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Cross-Reporting is Cross-Protecting: Toward a More Unified Approach

By Ann Griffin

Introduction

Even a person unfamiliar with the decades of research substantiating the connection between animal abuse and human violence would probably not be surprised to learn about “The Link,”[®] as it is called. The connection between human and animal violence seems to be a matter of common sense, and it has long been recognized by society.

In 1751, the artist William Hogarth printed a series of four engravings, entitled “The Four Stages of Cruelty.” The engravings follow the criminal path of “Tom Nero” starting with his torture of a dog in the first engraving, theft and murder in the next two engravings, and ending with the final engraving (entitled “The Reward of Cruelty”) which depicts Tom as a corpse being publicly dissected, having been convicted and hung for his crimes.¹

People who have been convicted of some of the most heinous crimes against humans also had a history of violent or cruel treatment of animals, including David Berkowitz (the “Son of Sam,” who shot his neighbor’s dog), Jeffery Dahmer (who killed neighbors’ pets), and Albert DeSalvo (the “Boston Strangler,” who trapped dogs and cats in boxes and shot them with arrows).²

Serious academic research that produced well-documented and reliable studies regarding what came to be known as “The Link”[®] started in the mid-twentieth century. The statistics resulting from this research are sobering. A study conducted in 1983 revealed that “[a] survey of pet-owning families with substantiated child abuse and neglect found that animals were abused in 88 percent of homes where child physical abuse was present.”³ A 1998 study indicated that “71 percent of [women seeking shelter at a safe house] having pets affirmed that their partner had threatened, hurt or killed their companion animals, and 32 percent of mothers reported that their children had hurt or killed their pets.”⁴ Interestingly, while animal abuse is often thought of as a “gateway” crime or precursor to violence against humans, a 1997 study by the Massachusetts Society for the Prevention of Cruelty to Animals and Northeastern University “found that 56% of animal abusers who committed other crimes, committed those crimes prior to the animal offense.”⁵

Schambon v. Commonwealth, a tragic 1991 case from the Supreme Court of Kentucky, goes beyond the statistics and paints a horrific picture of the connection between human and animal violence. Defendants appealed convictions “of eight counts of first degree sodomy, three counts of first degree criminal abuse, twenty-one counts of second degree sodomy, and twenty-eight counts of second degree cruelty to animals.”⁶ One of the

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Co-Editor's Note

Welcome to the first issue of the Newsletter for 2015. Articles written by Section members make the newsletters possible. I am very grateful for their articles and willingness to help the Section.

Section and Council member as well as co-editor of this Newsletter, Ann Griffin, wrote the lead article for this issue on cross-reporting. She also wrote short articles on court rulings involving the chimpanzee cases of the Nonhuman Rights Project in New York State.

We have articles on many other topics such as the recent HEART training sponsored by the section, a history of our section's Sadie Award, a report of this year's Wanda Nash Award recipient, Chelsea Rider, recent Animal Law news, the Treasurer's report for the recently completed fiscal year, and reports of student activities at two of the law schools.

We continue to print the issue in all color including photographs and graphics. This greatly increases the visual appeal of the Newsletter. The photographs are much clearer with this approach.

As always, please remember that this is your newsletter, too. Helpful articles are always needed. In fact, if we can get one good main article for each issue, we can do the rest. Please consider writing an article that will be of interest to your fellow Section members. I have had several members suggest or volunteer articles and I am looking forward to these articles.

Donald Garlit

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Cross-Reporting. . . continued from page 1

defendant-appellants had also been convicted of one count of incest.⁷ They were sentenced to a total of eighty-five years in prison.⁸

The horrific conditions in the Schambon home were revealed after the local animal shelter received a report of animals in a garage.⁹ The county dog warden and a deputy sheriff investigated.¹⁰ They found that the detached garage on the property was full of chain link pens that held approximately two dozen small-breed dogs.¹¹ A live dog was eating the body of a deceased dog.¹² Three to five inches of feces had accumulated on the floor, the dogs had no food or water, and the temperature in the unventilated garage was about 90 degrees.¹³

The deputy interviewed neighbors and learned that four children lived in the home, and that the children were, at the time, at the babysitter's home across the street from their home.¹⁴ The deputy attempted to interview the children, but the babysitter did not allow him to talk to them.¹⁵ However, one of the children told the deputy that her mother was home.¹⁶ She went with the deputy to her house and climbed in a window.¹⁷ Her mother came to the door and told the deputy she would talk to him if he came to the back door.¹⁸

When the deputy gained entry to the home, he saw and heard evidence of a number of animals in the house. There was a dead dog's body decomposing on the kitchen floor, the walls were smeared with feces, dirty dishes and pans were everywhere, and there was fungus growing on the stove.¹⁹ The deputy left, and upon obtaining a warrant, the dog warden and the deputy returned to the house the same day.²⁰ Floyd and Barbara Schambon were arrested.²¹ The children were questioned, and based on the unsanitary conditions in the home, they were immediately placed in foster homes pursuant to an emergency custody order.²² Their stories regarding the physical and sexual abuse they suffered emerged after they were in foster care.²³ The Kentucky Supreme Court rejected all of the defendant-appellants' arguments on appeal and affirmed their convictions and sentences.²⁴

The correlation between human and animal abuse raises a number of issues from a legal standpoint, such as including animals in personal protection orders and allowing women and children to take their pets with them when they enter a shelter. The *Schambon* case demonstrates the importance of cross-training and cross-reporting for human and animal welfare professionals. This article will explore the value of cross-reporting by individuals and agencies that may encounter evidence of domestic violence, including child abuse, and animal abuse. If professionals involved in human and animal health and welfare are trained to look for warning signs of abuse and are directed by statute to share the information with other professionals, we can achieve better protection for humans and animals alike.

Reporting Child Abuse

According to the U.S. Department of Health and Human Services Child Welfare Information Gateway, "[a]ll States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have statutes identifying persons who are required to report suspected child maltreatment to an appropriate agency, such as child protective services, a law enforcement agency, or a State's toll-free child abuse reporting hotline."²⁵ Members of professions where contact with children is common, such as teachers, social workers, physicians, child care workers, and law enforcement officers, are listed as mandatory reporters in most states.²⁶ Many other categories of professionals may be required to report child abuse in particular states. Seven states, including California, Colorado, Illinois, Maine, Ohio, Virginia, and West Virginia, require animal control or humane workers to report suspected child abuse.²⁷ In some states, anyone who suspects child abuse is required to report, regardless of profession. The states that do not mandate individual reporting permit reporting on a voluntary basis.²⁸

Reporting Animal Abuse

Unlike the number of mandatory reporters required to report child abuse, the only professionals potentially required to report animal abuse are veterinarians. According to the ASPCA, eleven states mandate that veterinarians report suspected animal abuse, including suspected dog fighting, to the proper authorities.²⁹ In states where veterinarians are not required to report suspected animal abuse, voluntary reporting is often encouraged by statutes that protect veterinarians acting in good faith from criminal or civil liability. The American Veterinary Medical Association (AVMA) policy on the issue of veterinarians reporting suspected animal abuse reads in part:

The AVMA recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws, or local ordinances. The AVMA considers it the responsibility of the veterinarian to report such cases to appropriate authorities, whether or not reporting is mandated by law. Prompt disclosure of abuse is necessary to protect the health and welfare of animals and people.³⁰

The AVMA, in conjunction with other groups, such as the ASPCA, provides veterinarians with a variety of resources to assist them in recognizing the signs of animal abuse or neglect and responding appropriately.³¹

The Importance of Cross Reporting



Source The Spot Abuse Project (www.spotabuse.org)

This media campaign was prepared by the Spot Abuse Project. According to the group's website,

[t]he Spot Abuse Project is an effort, being piloted in Milwaukee, to reduce the growing percentage of domestic violence, by encouraging more residents to dial 9-1-1 when they suspect animal abuse. The effort is based on research from the Association of Prosecuting Attorneys that found 76% of animal abusers also abuse a member of their family. The premise is that if more people can be convinced to dial 911 when they suspect animal abuse (an act

Cross-Reporting. . . . *continued from page 3*

generally considered to be easier than reporting domestic abuse), that the police will then have the opportunity to uncover a higher number of domestic violence cases.³²

While this campaign is a grassroots effort focused on a community's residents, it underscores the importance of cross-reporting animal and human abuse and relies on the fact that law enforcement understands the connection between the two.

This project also highlights one of the many reasons why cross-reporting can be an effective way of identifying and addressing domestic violence – it may be easier for a witness to report animal abuse than child or domestic abuse. Additionally, the ASPCA points out that “[c]hildren may be more willing to discuss what has happened to a pet than their own victimization.”³³ Also, the ASPCA observes that while a victim may not prosecute his or her abuser, an animal abuse prosecution may result in the abuser's incarceration or treatment.³⁴

For these reasons, the ASPCA encourages law enforcement and other first responders to be aware of The Link® and to be vigilant for signs that animals or children have been victimized. They recommend that victims and their children should be asked: “Do you have any pets? Has the batterer or any[one] else threatened to harm your pet? Will you need assistance in finding a safe place for the pet if you leave?”³⁵

Legislation Regarding Cross-Reporting

The U.S. Department of Health and Human Services explains the value of cross-reporting: “Requiring some or all of these [mandated reporters] to share information (i.e., cross-report) ensures that the appropriate information gets to the agency that must conduct the investigation or family assessment.”³⁶ However, in the majority of jurisdictions, animal health and welfare professionals are not a legislatively mandated part of the cross-reporting process. “In most States, [cross-reporting] procedures include requirements for cross-system reporting and/or information sharing among professional entities. Typically, reports are shared among social services agencies, law enforcement departments, and prosecutors' offices.”³⁷ While this type of cross-reporting is important, it does not go far enough to protect people and animals in our society. Given the connection between human and animal violence, it is imperative that cross-reporting be legislatively mandated between and among professionals in the human and animal health and welfare fields.

In some states, the legislature has gone beyond efforts that rely on individual goodwill and informal cooperation to require that certain individuals and entities share information about suspected human and animal abuse. “The following table highlights the laws and regulations that AVMA research has identified requiring the cross-reporting of animal, child abuse, and domestic violence by animal health officials, animal control officials, child protective services, and other social welfare agencies.”³⁸

Upcoming Events

October 9, 2015

12:30-4:30 pm

Animal Law Section 20th Anniversary: Past, Present and Future with Keynote Speaker Joyce Tischler, ALDF Founder and General Counsel Suburban Collection Showplace, Novi, in conjunction with the SBM annual meeting.



STATE	REPORTING REQUIREMENTS
California	<p>Provides that any employee of a county child or adult protective services agency, while acting in his or her professional capacity or within the scope of his or her employment, who has knowledge of or observes an animal whom he or she knows or reasonably suspects has been the victim of cruelty, abuse, or neglect, may report the known or reasonably suspected animal cruelty, abuse, or neglect to the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county. Also provides that a mandated reporter (including a veterinarian, animal control officer or humane society officer) shall make a report to an agency whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.</p>
Colorado	<p>Provides that any specified person, including a veterinarian, officer and agent of the State Bureau of Animal Protection, or animal control officer, who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department or local law enforcement agency.</p>
Connecticut	<p>An employee of the Department of Children and Families who, in the course of his or her employment, has reasonable cause to suspect that an animal is being or has been harmed, neglected or treated cruelly is required to make a written report to the Commissioner of Agriculture. Any animal control officer appointed pursuant to section 22-328, 22-331 or 22-331a who (1) has reasonable cause to suspect that an animal observed in the course of the officer's employment is being or has been harmed, neglected or treated cruelly in violation of section 53-247, or (2) files a verified petition with the Superior Court pursuant to section 22-329a shall make a written report to the Commissioner of Agriculture in accordance with subsection (b) of this section. Not later than November 1, 2014, and monthly thereafter, the Commissioner of Agriculture shall send a report to the Commissioner of Children and Families containing all of the information received pursuant to subsection (b) of this section during the preceding month.</p>
District of Columbia	<p>Provides that any law enforcement or child or protective services employee who knows of or has reasonable cause to suspect an animal has been the victim of cruelty, abandonment, or neglect, or observes an animal at the home of a person reasonably suspected of child, adult, or animal abuse, shall provide a report within 2 business days to the Mayor. If the health and welfare of the animal is in immediate danger, the report shall be made within 6 hours. No individual who in good faith reports a reasonable suspicion of abuse shall be liable in any civil or criminal action.</p> <p>Also provides that any specified person, including a humane officer of any agency charged with the enforcement of animal cruelty laws, who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child, shall immediately report or have a report made of such knowledge or suspicion to either the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.</p>
Illinois	<p>Provides that Investigation Specialists, Intact Family Specialists, and Placement Specialists employed by the Department of Children and Family Services who reasonably believe that an animal observed by them when in their professional or official capacity is being abused or neglected in violation of the Humane Care for Animals Act must immediately make a written or oral report to the Department of Agriculture's Bureau of Animal Health and Welfare. However, the Department of Children and Family Services may not discipline an Investigation Specialist, an Intact Family Specialist, or a Placement Specialist for failing to make such a report if the Specialist determines that making the report would interfere with the performance of his or her child welfare protection duties.</p> <p>Also provides that an animal control officer, department investigator, or approved humane investigator who has reasonable cause to suspect or believe that a child is being abused or neglected or is in danger of being abused or neglected must immediately make a written or oral report to the Department of Children and Family Services. Provides immunity from liability for persons, institutions, and agencies participating in good faith in the reporting or investigation of animal abuse or neglect and provides for confidentiality of the identity of persons reporting animal abuse or neglect.</p>

Cross-Reporting . . . *continued from page 5*

- Louisiana Requires reporting by any state or local law enforcement officer, or any employee of government or of a government contractor who in his professional capacity routinely investigates alleged abuse or neglect or sexual abuse of a child, or abuse or neglect of an adult, who becomes aware of evidence of neglect or abuse of an animal. No person required to report shall knowingly and willfully obstruct the procedures for receiving and investigating a report of abuse or neglect or shall disclose, without authorization, confidential information which was reported. No person shall make a report knowing that any information therein is false.
- Maine Provides that, when acting in a professional capacity, a humane agent employed by the Department of Agriculture, Food and Rural Resources shall immediately report or cause a report to be made when the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred. Also provides that an animal control officer may report to the department when that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected.
- Also provides that health care professional and other social service employees may report a reasonable suspicion of animal cruelty, abuse or neglect to the local animal control officer or to the animal welfare program of the Department of Agriculture, Food and Rural Resources. The reporter shall disclose only such limited confidential information as is necessary for the local animal control officer or animal welfare program employee to identify the animal's location and status and the owner's name and address.
- Massachusetts Provides that during any investigation or evaluation, any employee of the Department of Children and Families, or person employed pursuant to a contract with the Department, when acting in his professional capacity or within the scope of his or her employment, who has knowledge of or observes an animal whom he knows or reasonably suspects has been the victim of animal cruelty, abuse or neglect, may report the known or suspected animal cruelty, abuse or neglect to the entities that investigate reports of animal cruelty, abuse or neglect, or any local animal control authority. No person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith.
- Nothing shall impose a duty on the Department to investigate known or reasonably suspected animal cruelty, abuse or neglect. Nothing shall prevent the Department, area office or subdivision from entering into an agreement, contract or memorandum of understanding with the entities that investigate reports of animal cruelty, abuse or neglect, to require such reports or to engage in training in identification and reporting of animal abuse, cruelty and neglect.
- Nebraska Provides that when any physician, medical institution, nurse, school employee, social worker, or other person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, he or she shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the department on the toll-free number.
- Also provides that any employee of a governmental agency dealing with child or adult protective services, animal control, or animal abuse, while acting in his or her professional capacity or within the scope of his or her employment, who observes or is involved in an incident which leads the employee to reasonably suspect that an animal has been abandoned, cruelly neglected, or cruelly mistreated shall report such to the entity or entities that investigate such reports in that jurisdiction. Nothing shall be construed to impose a duty to investigate observed or reasonably suspected animal abandonment, cruel neglect, or cruel mistreatment. Any person making a report is immune from liability except for false statements of fact made with malicious intent.



Animal Legal Lifeline Toll-free Number for Referrals: (866) 211-6257

- Ohio Provides that no specified person, including an agent of a county humane society, who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to specified entities or persons.
- Also provides that when an officer or agent of the Ohio humane society or of a county humane society deems it for the best interest of a child, because of cruelty inflicted upon the child or because of the child's surroundings, that the child be removed from the possession and control of the parents or persons having charge of the child, the officer or agent shall report as specified.
- Tennessee Provides that any state, county or municipal employee of a child or adult protective services agency, while acting in a professional capacity or within the scope of employment, who has knowledge of or observes an animal that the person knows or reasonably suspects has been the victim of cruelty, abuse, or neglect, shall report the known or reasonably suspected animal cruelty, abuse, or neglect to the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county. Nothing shall be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse, or neglect. Nothing shall expand or limit confidentiality requirements under existing law relative to child or adult protective services. The name of any employee of a child or adult protective services agency who reports known or reasonably suspected animal cruelty, abuse or neglect shall remain confidential.
- Virginia Provides that an animal control officer in his or her professional or official capacity, who has reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline.
- Any person who makes a report or provides records or information or who testifies in any judicial proceeding arising from such report, records, or information, shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.
- West Virginia Provides that whenever a humane officer, pursuant to an investigation of animal cruelty, forms a reasonable suspicion that a minor child, or incapacitated or elderly person, is the victim of abuse or neglect or has a suspicion of domestic violence, he or she shall report the suspicion and the grounds therefor. In the event of suspected child abuse or neglect, the humane officer shall report to the local child protective services agency of the Department of Health and Human Resources.
- Also provides that, whenever a law-enforcement officer, pursuant to a response to an alleged incident of domestic violence, forms a reasonable suspicion that an animal is a victim of cruel or inhumane treatment, he or she shall report the suspicion and the grounds therefor to the county humane officer within twenty-four hours of the response to the alleged incident of domestic violence.
- Also provides that, in the event a child protective service worker, in response to a mandated report, forms a reasonable suspicion that an animal is the victim of cruel or inhumane treatment, he or she shall report the suspicion and the basis therefor to the county humane officer within twenty-four hours of the response to the report.

Michigan

Michigan's Child Protection Law includes a long list of professionals who are required to report suspected child abuse or neglect.³⁹ However, the list of mandatory reporters does not include any animal health or welfare professionals. Similarly, while Michigan law does require cross-reporting among child welfare agencies and law enforcement,⁴⁰ cross-reporting between and among animal and human health and welfare professionals is not required.

Conclusion

The correlation between violence against humans and violence against animals has long been recognized by society, and in the last fifty years, The Link[®] has been established by numerous reputable and reliable studies. Armed with that knowledge, some states have taken the lead in protecting humans and animals by legislatively mandating cross-reporting between and among professionals working in the fields of human and animal health and welfare. Michigan's child and

Cross-Reporting . . . continued from page 7

animal protection laws should be strengthened by requiring these professionals to share information about human and animal abuse and neglect in this state. By doing so, we can create safer communities for people and animals in Michigan. 🐾

About the Author

Ann Griffin designed and implemented the first Animal Law class at the University of Detroit Mercy School of Law in Fall 2011, and she has taught the class every fall since its introduction. Ann works for the Michigan Humane Society, where she focuses on legislative advocacy and on helping to develop and teach a course for law enforcement officers on how to handle animal encounters in the field. She is an active member of the Animal Law Section and chairs the Legislative Committee.

Endnotes

- 1 Sonia S. Waisman, Pamela D. Frasch & Bruce A. Wagman, *Animal Law* 155 (5th ed. 2014).
- 2 *Id.*
- 3 *Understanding the Link Between Animal Abuse and Family Violence*, American Humane Association, <http://www.americanhumane.org/interaction/support-the-bond/fact-sheets/understanding-the-link.html> (last visited March 7, 2015).
- 4 *Id.*
- 5 Waisman, *supra* note 1, at 156-57.
- 6 *Schambon v. Commonwealth*, 821 S.W.2d 804, 806 (Ky. 1991).
- 7 *Id.*
- 8 *Id.*
- 9 *Id.*
- 10 *Id.*
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*
- 14 *Id.*
- 15 *Id.*
- 16 *Id.*
- 17 *Id.*
- 18 *Id.*
- 19 *Id.*
- 20 *Id.* at 807.
- 21 *Id.*
- 22 *Id.*
- 23 *Id.* at 807-08.
- 24 *Id.* at 810.
- 25 *Mandatory Reporters of Child Abuse and Neglect*, U.S. Department of Health and Human Services Child Welfare Information Gateway, <https://www.childwelfare.gov/pubpdfs/mandatory-reporting.pdf> (last visited March 8, 2015).
- 26 *Id.*
- 27 *Id.*
- 28 *Id.*
- 29 *Report Animal Cruelty FAQs*, ASPCA, <http://www.aspc.org/fight-cruelty/report-animal-cruelty/report-animal-cruelty-faq> (last visited March 7, 2015).
- 30 *Animal Abuse and Neglect*, American Veterinary Medical Association, <https://www.avma.org/KB/Policies/Pages/Animal-Abuse-and-Animal-Neglect.aspx> (last visited March 8, 2015).
- 31 For example, the AVMA has compiled state reporting laws on its website at <https://www.avma.org/KB/Resources/Reference/AnimalWelfare/Pages/Abuse-Reporting-requirements-by-State.aspx>.
- 32 *What is the Spot Abuse Project?*, <http://www.spotabuse.org/> (last visited March 7, 2015).
- 33 *Domestic Violence and Animal Cruelty*, ASPCA, <http://www.aspc.org/fight-cruelty/report-animal-cruelty/domestic-violence-and-animal-cruelty> (last visited March 8, 2015).
- 34 *Id.*
- 35 *Id.*
- 36 *Cross-Reporting Among Responders to Child Abuse and Neglect*, U.S. Department of Health and Human Services Child Welfare Information Gateway, <https://www.childwelfare.gov/pubpdfs/xreporting.pdf> (last visited March 8, 2015).
- 37 *Id.*
- 38 *State Summary Report: Cross-Reporting of Animal and Child Abuse*, American Veterinary Medical Association, <https://www.avma.org/Advocacy/StateAndLocal/Pages/sr-animal-abuse-cross-reporting.aspx> (last visited March 8, 2015). This chart was originally published in June 2014 and is not intended to be an exhaustive list. It is included here to provide examples of legislatively mandated cross-reporting. This chart was used with permission from the American Veterinary Medical Association. The author is grateful to the AVMA for its generosity.
- 39 Mich. Comp. Laws Ann. § 722.623(1)(a) (West 2014).
- 40 Mich. Comp. Laws Ann. § 722.623(5) – (7) (West 2014).

HEART Training

By Bee Friedlander

On a recent Sunday, the Humane Education Project came to Michigan.

What is humane education? Why is it important? How can I participate? Twenty attorneys, law students, animal advocates and teachers explored these and other questions and came away with four lesson plans and practical suggestions for managing a classroom of 4th and 5th graders.

The Animal Law Section, in partnership with Michigan-based Attorneys for Animals (<http://www.attorneysforanimals.org>) and the MSU College of Law Student Animal Legal Defense Fund Chapter (<http://www.law.msu.edu/students/student-org-profile.php?id=30>) sponsored the training on March 22, 2015, held at the law school.



Heart Training Presenters, Meena Alagappan (L) and Kim Korona (R)

The lessons provide students with the opportunity to hone critical thinking skills as they consider animals and the environment in a wide variety of settings. The first lesson is “Circle of Compassion,” followed by “Animal Cruelty Laws” and a consideration of dog fighting. “Dogs, Cats and Cows,

Oh My!” explores both companion and farmed animal issues.

The final lesson, “Protecting Mother Earth and Her Wildlife,” began with HEART co-trainer Kim Korona standing on a chair and dumping a large trash bag of common plastic items, nylon rope, rubber, and other junk on the floor. It got the participants’ attention (as it does with 4th and 5th graders), and illustrated the type of garbage found in a whale which

had washed up on a beach some years ago.

The program was developed by the Animal Law Committee of the American Bar Association’s Tort Trial and Insurance Practice Section (ABA-TIPS at <http://apps.americanbar.org/dch/committee.cfm?com=IL201050>) and Humane Education Advocates Reaching Teachers (HEART at www.teachhumane.org), a non-profit organization.

Meena Alagappan, JD, Executive Director of HEART wrote an article describing the program in the Late Summer 2014 Animal Law Section newsletter. According to Alagappan, “[t]he primary objective of the Humane Education Project is to cultivate compassion and empathy in our youth toward animals and foster respect for the environment.”

The following are some comments from attendees:

“[One of the most useful parts of the training was] getting insight into how to translate HEART’s philosophy of humane education into real life lessons and getting insight into how 4-5th graders think and act,” (attorney).

“I feel very prepared to go teach this after this training. Thank you!” (law student).

“I am excited to put these ideas into place,” (educator).

“The materials and training are very comprehensive...For those who are concerned about the issues but don’t have a teaching background, the overview was very important,” (law student). 🐾



HEART Training begins!

Chelsea Rider, MSU Law Student Honored with Wanda A. Nash Award

Chelsea M. Rider, Class of 2015, said she was deeply honored to be named the 2015 recipient of the Wanda A. Nash Award by the Animal Law Section of the State Bar of Michigan for her efforts in animal law.

The award recognizes a Michigan law student who had the most impact on animal law and is named after the founder of the Animal Law Section, which is the first state-wide animal law section in the country. Rider was honored at an April 20 reception in the Castle Board Room of the MSU College of Law.

“Most people don’t realize just how many legal issues that affect humans, also impact animals,” Rider said. “I’ve really tried to open their eyes to how connected these issues are.”

Despite being a self-described introvert with a deep fear of public speaking, she has connected many of the animal welfare student groups on campus in her roles as president of the Student Animal Legal Defense Fund and the Environmental Law Society, bringing together student efforts in the colleges of veterinary medicine, sociology, biology, and more.

She currently is working an externship with the Michigan Commission on Law Enforcement Standards (MCOLES) to develop a training plan for law enforcement officers on how to effectively interact with animals. Additionally, she is active with the Michigan Political Action Committee for Animals and provides recommendations regarding legislation.

“Your background may be the closest yet to my mom’s history,” said Aaron Nash, about his mother Wanda, in an email to Rider. “I remember her volunteering her time to speak at law enforcement agencies and conferences, spreading the message that they didn’t have to shoot every dog they came across. We’re thankful you’re keeping the message going and adding your own insights and passion to the cause of animals.”

As an active social media user, Rider had a long Twitter conversation with LexBlog founder Kevin O’Keefe, which eventually sparked his interest in MSU Law and its students’ efforts to harness social media.

“Social media is just one of the important ways that I can connect with people and increase awareness about how important these issues are,” she explained. “For someone who is deeply introverted and doesn’t like public speaking at all, social media gives me a way to communicate that I never would have otherwise.”

Rider also was instrumental in bringing the exhibition of photographer Jo-Anne McArthur’s work “We Animals:

Examining the Human Relationship with Animals” to the MSU College of Law. The photographs are being auctioned off with proceeds donated to the MSU Law chapter of the Student Animal Legal Defense Fund.

Along with her two young daughters, Isabella and Gwyndolyn who attended the ceremony, Rider is raising two Boston terriers, Polly and Johnny. 🐾



Photo: Chelsea Rider volunteering at Oahu SPCA during an outreach event.

Story and photographs are based on a Michigan State University College of Law press release. Special thanks to Colleen Steinman, Communications Officer at the MSU College of Law, who provided the press release and photos of the ceremony.



Wanda Nash Award Ceremony: (L-R) Professor David Favre, Assistant Dean Daniel Linna, Jim Nash (Wanda Nash’s husband), Animal Law Section Chair Jennifer Pierce, and Award Recipient Chelsea Rider with her daughters Isabella (L) and Gwendolyn (R).

The Sadie Award - History

By Bee Friedlander

The Sadie Award, created in 2001, recognizes exceptional efforts on behalf of animals from those not involved in the legal or legislative system. (The Section's Brandi Award is awarded to those in the legal or legislative arena).

Sadie was a much loved dog of a woman who had taken her in as a stray and nursed her back to health. Stolen from her yard by four boys for sport, Sadie was abused, tied to a railroad track and ultimately struck and killed by a train. Despite efforts by the Animal Law Section and others, charges were never brought in the case. (Sadie's case is reviewed on page 5 of the Fall 2001 Animal Law Section newsletter.)

[Note: All Newsletters cited in this article are available at the Section's portion of the State Bar of Michigan website.]

The Section has presented the Sadie Award to the following individuals and organizations. It was last awarded in 2011. The Animal Law Council encourages nominations from Section members, with tentative plans to present the Sadie Award at the 2015 Conference held in conjunction with the Annual Meeting.

2002: Michigan Humane Society Cruelty Investigation Team

The team makes four to five thousand home visits annually to investigate reports received of cruelty to animals and handles approximately 2000 cruelty cases a year. They have been featured on "Animal Cops" on cable TV channel Animal Planet.

2004: Ron Kagan, Director of Detroit Zoological Society

The award is based upon his decision to send two aging elephants, Wanda and Winky, to sanctuary in a warmer climate where they would have more room to roam. The decision is notable because it is in the elephants' best interests, rather than that of the Detroit Zoo, where the elephants are a popular attraction and draw many visitors. Director Kagan used the opportunity to educate the public about elephants, both their physical needs and their social structure. See the Winter 2005 newsletter for more information.

2006: Judy Dynnick, Executive Director of Jackson County Citizens Against Pound Seizure

Ms. Dynnick led a two year effort to convince the Jackson County Board of Commissioners to outlaw pound seizure, the practice of selling animals from the county animal shelter to medical researchers. It had been in place in Jackson County since the 1960s; in 2006 the Commissioners voted 10-1 to ban the practice. "Ms. Dynnick's group is a prime example of the famous quotation by Margaret Mead, 'Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.' The Section is proud to recognize their effort," said Jean Ligon, Section Chair. The Fall 2006 newsletter has an article about this award.

2008: Melissa Rosenberg

Ms. Rosenberg through perseverance and compassion rescued Frisky the cat. Frisky had been abandoned when her owners moved from an apartment, the local animal control would not get involved and the landlord would not let her into the apartment to rescue the cat. During the weeks' long ordeal, Melissa kept her alive by shoving kibble under the door. Frisky was eventually rescued and was adopted. The Summer 2008 newsletter provides details.

2011: West Michigan SPCA d/b/a Faithful to Felines

The award was given to five women, all affiliated with the rescue and shelter of cats and kittens through the WMSPCA d/b/a Faithful to Felines. Over the prior three years they took on tasks in addition to the care of cats and kittens, which were necessitated when a sanctuary became overwhelmed. The committed volunteers rescued and found proper homes for numerous other animals, including bears, horses, a steer, pigs, goats, rabbits and a handful of exotic animals from the sanctuary. Read more in the Winter 2012 newsletter. 🐾



Case Note: Nonhuman Rights Project Achieves an Initial Win on Behalf of Chimpanzees Hercules and Leo

By Ann Griffin

In furtherance of its mission “to change the common law status of at least some nonhuman animals from mere ‘things,’ which lack the capacity to possess any legal right, to ‘persons,’ who possess such fundamental rights as bodily integrity and bodily liberty,”¹ the Nonhuman Rights Project (NhRP) has filed lawsuits on behalf of chimpanzees in three cases in New York.² The NhRP is attempting to secure the chimpanzees’ freedom through writs of habeas corpus.

On April 20, 2015, a judge in the New York Supreme Court issued an “Order to Show Cause & Writ of Habeas Corpus” in the NhRP’s case on behalf of Hercules and Leo, chimpanzees being used in medical research at Stony Brook University on Long Island, New York. Proceedings in this case were initiated in Suffolk County in New York in December 2013 and were not successful. The NhRP refiled the case in Manhattan in March 2015, which resulted in the Order to Show Cause.

As a result of the court’s decision, Stony Brook University will be required to appear at a hearing on May 27, 2015 and provide a legally sufficient reason for detaining Hercules and Leo. The university will be represented by the Attorney

General of New York. The NhRP will argue that no legally sufficient reason for detaining Hercules and Leo exists and will ask the chimpanzees be freed to live in a sanctuary in Florida.

The day after the Order to Show Cause & Writ of Habeas Corpus was issued, the title of the order was amended to omit the reference to the Writ of Habeas Corpus. The original title of the order created some confusion in the media, and some reports indicated that the court had already determined that the chimpanzees possess legal personhood. That determination will actually be made after the hearing on May 27. 🐼

Endnotes

- 1 Nonhuman Rights Project, <http://www.nonhumanrightsproject.org/> (last visited April 23, 2015).
- 2 Please see the Case Note below for an update regarding the case on behalf of Tommy the chimpanzee. Like the case on Tommy’s behalf, the NhRP’s third case, on behalf of Kiko the chimpanzee, is with the Court of Appeals awaiting a decision on leave to appeal to that court.

Case Note Update: Appeal in Progress in Case Involving Tommy the Chimpanzee

By Ann Griffin

In the Winter 2014 (December) newsletter, we reported on the Nonhuman Rights Project’s case on behalf of Tommy the chimpanzee. The Nonhuman Rights Project is seeking Tommy’s freedom from captivity through habeas corpus proceedings in New York state court. Tommy is currently in respondent Patrick Lavery’s possession in Gloversville, New York.

Both the trial court and the appellate court held that habeas corpus relief is not appropriate. The appellate court based its decision in large part on the reasoning that because Tommy is not able to assume legal responsibility, he is not

entitled to rights, such as the right to bodily freedom on which habeas corpus relief would be based.

The appellate court denied the Nonhuman Rights Project’s motion for leave to appeal to New York’s highest court, the Court of Appeals, on January 30, 2015. For that reason, the Nonhuman Rights Project has sought permission to appeal directly from the Court of Appeals. The respondents had until March 9 to respond to the motion. The Nonhuman Rights Project expects a decision from the Court of Appeals in early May. 🐼

Treasurer's Report

2013-14 Fiscal Year (FY) (12 Months Ended September 30, 2014)



This is a summary of the Animal Law Section's financial status as of September 30, 2014. The purpose of this summary is to report on our financial results, assure the members that the Animal Law Section is operating and maintaining a sound financial status, and confirm that your Section dues are being spent responsibly and for appropriate purposes.

Membership for the year was 208 members. This was the first time that membership in the section exceeded 200. (Membership for the 2014-2015 FY is now at 240 members.) We are not

a large section although far from the smallest with the State Bar of Michigan. Note that in the 2013-2014 FY, 44% of State Bar of Michigan sections had less than 600 members.

Revenue for the year was \$4,320.

Expenses for the year totaled \$4,569. Newsletter expenses for 3 issues were \$2,528, The Wanda Nash Award ceremony expenses were \$615 (which included \$250 to the award recipient), listserv maintenance and access expenses were \$480, annual meeting expenses of \$463 (hotel room rental and related expenses) were incurred, various conference call expenses for the section council and committees totaled \$292, and postage and copying expenses were \$191.

We are hoping to reduce listserv expenses for the 2014-2015 FY and continue to watch all expenses closely.

The year end fund balance is \$14,225; a decrease of \$249 from the prior year end balance of \$14,474.

Respectfully submitted,

Donald Garlit, Newsletter Editor and former Treasurer for

Anna Scott, Treasurer

April 2015

Recent Animal Law News

***Editor's Note:** We summarize several recent cases which have involved dog attacks and subsequent serious charges against the owner/guardian below. It appears that prosecutors are taking these situations much more seriously especially when there is a past pattern of dog aggression.*

Lapeer County Dog Owners Plead No Contest in Craig Sytsma's Death

Mr. Sytsma's death occurred in July 2014 when he was attacked by the owners' two Cane Corso dogs which were running loose while he was jogging in rural Metamora Township. The owners were originally charged with 2nd degree murder. They pleaded no contest to a lesser manslaughter count on April 24, 2015. Sentencing will be June 8 and according to sentencing guidelines they will serve 12-38 months.

This case was the first time dog owners were charged with murder following a dog mauling in Michigan. Per the article noted below, according to the National Canine Research Council, there have only been 5 murder convictions nationwide for dog maulings since 1992.

Source is Detroit Free Press at: www.freep.com/story/news/local/michigan/2015/04/24/jogger-dog-attack-metamora-township/26328993/

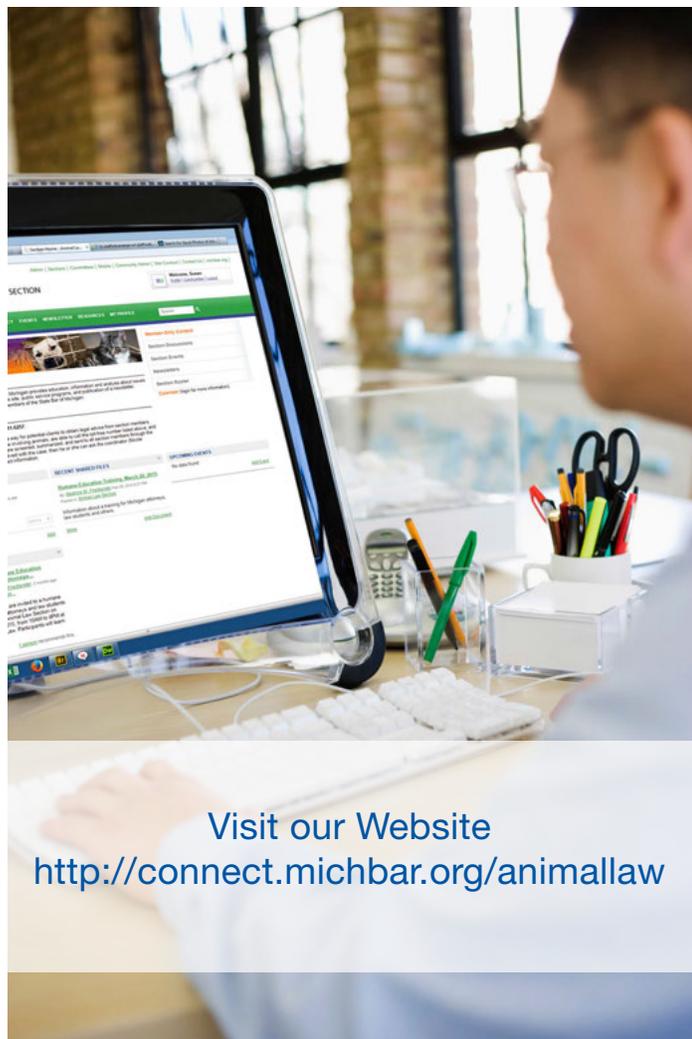
Recent News . . . continued from page 13

Kitten Stomper Sentenced to Jail

Cody Michael Tyler stomped six kittens to death. The death of the kittens was reported by a 911 caller and Tyler was subsequently arrested. A Livingston County judge sentenced Tyler to one year in county jail and three years on probation after he pleaded guilty. He faced a possible prison sentence.

According to reports, this was an act of retaliation related to a domestic violence situation.

Source is Detroit Free Press at: www.freep.com/story/news/local/2015/03/26/animal-cruelty-cody-michael-tyler-sentencing-kittens/70494328/



Visit our Website

<http://connect.michbar.org/animallaw>

Owner of Dogs Involved in Severe Mauling is Arraigned

Derrick Felton of Detroit was arraigned in April 2015 on various counts of harboring dangerous animals causing severe injury. A pack of dogs attacked Steve Constantine in October 2014 on Detroit's East Side. Police believe as many as 12 dogs may have been involved. Mr. Constantine lost his left leg below the knee, most of his left arm, and his left ear. The dogs allegedly belonged to Felton although he is likely to dispute that at trial.

Source is Detroit News at: www.detroitnews.com/story/news/local/detroit-city/2015/03/17/pit-bull-pack-owner-arraigned/24918101/

US Supreme Court Refuses to Review US Court of Appeals Decision Upholding Federal Animal Crush Video Prohibition Act

A US Court of Appeals for the Fifth Circuit decision in mid-2014 upheld the Federal Animal Crush Video Prohibition Act. Defendant "film makers" challenged the act based on freedom of speech-related constitutional issues. The US Supreme Court has refused to review the case. Defendant Richards has already pleaded to state animal cruelty charges and is expected to testify against Defendant Justice when his trial begins in May. Both defendants now also face Federal charges. Both defendants are now in state custody in Texas.

Source is the Houston press at: <http://blogs.houstonpress.com/news/2015/03/crush.php>

Seattle Family Faces \$500K Default Judgment for "Howling" Dog

A Seattle family ignored a neighbor's lawsuit about their "howling" dog and now faces a \$500K default judgment which could cause them to lose their home. The homeowner claimed after the fact that she thought that the legal action was spurious and could be ignored. The judgment occurred in February and little information is available about the present status of the case.

Source is ABA Journal at: www.abajournal.com/news/article/family_faces_500k_default_judgment_for_alleged_howling_and_explosively_bark/?utm_source=maestro&utm_campaign=weekly_email&job_id=150211BR&utm_medium=email

Law Student Activities

Michigan State University College of Law

By Kate Brindle, 2L

The Student Animal Legal Defense Fund at Michigan State University College of Law enjoyed a productive spring semester. We started off 2015 by sending a team to Harvard Law School to compete in the 12th Annual National Animal Law Competitions (made possible by the support of Attorneys for Animals, MSU Council of Graduate Students, and MSU Alumni Association). Claire Corsey and I participated in the moot court appellate advocacy portion of the tournament, and we were proud to win second place.

In March, along with Attorneys for Animals and the Animal Law Section of the State Bar of Michigan, we co-hosted a humane education training for 20 people. Meena Alagappan and Kim Korona conducted the training, which was a joint public service project of the Animal Law Committee of the American Bar Association's Tort Trial and Insurance Practice Section (ABA TIPS) and Humane Education Advocates Reaching Teachers (HEART), a non-profit public charity. The program, which taught law students, attorneys, and community members how to engage young people about animal protection, placed a special emphasis on issues connected to companion, farmed, and wild animals.

In April, we sponsored an art display at the College of Law, featuring award-winning photojournalist Jo-Anne McArthur's photography. Students, faculty, and staff were struck by Ms. McArthur's powerful images that document animals in human environments. On April 2, Ms. McArthur joined us for a screening and discussion of *The Ghosts in Our Machine*, a film that seeks to answer the question: Are non-human animals property to be owned and used, or are they sentient beings deserving of rights?

We also held elections and welcomed a new 2015-16 executive board, and we are excited to start planning for the fall semester. We are also happy to continue our collaboration with MSU's chapters of Student Animal and Society Institute (SASI) and Humane Society Veterinary Medical Association (HSVMA) and look forward to working with members of the Western Michigan University Thomas M. Cooley Law School Student Animal Legal Defense Fund on programming and advocacy in the coming semesters. 🐾

WMU-Cooley Law School

By Alicia Prygoski, 2L

Aside from attending the National Animal Law Competitions, WMU-Cooley SALDF had a busy winter term! We started the new year with a screening of *The Ghosts in Our Machine* along with a Skype Q&A session with film protagonist, Jo-Anne McArthur, afterward. Animal protection organizations from across the state attended and we were fortunate to have many co-hosts.

We also worked on strengthening our presence in the legislature this winter. WMU-Cooley SALDF submitted testimony and attended legislative hearings on two different bill packages – one to create stronger animal cruelty protections (we supported), and one that would allow dyeing of baby rabbits and chicks (we opposed).

In March, we were presented with the award for the “Outstanding New Organization of 2014” at Cooley Law School's Barrister's Ball for being the organization created in 2014 that has had the most impact on the Cooley community. In addition, we spent a great day volunteering at the Capital Area Humane Society, where we socialized the animals, cleaned out transport cars, and helped unpack medical supplies for the clinic.

The beginning of April marked the Animal Legal Defense Fund's First Annual “Speak out for Farmed Animals” week, and so WMU-Cooley SALDF set up a table with free vegan baked-goods and informational materials to show the Cooley community that egg-free, dairy-free dessert can be just as good as its regular counterpart. Lastly, we held our winter term WMU-Cooley SALDF fundraiser to raise money to continue to host great events.

Looking forward, we'll start off our summer term strong by co-hosting the Humane Society of the United States' Humane Lobby Day at the Capitol where we'll be lobbying on different companion-animal related bills. We'll continue to follow the legislature until they break for the summer, and we're planning to host another film screening – this time focused on breed-specific legislation. We'll also be back at Capital Area Humane Society to volunteer with the animals again! Toward the end of the summer, we're looking at hosting the agricultural law symposium that we have been working to plan. 🐾

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ANIMAL LAW SECTION

The Animal Law Section commemorates its 20th anniversary this year.

Mark your calendars for a special conference,

Animal Law Section 20th Anniversary: Past, Present and Future

Friday, October 9, 2015, 12:30 to 4:30 PM,

Suburban Collection Showplace, Novi, in conjunction with the SBM annual meeting.

Featured Speaker:

Joyce Tischler, ALDF Founder and General Counsel



Look for registration information after August 1, 2015.