



March 13, 2013

To:
Erie County Legislators

From:
Barbara Carr, Executive Director, SPCA Serving Erie County

Re: Erie County Animal Abuse Registry

While I am delighted to have the interest of the Erie County Legislature concerning the abuse of animals, this proposed law has certain flaws over which I am very concerned.

Currently all those convicted of animal cruelty in Erie County, as part of sentencing, are generally court-ordered not to own or possess animals for a period of three to five years. Those cases with orders are followed up by Buffalo Police and Special Agents of the SPCA on a regular basis. If found to have possession of an animal, the offender is brought back to court on contempt charges, which are serious charges for one to be facing.

In the rare cases that the SPCA deems those convicted of animal abuse to be able to care for a pet, and, if by caring for a pet, the SPCA feels they are less likely to re-offend, (such as in the cases of animal hoarding), the current practice can work much better than what is proposed. The proposed legislation does address this concern but does not allow anyone convicted to apply to the court for three months post-registration for the Offenders List. In the case of hoarders, professional mental health providers would see this three-month delay as an extremely difficult transition for an animal hoarder and it may put the SPCA or another not-for-profit agency in a position to maintain pets during this period, should the court order any animals back. Certainly the SPCA is not now, nor will be able in the future, to act as a boarding facility for pets in this type of limbo.

Because there are safeguards in place to make certain that animals are protected already from those convicted of animal abuse, the proposed legislation is duplicitous.

Further, under the proposed legislation, abusers could simply cross over into another county to procure an animal and no one would be the wiser. Under current practices, an offender is regularly inspected and cannot hide the fact that he or she has procured an animal.

The legislation goes on to say that the Sheriff's Department "shall negotiate an agreement with the SPCA, or similar agency, to establish and maintain the registry." It is unlikely that the SPCA Serving Erie County would be able to take part in this, as our resources are limited and this additional work does not improve the current practices.

Lastly, should this bill be made law, it would force the SPCA to check the registry some 8,000 times a year, on the off-chance that we were unaware of an abuser that had been convicted. If this took only three minutes, it would equate to a full-time staff member spending 10 full weeks a year doing this check. For a not-for-profit organization, this is an impossible burden.

In conclusion, I find the proposed legislation to be costly to develop and implement, duplicitous to the current safeguards in place for animals in Erie County, and that current practices provide much stronger protection and better outcomes for animals in our community. There is no doubt that many areas of current law could be improved on with local legislation. The SPCA Serving Erie County is very willing to work on the creation of legislation that will help to further protect animals in this community.