

Interview with KCAC Sergeant Morris

8/10/07

As performed by Derek Yoshinaka
Of the Animal Cruelty Subcommittee

1) Are there established protocols for investigating cases of animal cruelty? If so, what are they and how were they developed?

Formal policy for handling Animal Cruelty Investigations is Document # AS2-000 A. Copies of the document were given to the Animal Cruelty subcommittee on August 6, 2007 during the Citizen's Advisory Committee meeting.

2) What training is given in regards to investigating animal cruelty cases? Who gives the training and are refresher courses given?

Training can come from several different sources. Training can come from National Animal Control Association (NACA) which receives their training from the University of Missouri in Columbus, MO. The training can also come from the Washington Animal Control Association (WACA) academy. WACA holds a 2 week academy that includes courses on animal cruelty and report investigations. The academy does not focus solely on animal cruelty, though. In addition, there are courses that are offered from other sources such as seminars held by UC Davis and Hope for Horses. There is also on the job training which will give the officers their first experience in handling actual cruelty cases.

Newer hires (since 1984) all go to WACA training and the training has become more standardized over the years. In the WACA training, they discuss how to go about the investigation, but there is no hands on work. There is also no requirement for attending animal cruelty investigation courses before starting work. The officers will go when their work schedules and the classes allow.

There are no formal WACA refresher courses. Officers can go to the additional seminars and sessions that are put on by other organizations as their work schedules allow.

3) Are there established protocols for responding to people reporting incidents of animal cruelty? If so, what are they and how where they developed?

They are formally documented in the Animal Cruelty Investigations procedure.

Per Sgt. Morris, a call will come and go to the Field Sgt. on duty. The sergeant will review the case to determine if the case is actually a case of cruelty and if so, will give it priority to the field officers to investigate. Cases that involve the immediate danger to the health and welfare of the animal (example: beatings, torture, etc.) are responded to immediately (given the available manpower and calls currently being fielded). Cases that involve the probable danger to the health and welfare of the animal (example: animal without food/water but in no immediate distress) will be responded to within the same day. Cases that might involve danger to the health and welfare of the animal (example: report of animal hoarding) will be investigated before the end of the officer's shift (which could mean a day or two).

Prioritization has to be done due to large current case load of officers. Sgt. Morris said that 100 calls (not all for cruelty, but included all other calls coming in that officers needed to respond to) were placed to

Animal Control on Aug. 10th when I talked to him. He said that is more than is normal but not unheard of. The volume can be overwhelming with only 7 officers (when fully staffed) to cover King County.

The public can request non-disclosure when reporting a case of animal cruelty. This will keep the complainant anonymous until the case goes to trial.

4) Give a detailed account of how evidence is handled – what is the protocol?

Sgt. Morris said that there currently are no protocols for handling evidence, but they are being developed. The methods for handling evidence will vary from officer to officer. He said that they would benefit from help in developing and delivering the training required to help the field officers and sergeants better gather and process evidence.

One issue that comes up is that often the field officers may need help processing a scene. They operate with one officer per truck. If there is a cruelty case, the officer responding to the call may have to transport the animal for medical treatment and will not be able to preserve the scene. They can call for assistance (other ACOs or the police), but it takes time for them to arrive.

5) Who makes the decision whether or not to involve police? What do they base this decision process on?

There are several people involved in the decision to involve the police.

1. The investigating field officer
2. The field sergeant
3. The Enforcement Coordinator (Diana Toledo) – works out of downtown and is the liaison with outside agencies. She is not part of the Animal Control organization
4. Shelter Manager

Officers can also call directly to Dispatch for police help without going through the field sergeant or other people if they feel it is warranted in the situation they arrive at. In that case, the field sergeant and shelter manager will be contacted to let them know of the escalation as soon as possible.

There are also situations in which the police are the first responders in cruelty cases as people may call 911 and initiate a police response. In that case, the field officer will work with the police when they respond to the scene.

6) At what point and how does an animal cruelty investigation ‘activate’ municipal resources? Example: ALL the resources that come into play in order to investigate a ‘crime scene’

- Additional authorities
- Lifting finger prints
- Collecting physical evidence
- Taking appropriate photos and documentation ...

There are multiple factors that can influence when other agencies become involved. Examples include a need for crowd control, help in preserving the scene of the crime, which agency received the call first (the police or animal control) and whether there is immediate public danger.

The officers also consider where the case will lead.

- Does the case warrant prosecution or education or is it civil penalty (citation & fine)?

- What resources are available?
- The time/talent/energy required of the investigating officers (officers often become frustrated when cases they feel should be prosecuted do not get pursued by the prosecutor's office)

The officers can work cases in tandem with the police. Animal control does not hand cases off to the police. They will always remain involved

For evidence gathering purposes, officers have the use of Washington State Crime Lab. However, the staff is not formally trained in evidence gathering. Depending on the case, evidence may be gathered by animal control officers or police or other agencies. The discretion of the officers and the situation of the case may also determine the primary agency in charge of collecting the evidence.

The field officers would benefit from formal training to understand evidence gathering procedures from a legal standpoint. They need to know the right and wrong way to gather evidence and what they need to do in order to properly gather evidence. Photo taking is one example given.

7) Who (or what) determines if an animal cruelty charge gets filed or not?

The investigating officer and field sergeant will go over the facts and situations of each case individually to determine if charges should be filed. They will also bring in the shelter manager. If they feel that there is an animal cruelty case that should be pursued, they will contact the prosecutor's office. No single person from animal control will determine prosecution.

Some of the mitigating factors that will determine whether animal control will pursue a cruelty case

- How egregious is the crime (1st degree Animal Cruelty or a lesser charge)?
- How much evidence is available?
- What was the intent of the perpetrator? Example: there have been situations when the perpetrator is mentally disabled
- What was the crime?

Whether charges of animal cruelty will be pursued is determined on the facts of the individual case.

There could be a formal checklist developed to assist in the determination process.

8) Who controls the process of animal cruelty investigation from beginning to end (from the first call → to decisions to file → to prosecution)? If there are several individuals in this decision process, please list and describe what their roles are.

There are several people involved and no single person controls the entire process.

- The call taker – The person answering the phone call reporting an animal cruelty case will attempt to get as much facts and data as they can. They can help determine if the case is an actual cruelty situation or not. Since the dispatchers are now in the same building as the field sergeants, they can get advice and input as they are taking the call.
- The investigating officer – The officer assesses the situation and makes the determination as to whether the case should be pursued
- The field sergeant – Will assist in making the determination as to whether a case should be pursued. There may be situations where the field officer feels that a case should be pursued and the field sergeant does not and cases where the field officer feels that the case should not be pursued and the sergeant does.
- The Section Manager (shelter manager) – The section manager provides direction on the types of prosecutions they want to pursue based on the goals and visions of the shelter.

- The Enforcement Coordinator will also provide input
- The Prosecutor's Office has the final say as to which cases will be pursued and brought to trial.

9) What are the protocols/procedures for the intake/treatment/placement of abused and/or neglected animals?

Animals that have been abused/neglected may not be adoptable animals and may require different handling than other animals brought into the shelter. It often depends on the situation from which the animals were taken.

When animals are impounded for neglect or abuse, they are impounded for safekeeping. There are requirements for an owner to meet and prove they have met in court before they can get the animal back.

KCAC may put the animals in foster care if it the animals are determined to be safe to do so.

KCAC will provide treatment to abused animals if they are able and have the available resources. The situation may require the animal to be euthanized if treatment is not available or animal is suffering too greatly. Whether the animal is needed for a criminal case will also play a factor in this decision.

If an animal is impounded, KCAC will need to get title for the animal before they can place it for adoption or euthanization.

Sgt. Morris is not aware if there is a formal process or protocols for shelter staff to deal with impounded animals in cruelty cases. Note: follow up with Al, Kurt or Sgt. Diel to see if there is a process in place.

10) What resources or training do you believe that are needed for field officers to better investigate (and bring to prosecution) cases of animal cruelty? What help do you need from other agencies--King County Sheriff's dept, prosecutor's office, etc.?

- They would need help with training in evidence gathering from other agencies (Sheriff's department is currently providing some training but would appreciate more and/or help from Prosecutor's office).
- It would help to have 4 more field officers (18 total)
- It would help to have improved access to records for vehicle registration and the ability to run a criminal background check
- Evidence collection kits are being developed, but help/input from other agencies could be used to help determine contents of kit.
- Perception is that the prosecutor's office does not put a high priority on cruelty cases. Officers would like to see more cases go to trial.
- Would also like to develop a point of contact within the Sheriff's Department and the Prosecutor's Office for dealing with animal cruelty cases.
- Animal control relies a lot on civil penalties (fines and citations). Stiffer fines may help prevent repeat offenses.
- There is a need to formalize training and protocols/procedures within animal control.

11) Does he have a 'flow chart' document of how cruelty investigation is supposed to happen – from a call thru to prosecution? We would like that document for review.

No formal flow chart from animal control is available.