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**TESTIMONY ON OHIO H.B. 60  
Presented by Vicki Deisner, Midwest Legislative Director  
Before the Ohio Senate Agriculture Committee  
Tuesday, April 12, 2016**

Chairman Hite, Vice-Chairman Hackett, Ranking Minority Member Gentile and distinguished members of the Senate Agriculture Committee, I am Vicki Deisner, the Midwest Legislative Director for the American Society for the Prevention of Cruelty to Animals (ASPCA). The ASPCA, founded in 1866, is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. The ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States. As part of our national effort to assist local anti-cruelty efforts on the ground, the ASPCA provides grants to local communities. In fact, over the last several years we have awarded over \$1,003,000 to communities throughout Ohio. On behalf of our approximately 2.5 million members and supporters, including over 100,000 Ohioans, the ASPCA respectfully urges this committee to support H.B. 60 as originally introduced, a bill that would provide our humane law enforcement teams with the tools they need right now to make Ohio a safer place for companion animals and families.

Ohioans have been outraged by stories of horrifically neglectful, malicious, intentionally violent, abusive treatment of animals. Over the last several years, Ohio's animals have been stabbed, beaten with hammers, set on fire, knowingly starved, shot with bullets and arrows, and otherwise tortured and left to suffer and die. Yet currently in Ohio, unless an act of cruelty is knowingly committed by the owner, manager or employee of a dog kennel, or a dogfighter, animal abusers are only charged with a first or second degree misdemeanor for a first act of cruelty, regardless of how egregious the act. Being able to assign felony charges to such animal cruelty acts will not only address the horrific crime itself, it will address the reality that cruelty to animals often is a predictor crime that leads to violence against humans.

Retrospective studies that look backward at the histories of incarcerated serious and violent offenders often reveal a high incidence of animal cruelty offenses in childhood and adolescence (L. Merz-Perez and K.M. Heide, *Animal Cruelty: Pathway to Violence Against People*, Altamire Press, 2003). Likewise, prospective studies that follow the offense record of those with a history of animal abuse tend to show a high rate of future offenses against people and property. A 10-year study of at-risk children showed that those who were classified at age 6-12 as cruel to animals were more than twice as likely as others in

the study to be subsequently referred to juvenile authorities for a violent offense. Of those reported to be both cruel to animals and fire setters, 83% had later involvement in violent offenses (K.D. Becker, V.M. Herrera, L.A. McClosjkey and J. Stuewig, *A Study of Fire setting and Animal Cruelty in Children: Family Influences and Adolescent Outcomes*, 43 (7) J. Am. Acad. Child. Adol. Psychiatry 905 (2004).

Animal cruelty is also associated with other serious offenses in adults. The following graph shows the incidence of arrests for crimes other than animal cruelty during a 10-year window surrounding an arrest for intentional acts of animal abuse. The offense rates of animal abusers were up to five times higher than those seen in non-abusing individuals who were matched on age, gender, race and area of residence. Such studies support the notion that perpetrators of an animal cruelty are likely to be involved in many and varied offenses.

Incidence of Crime among 153 Prosecuted Animal Abusers and a Matched Community Control Group (Luke et al., 1997)		
Incidence of Crimes in Criminal Record 10 years Pre/Post Animal Cruelty Arrest		
CRIME	ANIMAL ABUSERS	CONTROLS
Violent Crime	38%	7%
Property Crime	44%	11%
Drug Crime	37%	11%
Disorder Crime	37%	12%
Any of the Above	70%	22%

A cruelty case out of Quincy, Massachusetts, shows why a felony charges for severe cases of animal cruelty are needed, and how often criminals involved in animal cruelty are involved in crimes against society. A young pit bull mix was found in a park in Quincy, who was dubbed Puppy Do. Puppy Doe had been brutally tortured and left for dead, and because of her extensive injuries, she had to be euthanized. Puppy Doe's tongue had been sliced like a serpents tongue, one of her eyes had been stabbed out, her joints were all dismembered like a victim of the Inquisition, and she had been severely beaten. Radoslaw Czerkawski was arrested for this crime, and when the police investigated the home they found blood stains all over the walls and carpet of the bathroom. Czerkawski was said to have kept her in cramped quarters while she was viciously abused for about four months before she was dumped in the park –left to die.

Czerkawski left behind a string of criminal activity according to the Quincy police. Czerkawski came to the US in 2008 and was said to be roving con man. Czerawski fraudulently portrayed himself as a Catholic seminarian who swindled a Polish church out of \$6,400, and then pretended to be a caretaker for an elderly dementia patient. Czerawski moved into the elderly dementia patient's home, and then purchased Puppy Doe and abused the dog in the elderly patient's home. If Puppy Doe was brutally tortured in Ohio, this man committing this horrific crime would only be charged with a misdemeanor

because it was a first time offense for animal cruelty.

The Midwest states surrounding Ohio all have felony charges for animal cruelty. Michigan has a felony charge for the first offense of intentional infliction of pain on an animal, neglect if 4 or more animals, for violation of duty to provide care when subsequent offense, and animal fighting depending on the severity of conduct. Indiana has a Class D felony charge for first offense of cruelty, neglect when prior unrelated conviction, and animal fighting. West Virginia has a felony charge for first offense for intentional animal cruelty. Pennsylvania has a 3<sup>rd</sup> degree felony charge for a subsequent offense of cruelty, taunting or torturing police animals, and animal fighting. It is a 3<sup>rd</sup> degree felony on the subsequent offense if a person willfully and maliciously kills, maims, mutilates, tortures or disfigures any domestic dog or cat, or service dog in Pennsylvania. Kentucky has a Class D felony charge in the 1<sup>st</sup> degree for a first offense for torture which results in serious physical injury or death as a result of the torture. It is time for Ohio to join its surrounding Midwest states and provide felony charges for causing physical harm or death to a companion animal.

For all of the aforementioned reasons, the ASPCA respectfully urges the Senate Agriculture Committee to support H.B. 60 as originally introduced. The ASPCA believes that the amendment added to remove special prosecutors from felony prosecutions must be deleted from this bill. Currently Ohio law provides for humane societies to work with special prosecutors on misdemeanor cruelty, and it is essential that if this law passes those special prosecutors are able to take on these felony cases or at a minimum be appointed 2<sup>nd</sup> chair. Animal cruelty cases benefit from the involvement of special prosecutors who are experienced in animal cruelty law and understand the legal opportunities to expedite these cases since the evidence is living beings. Animals who are held as evidence for long periods of time often deteriorate mentally and physically to the point that they have to be euthanized. In addition, the original bill included egregious neglect that leads to the death of a companion animal along with knowing acts, and we believe that language must be added back into this bill.

Thank you for your time and consideration.

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