



A Lifeline for Animals

One of the most common topics NYSHA is asked to address is animal cruelty -- what the laws are, how to report it, what can be done to stop it. The answers are not always easy. Actually working in the field is more complex and challenging than one might imagine. Since one of our Board members is a humane investigator, we asked him to share an inside look at his job. Marc Kissel, also an attorney, explains that each situation is different and education is often as important as enforcement.

SPCA agents are sworn law enforcement peace officers who enforce the NYS animal cruelty laws found, for the most part, in the NYS Agriculture and Market Laws. Our enforcement authority is called our "special duties."

We may be called upon to enforce other criminal laws. We have powers of arrest, may apply for search and arrest warrants, file criminal complaints, and testify in court to support the criminal charges that we or other law enforcement agencies have brought against people accused of animal abuse.

Our mission is to enforce the laws, regardless of our personal feelings on how animals should be treated. We are not here to break the bond between people and their pets. We try hard to solve problems without an arrest. Often a reminder or education fixes the problem. Sometimes we help people and their animals by acting as good Samaritans, not strictly as peace officers. But there are circumstances when the situation calls for an arrest. We take that authority and responsibility seriously, and try to make good, solid cases. Ultimately, we speak for the animals, and in doing so, strive to make society a better place for people too.

Each case develops differently. An interesting case started when our SPCA received a call from a groomer about an elderly dog brought in with overgrown nails and terribly long and matted fur. The groomer sent us photos of maggots around the dog's hindquarters. We asked the groomer to continue the shaving process, because although it might taint the evidence, the dog needed immediate relief. Matted fur can be very painful and dangerous if it cuts off circulation. The dog was described as listless. Considering it an emergency, we took the dog to a veterinarian, along with the fur clippings and maggots.

The veterinarian gave us a report, affirmed under oath so it could be used to support a criminal charge. (The form was from the NYSHA website). The dog had multiple problems, ranging from dental to internal organ issues, some which were or might be age-related, but



Marc Kissel, off to save another animal.

others were clearly the result of neglect. Fortunately, the maggots were not internal, but were living in the feces accumulated at the hindquarters. This was a situation requiring more than just education.

In addition to the veterinarian's report, we obtained sworn statements from the groomer and another witness. We then advised the dog's owner of the findings of the groomer and the veterinarian. We had decided to make an arrest before calling the owner, so no questioning took place over the phone. Instead we made arrangements with him to come to the police station to be arrested. The owner's demeanor and cooperation during the phone call were taken into account in making the decision to allow a voluntary appointment for processing. If he had not cooperated or kept the appointment, we would have made a more dramatic arrest.

The owner was fingerprinted, photographed, and processed. He appeared respectful and thankful for our intervention in assisting the pet. Based on all the circumstances, including voluntarily coming in, he was given an appearance ticket and released from custody to go home. The charge was Section 353, a misdemeanor, and was filed with the court before the appearance date.

Meanwhile, our SPCA cared for the dog, following the veterinarian's treatment plan. This owner was completely contrite and apologetic. We formed the opinion that, despite the serious nature of the neglect we found, the incident was accepted as a wake up call. The remorseful owner cooperated. It was determined that, with court-required monitoring, the best thing for this 17-year-old dog was to be returned to the only home she knew, and we would keep an eye on things.

The owner agreed to the disposition and pled to the charge of misdemeanor animal cruelty. The sentence was suspended pending proper supervised care of the dog for a year. If that year passed with compliance, the owner would be allowed to withdraw the plea and it would be reduced to a disorderly conduct charge. The owner was fully cooperative with veterinary care and SPCA visitation, so at the end the misdemeanor charge was withdrawn and a guilty plea of disorderly conduct substituted.

This was an unusual case in that the owner was truly contrite, acknowledged his failings, and agreed to close supervision. All felt that placing this elderly dog in another home would be unfair to this animal.

Continued on page 4

President's Message

Inundated with snow and overwhelmed with cold? It's a good time to spend some productive hours in your warm home reviewing and taking action on legislation affecting the lives of the animals we all care about.

Though sometimes citizens may sometimes feel cynical and think their voices do not count, that is simply not true. Your feedback on a bill that a legislator has created to help animals is important to him or her. Your letter or email of support is encouragement to stay with it even in the face of opposition from vested interests.

In the legislation column in this newsletter we've listed the bills that NYSHA is actively supporting this year. This is not a complete list of animal-related legislation, but rather those that we believe are excellent and have the best chance of passing. Please help by contacting your legislators to express your support. Contact information is on the NYS Assembly website. You can call, write, or email them, but please do let them know you support these important bills to improve the lives of animals.

Of particular interest to all animal shelters that harbor animals in cruelty cases is a bill related to the Security Bond Posting process, requiring owners of seized animals to place a security bond with the court to cover the costs of their care. A00062-A/S04796-A will result in a speedier resolution of security bond hearings by preventing the attempts by some defense attorneys to divert hearings from the court in which the criminal charges were filed to superior courts when the bond request is substantial. The bill has passed the Assembly and is slated to go for a hearing in the Senate. The sponsors need to hear from you regarding the importance of this legislation to agencies who care for animals during a cruelty case.

Please help New York animals by supporting the legislation that impacts their lives.

Always be kind to animals,
Patricia Valusek

The World Around Us – Chance Meetings

Diane Fingar, one of our Board members, recently was rewarded for years of study and volunteer work with her wildlife rehabilitation license! Dedicated to animals all her life, Diane also focuses on humane education and legislation when not busy in her elementary school classroom.

With spring around the corner, it's likely that many of us will soon encounter young wildlife in our backyard or nearby woods. While always amazing to watch, there may be times when we wonder if that young bird, rabbit, or fawn may be in need of help. Often young animals appear to be struggling, helpless, or even orphaned as we watch them, feeling unsure of whether to step in or let mother nature take its course.

However, these young animals are going through an important stage of their development and will have a better chance of surviving if we leave them. There are a few things to remember should you find yourself in that predicament.

One of the most common calls to wildlife rehabilitators is from those who have found a young bird on the ground. Often referred to as a fledgling or brancher, these young birds are strengthening their wings and learning the skills necessary for flight. This is normal. Although it may not be apparent, their parents are watching in nearby trees and are anxious for you to move away. If you see a young bird or brancher in your yard, make sure all your pets are kept indoors until the bird has had time to move to safety. If you see a nest nearby, you can carefully place the bird back in it if you are sure



that the nest belongs to this bird. It's a myth that a mother bird will not care for its young if they have been handled by a human.

Young rabbits and fawns are also often seen alone in the spring. As with the birds, they are probably not orphaned. Mother rabbits and deer are known to leave their young for hours before returning. Even though they may appear to be out of sight, they are actually nearby. All too often, a wildlife enthusiast will remove young rabbits or fawns thinking they are abandoned. Doing this not only jeopardizes their health, but also risks their chances of survival if not released quickly back into their habitat. Interestingly, young fawns and rabbits who have been mistakenly removed, and then returned to the same location, even after a few days, have been known to be reunited with their parents.

If you do come across injured and/or orphaned animals, keep in mind that they require a tremendous amount of care. Many need hourly feedings, special cages, continued heat sources, and even medication. For this reason it is always best to contact a wildlife rehabilitator when you find an animal that appears injured and/or requires attention. You can find a list of wildlife rehabilitators located throughout the state on NYSHA's website.

Seeing young wildlife in spring is a thrilling and cherished sight. With an understanding that animal parents do a much better job at raising their young than humans, it's usually best to let them be while enjoying the beauty of it all.

Book Corner – Helping Animals Means Helping People

There are many ways that people are harmed by mankind's treatment of and disregard for wildlife, including human suffering and death. By contrast, people gain many benefits by respecting and helping nature and non-human life. When people do what they can to help and protect animals, we almost invariably benefit as much as or more than the animals we help.

NYSHA is proud to include author Dr. Harry Hovel among our board members. An engaging and popular speaker at our workshops and other nationwide events, Harry is also the author of several books.

When asked why he wrote *Helping Animals Means Helping People*, Harry explained that, although there are many people who care about animals and the natural world, there seem to be many more who don't. The book shows why it's in their best interest to care about what happens to non-human life, from impacting Lyme Disease and animal-car collisions, to avoiding food poisoning, increased infectious diseases, and the many negative consequences of climate change. There is a more comprehensive synopsis on NYSHA's website – nyshumane.org.

Continued on page 3

Join Our Voice in Albany

NYSHA plans an active spring advocating for numerous animal protection bills in the NYS Legislature. We have listed the bills which we hope you will review and support by contacting the legislators representing your district to express your backing. You can find the text for bills on the NY Assembly website: assembly.state.ny.us

A04904/S00621 – Makes it mandatory for veterinarians to report animal cruelty

A00595A/S3376A – Prohibits the declawing of cats

A02126/S01389 -- Restricts surgical devocalization of dogs and cats

A00072/S06784 – Relates to improving the standards of care for pet dealers/breeders

A04012 and S5846A – Prohibits the slaughter of horses for human consumption

A04167/S06910 – Establishes a commission to protect retired racehorses

A04220 and S2473A -- Creates the responsible retirement of racehorses fund

A08851/S07375 – Clarifies definition of felony cruelty

A00062A/S04796A – Clarifies the court location of the security bond hearing

A00668/S02167 – Expands order of protection relating to animals

A00284B/S05146B – Requires licensing and regulations for pet groomers

Let us all do our best to improve the lives of the animals in NYS by being active in Albany. Again, please call, email, and write letters to your legislators letting them know you want this legislation passed and signed by the Governor.

The Vet Is In – Declawing Cats

Veterinarians have performed surgical declawing without question on hundreds of thousands of cats at the request of owners who find their cats' natural marking behaviors to be too destructive to home furnishings. Doctors did this mutilating and excruciatingly painful surgery without recognizing and acknowledging that they created severe pain in their patients; since cats are superb at hiding their suffering even from doting owners (thanks to their evolutionary need to hide all disability from potential predators), we have allowed ourselves to think that this is a benign procedure for the victim. However, thanks to my profession's developing an increasingly empathetic practice philosophy in the last generation and thanks also to our advancing knowledge of the physiology of pain, veterinarians around the world now eschew this surgery, and many countries have made it illegal to perform feline declawing since the procedure violates their anti-cruelty laws.

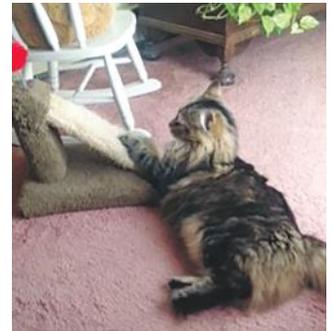
Declawing involves the amputation of the last bone in the five toes of each forepaw. Post operatively, the patient has the likelihood of experiencing ten sources of the lifetime of "phantom pain" that plagues human limb amputees. As a result, many cats develop litterbox avoidance since scratching the litter is painful, and multiple studies have shown that, with their "first defense" weapons no longer available, the potential for biting behaviors increases. For this reason, all of the national and international health organizations recommend that cats belonging to immunocompromised patients must not be declawed, since their studies show that biting behaviors increase in declawed versus intact felines. A partial list of these organizations include the Center for Disease Control, World Health Organization, National

Institute of Health, and Infectious Diseases Society of America.

A dwindling number of veterinarians (including the New York State Veterinary Medical Society) argue that declawing is benign and should be offered to owners. They defend their position by erroneously claiming that health officials recommend it (see above) and by claiming that refusing to perform this procedure will result in an increased number of cats being dumped in their local shelters. Once again, they are not keeping up with current studies: five municipalities in California have documented no increased relinquishment of cats to the shelters since they instituted their ban on declawing, and shelter adoption rates for their feline guests have risen.

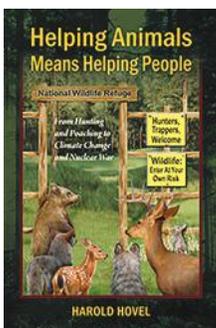
With a combination of proper nail trimming every month, proper scratching posts with the cat's preferred materials (sisal, carpeting) placed in the proper location, plus the use of "soft paws" and consistent behavior modification, it is very possible to have your Kitty and your Great-Aunt Agatha's heirloom couch too!

Visit www.pawproject.org. NYSHA's VP Dr. Holly Cheever is also one of Paw Project's Directors.



Francesca, relaxing after scratching.

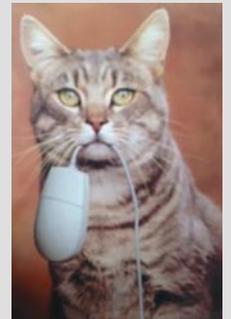
Helping Animals... Continued from page 2



Another book our readers might like, written by Dr. Hovel, is *Combat with Pirates: The Adventures of Admiral Napoleon and the Independent Fleet*, a fiction novel that's full of animal rights, animal welfare, pro-women, and anti-slavery ideas. Both books can be purchased at Amazon, Nook, Kindle, iTunes, and from the publisher at www.outskirtspress.com/bookstore.

Check out NYSHA's updated website.
nyshumane.org

Thanks to Linda Rydant, we have a new look that is very user friendly. We have also added a new link to humane education materials that will be very helpful to teachers.



SPOTLIGHT on Colleen Segarra – A Woman Who Makes a Difference

Animal protection can be very challenging, but one of the benefits is meeting amazing people. Pat Valusek, NYSHA's President, tells us about someone she works very closely with.

Do you know anyone who rescued a horse and drove it directly to a police station, determined to convince them that there was indeed a cruelty case to be investigated? We do!

Motivated by her love of horses and a concern for their well-being, Colleen Segarra left a lucrative corporate job in New York City to buy a farm in Orange County with her husband John, who shares her passion and vision.

Colleen said her affection for horses began as a child. Taking riding lessons and trotting along trails in the Bronx were a formative part of her youth. And yes, there were stables in the Bronx and still are. Given her steadfast interest in animals, she attended an agricultural high school in Queens that sent her on internships to horse barns, cow farms, and other animal-related enterprises. In addition, given that many in her family were in law enforcement, she volunteered at the horse barn of the NYPD mounted unit to groom their horses.

After high school, she started a path to become a veterinarian, but realized it was not what she wanted. She changed directions, entering the corporate world. But her love of horses led her to spend much of her salary to save them from bad situations and kill buyers, boarding them in stables Upstate.

She soon had an epiphany – she could help more horses if she and John purchased a farm in Orange County. He agreed, so it was goodbye to corporate life and hello to farm living and stall mucking. Though her husband retains his city job, Colleen has never looked back. She manages the farm with the assistance of her two children, committed to doing all she can to benefit horses.



Colleen with Tom, a retired carriage horse, whose face shows halter wear from his earlier years with the Amish.

After the move, with a small group of like-minded individuals, she formed a non-profit organization called Equine Rescue Resource (ERR) in 1999 and incorporated soon after. Initially, ERR focused on educating horse people and the general public about the horrors of horse slaughter. That quickly expanded to helping with cruelty cases by removing and holding horses for law enforcement agencies as the crimes were processed. In addition to housing them on her farm, ERR places the horses in various foster homes throughout the Hudson Valley.

To learn about the issues involved in these cases, Colleen educated herself in the animal cruelty laws of New York. She attended workshops conducted by NYSHA, ASPCA, New York City Bar, and received Technical Large Animal Emergency Rescue training. She has also worked with NYSHA to understand the security bond process. Her accumulated expertise led to her appointment as the Humane Chair for the NYS Horse Council.

Calling upon that expertise over the years, NYSHA has asked her to assist with cruelty cases in multiple counties. SPCAs and police agencies in the Hudson Valley contact her for assistance, both for holding the animals and her equine knowledge. Colleen's support in various cruelty cases, including the Ernie Paragallo horse and Argus Farm pony breeder cases, as well as the Cherokee Ridge hoarder case, has been invaluable, both to the animals and the law enforcement agencies. She is a woman who makes a difference.

According to Colleen, "At ERR, we strive to prevent cruelty to equines, educate the public on related welfare issues, facilitate rescue efforts, and help horses in need. We strongly believe that education, cooperation, and networking are the keys to making a difference."

Want to help ERR? Volunteers are always needed to care for their rescued animals. If you have a few hours to spare – mucking, grooming, or maintaining fences/shelters – they would love to hear from you. Their website is equinerescueresource.com.

A Lifeline for Animals... Continued from page 1

Clearly the arrest was appropriate, as was the disposition. The dog was brought back to the full health that an elderly canine could be expected to have. She lived the rest of her life in the only home she knew, with court-required supervision of her care. Her owner knows that our shelter is available to assist with medical issues, but that it is the owner's responsibility to care for the dog. Recently she passed away due to old age, but in her home and with her family.

Not all cases are so neatly packaged, and not everyone would agree with returning the dog. But all those involved are satisfied that the outcome was the best it could have been.

Each case is unique and requires an individual approach. The process can be long and complicated, and a team effort is needed. We depend on the public to take the first step to report cruelty so that a day in the life of an SPCA agent can be a lifeline for an animal in distress.

HUMANE REVIEW

The Newsletter of the New York State Humane Association

Vol. XXXII Winter/Spring 2018. Published by the New York State Humane Association, Inc., PO Box 3068, Kingston, NY 12402

Editors: Laura-Ann Cammisa, Sondra Woodvine

If readers of **HUMANE REVIEW** wish to reproduce material from this newsletter, permission is granted to do so, provided credit is given to NYSHA and to any individual or organization whose materials NYSHA has used