Winning cruelty cases

Two recent cruelty convictions in Orlando, Fl, illustrate the key role humane society investigators can play in cruelty cases:

- A resident was sentenced to a 30-day jail term, a fine of $100 plus court costs, and one year of probation with a $10 a month fee for severely injuring a puppy and dumping him into roadside bushes.

Dick Myers, president of the Orlando Humane Society, produced an eye witness who testified that the defendant smashed the puppy in the face with a piece of concrete (the blow dislodged its eye, but it has since recovered).

Myers learned before the trial that the witness had not been subpoenaed because he lived in a large apartment complex and officials had made only a cursory attempt to locate him. Myers made sure the witness knew where and when the trial would take place, and his testimony was critical to the conviction.

- Another area man pleaded guilty to shooting a neighbor's cat out of a tree in his yard; he was sentenced to a fine of $150, 30 days in jail and one year of probation with a $10 a month fee.

Myers recommended to the judge that the convicted man serve his jail term by working at the humane society. He now works three days a week, and Myers reports that he has become an enthusiastic volunteer and plans to help on a regular basis.

Myers urges humane investigators to learn to recognize when a case can be prosecuted. There must be adequate evidence; when an animal is killed, an autopsy may be needed to determine the exact cause of death.

He points to a recent case in Orlando where a driver looked in her rear view mirror and saw the driver behind her swerve to hit ducks near the road. A third driver saw the incident also and even got the license number of the car. However, the case could not be prosecuted because no one had stopped to check the condition of the ducks.

Myers says law officers may consider other types of cases more important than animal cruelty, but they will cooperate if they know someone in the community is interested. "Law officials will treat humane people like anybody else if you know what you're doing," he says. He assists law officers in such ways as providing information (state law authorizes him to conduct investigations) and transporting witnesses.

He recommends that each society select one person to handle cruelty cases, so that one individual can get to know local officials, but cautions against "making a nuisance of yourself." He also mentions the importance of good state law; in Florida, for example, animals can be taken into protective custody.

Myers, who with OHS humane investigator Mike Pasnak handles about 100 investigations a month, says the humane investigator should develop "calloused compassion. You can lose yourself to emotion...you must learn to look objectively at the case."

Myers urges humane investigators to "be respectful of law officials and assure them you're not trying to do their job. Try to gain their respect and establish your own credibility. You're doing a job that needs doing the same as theirs."