



Emaciated Barney, shown here the day of his seizure, was found with another horse who had already died.



Good food, a trimmed mane, and a lot of TLC later, Barney now has a home with a new family.

# BETTER COOPERATION

## Leads to Better Outcomes in Vermont

From hand-washing to hand-wringing—and finally, hand-holding

BY CARRIE ALLAN

Barney wasn't used to visitors. And if he'd had more strength, the team of people arriving in his Vermont pasture last November—including the executive director of the Addison County Humane Society (ACHS) in Middlebury, three Vermont state troopers, two veterinarians, and a humane investigator from the Humane Society of Chittenden County—might have spooked him. As it was, though, the starving horse, whose ribs, spine, and hip bones were clearly visible beneath his skin and whose mane and tail were encased in burdocks, just rested his head in the arms of one of the vets as she checked out his condition. The rest of the team evaluated the surrounding environment, finding only moldy hay, a severely leaning shack, and no drinkable water.

While the lack of food, water, and shelter clearly violated state law, the team didn't need to consult any legal codes to see what probably awaited Barney had they not come along: A second emaciated horse lying nearby on the ground was already dead, and marks on the ground indicated that he'd lain there for some time, struggling to get back up. His body had been partially eaten by scavenging wildlife.

With the recommendation of the supervising veterinarian, Keely Henderson, the police made the call to seize Barney and remove him from the environment.

It was a good outcome for Barney, who immediately started receiving better food and veterinary care from the shelter. But had the case occurred a few years earlier, when the management of cruelty calls was more haphazard, Barney might have ended up the same way his poor friend did. Back then, local agencies weren't sure who was responsible for what, ACHS had been

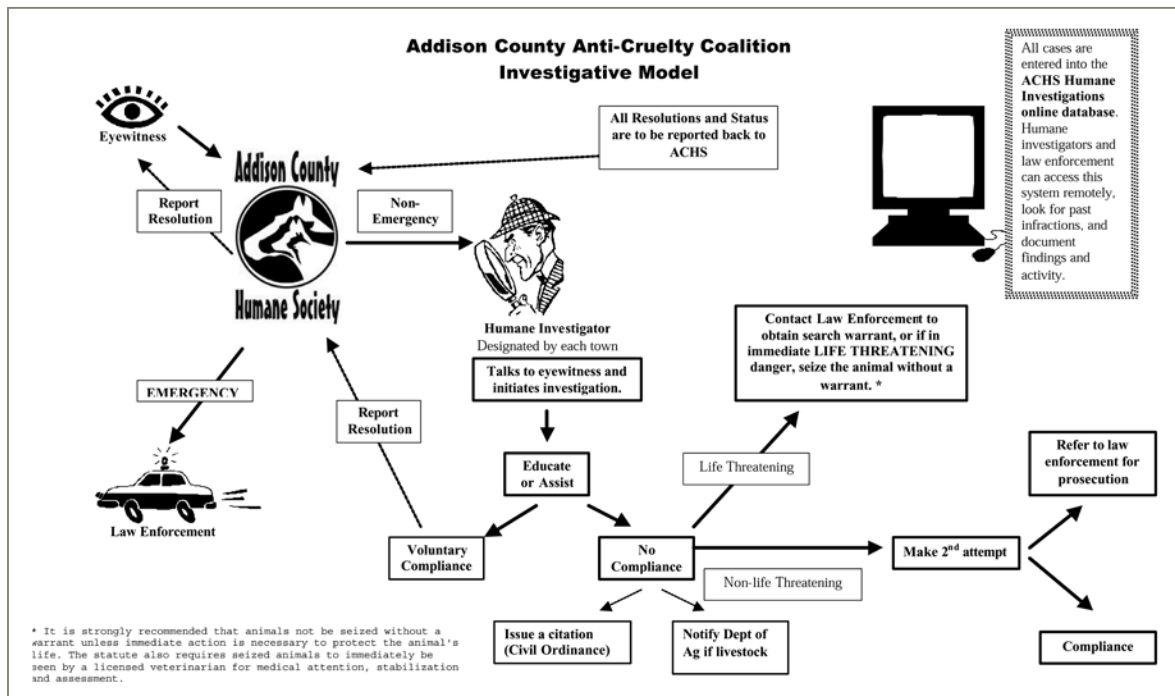
plagued by legal problems resulting from cruelty prosecutions, and the police were tired of being called out to deal with false reports.

When Jill Tucker became the executive director of ACHS in September 2003, the shelter had recently decided that handling cruelty complaints wasn't feasible any longer. A large-scale hoarding case and an equine cruelty case had resulted in two long battles for the organization. At the time, ACHS's humane investigator had final authority to decide whether to seize a neglected or abused animal. In the equine case, the decision to rescue a victim in imminent danger led to a lawsuit against the shelter. Though ACHS eventually won, legal fees and veterinary costs for the seized animals put a serious dent in its budget of less than \$250,000; the horse and hoarding cases cost the organization about \$10,000.

"The lawsuits were so expensive that the board of directors at the time ... thought it could potentially put us out of business if we kept getting sued," says Tucker, who in July left ACHS to work as a consultant for the Vermont Humane Federation and The HSUS. "So they said, 'We're not going to do this anymore.'"

In deciding to wash their hands of dealing with cruelty complaints, shelter staffers had the support of Addison County State's Attorney John Quinn, who believed enforcement of Vermont's cruelty statute was a police duty and pushed law enforcement officials to follow up on complaints, says Tucker. With the police taking charge of cruelty prosecutions, ACHS managers hoped to avoid future lawsuits and devote their resources elsewhere.

Addison County agencies have learned to go with the flow chart.



But it was a compromise no one was particularly pleased with. As Tucker learned the ropes at the shelter and deconstructed the politics and complexities of her new environment, she remained confused by the shelter's management of cruelty calls.

"I kept going to the front desk and going, 'So explain to me again, what happens when people call in cruelty complaints?' And it was always kind of vague, like, 'Well, we refer them to the police, but we don't know if they're being investigated then or if anything's being done,'" Tucker recalls.

ACHS, she deduced, was stuck between a rock and a vague place. On the one hand, the organization couldn't afford to keep dealing with lawsuits resulting from cruelty case disputes. On the other hand, employees weren't comfortable with simply handing the calls over to the state police and trusting they were being handled correctly.

"It led to everyone feeling very uneasy ... like we weren't being as responsive as we wanted to be to the animals or the public, because we just didn't know what was happening," Tucker says.

To address the issue, ACHS called a meeting of the people and agencies with vested interests in timely and efficient cruelty investigations. Police, veterinarians, rescue groups, and animal control officers showed up to discuss the problems they'd encountered: lack of accountability in the system, bogus complaints that wasted the time of busy police officers, the potential for expensive lawsuits. They discussed the fact that police officers often lack the legal or veterinary knowledge

necessary to recognize whether an animal's condition indicates definitive signs of cruelty; they also talked about what to do when it's unclear whether the condition results from deliberate cruelty or simply a lack of information about proper pet care.

Given that all parties were dissatisfied with the current system, Tucker suggested trying something new. "I said, 'How about this? How about the complaints come to us [and then] we have someone from each town take a first pass at these things to, one, filter out if they're legitimate or not, and two, provide educational assistance if these people just need to be better informed about how to care for their animals? And then, if they need further assistance, then get the police involved,'" says Tucker. "And the police were like, 'God bless you. We'd love that.'"

The system has now been in place for three years. When the police or ACHS receive a non-emergency cruelty call from one of the 25 towns the shelter serves, the shelter transfers the call to that town's humane investigator. "In most of the towns, it's the animal control officer. ... In some, it's a constable who wears many hats," Tucker says. ACHS briefs the investigator on what to look for at the scene and the requirements of local law. Without such knowledge, an investigator might struggle with piecing together borderline cases marked more by neglect than obvious, deliberate mistreatment.

"So if the complaint is there's a dog tied up without shelter, we'll tell them, 'These are the requirements by law, so go and look for these specific things, and talk

to the owner and get the scoop on it. And then report back to us," Tucker says. Armed with the necessary information, the investigator checks the scene and assesses whether the problem is real—and if so, whether it's serious enough to warrant police involvement or more of a matter for humane society assistance and education.

"It just works so well," says Julie Scribner, senior trooper with the Vermont State Police, noting that she hears complaints regularly from troopers who don't have the same trusting relationship with their local shelters. "It's such a great group of people down there [at ACHS]. ... I don't ever get the sense that either the police officers or the humane society are trying to pass the buck on a case."

That's at least in part because the new system has helped ensure that the time both the humane society and police spend on a cruelty case won't be wasted—and won't land them in hot water. Because ACHS no longer makes the final call about whether to seize an animal or prosecute an owner—a decision now made by the police in consultation with a veterinarian—the shelter is protected from related legal action. "This essentially takes the lawsuit target off our backs," says Tucker. "It becomes a situation of 'The state took my horse,' rather than, 'The humane society took my horse.' "

The system also reduces police time spent on mere neighborhood grudges. And by involving local veterinarians, the participating agencies ensure they have medical expertise in cases that require expert court testimony regarding an animal's condition.

"In the old days ... by the time the police responded, things were either hidden or may have changed," says Quinn. "Now we have a faster response time because the humane society and the police are working hand in hand. ... It's led to better documented cases and better results in court."

A horse named Barney, now safely ensconced in the green fields of Charlotte, Vermont, with a new family and other well-cared-for farm animals for company, might let out a whinny of approval. AS

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