



House Civil Justice Committee
Sub House Bill 147 – Interested Party Testimony

Sharon Harvey, President and CEO

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Chairman Butler, Vice Chair Lanese, Ranking Member Boggs, and members of the House Civil Justice Committee, thank you for the opportunity to provide written interested party testimony for Sub HB 147 today. My name is Sharon Harvey and I'm the President & CEO of the Cleveland Animal Protective League, which is the humane society for Cuyahoga County and one of the largest animal shelters in Ohio. We are a private, nonprofit, 501(c)(3) organization organized under Ohio Revised Code 1717, and as such, are also authorized to appoint humane agents who enforce Ohio's animal protection laws.

The value that humane societies across our state bring to the communities that we serve cannot be overstated. Among the services we provide are spay and neuter procedures that are helping to reduce community pet overpopulation, enforcement of animal cruelty laws, and rehoming of stray cats brought in by Good Samaritans, animals that have been surrendered by their owners, or animals that were victims in abuse and neglect cases. The latter animals typically require substantial treatment and care and longer lengths of stay before they can be adopted out. Each year, the Cleveland APL assists more than 13,000 animals through an array of progressive programs. Nearly 6,500 animals were admitted to our shelter last year. Nearly 1,100 came in through our humane law enforcement team. Most were voluntarily surrendered or abandoned. Our goal is to provide education to owners about humane animal care and treatment and the requirements of the animal protection laws. Only 84 cases resulted in animal impounds requiring a probable cause hearing under ORC 959.132, but several involved large numbers of neglected animals that stretched our resources to the limit. All of the services described are provided with no state funding - our organizations are completely supported by philanthropic giving and fees for some of our services.

In 2017, the Cleveland APL's average cost of care per animal that came into our shelter was \$550. Our average adoption fee is \$88 and average surrender fee is \$14. Factored in to cost of care are the expenses associated with operating an animal sheltering facility that provides humane housing, basic care and husbandry, specialized medical and surgical care, pre-adoption sterilization, rehoming services, and humane law enforcement services for thousands of homeless animals. For the 1,078 animals that came into our shelter last year through our humane law enforcement team, this translated to a total cost of nearly \$593,000. The cost of operating our humane investigations department alone, not including the costs associated with animal sheltering, basic care, or specialized care was \$235,000.

I feel strongly about having the value of our role recognized, which to date I do not believe has been the case. Humane societies provide a unique and valuable service to the state of Ohio—without the existence of these organizations, the costs for humane law enforcement and related care and services, which are overwhelmingly covered through private donations today, would have to be assumed by counties – which, to provide the same level of care, would be nearly \$600,000 in Cuyahoga County as outlined above.

I understand the desire to enhance accountability and will always be open to considering reasonable proposals to achieve that outcome. However, it remains our view that this legislation is unnecessary and creates additional regulatory burden on humane societies by requiring paperwork and reports that will be of questionable value. It is possible that the increased regulatory requirements contained in the bill will impair the ability of some nonprofit humane societies to effectively and efficiently fulfill their critical, but voluntary role in enforcing the animal cruelty laws, assisting with the prosecution of cases, and sheltering animal victims. However, due to modifications in the -11 version of the bill, we have changed our position from opponent to interested party.

One item we were not able to resolve in the bill is the requirement that written non-prosecution agreements (NPA) for animal cruelty cases entered into by a prosecutor appointed by a humane society must be reviewed and approved by a judge. While this is currently a voluntary practice for the Cleveland APL, if this is to be a requirement written in the Code, we feel it only makes sense to require that any and all NPAs undergo judicial review. Otherwise, defendants in animal cruelty cases will receive unequal consideration under the law based on the type of prosecutor handling their case.

I appreciate the bill sponsor's willingness to continue to work through changes to the bill that better fit the judicial process for animal cruelty cases, but I ask the committee to make the additional recommended change of subjecting all NPAs to judicial approval prior to passing the bill. At the very least, all NPAs for cases prosecuted under ORC 959 should follow the same process and receive the same judicial review.

In conclusion, it was deeply concerning and frustrating to read testimony filled with inaccurate allegations that was provided by individuals, some of whom who had been convicted of animal abuse, at the last hearing. I hope that each of you will consider visiting your local humane societies to learn more about the work being done in your community before drawing any conclusions.

Thank you for the opportunity to present this testimony today.