

Chairman Koehler, Vice Chairman Smith, Ranking Member Brent, members of the Ohio House Agriculture and Rural Development Committee, thank you for allowing me to testify on HB24. My name is Tori Whitacre. Before my recent experience with the Medina County SPCA, I was Tori Wilfred. I changed my name after my divorce to protect myself from people who didn't know the truth and for people to get to know me before they condemned me. But I am getting ahead of myself. I am here today to tell you my story and to encourage you to vote for HB 24 so what happened to me doesn't happen to anyone else. When Rep. Hambley talks about how biased the system is in favor of Humane Societies, I know just how true that statement is because it is something I have recently endured.

In early April, 2013, I received a phone call from the Humane Officer from the Medina County SPCA. He informed me he had received a message that my horses were not being taken care of. When I asked who called, he would not tell me. Their policy is that all calls can be anonymous. The Humane Officer later told me a very sick cat was found on my property, taken and later euthanized. After the cat was used to get the warrant to invade my house and barn, when I saw the picture of my purported cat, I realized it was not mine. I had never seen the cat before. Despite my husband being out of town and the fact that I was away from our property taking care of my grandmother's house, in order to help her deal with her Alzheimer's, the Humane Officer told me they would be at my house the next day. Yet, it was not until two days after this phone call that the humane officer finally came to my house, while I was at my grandmother's caring for her, and they were only giving me a "courtesy" call before they broke down the front door. I frantically found my grandmother's next door neighbor, who I only asked in extreme emergencies, to sit with Gram, and I ran home.

That started the worst day of my life.

At the time, I was the owner of Draconia Keep, a business that raised and sold Morgan Horses and Dale Ponies. We worked very hard to provide for the horses we raised, with professionally installed fencing, regular veterinarian check ups, and always making sure that our horses were well fed. As a business owner, it made no sense for me to abuse the animals that I was raising; neglect of these animals would literally have been bad for business. On that fateful day, the SPCA vet even complimented me, that I had "a very nice facility." But, I was told that all my horses would have to be removed from my property.

Against my advice and the advice of their veterinarian, they put all the horses together into one small paddock. Horses got hurt. Mares were getting bred by my stallions. And, yet, the MCSPCA blamed me for the injuries and the breedings. In the court papers, they said that *I* had them all together. One young horse broke her jaw when she flipped over. I watched them mishandle my horses, load too many horses into their trailers, put their trailers in the ditch, destroy my rain soaked lawn.

My own veterinarian called me the evening outraged that the SPCA took my horses and told me that he and another vet in his practice were willing to testify for me. He told me countless stories about other people who had dealt with the SPCA over animals who were healthy and didn't need the SPCA.

As bad as that day was, the true nightmare was only just beginning. Later that evening, the Humane Officers told me I had to sign off on ALL the horses...even those I didn't legally own. They were owned by my then husband. They told me outright I was going to jail for a very, very long time, away from my children, mentioning specifically my youngest who was 2 years old at the time. I had to sign all the horses over at that moment. One of them even hinted with a thinly veiled threat that they could take away my children even after I signed the papers. Rep. Hambley correctly noted that the section of code in HB24 has never been used for anything other than animal cruelty prosecutions. However, the particularly dangerous effect of this section of code is that it gives Humane Societies

incredible leverage over people once they get inside your home for an animal investigation. They can threaten you with any of the other violations, without going through any of the other agencies, like Children's Services, that have evolved since the statute was first put into place.

Even after consulting a lawyer, I felt I had no recourse. I couldn't put my children through the months or years of media attention. I couldn't lose my house due to legal fees when I knew that I had no chance of winning. With the threat of going to jail and/or my children being taken away, what choice did I have? Their attorney, working under the powers in ORC2931.18, offered the "deal" for me to plead guilty to two counts of animal neglect. Five years on probation, during which I would not be allowed to own any equines, neither horses nor donkeys. In return, they wouldn't prosecute my husband, and he wouldn't have a record so it wouldn't affect his job as a computer engineer.

I had no other option. I had to protect my husband and my children.

I fully admit that in the eyes of the law, by pleading guilty, I am considered an animal abuser. But, as I said earlier, what choice did I have? The humane officer worked for the SPCA, the attorney prosecuting worked for the SPCA, and they have their own vets on contract that answer to the SPCA and only the SPCA.

Most of the county humane societies around the state do heroic work every day rescuing animals. But the simple fact is that abuses of the system do occur. The recent federal consent decree with the Stark County Humane Society, involving blatant violations of a woman's Constitutional rights, are only the latest example. This part of the Revised Code allows county humane societies to build a closed loop. When there is no public oversight in the system, it is more likely that these abuses will occur.

I have lost friends, even doctors, lost my reputation as an upstanding, kind person who loved and cared for her animals. I lost my home, my husband, and my sense of safety by government officers. I was terrified and embarrassed to even go to my children's schools. My children were bullied, and only because the principals know me did my children feel safe enough to go back to school.

I lost my career under my married name. Everything that I'd written under my married name is buried by news reports online about how diabolical and cold hearted I am. However, I felt I had no choice but to plead guilty to something I'd not done. For someone who had never had more than a speeding ticket, suddenly being on probation for five years was devastating.

Through it all, one image sticks with me more than any other: the moment when they made my then 14 year old daughter load her own pony onto their trailer.

In the end, passing HB 24 will not do anything for me. I fully accept that it was my decision to plead guilty rather than face what I feel was an overwhelming system designed to get convictions as quickly as possible. But, I do feel that if a municipal or county prosecutor had been overseeing my case, that maybe things might have turned out a little bit differently. Maybe there would have been a chance to have experts on both sides weigh in, rather than have the attorney doing the prosecution and the vets both working for the county SPCA, while the attorney also sat on the SPCA's board. Maybe a public prosecutor would better have understood the consequences of treating a first time "offender" as a hardened criminal. Maybe it wouldn't have made a difference at all, and I still would have wound up right where I am today. But, at least with some sort of separation between the people who investigated me and those who prosecuted me, I could at least feel somewhat confident that my case was heard on its merits, rather than the constant feeling I now have that the protections from abuse I thought were in the Constitution had gone so horribly wrong.

Ultimately, the conflict of interest of the prosecuting attorney being on the county SPCA's board in my case was staggering and insurmountable as determined by both my lawyer and me. I simply didn't have a fair chance. No one should ever be put in my position, and that's why *this* bill should be passed.

Thank you for your time. I will be glad to answer any and all questions you may have.