



House Agriculture Committee
House Bill 24 – Interested Party Testimony

Sharon Harvey, President and CEO

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Chairman Koehler, Vice Chair Smith, Ranking Member Brent, and members of the House Civil Justice Committee, thank you for the opportunity to provide interested party testimony for House Bill 24 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 we serve cannot be overstated. Last year, the Cleveland APL assisted more than 14,000 animals through an array of programs. Of that total, nearly 6,700 were admitted to our shelter for rehoming. Among the services we provide are spay and neuter surgeries that are helping to reduce community pet overpopulation, enforcement of animal protection laws, and rehoming of stray cats brought in by Good Samaritans, animals that have been surrendered by their owners, and animals that were victims in abuse and neglect cases. As you might imagine, animals from humane cases often require substantial treatment and care and longer lengths of stay before they can be adopted out. We also provide "safety net" programming to lower income pet owners through which we provide resources, such as access to more affordable veterinary care and basic care items such as food, flea treatment, and grooming. We also transfer in hundreds of animals for adoption from other over-crowded, underserved shelters. All of these services, including our humane law enforcement work, are provided with no state or local funding. Our organization is completely supported by philanthropic giving and fees for some of our services.

In 2018, we received more than 6,700 reports of suspected animal abuse or requests for other assistance on our humane investigation (H.I.) hotline. That translated into opening nearly 1,200 new investigations and bringing in 1,135 animals through our humane law enforcement team of five people. Of those 1,200 cases and 1,135 animals, 109 cases (9%) resulted in impounding 624 animals and required a probable cause hearing under ORC 959.132. One case alone involved 136 cats, which accounted for 22% of the overall number of animals impounded last year. As you can imagine, bringing in large numbers of neglected animals at one time is never easy and stretches our resources to the limit. The vast majority of the rest of the animals that came in through our H.I. team were voluntarily surrendered by their owners. Our goal is to provide education and support to owners about humane animal care and treatment.

In 2018, the Cleveland APL's average cost of care per animal that came into our shelter was \$570, with abused and neglected animals consistently at or over this average. Factored in to cost of care are all of the costs associated with operating an animal sheltering and care 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 animals. In contrast, our average adoption fee received is \$80 and average surrender fee received is \$14, which combined comes nowhere near to covering the cost of care.

I feel strongly that the incredible value of our role should be recognized and appreciated, 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. For example, for the 1,135 animals coming into the APL through our humane investigations team alone, the average cost of care totaled \$647,000. Our cost of staffing and operating our humane investigations department alone, consisting of four humane agents who cover Cuyahoga County and one dispatcher, was \$365,000. If the Cleveland APL was not doing this work, the total cost of providing the same level of service and care in Cuyahoga County would be more than \$1,000,000.

I understand the desire to enhance accountability and will always be open to considering reasonable paths to that outcome. However, it remains our view that this legislation is unnecessary and creates additional regulatory burden on humane societies, which are already taking a tremendous financial and resource burden away from state and local governments, by requiring paperwork and reports that will be of questionable value. The annual report of activity to the county sheriff is a good example of this. 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.

While we feel several of the provisions in this bill are unnecessary, we appreciate the bill sponsor's willingness to address most of our main objections to previous versions of this legislation. There is one remaining item that prevents us from supporting the legislation – a requirement that written non-prosecution agreements (NPA) for animal cruelty cases entered into by a "humane society," which I interpret to mean any prosecutor handling a case investigated by a humane society whether appointed by the humane society or not, must be reviewed and approved by a judge. This is currently a voluntary practice for the Cleveland APL. However, if such judicial review is to become a requirement under the Code, we believe it should apply to all agencies that have the authority to enforce ORC 959, impound animals, and enter into such agreements that could require restitution – humane societies, local police departments, and county sheriffs – and all prosecutors who handle these cases whether appointed or public and regardless of the agency that conducted the investigation. Otherwise, defendants in animal cruelty cases will receive unequal consideration under the law based on who is handling their case. Ironically, this lack of parity could end up undermining cases that haven't been investigated by a humane agent.

I ask the committee to revise HB 24 subject all NPAs for cases prosecuted under ORC 959 to judicial approval prior to reporting the bill.

Thank you for the opportunity to present this testimony today.