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CRUELTY INVESTIGATIONS 301

CERTIFIED
ANIMAL CONTROL OFFICER



Est. 1974
TEXAS

Animals as Evidence Puppy Mills and Hoarders

Ethel Strother
Farmers Branch Animal Services



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COURSE OBJECTIVE

At the completion of this course the student will be able to walk away with the knowledge to properly identify, process, secure, and care for animals as evidence in a cruelty situation.

Students will be learn about all aspects of hoarding and puppy mill situations of both humans and animals.

We hope you will enjoy the course!



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COURSE TOPICS

- **Animals as Evidence**
- **Identifying Animals**
- **Securing the Evidence**
- **Photos/Videos**
- **Housing**
- **Puppy Mills & Hoarders**



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Animals as Evidence

In recent years, both state and federal laws pertaining to animal cruelty have evolved significantly. Actions that were previously considered non-offenses are now being prosecuted on misdemeanor and felony levels.

Because these convictions can carry significant sentences, juries expect to see the same level of crime scene processing and evidence handling that would be applied to crimes against humans.



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Animals as Evidence

When serving a search warrant it is very important to be very observant of your surroundings!

Remember, if you find any type of drugs, suspicious activity or a body. STOP!!! Do not proceed with your investigation! It now becomes a crime scene and anything you do might interfere with the case. Turn it over to law enforcement.

Layout the floor plan of the location, section it off and label each Room or area and document on the kennel card.



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Animals as Evidence

Animals being held as evidence of any kind is a huge liability for any department. Until the Judge orders a disposition, you are liable for any and all animals that are being held. No matter how large or small the case, treat every case the same.

- ❖ What would you do if you are seizing birds and one gets away?**
- ❖ What would you do if you found dead animals?**
- ❖ What would you do if an animal dies in custody?**
- ❖ What would you do if an animal has to be euthanized while in custody?**

Always remember: An ounce of prevention is worth a pound of cure!



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Hair as Evidence

Animal hair types include coarse outer hairs or guard hairs, the finer fur hairs, tactile hairs such as whiskers, and other hairs that originate from the tail and mane of an animal.

Animal hair can play a crucial role in crime scenes. Animal hairs discovered on items of physical evidence can link a suspect or location to a crime of violence.

The transfer of pet hairs to the victim or crime scene may also occur when the suspect is a pet owner and has animal hairs on his or her clothing when the contact occurs. This is referred to as a secondary transfer of trace material.





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Animal Types

Animal groups: Amphibians Reptiles Mammals Fishes Birds
There are 330 million species of animals.

Animal Classifications:

Canine - Dog

Feline - Cat

Equine - Horse

Bovine - Cattle

Porcine - Pig

Cervine - Deer

Ovine - Sheep

Cavine- Guinea Pig

Rhombomine - Gerbil

Cricetine - Hamster

Terrapine - Turtle

Geochine - Tortoise

Leporine - Rabbit

Serpentine - Snake

Hircine - Goat

Murine - Rodent





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Breeds

When putting a case together the breed is probably the most important aspect of your case.

The breed will determine, the amount and type of abuse, the sheltering requirements, who and how many helpers/animal control/handlers you will need, and where your sheltering will need to be.

STUDY YOUR ANIMAL BREEDS!!!

You are the professional, do your research! If you're not sure, look it up!



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Breeds

Preparation for the processing of evidence takes time. Consult with professionals of the breed standard in order to provide a safe, secure, and nutritious shelter while they are in your custody.

The success of your case depends on these pertinent facts.

- 1. Homework**
- 2. Secure scene**
- 3. Adequate care**
- 4. Disposition**





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Transporting the Evidence

Gooseneck Trailer



Bumper pull Trailer





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Gooseneck Trailer





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Transporting the Evidence

AHA Red Star Team

N. TX Humane Soc.





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Transporting the Evidence





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Transporting the Evidence

BIRDS

- **Birds shall not be carried in a sack or bag.**
- **Birds shall not be lifted or carried by the head, neck, wing or tail**
- **Birds shall not be tied by the neck, leg or wing.**





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Transporting the Evidence

Special considerations:

- Pregnant or nursing animals
- Dangerous/wild/aggressive animals
- Rabbits or other small animals
- Large animals or hoof-stock animals
- Animals not leash trained
- Triage for sick/injured/emaciated





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Transporting the Evidence

Transportation considerations:

- **Weather conditions**
- **Type of animal being transported**
- **Animal handlers and equipment**
- **Veterinarians**
- **Utilizing resources**





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Transporting the Evidence

VETERINARY CONSIDERATIONS:

- The veterinarian that you choose should be one that you have established a working relationship with.
- You wouldn't want to use a small animal vet for a large animal case.
- Utilizing your veterinarian both on scene and in the shelter.
- If inexperienced with investigations, you may have to teach them what to say and what not to say.
- Use forms they are familiar with for examinations.
- Have a briefing with all involved in the seizure.





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Transporting Securing the Evidence

Veterinary Supplies:

- Gloves
- Disinfectant
- Basic vaccines
- Rabies vaccines
- Antibiotics
- Gauze pads/ wrap
- Vet Wrap
- Dog groomer or grooming supplies
- Bedding/towels/blankets
- Muzzles/leashes/restraints





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BREAK

15 MINUTES

PHOTOS-VIDEOS up next.



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PHOTOS-VIDEOS

Make sure it is good quality



and you know how to use
it.



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PHOTOS-VIDEOS

Always photograph and video every animal before the animal is removed from its enclosure or Environment!!

**How would
You describe
This if you
Removed the
Animal first?**





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PHOTOS-VIDEOS



Good Picture

Bad Picture





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PHOTOS-VIDEOS

Rules of Photography:

- Always put the sun behind you.
- Turn flash off when taking a picture through glass.
- Do not photograph juveniles.
- Turn flash off to avoid red-eye.
- Preview pictures after taking them.
- Make sure your camera or phone will take close-ups.





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Camera and Phone Liabilities:

Your computer, phone, and other digital devices hold vast amounts of personal information about you and your family. This sensitive data is worth protecting from prying eyes, including those of the government.

June 2014, the US Supreme Court held that law enforcement cannot search a cellphone without a warrant (Riley v. California).

Taking photographs and videos of things that are plainly visible from public spaces is your constitutional right. That includes federal buildings, transportation facilities, and police and other government officials carrying out their duties. Unfortunately, law enforcement officers often order people to stop taking photographs or video in public places, and sometimes harass, detain or even arrest people who use their cameras or cell phone recording devices in public.





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IS PHOTO AND VIDEO EVIDENCE ALWAYS ALLOWED IN COURT?

Two basics require that photos must first be relevant to a material issue in the case, and second that they be properly authenticated.

Evidence can be excluded where its probative value is substantially outweighed by the danger of unfair prejudice or other factors.

Does the photo accurately represent its subject? (as it appeared on the date of the incident)

Example: When the incident or accusations occurred there was snow on the ground, by the time you got there to take photos the snow melted.

Photos don't lie, right? Lighting, camera position, filters, exposure, and lens type are all variables that can distort photos.





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PHOTO AND VIDEO EVIDENCE CHALLENGES

Do lighting and camera angle alter a jury's perception of a witness whose testimony is by video only, with a monotonous 'head and shoulder' shot? Insurance company surveillance video captures an injured person carrying out various activities, but was the camera inactivated when movement difficulties were apparent?





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Phone Use on Duty

Blocking your number when calling complainants

- **Using *67**
- **Download an app like Hiddencall**
- **Sideline app assigns a free second number**



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Importance of getting it right!!





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Importance of getting it right!!





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Videos

- Video the animals before removing them.
- Describe the room and what you see.
- Hold the camera steady or use a tripod or some support for still shots.
- Remember you are being recorded too!!





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BREAK

15 MINUTES

Securing the Evidence



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Securing the Evidence

- Location of your emergency shelter should be located in an area out of plain view.
- Location should have water, electricity, have access to heating/cooling.
- Location should be so that it can be secure from the general public.
- Location should be kept confidential at all times.





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Securing the Evidence

Transportation and housing considerations:

- Feed, feed containers, water, water containers, and cages
- Personnel, volunteers
- Bedding, blankets, and special items such as heat lamps, straw, hay.....
- Animal handlers and equipment
- Veterinarians
- Funding





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Securing the Evidence





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Securing the Evidence





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Securing the Evidence

Considerations to consider when setting up shelter

- **Species you are securing.**
- **Neonatal/maternity ward**
- **Isolation area**
- **Aggressive animal area**
- **Triage/Veterinary area**
- **Staff rest area**





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Securing the Evidence

Considerations to consider when setting up shelter, cont...

- **Amount of animals to be housed.**
- **Location depending on the case.**
- **Security of the exterior.**
- **Length of time animals will be housed.**

Housing set up discussion





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Puppy Mills and Hoarders: The Person

The acquisition of, and failure to discard, a large number of possessions

(objects or animals) that appear to be useless or of limited value

Significant distress or impairment in functioning caused by the hoarding





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Puppy Mills and Hoarders: The Person

- Large number of animals present
- Caretaker does not provide standards of care
- May not be able to appreciate the impact on the animals
- Fails to recognize the effects on themselves or the animals
- Cure for hoarding





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Why Do They Do It?

- **OCD- Obsessive Compulsive Disorder**
- **OCPD- Obsessive Compulsive Personality Disorder**
- **Impulse Control Disorders**
- **Usually starts at a young age**
- **Effects about half of one percent of the population**





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EFFECTS OF THE DISORDER

- **It is a complex and multifaceted behavioral problem**
- **Makes itself known in a number of different ways**
- **Creates health and safety hazards.**
- **Can be an indicator of mental health problems.**
- **Can be costly for landlords and local governments**





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HELP??

- **There simply is no cure for hoarding**
- **Little is known about the age, onset or family history**
- **Can be an expression of various psychological conditions**





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STATISTICS

- **60% would not acknowledge there was a problem**
- **69% had urine and feces in immediate living areas and ¼ of their beds were soiled.**
- **60% were repeat offenders**





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PROSECUTION?

Vague and often inaccurate media portrayals of animal hoarders may also contribute to the lack of awareness by government agencies about the role they should play in addressing animal hoarding.

Agencies are equally baffled regarding how to legally address animal hoarders.



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PROSECUTION?

Because the same approach cannot be applied to every case, it is often easier for agencies to simply turn their heads and ignore the situation.

A sample of 210 electronic newspaper articles from 2001 and 2002 that were collected by the Hoarding of Animals Research Consortium (HARC),



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PROSECUTION?

The focus of this study is on hoarding cases in which it was evident that charges had been filed.

In forty-one of the fifty-six cases, the primary defendant was charged with at least one misdemeanor count of animal cruelty. The number of counts ranged from 1 to 182.



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PROSECUTION?

In five of these cases, the defendant was also charged with at least one felony count of animal cruelty. In fifteen cases, no misdemeanor count was charged.

In addition to animal cruelty charges, defendants were also charged with failure to maintain sanitary conditions, violation of pet limitation ordinances, failure to provide rabies vaccinations, failure to license animals, and other miscellaneous charges including criminal nuisance and business and zoning violations.



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PROSECUTION?

Almost one-half (45.2%) of the defendants who were found guilty or who entered a plea-bargain were fined.

None of the agencies ordered to receive restitution from a defendant has yet received payment. Information on fines and restitution was missing in two cases.





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WHAT CAN YOU DO?

According to this study, a better balance between prosecuting and rehabilitating hoarders and protecting the welfare of the animals involved.

Developing agreements at the time of plea-bargaining.

Agreements should include comprehensive sentencing provisions and should stipulate all aspects of animal ownership and care. Plea-bargaining agreements should also require mandatory supervision with unannounced home visits for an extended period (years).



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WHAT CAN YOU DO?

I hope you enjoyed this course, please feel free to contact me anytime.

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