in moving legislation forward.

24. 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, animals must be evacuated 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.

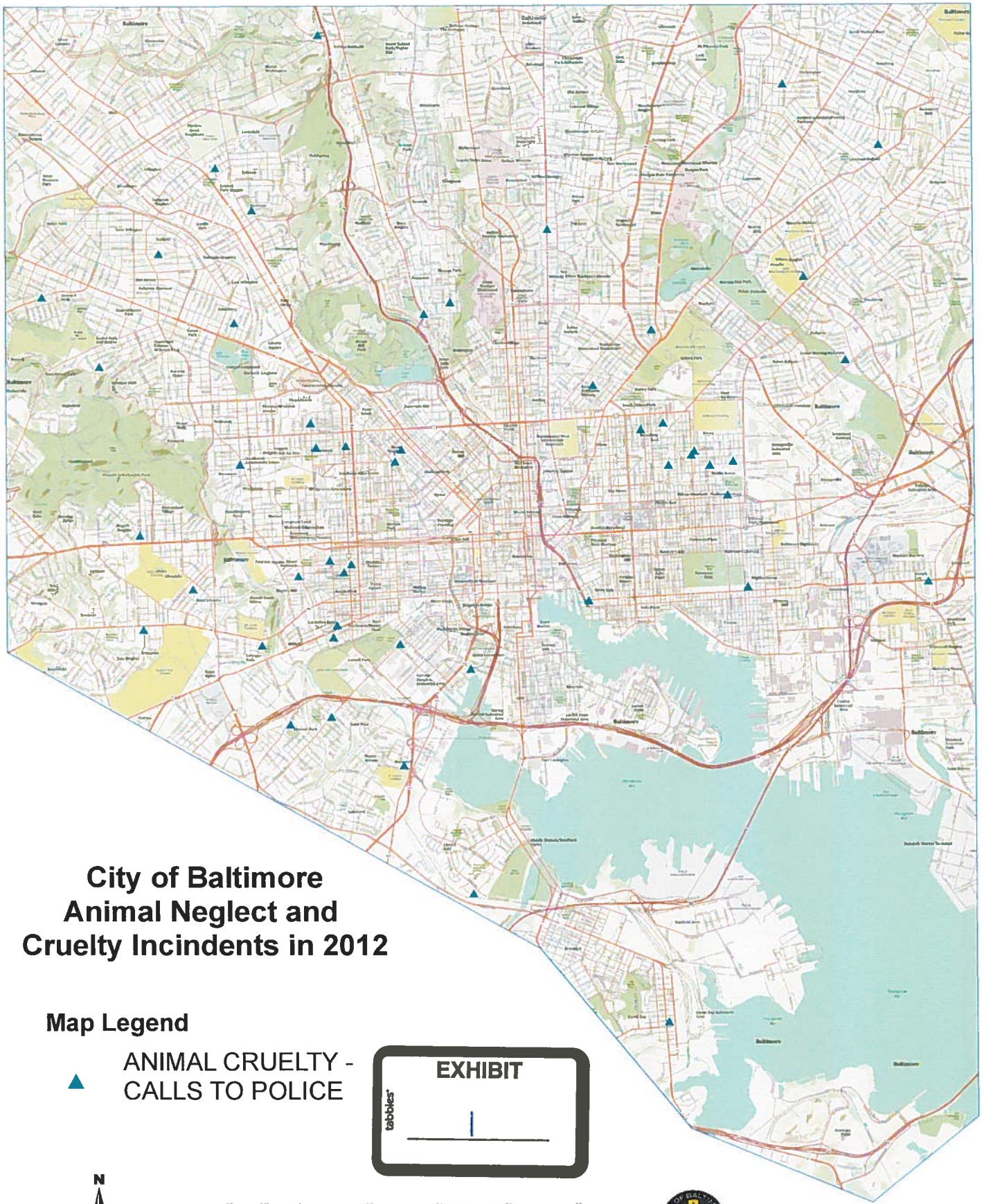
At a bare minimum, the City must identify a location where animals housed at BARCS would be transferred in the event of an evacuation and the City should investigate whether any federal funds from FEMA or other agencies would be available for disaster preparedness planning. In addition, the Department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

25. The City's grant to BARCS should allow for sufficient staff to provide care for a burgeoning influx of homeless animals. BARCS should have fifteen (15) kennel employees per day to handle cleaning and feeding of the shelter population, which averages 200 – 250 animals on any given 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.

26. The City's grant to BARCS should provide funding for animals held during investigations in neglect and cruelty cases. BARCS is often required to hold these animals and should receive funding for their costs of care.

27. Humane educators and volunteers should accompany Citizens on Patrol Groups to help neighborhoods identify signs of dogfighting, animal abuse, and neglect. Trained volunteers can initially assist with educating these groups in recognizing signs of these crimes. There is no cost associated with this recommendation.

28. The Baltimore City Public Schools should explore ways of incorporating humane education in the curricula.



City of Baltimore Animal Neglect and Cruelty Incidents in 2012

Map Legend

▲ ANIMAL CRUELTY - CALLS TO POLICE

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Stephanie Rawlings-Blake
Mayor

April 2013

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Douglas F. Gansler
Attorney General

Katherine Winfree
Chief Deputy Attorney General

John B. Howard, Jr.
Deputy Attorney General

Dan Friedman
Counsel to the General Assembly

Sandra Benson Brantley
Bonnie A. Kirkland
Kathryn M. Rowe
Assistant Attorneys General

The Attorney General of Maryland
Office of Counsel to the General Assembly

March 30, 2012

The Honorable Bryan W. Simonaire
414 James Senate Office Building
Annapolis, Maryland 21401-1991

Dear Senator Simonaire:

You have asked for advice concerning Senate Bill 1096, "Criminal Law - Aggravated Animal Cruelty - Bait Dogs." Specifically, you have asked whether the use of a bait dog would be included in Criminal Law Article ("CR"), § 10-607 as it now appears. You have also asked whether ownership, selling, transporting, or training a bait dog would be covered under that section where the bait dog is not involved in other actual dogfighting activities. You have also asked whether an individual who sold a dog with the intent to another individual for dog baiting would violate any current law. It is my view that CR § 10-607 does not cover offenses involving bait dogs. In addition, while there may be cases where the circumstances surrounding the use of bait dogs violates existing animal cruelty laws, the use of bait dogs in itself does not. Nor, in my view would the possession, ownership, sale, or transportation of a bait dog necessarily violate those laws.

You describe the use of a dog as bait as tying up a dog to use as bait to test other dogs to see if they have the killer instinct to be a fighting dog. The bait dog would have its mouth taped or bound and its legs bound so as to prevent injury to the potential fighting dogs. Senate Bill 1096 would define the term "bait dog" to mean "a dog that is used to train a fighting dog or used to test the fighting or killing instinct of another dog."

Criminal Law Article, § 10-607(a) provides:

> (a) A person may not:
> (1) use or allow a dog to be used in a dogfight;
> (2) arrange or conduct a dogfight;
> (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight; or
> (4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight.

It seems clear that this provision, as it now appears, would not include the use of a bait dog in training or testing fighting dogs. The dog is not used in a dogfight, and there is no intention that

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the dog be used in a dogfight. Moreover, possession or use of the dog does not amount to the arranging or conducting of a dogfight, nor to allowing premises to be used to conduct a dogfight. It could be argued that the actions involved in using a bait animal amount to the infliction of unnecessary suffering or pain on an animal, or the procurement or authorization of the infliction of unnecessary suffering or pain on an animal in violation of CR § 10-604(a)((3) or (4). That offense, however, clearly refers to actions taken by "a person" or to a "person" who procures or authorizes the actions of "a person," while the injury, if any, would be inflicted by dogs.[1] In addition, violation of CR § 10-604 is a misdemeanor, rather than a felony. Finally, it is my view that no provision of current law prohibits ownership, selling, transporting, or training a bait dog.

Sincerely,

Kathryn M. Rowe
Assistant Attorney General

KMR/kmr
simonaire07.wpd

[1] Using a dog as a bait dog would fall within the definition of "cruelty" in CR § 10-601(c), as "the unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission, or neglect," but the statutes do not expressly prohibit "cruelty."

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Caution: Pedestrians
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Arena