



May 31, 2017

Chairman Butler, Vice Chair Hughes, Ranking Member Boggs and honorable members of the House Civil Justice Committee, I am here to offer opposition testimony for House Bill 147.

My name is Rachel Finney, I am the Executive Director for the Capital Area Humane Society, a private nonprofit organization with responsibility for enforcing animal cruelty and neglect laws here in Franklin County since 1883. I have 14 years of experience in animal welfare and cruelty investigations, in both small and large organizations, in rural and metropolitan communities in Ohio. I also serve on the Board of Trustees of the Ohio Federated Humane Societies and I am representing the Ohio Federated Humane Societies in my testimony today.

Humane societies organized under ORC 1717 are granted the authority to appoint humane agents who, once they successfully complete state-mandated training and have their appointment approved by their county's probate court and/or mayor within a municipality; are authorized to enforce Ohio's animal protection laws—specifically ORC 959. Without county humane societies, this law enforcement activity and the housing of live, animal evidence would fall to other local law enforcement agencies, most of which do not have expertise nor resources to perform these services. For perspective, the Capital Area Humane Society alone makes more than 6,000 visits investigating animal cruelty in Franklin County each year. Most of Ohio's humane societies receive no funding from county or other government sources in support of this critical law enforcement role.

Unlike other crimes prosecuted in Ohio, the evidence in our cases is often a living, breathing creature—or several hundred living creatures. They are the evidence AND the victims. From the investigation and collection of evidence, to performing veterinary forensics and housing and caring for these animals, our work is highly specialized. Beyond the basic need for humane housing, the animals often require extensive veterinary care and behavioral support and enrichment to ensure humane quality of life during impoundment. Timely and effective prosecution of our cases can literally mean the difference between life and death for many of these victims.

While all of our agencies strive for outstanding care, the quality of life for confined animal victims may still decline with a long length of stay. Each day a case is prolonged is an opportunity for increased stress and disease in the animal victim. When a case yields several dozen or even several hundred animals, our facilities can be overwhelmed, negatively affecting not only impounded animals, but also those that come to us for help from sources other than cruelty investigations. Unlike the babies and children who are victims of abuse and receive temporary care through nonprofit organizations during court proceedings, humane societies are not recipients of state or federal funding to help cover these costs. Additionally, animal cruelty cases are not required to be adjudicated within a maximum period, as child abuse cases are.

I appear before you today to ask for your very careful consideration of changes proposed in HB 147. Some of them are reasonable updates or improvements in process. Other changes could have a significant negative impact on the investigation and prosecution of animal cruelty and neglect cases in Ohio by creating unnecessary burden for the humane societies involved in humane law enforcement. There are also procedural fixes that need to be addressed.

Among areas of concern, the bill would:

- Require non-prosecution agreements (NPA) entered into by humane society-appointed prosecutors to be approved by the probate judge. While we are open to judicial review of all NPAs through a process that is consistent for all animal cruelty cases and all defendants, we believe this should be overseen by the judge already presiding over the probable cause hearing or hearing the criminal case. The process suggested in the amendment adds to the plates of probate judges and creates a burdensome and illogical path for the approval of these legal agreements. All of which requires additional time and resources.
- Require the appointing authority to investigate every complaint or inquiry of a humane agent's training and status of appointment regardless of whether or not there is basis. As humane societies already submit proof of training to the appointing authority, this new requirement is unnecessary. It also could be an extremely costly process for the appointing authority over time.
- Require a humane society to notify the "mayor, the probate judge, the county sheriff, and the board of county commissioners" when an approved agent has ceased to perform their duties. Notifying this number of people is overly burdensome, especially in counties with many mayors. We suggest changing "mayor and probate judge" to "appointing authority" and specifying that notification is required only for a permanent cessation of duty.
- Require that proof of successful completion of humane agent training must be filed with the county sheriff *before* the agent's appointment can be finalized. Appointment of a humane agent already requires approval by a mayor or probate judge. This step creates an additional layer to the process of appointing agents, which already includes checks and balances. Many county humane societies employ only one humane agent at a time. Further extending and complicating the process of appointment may leave whole communities unprotected.
- Create a process that allows a probate judge to remove a humane agent for "good cause" upon complaint. While we believe it makes sense that an appointing authority has the ability to revoke an appointment for just cause, the bill only requires that the humane agent be notified of the hearing and not the humane society that employs him/her. The bill also permits a probate judge to carry out this process for a humane agent who was appointed by a mayor without notice to that mayor.
- Establish a nominal increase in the monthly amount paid to humane agents by villages, cities, and counties. While we believe humane societies are deserving of greater financial support for the critical and cost-saving services we provide, the proposed increases do not come close to covering the salary of an agent. However, they could be enough to cause villages, cities and counties with already tight budgets to push back on appointing humane agents.
- Require the humane agent's training certificate be signed by BOTH the CEO of the organization giving the training AND the chief executive of the appointing humane society. This language is a carry-over from a bill introduced several years ago. The process for delivery of humane agent training has changed since then, making these titles inaccurate and irrelevant and compliance impossible.
- Require humane societies to submit annual enforcement activity reports to the county sheriff. This will add further administrative burden and cost to humane societies, many of whom have few staff and are literally fundraising to provide law enforcement services to their communities.

Humane societies take our role as law enforcement agents charged with protecting animals very seriously. We provide a crucial, valuable, and frequently unrecognized service to the cities and counties we serve—often without public funding. We ask you, the members of the House Civil Justice Committee, to give our concerns and opposition to HB 147 due consideration. The proposed changes in this bill will have unintended consequences that could negatively impact our entire state, people and animals alike.

Thank you for your time and attention.

Sincerely,

Rachel D.K. Finney, CAWA
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