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# *Committee Meeting*

of

## ASSEMBLY AGRICULTURE AND NATURAL RESOURCES COMMITTEE

*“The Committee will hear testimony from invited guests concerning the October 2017 report  
by the State Commission on Investigation regarding  
the New Jersey Society for the Prevention of Cruelty to Animals”*

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**LOCATION:** Committee Room 15  
State House Annex  
Trenton, New Jersey

**DATE:** December 4, 2017  
1:00 p.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Bob Andrzejczak, Chair  
Assemblyman Adam J. Taliaferro, Vice Chair  
Assemblyman Eric Houghtaling  
Assemblyman Ronald S. Dancer  
Assemblyman John DiMaio



### **ALSO PRESENT:**

Lucinda Tiajoloff  
*Office of Legislative Services  
Committee Aide*

Martin Sumners  
*Assembly Majority  
Committee Aide*

Glen Beebe  
*Assembly Republican  
Committee Aide*

***Meeting Recorded and Transcribed by  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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BOB ANDRZEJCZAK  
Chair

ADAM J. TALIAFERRO  
Vice - Chair

ERIC HOUGHTALING  
RONALD S. DANCER  
PARKER SPACE

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**New Jersey State Legislature**  
**ASSEMBLY AGRICULTURE AND NATURAL RESOURCES**  
**COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
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**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY AGRICULTURE AND NATURAL RESOURCES COMMITTEE**

**FROM: ASSEMBLYMAN BOB ANDRZEJCZAK, CHAIRMAN**

**SUBJECT: COMMITTEE MEETING - DECEMBER 4, 2017**

*The public may address comments and questions to Lucinda Tiajoloff, Committee Aide, or make bill status and scheduling inquiries to Shirley Link, Secretary, at (609)847-3855, fax (609)292-0561, or e-mail: OLSAideAAN@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.*

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**The Assembly Agriculture and Natural Resources Committee will meet on Monday, December 4, 2017 at 1:00 PM in Committee Room 15, 4th Floor, State House Annex, Trenton, New Jersey.**

**The Assembly Agriculture and Natural Resources Committee will hear testimony from invited guests concerning the October 2017 report by the State Commission on Investigation regarding the New Jersey Society for the Prevention of Cruelty to Animals.**

**Those guests presenting testimony are asked to provide 20 copies to the committee on the day of the meeting.**

The following bill(s) will also be considered:

A-3398  
Caride/Space/Taliaferro/  
Dancer  
S-2076 (1R)  
Bateman/Smith, B

Requires pesticide applicator to notify beekeeper when applying pesticide within three miles of registered honey or native beehive or beeyard.

(OVER)

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A-3400                      Requires training for pesticide applicators and operators concerning  
Caride/Dancer/Taliaferro/      pollinating bees.  
Space/McKeon  
S-2078  
Bateman/Smith, B

Issued 11/29/17

For reasonable accommodation of a disability call the telephone number or fax number above, or for persons with hearing loss dial 711 for NJ Relay. The provision of assistive listening devices requires 24 hours' notice. CART or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, see website <http://www.njleg.state.nj.us> or call 800-792-8630 (toll-free in NJ) or 609-847-3905.

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**ASSEMBLYMAN BOB ANDRZEJCZAK (Chair):** Please rise for the flag salute. (all recite Pledge)

Roll call.

MS. TIAJOLOFF (Committee Aide): Assemblyman DiMaio.

ASSEMBLYMAN DiMAIO: Here.

MS. TIAJOLOFF: Assemblyman Dancer.

ASSEMBLYMAN DANCER: Here.

MS. TIAJOLOFF: Assemblyman Houghtaling.

ASSEMBLYMAN HOUGHTALING: Here.

MS. TIAJOLOFF: Assemblyman Taliaferro.

**ASSEMBLYMAN ADAM J. TALIAFERRO (Vice Chair):**  
Here.

MS. TIAJOLOFF: Assemblyman Andrzejczak.

ASSEMBLYMAN ANDRZEJCZAK: Here

MS. TIAJOLOFF: You have a quorum.

ASSEMBLYMAN ANDRZEJCZAK: All right.

Before we jump in today, a couple of guidelines and rules.

Typically we keep our -- anybody coming up to testify, we have a five-minute window. If you want to read from a piece of paper, that's fine. If you want to speak from the heart, even better; but you have five minutes to do so.

With that, we are going to do our bills today, and then we will follow up with our hearing.

**(Committee addresses Assembly Bill 3398 and Assembly Bill 3400)**

ASSEMBLYMAN ANDRZEJCZAK: We will now begin our hearing for the New Jersey SPCA.

Up first we have Kathy Riley, the State Commission on Investigation.

**LEE C. SEGLEM:** (off mike) That's a mistake.

**ASSEMBLYMAN ANDRZEJCZAK:** Okay.

**MR. SEGLEM:** I'm Lee Seglem, the Executive Director.

**ASSEMBLYMAN ANDRZEJCZAK:** Okay.

**MR. SEGLEM:** She's here, but--

Good afternoon, Chairman, and members of the Committee.

I'm Lee Seglem, Executive Director of the State Commission of Investigation.

Thank you for the opportunity to appear here today.

Just by way of background, let me just say that one of the things that government agencies don't do very well, or very often, is to follow up on the results of their actions. You know, reports get issued and decisions are taken, but what does it all add up to, over time? What happened as a result of those actions, good and bad? What else needs to be done?

The public deserves answers to questions like that, and I raise this because, at the SCI, we have undertaken the regular and responsible practice of following up on prior investigations, and that's the context for the matter on today's agenda.

Nearly two decades ago, we examined the activities and finances of the State and County SPCAs in New Jersey and found a landscape of waste and abuse. Among other things, criminal wrongdoing referred by the SCI at that time resulted in the prosecution of County SPCA officials for stealing the organizations' funds. Taken together, the

findings of that investigation raised very serious questions about the ability of these organizations to fulfill their core statutory mission, which is to enforce the State's animal cruelty laws. As a result, we recommended turning over that enforcement role to qualified professionals in government law enforcement.

Earlier this year, we decided it would be prudent to re-visit this area; and what we found, with particular focus on the NJSPCA, was that significant problems and deficiencies, first identified by the SCI 17 years ago, had festered over time and, in some instances, had gotten worse.

Now virtually bankrupt, this is an organization that has spent more money, combined, on legal bills and lobbying -- more than three-quarters of a million dollars over the past five years alone -- than on any other expense, including funds that directly impact animal care. Our findings show that the SPCA seems to care more about the appearance of aggressive enforcement rather than the reality of it.

The organization's own records contain evidence showing that it still does not do an acceptable job fulfilling its core mission of responding in a timely manner to complaints of animal abuse and cruelty. We found numerous incidences in which the response time far exceeded the organization's own policies and procedures. While those procedures require a written record of action taken within 24 hours of receipt of a complaint, it took, on average, 12 days for an officer or an agent to perform an initial response.

Furthermore, dozens of case records reviewed by our investigators were missing key data, such as details about the nature of the complaint and the time it was received. In a number of incidences, it was

obvious that NJSPCA personnel had altered or updated a portion of the records after receiving an SCI subpoena.

I would point out that lack of timely response to such complaints was the main reason that New York City turned over responsibility for enforcement of animal cruelty laws to the NYPD in 2014. Since the police there began taking the lead in responding to and investigating animal cruelty complaints, response times have significantly improved, with most calls now answered within eight hours.

In closing, on behalf of our Investigative Commission, let me say that we stand by the core recommendation we made 17 years ago, and that we repeated this past October. Responsibility for enforcing New Jersey's animal cruelty laws, like other legitimate elements of law enforcement, should be placed within the qualified framework of government and performed by trained professionals.

Today we are pleased to see that that salutary objective embodied in a Bill, S-3558, which is moving through the legislative process as we speak. This is an important step forward toward finally bringing some sense and rationality to the fundamentals of enforcing these vital laws.

I'd be happy to answer any questions you might have at this time.

ASSEMBLYMAN ANDRZEJCZAK: Any questions? (no response)

Thank you.

MR. SEGLEM: Thank you.

ASSEMBLYMAN ANDRZEJCZAK: Up next, we have Tim Martin and Frank Rizzo, New Jersey SPCA.

**TIMOTHY J. MARTIN:** Good afternoon, Chairman; members of the Committee.

Thank you very much.

My name is Tim Martin; I am the three-quarter-billion-dollar lobbyist for the SPCA.

With me I have Chief Community Law Enforcement, Frank Rizzo.

Per your earlier request, we're not going to read our written testimony, which has been provided to the Committee. We are able to do that because we have the benefit of front line experience and having witnessed firsthand the fine people and volunteers of the SPCA and the hard job that they have, the training they go through, and the incredible amount of vetting that is put into the selection of our officers and agents.

And we're happy to -- after Mr. Rizzo's comments -- answer any questions that you guys may have.

And thank you for this opportunity.

**COLONEL FRANK RIZZO:** I'm a little under the weather today.

Good afternoon, Mr. Chairman, and members of the Committee.

I'm Frank Rizzo; I'm the Chief Community Law Enforcement Officer for the State SPCA.

This is about my 20th year doing this, and we're really here to let you understand what the SPCA is all about and exactly the things that we are.

I would certainly be derelict in my duties if I did not address, upfront -- and we want you to be clear in understanding that we're not a broken agency and we are not a haven for wannabe cops. We're not an organization that's lost sight of its core mission, and we don't think we should be disbanded.

For 150 years, the taxpayers of New Jersey have had this service provided to them at no cost. And we think that our enabling legislation is crystal clear about who we are and what we do.

If I can address some of the pieces of the SCI report.

They've labeled us as a *haven for wannabe cops*; the exact opposite is true. Our agents and officers undergo training developed by Department of Law and Public Safety, approved by the PTC. And our 20 armed officers are commissioned every two years by the State Police, and that's a standard no other law enforcement officer is held to in the State of New Jersey.

And we receive about 5,000 complaints each year. Since January 2015, we've issued approximately 1,250 summonses for animal cruelty.

The SCI's conclusion that we are not responding to complaints in a timely manner is simply not true. They obtained access to our system through a disgruntled former employee, and we don't believe that they handled that particularly well.

They say that they've reviewed thousands of cases; in their report, the Commission says it reviewed 120 cases, which is a very inappropriately small sample of the 5,000 this year that we've handled, and the more than 56,000 that we've handled over the last 10 years when we

put our system of recording into place. So we think that their methodology is flawed.

Additionally, the SCI spent no time in the field with any of our people; not one second. So I don't really understand how they could understand our culture and how we do things.

Some critics have questioned us about the use of firearms or why we need firearms. And of our 60 people who are involved in law enforcement activities, only 20 of them are armed; and they go through training that's been outlined, again, by Law and Public Safety, the PTC, and we train initially at Sea Girt. So we think that the training is very thorough and appropriate.

We've had no incidents of any gun problems at all in 150 years; not accidental, not otherwise.

And the importance of why we are armed, just so the Committee understands -- about a month-and-a-half, two months ago, two of our people -- one armed, one not armed -- were in Newark, doing just a regular investigation, and they encountered someone with an AK-47. So they were smart enough to back off; they called the Newark Police, and that person was arrested and that weapon was taken off the street because of our efforts. So insulting us by calling us *armed pet detectives* is really not the way that things should be done.

We also are not an agency that engages in aggressive ticketing or conducts unauthorized traffic stops. We don't have any -- there is no authority for us to do that. And we just disagree with that summarily.

With respect to the exorbitant legal fees-- Law and Public Safety and the Attorney General's Office -- we have asked any number of

times to please provide us with a Deputy Attorney General that could help us on our legal matters. They have declined; so any reasonable person or organization would then have to get representation, and we have done that. And about 90 percent of all the litigation that our organization is involved in comes from the County SPCAs suing us because we have the temerity to try to enforce the SPCA Act of 2006 -- which the Legislature wanted controls, and that's what we're trying to do.

And finally, the call to disband the SPCA or strip us of our authority is something we disagree with. Back in 2000, the SCI made their report; it was debated *ad nauseum* in 2002 with Governor McGreevey's Animal Welfare Task Force. And very honestly, this question's been asked and answered.

So throughout the debates we made it clear the county and local law enforcement have no appetite for this. They don't want to be associated with it; they can't handle the costs associated with it. And we never got any dollars from the State to do any of this.

I'd be happy to answer any questions that you may have.

MR. MARTIN: I would just like to add one final point, Chairman, before any questions are asked.

Much has been made on this question of whether or not we are spending money on the welfare of animals. And I think that's a matter of semantics. I have no idea how that charge can be leveled against us, unless you are limiting your definition of the *welfare of animals* to their sheltering and veterinary care. It's important to note that the SPCA, under Title 4, is not an animal shelter. We're not veterinarians; we're not in the business of animal control. That's a whole entirely other function that's regulated by

the Department of Health. So if you're going to say the cost of going out there, and investigating animal cruelty, and making arrests, and issuing summons, and prosecuting those cases is an inappropriate use of our resources, then I don't know how you expect humane law to be enforced in this state.

So I can only assume that that's where that disconnect is coming from. But I would be remiss to sit here and not try to answer that charge a little bit more directly.

So thank you for that opportunity

ASSEMBLYMAN ANDRZEJCZAK: Any questions?

Sure.

ASSEMBLYMAN TALIAFERRO: Thank you for your testimony.

Just a quick question. In previous testimony we heard the response time in New York was eight hours, I believe. Do we know, approximately, here, what our response time is?

COLONEL RIZZO: I think that their information is erroneous. Things don't always get updated in the system. We have people volunteering to do work.

On average, every call is responded to within about 48 hours.

ASSEMBLYMAN TALIAFERRO: Got you.

COLONEL RIZZO: Contact is almost always made within 24 hours with the complainant.

ASSEMBLYMAN TALIAFERRO: Thank you.

COLONEL RIZZO: Thanks, Mr. Vice Chairman.

ASSEMBLYMAN ANDRZEJCZAK: Go ahead.

ASSEMBLYMAN DiMAIO: Thank you, Chairman.

Going through the report, there are a few things in here.

One of which -- I believe the 2006 law -- and correct me if I'm wrong -- requires you to do an annual audit. And that audit hasn't been done of the last two or three years, maybe, looking at this report. Is that accurate?

COLONEL RIZZO: At the time of the report, it may -- it was not accurate. All of our reporting is up-to-date, at this point. Through 2016, all of our 990s are filed, and our CRI 300s are filed.

ASSEMBLYMAN DiMAIO: But an audit--

COLONEL RIZZO: Are you talking about the law enforcement report?

ASSEMBLYMAN DiMAIO: An independent audit on your finances is a requirement of the 2006 law, correct?

COLONEL RIZZO: Yes, sir; yes.

ASSEMBLYMAN DiMAIO: So have you had an-- Who is your auditor? I didn't see anything referenced in here about how much money you spent on the audit each year and who's the auditor.

COLONEL RIZZO: We employed a new audit company this year; I don't know who it is. But that was completed -- I know it was filed prior to November 15.

ASSEMBLYMAN DiMAIO: How do you not know who the auditor is, if you're the Chief -- the Colonel?

COLONEL RIZZO: Well, that's a part of the financial end. We changed auditors this year, sir. It was Mr. Pavlovski in Bordentown prior to that, the prior three years.

ASSEMBLYMAN DiMAIO: And those audits were up-to-date, I believe, to 2014?

COLONEL RIZZO: They were, through 2014; and then there were three years where they were not up-to-date. And by January 27, 2017, all that was filed.

ASSEMBLYMAN DiMAIO: So did you provide this to the SCI?

COLONEL RIZZO: I don't know whether they asked for it. They may have asked for it as part of their packaging. I don't know.

ASSEMBLYMAN DiMAIO: Because you would think that an auditor would pick up what was going on with the legal fees, building pay not being paid, the proper rates that you were supposed to be charged. Explain to me how that much money was overbilled, and nobody in the organization, through that audit, could pick that up and protect the donors' money that you have responsibility for.

COLONEL RIZZO: Well, I think that's a fair question. But what I will say to you is this. We've been sued, repeatedly, by some of the same organizations, and some of those people are sitting in this room today. For instance, Hunterdon County has sued us three times in State court; after being -- after losing three times in State Court, they've now sued us in Federal court. They've sued me personally; I've had to retain my own counsel.

So as I said in my testimony, anyone who is reasonable would have to go out and hire an attorney for that. There are no established rates that we had to pay or were able to pay; we paid Mr. Levin-- And again, it says \$775,000. I don't think we've probably -- we probably owe him, still,

\$400,000. Those are not paid, so they are outstanding bills. I think the Board was very aware that they were outstanding bills, but I don't think anyone reasonable would go to court without representation. And when you're sued, repeatedly, by the organizations that you're trying to govern, that creates a problem.

MR. MARTIN: If I could--

ASSEMBLYMAN DiMAIO: I just want to follow-up.

MR. MARTIN: If I could-- Just briefly, Chairman.

Your concerns are not falling on deaf ears. One of the things we thought we had accomplished, in 2006, was to establish a clear bright line for when a county SPCA is in compliance with the desires of the Legislature, and when they're not; and then charge the State SPCA with then going out and saying, "You're not doing what the Legislature told you to do, and so you are either going to get suspended or revoked, or you're going to come into compliance." For some reason, that goal wasn't realized. We thought that the 2006 Act would have done this.

So one of the things we want to do is have this conversation. Not in the lame duck, but have a conversation about how come that didn't work out? How come there's still confusion at the county; how come there's still confusion in the courts as to what everybody's responsibilities are, and what the remedies are for that? And how does this lead to endless litigation?

You know, if you and I were to read the 2006 Act, it would say if you're supposed to walk on the right side of the street, and you're walking on the left side of the street, you're not doing what the Act says you're supposed to do. And it really shouldn't be dragged into civil court. That's

something we'd like to take another look at; not necessarily to make this a counties-versus-us thing, but just to make sure everybody understands what everybody's responsibilities are, and that the courts do too. And maybe civil court isn't the right venue for this; maybe this should be more of an Administrative Law matter, or something that can save everybody, on both sides of the legal dispute, time and money.

ASSEMBLYMAN DiMAIO: The law still requires an audit annually, correct? Are you aware of this, or not?

COLONEL RIZZO: Yes, and the audits are complete.

ASSEMBLYMAN DiMAIO: They are now, but they weren't apparently after the-- You must have caught up this year, I think.

COLONEL RIZZO: We caught up by the end of last year, and filed by January 27 of this year.

ASSEMBLYMAN DiMAIO: Because had those audits been done timely, you might have found out that you were overbilled; for God's sake, you're paying 18 percent interest on balances. I don't know how you're ever going to make it out of this hole that you've got yourself into.

COLONEL RIZZO: Well, I can't answer that question sir; but what I can tell you is that what Mr. Martin said is relevant. I can't imagine anyone going into court without representation.

ASSEMBLYMAN DiMAIO: I understand that. At the same time, if somebody's billing my little company incorrectly, you bet I'm going to know that.

MR. MARTIN: Well, Assemblyman, one man's *overbilled* is another man's *over sued*. So I would suggest to the Committee that we're just getting sued too much. For an agency that's asked to, with not one

State dime, perform a very important public function and have us out there, hanging in the breeze, getting sued for OPRA violations-- There are Facebook pages set up with instructions on how to sue the SPCA. And we have gotten no relief from the State -- legal, tort reform, or otherwise.

So yes, I wish those bills were not there, too. I'm with you. But you can't say, "Stop getting sued," and then look the other way when these people are throwing junk lawsuits at us every other week. We would love to work with every member of this Committee on some meaningful civil suit reform to protect agencies like ours that are being asked to do very important work, and given not a dime with which to do it.

ASSEMBLYMAN DiMAIO: There was another issue in here with regard to a company that you own selling shirts and different types of things to the SPCA. This is not a conflict?

COLONEL RIZZO: I was asked by the former President to supply goods from the company that I own; that's correct. All of my disclosures were made in writing to the Board, and that was provided in the paperwork that we turned over to SCI. There's a written disclosure; it was all discussed. As far as I was concerned, I handed a bid in; and I got some work, and other companies got work as well.

ASSEMBLYMAN DiMAIO: How many cars do you have in the organization?

COLONEL RIZZO: About 21.

ASSEMBLYMAN DiMAIO: What's it cost to run those cars a year?

COLONEL RIZZO: It depends, depending upon-- We don't ever-- We rarely -- I shouldn't say *ever* -- we rarely get a new vehicle. Normally we have to go out and buy used police vehicles.

ASSEMBLYMAN DiMAIO: What does it cost to run the cars a year? I'm not asking what kind of cars they are.

COLONEL RIZZO: Well, again, if we're talking about fuel, it's about \$40,000 a year. I would say the average repair bill runs between \$1,500 and \$2,000 to maintain it annually.

ASSEMBLYMAN DiMAIO: Is that a relative of yours who does those repairs?

COLONEL RIZZO: No, sir.

MR. MARTIN: We have, in years past, on several occasions, asked the Department of Treasury to consider allowing us access to State fuel. Again, a small ask -- \$40,000 in a \$32 billion budget -- to go out there and perform free law enforcement that the people of New Jersey want to see get done. You know, the time for resolutions isn't that far away. You want to work on one with us, any one of you? I have the request memorized by heart.

ASSEMBLYMAN DiMAIO: Okay; when the changes were made in the 2006 law, wasn't that wake-up enough to get the house in order, so to speak, and properly follow the new law and operate in a fashion that wouldn't have been questioned, once again, 17 years later?

MR. MARTIN: Well, when you're us you learn that you're always going to be questioned. You're either going to be told you're doing too much or not doing enough.

ASSEMBLYMAN DiMAIO: Us too.

MR. MARTIN: Yes, so you know what it's like.

ASSEMBLYMAN DiMAIO: Us too; you bet we know what it's like.

MR. MARTIN: No; in fact, we work very hard with the Legislature in collaboration; because we wanted that wake-up call, both at our level and at the county level. And I would submit to you that the SPCA of 2000 was in need of an incredible amount of reform. Back then, to be an armed officer -- going out there and having the power to make a warrantless arrest and have a gun on your hip -- all you needed was for the President of the County Society to say, "Here you go, go out there and get them." There was no standard training, there was no standard vetting.

So there were a lot of positive reforms in the 2006. Is there work to do? I think that we can all agree there is; and we're happy to sit here, or stand here, and work with you on that.

ASSEMBLYMAN DiMAIO: So you could pretty much admit that you didn't follow the new law in 2006 the way it was supposed to be followed.

MR. MARTIN: No, I'm not admitting that we didn't follow the new law; with the one exception of an accounting glitch that occurred because there were some problems at an outside professional that we were relying on. Those problems were discovered, they were rectified, disclosures were made to all of our donors in open public hearings; they were made to our donors on our website and on our Facebook page. They were fixed; and they were fixed retroactively, so no harm was done to the people who had given to the SPCA.

Again, in terms of legal costs, I can't sit here and agree that us getting sued without merit, with the incredible frequency with which we have, is our fault. That system needs to be fixed. And--

ASSEMBLYMAN DiMAIO: And I don't want tie up (indiscernible)--

MR. MARTIN: --and I can't think of any other law enforcement agency that needs to go out and hire a lawyer to prosecute a case. That's also a problem. And, you know, one of the other reforms we would like to look at is to have a closer relationship with the Department of Law and Public Safety and the Attorney General's Office. And if that means there is somebody at the State keeping closer tabs on us, absolutely; we would totally go for that, we have requested that.

We were told to take our quarterly law enforcement reports -- this is about six months ago -- and change the address to which we were sending them. The address given was to somebody who had retired six months before we were given that address. That's the level of cooperation we've gotten from the Department of Law and Public safety.

I'm not trying to call them out and saying there's anything unethical going on there. I'm sure you will hear from any agency that they're all stressed; they're all understaffed and overworked. I'm sure you've heard that before. But the bottom line is, the way that we're going to fix a lot of these problems is to have a little help from the State, and to have a little oversight from the State. We've asked for a point of contact, simply somebody who we can ask a question to. "Hey, we found out our accountant screwed this up; what do we do?" We've been requesting that

for five years. I must have heard, "We'll get back to you," 10 times. We're still waiting.

ASSEMBLYMAN DiMAIO: Can you provide this Committee with copies of the correspondence?

MR. MARTIN: It was all verbal. I could go back through my calendar and look at the dates they were made, but it was verbal.

ASSEMBLYMAN DiMAIO: So you-- Everything's verbal.  
Okay.

MR. MARTIN: I think they're transcribing this.

ASSEMBLYMAN DiMAIO: One other question.

In 2014, there was an expenditure of \$25,102 for ammunition.

MR. MARTIN: Yes.

ASSEMBLYMAN DiMAIO: How many armed officers do you have?

COLONEL RIZZO: I think we had 22 people go through the State-mandated firearms training course that year.

ASSEMBLYMAN DiMAIO: And how many rounds of ammunition does this represent?

COLONEL RIZZO: We were required to have 1,200 rounds each. I think it represents about -- it was just that number; maybe slightly over.

ASSEMBLYMAN DiMAIO: Was that just that year, or every year?

COLONEL RIZZO: That was just that year.

ASSEMBLYMAN ANDRZEJCZAK: What was the need for so many rounds per person, per individual?

COLONEL RIZZO: That's the requirement, Chairman, from the Sea Girt range. That's what the course called for.

ASSEMBLYMAN ANDRZEJCZAK: I was in the military, and every time we went outside the wire I had, roughly, 700 to 750 rounds on me. I mean, in a combat zone. It's a little bit different here in the State of New Jersey.

COLONEL RIZZO: I would agree with you; but those are their requirements, not ours. We have to follow them when we attend the class; we have no choice. If their paperwork says bring 1,000 or 1,200 rounds, you have to have it, because it's eight days of on-range training.

ASSEMBLYMAN DiMAIO: Mr. Chairman, I'm good for now.  
Thank you.

ASSEMBLYMAN ANDRZEJCZAK: You good?

ASSEMBLYMAN DiMAIO: I'm good for now; thank you.

ASSEMBLYMAN ANDRZEJCZAK: Good for now. (laughter)  
I have a few questions myself.

So you said about 90 percent of the lawsuits were from local or county?

COLONEL RIZZO: County SPCAs suing us for enforcing the Act, Mr. Chairman; yes.

ASSEMBLYMAN ANDRZEJCZAK: And what parts of the Act specifically are they saying that you guys are going against them on?

COLONEL RIZZO: Well, usually it's compliance issues. So the Act says that each county is supposed to have a Chief Humane Law Enforcement Officer, which entails going through Phase I HLEO Course;

Phase 2; and then being commissioned by the State Police. And if they don't, then they are out of compliance.

ASSEMBLYMAN ANDRZEJCZAK: So they're out of compliance on that.

COLONEL RIZZO: Yes, sir.

ASSEMBLYMAN ANDRZEJCZAK: Do you guys provide training; and not only that, provide training opportunities regularly--

COLONEL RIZZO: We do.

ASSEMBLYMAN ANDRZEJCZAK: --for them to be able to come into compliance?

COLONEL RIZZO: We do. We always give them at least a cure period, so we can try to figure something out, rather than revoking somebody's charter. When we had to take the HLEO 1 course, when it was first approved by the Police Training Commission some years back, even those of us who wrote that course had to take it. So we all went to the training, and it was expensive. So we undertook going to the Police Academies ourselves and running the course for about a third of that cost. And we have been training all State SPCA and County SPCA members who are law enforcement folks at about -- it's about one-third, a little less than a third of the cost of what the outside entity was doing it. But it has to be done in an academy setting, per the PTC.

ASSEMBLYMAN ANDRZEJCZAK: So for the training, it's in an academy setting. You have regular periods where they can go and-- Is there information provided on it, as far as what dates are available to the locals, so they can actually work around their schedules? Or is it kind of dropped on them whenever--

COLONEL RIZZO: No, I wouldn't say it's dropped on them at all. We try to do a course in the spring and the fall; that doesn't always happen. We try to run one course in the Ocean County area for people in the South, and then we run one in the northern area in Essex County.

But no, they're provided with the dates and the times; and sometimes they'll have people who are just coming into their organizations and they want to get them in at the last minute. That does happen as well.

ASSEMBLYMAN ANDRZEJCZAK: And how much time do they have to come into compliance? Say they joined the organization and they have to go through the training. How much time do they have until they're out of compliance?

COLONEL RIZZO: It depends. Usually, what the law -- what the law says is that when someone joins, they're supposed to get that training within one year; that's for basic training. But each county has been in existence for a long time, and they should have personnel available to become a Chief Humane Law Enforcement Officer within their county. Some do, some don't. In a case where some don't, we have -- rather than shut them down in their activities, we just let their agents work, and we monitor their progress and what's going on until someone new can be put into place. We did that with Atlantic County last year; they didn't have a Chief Officer, but someone was going to go through the training and we helped them get to the training, and then tried to assist them with the commissioning. But that's the State Police; we did everything that we possibly could do, and then they worked under our jurisdiction until that certification was attained.

ASSEMBLYMAN ANDRZEJCZAK: And how much time do you give them before you find them out of compliance?

COLONEL RIZZO: Well, again, it depends upon how long they've been out of compliance. We're usually not right on top of them; we want to give them a chance to fix whatever issues that they have. But it really is going to depend upon what part of the Act they're not in compliance with.

ASSEMBLYMAN ANDRZEJCZAK: How many warnings do they get before they're found?

COLONEL RIZZO: Most of the time, they're going to get at least one, and perhaps more than one. And the cure period is -- while we say it's 10 days, invariably it ends up being a much, much longer period of time.

ASSEMBLYMAN ANDRZEJCZAK: Rather than finding them out of compliance and then stripping of them their abilities to take care of animals and do the right thing, wouldn't it be easier to find them out of compliance, give them time to go and receive the training, and keep them operational?

COLONEL RIZZO: Well, we did that in Atlantic; we kept them operational. We did not shut their law enforcement activities down.

ASSEMBLYMAN ANDRZEJCZAK: Well, just as far as lawsuits, don't you think that would prevent lawsuits?

COLONEL RIZZO: I wish I knew what the answer to preventing lawsuits was; but essentially, you know, we have counties that are now revoked, and they're suing us with money that is supposed to be put into escrow for the next group of people that is going to take those over.

ASSEMBLYMAN ANDRZEJCZAK: And the money that they're suing you with -- that is coming from their local donations as well?

COLONEL RIZZO: As far as I know, yes.

ASSEMBLYMAN ANDRZEJCZAK: It seems like a lot of money being wasted -- a lot of donated money being wasted.

COLONEL RIZZO: We totally agree. We wish that none of it was wasted. That would certainly be our preference to not have to repeatedly end up in court.

MR. MARTIN: Chairman, I would say of all the potential misgivings there may be about how the 2006 Act is working, the waste of these lawsuits has got to be at the top of the list, and probably the easiest to fix. It would probably take a little cooperation from the State, accepting a little responsibility from the State. But that is, you know-- If I -- if my grandmother put in her will *X* amount of dollars for her county SPCA, and I found out they were using it to sue the State over some jurisdictional dispute, or some refusals to comply, I would be livid.

So I agree; that is probably the biggest waste that there is out there; we're not suggesting anything otherwise. And we really hope that we can work together to find a better way for us; and hopefully, I would think that what immediately comes to mind would be the Department of Law and Public Safety. But maybe there's somebody else at the State who can look and say, "You're in or you're out of compliance," rather than have us argue with them in front of a judge. It's just a wasteful, time-consuming, inefficient way of bringing about compliance that distracts all of us from the job that we're supposed to do. And so we would really like to work with this Committee on that.

ASSEMBLYMAN ANDRZEJCZAK: We very much need to. I mean, clearly we're in a spot where you have a bunch of people who are trying to do good, and they have their hearts in the right place. But clearly, the objective isn't being completed. So we're definitely going to have to sit down in the future and decide the best route of getting to our -- completing our mission.

MR. MARTIN: We agree.

ASSEMBLYMAN ANDRZEJCZAK: Any other questions?

ASSEMBLYMAN HOUGHTALING: Is there any other examples of why you're getting sued so much?

COLONEL RIZZO: It's really just down to that specific issue; and then OPRA. We don't have staff to deal with that; and we tried to answer as many OPRA requests as we could, and then we got inundated with it, and ended up with being sued for that. And I think that was probably a \$45,000 judgement against us, because we lost -- that we have had to pay. So I would say that that's the other main piece of this.

There's really no other litigation. If we didn't have to deal with the county issues and OPRA, I think that we wouldn't see the kind of ridiculous amount of fees that we have at this particular point.

MR. MARTIN: And that's another -- that's one of those social media complaints that I raised earlier. There are Facebook pages out there that explain to you how to file an OPRA request against the New Jersey SPCA; they give you a link. You lawyer up, and we have to pay your lawyer. And for what? It's harassment and nuisance; and you know, somebody was upset that we didn't respond to their concerns as quickly or

as harshly as they thought we should. Or maybe they did -- or maybe they thought we were too harsh and too quick.

Again, just like you guys -- we're in one of those spots where every decision you make, there is some percentage of the people out there who are going to disagree with you. But could you imagine if there was a Facebook page out there that said, "Here's how to OPRA the Office of Assemblyman Eric Houghtaling." And you know, you came into the office one day, and you had a dozen one day, and then two dozen the next, and then all of a sudden your Chief of Staff is going, "Assemblyman, where's all this stuff coming from?" And you find out it's a Facebook page.

Well, that's what we're going through. Again, another example of pulling resources away, and people and time away, from the mission.

So we are looking forward to that conversation.

Thank you.

ASSEMBLYMAN ANDRZEJCZAK: Anybody else? (no response)

Thank you.

MR. MARTIN: Thank you, Chairman--

COLONEL RIZZO: Thank you.

MR. MARTIN: --and Committee.

ASSEMBLYMAN ANDRZEJCZAK: Up next we have Ed Wengryn, New Jersey Farm Bureau.

ED WENGRYN: Mr. Chairman, members of the Committee, thank you for holding this hearing today.

We'll keep our comments really brief.

Our concern is broad within the agriculture community; and part of the institution of humane standards is the Department of Agriculture. They have published, first in the nation, standards for the care and treatment of livestock. And as part of those regulations, the SPCA -- or anybody doing an animal investigation on a farm -- is supposed to contact the Department, and go out with an investigator, and do the investigation in conjunction with a certified livestock investigator; somebody who knows the breed of animal, the types of animals.

And the real reason for that is sicknesses and diseases look a lot alike. So if an animal is losing weight, is it a disease or is it an illness? And if it's a disease, many of the animal diseases are reportable; they impact trade, both reportable between the states, but also internationally. And getting to the bottom of a disease situation is really critical for the continuation of agriculture's viability.

The SPCA has not always been consistent in reaching out to the Department of Agriculture. They may get the call; you've heard about the slow response times. You know that, "Oh, I passed this horse lying down in the field," and the guy says, "Okay, I'll get there after work." But then he waits until he's on his way there to call the Department; and by the time the Department gets the message, gets a vet together to get out the site, they're not there together, they're not working in conjunction.

That's why we really believe it's time for regular, professional law enforcement to take over this. We believe, thoroughly, that the officers who are doing these jobs have passion, and commitment, and respect for the laws. It's all the other stuff that goes with it: the underfunding, the not appropriately being funded. If we're going to do this, it's time to bring this

system from the 1800s to the 21st century. I mean, it's time for -- we have animal control officers, we have police officers; you have animal cruelty happening in urban settings. One of the areas that crosses agriculture is cockfighting. You know, that's not just cockfighting -- that's gaming, that's gambling, that's criminal activity going on. And you should not have volunteers going into those settings to address those things. This is really a job for law enforcement, and that's really where we think addressing all of these concerns comes down to.

And the problems of gift giving and all of those things can be left up to animal shelters, animal care; and then leave the law enforcement side to law enforcement.

So that's my testimony, and I'll take any questions.

ASSEMBLYMAN ANDRZEJCZAK: Thank you for your testimony.

So the Farm Bureau -- how often is the New Jersey SPCA called out and it being agriculture-related, and not so much domestic animal-related? Is there either confusion, or is there misdiagnosis of the issue?

MR. WENGRYN: The Department of Agriculture could probably give you that, and I think that's one of the areas that the CSI -- they didn't really touch on the agriculture investigations. But the Department has had the same thing, where they've been called out, they've done their report, and they've submitted their findings. And then they never hear -- did the prosecution happen? Or quite a few times, the issues were summoned; and then the Department shows up and says, "We don't see a crime. It was an illness, it was this and that." And it was a misunderstanding in animal care and management.

And so then the charges are adjudicated through municipal court, in a complex way; where we feel a lot of that can be addressed when they actually -- when the system works, it works; when it doesn't, it doesn't. But the Department could probably give more concrete numbers from the State on how many investigations they cover each year and have done. I know two or three a month, on average; it could be more.

ASSEMBLYMAN ANDRZEJCZAK: Now, with animals being seized, I imagine it would be rather difficult for them to be returned. Now, in the event of -- I mean, the animal being seized, they go in through the court process; and having to bring all the information to light. In the event of it being a farm animal -- which is much different than a pet -- in the event of it being wrongfully charged, now you have to cover the costs of the boarding and everything else, correct?

MR. WENGRYN: The animal care and all of that stuff, yes. That becomes a cost for--

ASSEMBLYMAN ANDRZEJCZAK: Which tends to be more expensive than the actual property owner--

MR. WENGRYN: Yes, because taking care of what could amount to a 20-year-old or a 30-year-old horse that is just aging, and not necessarily being abused; but just not holding weight or taking food in the normal manner-- By the time they adjudicate and get all that through, somebody could have been paying, you know, \$400 or \$500 a month in stabling fees at a rescue facility or a quarantine stable. You know, those things are expensive. And then the animal itself is worth, you know, \$300 to \$500.

ASSEMBLYMAN ANDRZEJCZAK: Right.

MR. WENGRYN: And you know, you spent more for care over an animal health issue than an actual cruelty case.

ASSEMBLYMAN ANDRZEJCZAK: Any other questions? (no response)

Thank you.

We have Brian Hackett from the Humane Society of the United States.

**B R I A N H A C K E T T:** Thank you, Mr. Chairman, and thank you Committee members for your attention to this very important issue.

I have some prepared remarks for both the Senate Budget Committee and your Committee, regarding with S-3558 legislation, on reforming the humane law enforcement structure in our State, which I will distribute.

But just for the sake of simplicity and all of our time, I'll just have a casual dialogue about this.

I think we have to focus on the bigger picture with humane law enforcement in our state. What we're facing right now -- I think a lot of these problems we see is the fact that no matter how well intentioned, our State is relying on a nonprofit entity to do governmental functions.

Humane law enforcement, for some reason or another -- with this 1868 law that set this structure up, we rely on our law enforcement that the structure we have in place -- our county prosecutors, our local police, our-- That entire structure that we've invested in for so long doesn't directly have to deal with criminal animal cruelty because, so often, it's just pushed onto the NJSPCA, which has the designation to deal with these issues.

So we have this dual structure where the State is not fully backing this enforcement up, using existing law enforcement structures, and we're relying on a nonprofit entity to essentially do all of this. And so this is where we run into problems with OPRA, for example. Is this a nonprofit that's not subjected to OPRA? Is this a government entity doing government functions that is? That's one issue.

We run into the issue of funding, and revenue streams, and expenditures of money.

What I think is great about S-3558 -- legislation that has passed SEG-- And I just want to be very clear as well. I am not one who subscribes to this idea of *wannabe cops*. I think that's inaccurate and insulting. I think there are a number of agents and officers in the NJSPCA who are great people, they're trained, they want to do what's best for the animals.

This is not about being for or against the NJSPCA. Granted, there are issues that I think have been exposed that we need to deal with. But if we laid the blame entirely for the flaws of our State's humane law enforcement structure solely at the foot of a nonprofit that was charged to do a governmental function in 1868, we're missing the bigger picture.

So that system is outdated, insufficient, and flawed. And there have been a couple efforts in recent history to try to get at this. Senator Dougherty was interested in legislation to try to put some accountability structures under the County Prosecutor; which I think is a good idea. Senator Greenstein and Senator Sacco have previously introduced legislation -- S-2069, I believe -- which would try to implement a municipal Humane Law Enforcement Officer. And I think what we're seeing in S-

3558 is a very balanced bringing these things together. It creates a uniform structure for humane animal -- criminal animal cruelty enforcement, but still allows the prosecutors and the local governments flexibility enough to determine how this is going to play out. And what I mean is, the legislation -- essentially -- along the spirit of Senator Dougherty's bill -- creates a Humane Task Force under a County Prosecutor's Office, who is already the Chief Law Enforcement Officer in that county; and that Task Force would be charged with hiring a Chief Humane Law Enforcement Officer in the county, in this animal cruelty Task Force under the Prosecutor's Office, which would then essentially have the flexibility to hire officers and structure itself to be the clearinghouse for criminal animal cruelty complaints in the county. That Task Force may push it back down to the local government and have it be dealt with on a municipal level.

The Bill stipulates for this municipal Humane Law Enforcement Officer. That doesn't have to be someone that the municipality hires separately with an increased cost. That could be an existing officer in the department who is designated the municipal Humane Law Enforcement Officer to handle these types of complaints that come in on the local level. Because right now the structure is just -- quite frankly, Assembly members -- it's screwed up. We have a State entity, we have some counties with chartered chapters, and we have other counties that don't have any charter chapters. So that, in effect -- the NJSPCA, then, is the one we're relying on to handle complaints.

So we may have a part-time volunteer NJSPCA officer who works full-time in New York City; who comes home, and a complaint gets

routed through. And they can't drive two hours to Cape May to deal with that complaint. It's just--

So what I'm getting at is, the existing structure is essentially kind of built to fail. And the NJSPCA is trying to function within this structure that's fatally flawed. And we're all concerned about properly addressing criminal animal cruelty in our state. And so I think we need to look at a bigger picture, and more broadly. And I can tell you, I spent hours, upon hours, upon hours of having conversations with county SPCA officers, retired law enforcement, shelter directors -- anybody imaginable who is somehow a stakeholder in this issue. And there is overwhelming consensus of general support for a Bill like S-3558, where we're tackling this broader issue of the structure of criminal animal cruelty enforcement in our state. And that's, I think, what we need to think about and what we need to focus on.

I spoke with an official in Cape May, Mr. Chairman. Cape May, I think, is a perfect example of what we're talking about. The County Sheriff has designated a County Sherriff's Officer to be the countywide Animal Cruelty Investigator. That Sherriff's Officer went for ACI training; and basically, any complaint or concern, as it deals with criminal animal cruelty in Cape May County, goes routed through the County. They don't even call the NJSPCA. Now, that's not because the NJSPCA are bad people, or anything. It's just that the structure is not efficient or sufficient enough to address that type of complaint in a place like Cape May County, that may be two hours from the nearest volunteer officer who needs to get to that, at some point.

When it's brought under the existing law enforcement structures that we currently are investing in in our State, there is full accountability in a number of ways. If the County Prosecutor doesn't want to deal with the case, maybe the municipality is going to. If the Task Force -- if people have concerns, they can go to the Freeholder Board, they can go to the AG's Office. There is not a clear accountability structure at the moment. We need legislation that creates a uniformity in criminal animal cruelty enforcement, while also maintaining the benefits of the nonprofits that we have in our state. And that's where-- I don't want to see the NJSPCA go away; I just think we need to figure out how to have a clean divorce between full government function of criminal animal cruelty enforcement and the nonprofit functions of running shelters, educational programs -- all of the other aspects that county and the State NJSPCA essentially are engaged in at the moment.

If you look at Monmouth County, for example. The Prosecutor's Office -- the County is very supportive of the County SPCA. Monmouth County is, I think, a shining star in how a lot of this can work. I think Cape May, in a lot of the ways that they're working, is something to look at; essentially doing a lot of what S-3558 lays out already. And there's not necessarily going to be a substantial cost increase either.

And by the way, I think with this reform structure that we're talking about here in the Senate Bill -- and there's an Assembly complement Bill -- it allows a structure for existing NJSPCA agents to become fulltime Humane Law Enforcement officers under that structure, if they so choose.

So I'm happy to entertain any questions on that, that the Committee may have.

ASSEMBLYMAN ANDRZEJCZAK: So the Senate Bill that is currently out there -- you're saying that's probably the best action of how to resolve this; or is that a starting point?

MR. HACKETT: I think the Senate Bill, as currently drafted, is a fantastic balance between creating a uniform structure, but while still offering our counties and municipalities flexibility without necessarily greatly increasing costs.

I think this-- And again, I think we could look at possible amendments to that Bill to figure out how to work with the existing NJSPCA structure. But I think the issue is, we can make a hundred fixes to the 2006 law; and I think a lot of the reason we're seeing it not working is just because we're not addressing the bigger picture of the structure here. The structure is not assisting us in being successful; it's not assisting the NJSPCA in being successful.

ASSEMBLYMAN ANDRZEJCZAK: Now, in that Bill, is that putting the cost on the counties, or local? Or is that putting the cost on the State?

MR. HACKETT: So essentially the Bill -- it centralizes--

ASSEMBLYMAN ANDRZEJCZAK: Sorry, I didn't get a chance to see it yet.

MR. HACKETT: Yes; so it centralizes criminal animal cruelty complaints under the County Prosecutor's Office in this Humane Task Force. So essentially, the County Prosecutor is going to be the clearing house for these complaints. And that Task Force, which can be appointed under an existing Assistant Prosecutor-- The Bill does stipulate that the county appoint a Chief Humane Law Enforcement Officer. That can be,

again, someone new, who the Prosecutor's Office hires if they so choose; or it can be an existing Sherriff's Officer, theoretically, that the county appoints to handle those complaints and be the primary person dealing with that on a county level.

And then the rest of the structure of the Task Force, from there, is left up to the discretion of the County Prosecutor. They can hire more officers, more agents, more detectives, more assistant prosecutors if they so choose. They don't have to.

And then on the municipal level, with the municipal Humane Law Enforcement Officers, that also allows a route for the municipality to have an existing ACO or ACI get extra training and certified by the Chief of Police to become that position.

So there may be some increased costs at some level with this. But it's really not overwhelming; it's largely within the existing structure that exists.

ASSEMBLYMAN ANDRZEJCZAK: So now, under that structure, it would be more so on the county and local municipalities. And having the Prosecutor's Office and the Sherriff's Department tied in with it, what would be the role or need of the New Jersey SPCA, if it's based on volunteers?

MR. HACKETT: Right. The Bill currently, Mr. Chairman -- what the Bill currently stipulates is that the State would reincorporate the NJSPCA as a nonprofit entity that supports any county SPCAs -- which would be designated by the County Prosecutor's Task Force that is in existence -- to basically do the nonprofit functions of supporting any criminal animal cruelty investigation or case. So if there's a dogfighting raid

and the County Prosecutor is taking that up, and the county needs to get a place to house dogs, essentially they're going to be working through the SPCA structure, or the existing shelters and rescues that are already called upon in situations like this to help.

ASSEMBLYMAN ANDRZEJCZAK: So they're -- the Sheriff's Department would be acting as the law enforcement end of it, and then you would have the volunteers housing, and whatnot, of the animals. Basically, it would be stripping away the NJSPCA's law enforcement ability.

MR. HACKETT: As far as the governmental law enforcement function of the existing NJSPCA, yes. The Bill would strip that aspect of it. It would keep the nonprofit functions, but the law enforcement duties and functions, essentially, fall under existing law enforcement.

And this is another thing that I'm concerned about. I think our NJSPCA officers are entitled to respect. Enforcing criminal animal cruelty is just as important as enforcing any other criminal issue. The link to future crimes is inextricable. The Texas mass shooter, in Texas -- history of criminal animal cruelty. We see it constantly. So I will -- at the risk of being dramatic, but it's absolutely true -- I will say properly enforcing criminal animal cruelty today could prevent a mass shooting tomorrow. And there are no ifs, ands, or doubts about that.

So I think we need to legitimize it, and create a structure where existing NJSPCA officers and agents -- who are already trained in a lot of ways, and are already certified, perhaps, to carry a firearm -- they are well-intentioned, they want to do this. There's a route for them to do that, if they choose to do it on a full-time basis. Because then having it under this type of structure, there's not, you know, "Well, I work full-time in another

position; this complaint got routed to me; I can't handle it today." And that's something that Chief Licitra at Monmouth County SPCA says, you know, "I'm a paid officer. My phone rings at 2:00 in the morning; I am required to answer it and address it immediately." And that's just what we get when we reform the structure and put it under law enforcement that we're already investing in.

ASSEMBLYMAN ANDRZEJCZAK: So currently, NJSPCA has the ability to write fines and has the ability to bring in money from that aspect. Switching it over to county and local, you're now stripping that ability as well.

MR. HACKETT: Any of those monies, those fines -- any of that revenue would essentially go to the entity that is taking that case up. If it's the County Prosecutor's Task Force -- that office; or if the County Prosecutor decides, you know, we're going to bump this case back down to the municipal police department, municipal court -- if they pursue the case, the monies would go there.

ASSEMBLYMAN DANCER: Thank you, Mr. Chairman.

Just a couple of questions, Brian.

So I'm concerned about the local property taxpayers. Obviously, if it's at the county level, that's property taxes; if it's at the municipal level, property taxes. We have a 2 percent cap. If the County Prosecutor determines that, well, you know, this is better left at the local level, there are some municipalities, yet, in the State of New Jersey that do not have local police departments.

MR. HACKETT: Correct.

ASSEMBLYMAN DANCER: Okay. They rely upon the State Police coverage.

MR. HACKETT: Right.

ASSEMBLYMAN DANCER: So have you given some thought to the cap issue; some thought to the local property taxpayers picking up yet another responsibility?

MR. HACKETT: Absolutely.

ASSEMBLYMAN DANCER: I'm just looking-- Because, you know--

MR. HACKETT: No, absolutely.

ASSEMBLYMAN DANCER: --that's where we're going to get questions.

MR. HACKETT: Yes. And actually, Assemblyman, I moved to your District, because the property taxes were lower in North Hanover (laughter); so I appreciate your concern with that.

But absolutely; I think it's a reasonable concern. And much of the Bill that's being deliberated -- much of it, as I mentioned, relies on existing structures that are in place. So it requires a County Task Force under the Prosecutor's Office; so essentially the County Prosecutors can designate an Assistant County Prosecutor to take up that Task Force; and then, a Chief Humane Law Enforcement Officer for the county, appointed-- Which, again, could be an existing Sheriff's Officer or Prosecutor's Office detective or attorney. And the local towns, in effect, under the Bill-- Again, there are three options for them in the Bill. They can appoint an existing officer, if they have a police department, to that role; they can transition an ACO or ACI they're contracting with to be a municipal

Humane Law Enforcement Officer -- with added training, and certification, and role; or they can hire someone separate, completely new and outside.

For towns that don't have police departments -- there are some -- the Bill would allow for shared services with towns that do, in terms of the municipal Humane Law Enforcement function; and however that would be coordinated. So there wouldn't be an absolute direct, necessary extra appropriation needed, at least with the horse right out of the barn with the Bill, as we see it.

ASSEMBLYMAN DANCER: Mr. Chair, again.

I don't think the taxpayers will buy that.

You know, it's not like the County Prosecutor's Office or municipal police department has personnel that, "I'm going to take on additional, important responsibilities here. And by the way, I have some free time." That doesn't exist. I mean, since we put in the 2 percent cap, believe me, that is not there. If we're going to give additional responsibilities, important responsibilities, we better be thinking about the funding of it; if it's coming from the State, does the State mandate? I don't know. But I'm very concerned.

I get it; I've read the SCI report. But we need to be conscious here of the taxpayers, okay?

MR. HACKETT: Absolutely. And the monies being shifted for those fines going to the county or the municipality would address some of that concern, probably not all of it.

ASSEMBLYMAN DANCER: And just finally, Mr. Chairman.

That approach -- and with all respect, Brian -- that approach, by trying to fund something, or a position, with fines-- I'm opposed to that.

MR. HACKETT: Right.

ASSEMBLYMAN DANCER: And I think we all know why.

MR. HACKETT: And the existing structure with those fines-- And this is another point, Assemblyman, that is very valid. Title 4 has a simultaneous criminal and civil component. So you can pursue a case civilly and have the fines, or pursue a case criminally. So that's a valid point.

I just think, in closing, with the financial issue -- I'm fully cognizant and agree with those concerns. I think, unfortunately, the State has gotten away for far too long with not properly figuring out how to finance these very legitimate criminal investigations and enforcement issues. And that's why I think we've unfairly relied on a nonprofit like the NJSPCA to, "Well, you guys have to do all this; but we're not going to put much into backing it up." And that's why I think S-3558 begins to look at a process to try to address that: putting governmental function properly under governmental entities, that are already being invested in, while separating a nonprofit from being able to do those government functions, but maintaining flexibility and creating uniformity.

ASSEMBLYMAN ANDRZEJCZAK: The State allowing the NJSPCA to take on those tasks is because it is nonprofit; because it is not an additional cost to the State.

MR. HACKETT: Right.

ASSEMBLYMAN ANDRZEJCZAK: If the State were to take it over, then there would be no need for the NJSPCA.

MR. HACKETT: Right. And I think just a closing point -- there are always realities with financing, and money, and revenues. We have to think about priorities--

ASSEMBLYMAN ANDRZEJCZAK: Well, my point is, if we're going to put money into it, why would we put money into an organization that is having difficulty right now managing or just running themselves; which, then again, in the State of New Jersey, that probably wouldn't go well either. But to manage it in a different way and put the cost locally; rather than pay an organization -- if we're going to have to pay from the State, at least pay it locally.

MR. HACKETT: Right. And that's a very valued point.

And I think if we look at the narcotics mandate from the State in the 1980s, where County Prosecutors had to handle -- create a Narcotics Division and handle that, I think looking at some of the similarities in that structure-- Again, you know, that's a very important issue in enforcement. It was a revised way the State handled it; it was created with a county-based structure with the Prosecutor's Office. I think that's, perhaps, a place to look for some guidance.

But we certainly have to move away from the status quo, whatever that is, because it's clearly not working. Cases aren't getting fully and properly addressed, and we need more uniformity under this.

ASSEMBLYMAN DANCER: Yes; just one final thought, Brian.

The dog license fees. I mean, you know, I've heard -- I don't know how much traction that would get. But just a word of caution with dog license fees. We're talking about animals in general. First of all, I'm

opposed to increasing the dog license fees, but-- You know, this could be for large animals, small animals; there is no nexus to the dogs at all. And so I've heard it mentioned; I don't know whether that will get traction. But I just want to put that out there.

MR. HACKETT: I appreciate that.

And one final, final point, I promise; and thank you so much for the time.

It's not every day that HSUS and the Farm Bureau are on the same page about a fundamental issue in our State; and I think we saw that today. So that was just quite interesting. (laughter)

Thank you, everyone.

ASSEMBLYMAN DANCER: Thank you.

ASSEMBLYMAN ANDRZEJCZAK: Very good.

We have Tee Carlson, the Hudson (*sic*) County SPCA.

**THERESA "TEE" CARLSON:** Good afternoon; it's nice to be here.

I'm from Hunterdon County; and Atlantic County and Middlesex County can't be here today, so they've asked me to represent them.

We feel that we need laws dealing with specific issues. Accountability is number one; we feel we should be reporting to the Attorney General and the County Prosecutor. We also feel we need a bill dealing with asset protection. People donate money to counties to help animals; not for frivolous law suits, or frivolous things that have nothing to do with animals. And then we feel that the board membership needs changes.

There are three bills that have been sponsored -- A-706, A-707, and A-709 -- they deal with these issues, and we feel it's important that these Bills be given consideration.

Very brief, but we feel that we need laws. There are a lot of wonderful, good people in the counties who do SPCA work. They donate their service, and they don't want money frivolously spent on anything other than helping animals.

ASSEMBLYMAN ANDRZEJCZAK: Thank you.

Any questions or comments? (no response)

Thank you very much.

We have Geoffrey Santini, the New Jersey Certified Animal Control Officers Association.

**G E O F F R E Y S A N T I N I:** Good afternoon, Chairman. Thank you for having me here today; and Committee people.

My name is Geoff Santini--

ASSEMBLYMAN ANDRZEJCZAK: Press the button (referring to PA microphone)

MR. SANTINI: Good?

ASSEMBLYMAN ANDRZEJCZAK: You're good.

MR. SANTINI: Good afternoon, Chairman and Committee people. Thank you for having me here today.

My name is Geoff Santini; I wrote some stuff out, but I'm just going to go from heart, like you said earlier.

I've been doing animal control for 25 years. In all my cases, in all my legalities, in all my complaints ever been filed, I've never been assisted by the New Jersey SPCA. Any time we had a hoarding case with

cats, dogs -- and I hear this testimony from the Senate side, I hear it today -- that they didn't have the ample means to help. Well, how are they going to help the animals if they can never help come in, volunteer, show up, and say, "Hey, do you guys need any help loading these animals into a van? Do you need any help bringing these animals to a shelter?" If they are volunteering for law enforcement purposes, it's all about the animals.

I do both sides. I do the animal control, I do the animal cruelty; I go the shelter and volunteer and take all these animals in. I work for a municipality. We have the same powers; I have the powers of arrest. How do I come and charge you criminally, and I don't have a weapon?

I do have a weapon these days. I'm allowed to carry in the State of New Jersey. It was a very costly venture, and I was approved to carry a weapon in the State of New Jersey. The weapon doesn't solve crimes; the weapon is for my protection and to do my enforcement capabilities. Unfortunately, the other animal control officers, animal cruelty investigators don't have that luxury.

I have gone out -- me, personally -- with the Secret Service, the DEA, the FBI -- on drug raids, counterfeit money laundering raids, gang raids. And before I had my weapon, I was the first guy through the door. I lined up with the SWAT team and we had the ambulances outside, and I'm looking around, going, "This is a real bad day we're about to go into."

And we're the first ones through the door with the SWAT team because of the animals on the other side of that door. And we have the professionalism; we're trusted by the Federal government, by State government, by Homeland Security to go into these places with them. We meet at a certain location -- I'm not sure if everyone is familiar how a raid

goes down -- they trust us, and we're sworn. I was sworn into the Township of North Bergen as a Humane Law Enforcement Officer, as an Animal Cruelty Investigator. The title is always a big issue. Why do you want Humane Law Enforcement? We have the same powers, but we don't have all the tools and mechanisms to allow us those powers. A lot of animal cruelty investigators cannot afford to go to the court, to go to the Chief and apply for a carry permit in the State of New Jersey. Do I carry my gun 24 hours? No; when I'm off duty, I'm off duty. Can I carry my gun 24 hours? Absolutely. Do I go to the Quick Chek and buy a gallon of milk with my gun, the cannon on my waist? No. Are there rumors of other people in other capacities -- I'm not going to throw stones -- doing things like that? Sure, of course.

The most important thing is the animals. I heard about the monies today, which made me change from my speech today, my testimony. These agencies are allowed, after they make certain raids, they collect monies. These monies are allocated to the Prosecutor's Office, to the municipalities. I know, in the DEA, they can allocate seized money to a certain agency, whether it's a nonprofit or a municipality. If that money could be allocated sometimes-- Because it's like a gift-sharing system; I'm not sure if everybody is familiar with that. And I don't know too much about it, but I've been in those conversations with the DEA. The money seized at the location gets divvied up within the county or the Federal government. Sometimes the monies can go to certain organizations. If the money can go to the county or the municipality, and only allocated for animal control or animal welfare, that would help us a great deal because the money would be utilized just for those purposes.

We definitely need it for law enforcement purposes and for public safety. But we are also public safety. And as the testimony earlier from Tim Martin -- I've gone to a house where I was called to pull back on the radio; thank God I had a police radio -- and they said, "Don't enter that house, don't knock on that door." It was a gang-related house; it was a Blood's house. We have all heard of the Bloods, and Crips, and all that. I went there by myself just to knock on the door to hear about an animal complaint. And the animal complaint was two pit bulls constantly fighting. In West New York, we're very dense, so there are a lot of apartment buildings. So when the animals were fighting, the echo was going downstairs. I was going upstairs; I had no knowledge of the apartment. It's called the *CAD system* in the computer. When I called over the radio where I was going, they said, "Stand down; 10-11 the officer" -- *10-11* means call headquarters. I go outside, call headquarters. "Do not go in that house." A few weeks later, a few gang members were arrested at the location and the animals were seized.

We have a public safety issue, we have responsibility to constituents, we have responsibility to take care of the animals. This Bill -- we're 100 percent for; it makes sense. Disbanding the SPCA and putting them into other locations -- that's a different story. But we respond and we react. If we get a phone call, we have to be there within 24 hours. We're there within an hour; we're there within 30 minutes. We do investigative services.

We also take care of the animals after the fact. We get food donated, we go to the shelters, we visit the shelters, we see what's going on after our cases. If I'm called by an SPCA agent-- And I had a case about

two-and-a-half months ago in Bayonne, New Jersey; it's on *nj.com*. There were 10 pit bulls in the apartment. It was a Sunday afternoon-- No, it was Friday night; and I go, "Here we go; weekend warriors." Here we go, into an apartment, Friday night at 10:00 p.m. We walk in -- I don't want to curse, but I'd like to curse and tell you what kind of storm it was, but it was a *bad* storm. I looked inside the apartment; there were 10 animals in cages, covered in feces and urine. The apartment smell was so bad; like, how come no one from this building reported this? Or they were afraid of the guy holding these dogs.

Who was responsible to remove the dogs, while I had the SPCA outside? Geoff Santini.

I went back Saturday; I said, "Let's reevaluate this." None of the dogs seemed to be injured or crying; they were just covered in feces and urine. We all made the determination -- it was Friday night at 10:00 p.m. -- we should come back tomorrow with a lot more vans. Because the calls come to us like this; and I have to tell you, that's how it is.

Yet, this is the New Jersey SPCA. "We have a few dogs for you to come pick up." First of all, I just don't go pick up dogs. I want to know what's going on, why am I picking up these dogs. These are someone's property. Do you have a warrant? How did you get into the apartment? How did you find out about these dogs? I ask all the pertinent questions because, again, I call myself a *little seasoned*. I know nothing, but I know a little. And I'm not going to seize someone's property without the law behind me.

We go back on a Saturday; I go inside the apartment. I'm going to make this very short. One of the pit bulls broke out of the cage.

When that pit bull broke out of the cage, the other pit bull broke out of the cage. Who was the only guy in the apartment with a snare, trying to get the most aggressive dog out of the apartment? That would be me. Who is in the apartment besides me? Nobody; just me. Everybody was on the outside of the door. And if the dogs got loose, we couldn't shoot down, because there are three floors downstairs. So pulling a weapon out and shooting that dog wasn't the answer. Training; have a little bit of heart and soul, and trying to get these dogs separated is what I did.

We got all the dogs out; all the dogs went to rescues and shelters. Some of the dogs had to be euthanized; they were too vicious and they couldn't be adopted. Unfortunately, in this world, we cannot adopt out a vicious pit bull. You try to train it, you try to fix it. You don't just euthanize a dog, but if the dog can't be adopted out-- A lot of shelters, a lot of people will tell you, "Oh, we're a no-kill shelter." That animal will be euthanized; because, God forbid, I adopt an animal to you, it attacks your granddaughter, an elderly person, and it mutilates them, I wouldn't be able to sleep at nighttime. I would just hand in my certificate.

And that's what happened with that Bayonne case. And if you ask me how many times the SPCA called me to ask me how the dogs were doing, I would tell you today, not once. It was all about the case, the case, the case.

And one issue I want to touch on -- they did write 5,000 summonses. Out of the 5,000 summons, no one asked this question: How many were civil, how many were criminal? When the SPCA comes in, it's called *stacking*. They stack you with the civil complaint; one complaint (*sic*), and one criminal. You go to court -- everybody's been to court, maybe,

once in their life -- not now; maybe a motor vehicle ticket. It's called *let's make a deal*. The ticket could be \$500 to \$1,000; but if I knock the criminal out, you won't have a criminal record, and you can apply for a job at Home Depot, become a law enforcement officer, or do whatever you want to do. But if I keep the criminal, you're going to have a hit in your jacket, which means if they do a background check on you, you're going to have a criminal record. But if it's a civil, it's like an ordinance ticket. Pay the \$400 or \$500, we make the criminal go away.

That's all I have to say.

Does anybody have any questions?

ASSEMBLYMAN ANDRZEJCZAK: So with a situation like that, you get a call, and you're informed about a case. You go in and handle it yourself. And then, without any kind of follow-up, what kind of fines are written from the SPCA?

MR. SANTINI: Well, I'm glad you asked that.

This case was so big -- it's down at the Hudson County Prosecutor's Office right now, and a plea deal is being worked out.

The restitution of the fines -- because I've been in contact with the Prosecutor prosecuting the case. It included St. Hubert's medical bills, because they are thousands of dollars; besides the criminal end of it, for the State statute, there was a thousand dollars in fines. Those fines we will not see; those fines go to the New Jersey SPCA. The restitution fines to St. Hubert's-- Which is a great organization; I work with a lot of rescues -- Husky House is here -- I work with a lot of rescues, and they're great. They do a phenomenal job with no funding. Those fine monies should be turned over to the Husky House.

ASSEMBLYMAN ANDRZEJCZAK: So you do all the work; they write a couple of tickets, and they collect the money.

MR. SANTINI: "Come get the dogs." I'm not a taxi driver, sir. I'm an Animal Cruelty Investigator, and I have compassion for the animals. I would never just come get a dog. I want to know what's going-- When that phone call came in -- "Hi, we're the New Jersey State Police SPCA." I said, "What? Who? Who's this?" "Yes, you have to come get these dogs." We're not -- you know, the street term *dogcatchers*; we're not taxi drivers.

ASSEMBLYMAN ANDRZEJCZAK: Did they have any hands-on at any point, or was it solely just you?

MR. SANTINI: They stood outside, and all the people who volunteer with me, or work for me -- because I have a private company that does animal control; that's another issue that was brought up -- shared services. Bayonne has a shared service contract with my company. So did they help us bring the dogs downstairs with snares and pick them up and almost get bitten that day? No. They were on the sidewalk while we carried all the dogs down on a Saturday, sweating to death.

ASSEMBLYMAN ANDRZEJCZAK: So what is the purpose of them writing tickets and fines if it was completely out of their control? Shouldn't law enforcement be writing those?

MR. SANTINI: The Bayonne Police Department-- Law enforcement officers can write animal cruelty summonses; it is part -- it's not what they do every day. A lot of law enforcement officers don't deal with Title 4; they deal with 2C and Title 39, which is motor vehicle violations. A lot of law enforcement will pass it over, if they see the New Jersey SPCA there. They'll say, let them handle the cruelty charges of it.

Or us -- I can do the same thing, which I've done. It's actually who gets the call first. We had a call in West New York where there were 51 cats living in someone's house. You could only imagine what that house smelled like. We had to go in with Tyvek suits, masks, respirators. It was a long day. After about four hours, somehow, some way, the New Jersey SPCA showed up. And I said, "What can I do for you?" "Well, I got this call and I'm going to handle this case." I said, "You're not handling any case." The West New York police officer asked them to leave. Everything was secured; we had vans there, we had 20 to 30 people there volunteering, helping out. And that's how that case went.

And the fine monies -- that case is being handled correctly and all that money and restitution will go to the animal shelters.

ASSEMBLYMAN ANDRZEJCZAK: Any other questions?

ASSEMBLYMAN DiMAIO: I just-- Mr. Chairman.

Thank you, Chairman.

I want to get an understanding of how your-- You have a company--

MR. SANTINI: Yes, sir.

ASSEMBLYMAN DiMAIO: --that different towns outsource to you.

MR. SANTINI: Some towns don't provide animal control. As per State statute, every municipality in the State of New Jersey is supposed to have an animal control officer.

ASSEMBLYMAN DiMAIO: Right.

MR. SANTINI: If they cannot afford one with the benefits, or the pension, and all the monies paid into the medical, what they'll do is put

out a bid for animal control and animal sheltering. So we'll put out a bid -- because I have my own shelter, funded by myself, though my company -- we'll put a bid in and submit it with three or four companies that are eligible in the State of New Jersey. If we win the bid, we are appointed as Animal Cruelty Investigators. It's not an automatic, "You do my animal cruelty." You have to win the bid; then it has to go by resolution, and you become the Animal Cruelty Investigator for the town.

If we write a summons, and the summons goes to court, and it's \$1,000, it's my investigation -- I started it from the beginning to the end; went to court 7, 8, 9, 12 times, negotiated -- half the money goes to the SPCA.

ASSEMBLYMAN DiMAIO: I want to understand the structure though, and how this works.

You cover how many towns with your company?

MR. SANTINI: We cover six towns right now.

ASSEMBLYMAN DiMAIO: Six. How many people does it take to cover -- within your organization, you have employees--

MR. SANTINI: We have six full-time employees.

ASSEMBLYMAN DiMAIO: Full-time. And what's the call volume like?

MR. SANTINI: The larger the town-- A lot of calls come in; it's very strange. We get a lot of wildlife calls right now, so there are a lot of raccoons, possums; and we don't -- we'll handle that if it's a public safety issue. If the raccoons or possums are trying to get into the house, that means the animals have become too human-friendly and are trying to get inside for -- especially in the cold season, they're trying to get in the house

and look for shelter, and warmth, and food. A lot of the calls come in -- abandoned dogs; unfortunately, Bayonne is a small proximity to Jersey City. We've been getting a lot of dogs tied up to poles, tied up to trees, abandonment. We have people locked out of homes who can't take care of the dogs because they're going into a motel or a hotel setting. So the shelter has to bear the brunt of holding the animals until these people find a new home or find somewhere else to live. I mean, animal control is a world of things. It's animal control -- we're not chasing dogs and cats with the nets like the old-fashioned -- with the TV. We're not the dogcatchers. We're helping people and educating them. With this feral cat problem; I don't know about anybody's municipality. A feral cat issue is, like, probably the hardest issue with us because we can-- Feral cats are very hard to adopt out, so we're working with a lot of rescues and programs to try to get them spayed and neutered at a low-cost; trying to speak to vets.

You heard about the legal bills; we're always looking for somebody who can do the job, if not better or the same, at a lower cost. If I go to Vet A, Mr. Smith, and he's charging \$700 in Secaucus, in (Indiscernible) -- \$650 to \$700 for a dog or cat to be spayed or neutered -- I try to find a vet who does the same procedure, licensed in New Jersey, for a lower cost, who will actually donate some of that time to us. So you have to go out with your resources. You just can't take the labradoodle and say, "This dog has to go to Mr. Smith, he's \$750; but this rat pit bull has to go to Mr. Jones, because it's a pit bull." No; every animal should be treated the same. The vets should definitely help the shelters in doing low-cost spaying and neutering, and educating the people.

I mean, I know-- Today I got a phone call, "This woman is feeding the cats on the block; she won't stop. But it's on my steps, but I don't want to tell you my name. So I don't want to give you my address, because I know what you're going to do with the cat -- you're going to kill it." I said, "These are feral cats. If we get them spayed and neutered--" There are locations in different municipalities; they set up a feral cat community. A lot of people don't want to hear about feral cat communities, but it's real. They have to be somewhere in your town. It's secretly done. I know a woman, 80-something years old, comes out at 4:00 in the morning to beat the Animal Control Officers. Because the only thing she could be charged with is feeding wildlife. Certain towns will consider feral cats *wildlife*. She'll come out at 4:00 in the morning, put those little white plates on the street; she'll feed the cats. And the only reason they knew she was there is because the white plates weren't picked up. Now, is she in trouble? Well, she's in trouble for some kind of public nuisance law; it's been beaten. She's beaten the people in the system, but she comes out at 4:00 in the morning and feeds these cats herself.

If we just had more education about how to take care of the animals, get low-cost spay and neutered programs, the cats will stop migrating and having so many. But again, it's education. If I go out to someone's yard -- if I go to your house right now, and you have no food, water, or proper shelter for your animal, what's going to happen with the SPCA? You're going to get a summons. If I come out, and I live in that township, and I have to listen to the powers that be -- because this is real; this is real talk right now -- I'm going to issue a warning, and educate you and say, "What do you need? Do you need money for a doghouse? We

can have one donated to you. Do you need food here? Are you running behind in your bills; you can't pay your electric, but your electric is off now and the animal is outside suffering? Tell me what you need." If they don't comply within seven days, we'll come back. If the animal is in bad shape, we will ask them to surrender it or bring it to a vet. But you don't comply within the seven days, then I will issue the summonses. And it's my determination -- why am I going to write you two summonses? If you're committing a criminal act, I'm writing criminal summonses.

ASSEMBLYMAN ANDRZEJCZAK: But not only that, why write a summons to somebody who clearly can't afford to pay--

MR. SANTINI: Exactly.

ASSEMBLYMAN ANDRZEJCZAK: --a summons.

MR. SANTINI: Exactly. So we would go there and educate them and say, "What do you need? You need help with a doghouse, you need help with a vet, you need help with dog food? You need a dog house, if the dog is going to be out of here. It's the law. You need food, water, and shelter." And if the person comes out, and they're all iffy and talking smack to you, like they say in the street, we come back in seven days to see if they comply. If they don't comply after the seven days, then I'm forced -- not forced, it's my job -- I have to give my summons.

ASSEMBLYMAN DiMAIO: Where I was going with that is, as much as the Bill that's in front of the Senate -- was in front of the Senate Committee had tackled some of the ideas, there's an outsourcing option that municipalities have as well. So we need to really-- I don't think we could do this that quickly. This needs a lot more thought and a lot more ideas brought to the table before it could be finished.

ASSEMBLYMAN ANDRZEJCZAK: Absolutely.

ASSEMBLYMAN DiMAIO: To set this up so that it's cost-effective to the municipalities or the counties. In some cases, it may make better sense for the counties to manage it with a contract, because small population counties are not like the higher population where this gentleman serves.

So this needs a lot of thought.

ASSEMBLYMAN ANDRZEJCZAK: Anybody else? (no response)

Thank you.

MR. SANTINI: Thank you very much.

ASSEMBLYMAN ANDRZEJCZAK: Up next, we have Phil Amato.

**P H I L A M A T O:** Good afternoon, Chairman and Committee members.

Chairman, I want to thank you for your service; it's much appreciated, on behalf of the NJSPCA, serving for our country.

ASSEMBLYMAN ANDRZEJCZAK: Thank you.

MR. AMATO: Before I get started, the reason why I'm here -- I'm a New Jersey State SPCA Humane Law Enforcement Officer; I hold the rank of Detective Sergeant. I've been with the NJSPCA for nearly a decade; and the last four years I served as a Board Member.

Listening to come of the testimony of the individuals who were up here, and agencies earlier, I just want to touch on a couple of things. Because for someone like me, who is one of the lead investigating officers and supervisors who actually has boots on the ground, I can say a lot of

what was said here was based on opinion versus factual; and also based on, perhaps, a territory war that some people are engaging in; which, really, that's what this should be about.

The Department of Agriculture came here and testified earlier that the SPCA doesn't notify them, or that we don't collaborate efforts on behalf of the animals. And that's not true. In fact, on the contrary, I have notified the Department of Agriculture to come to cases; they showed up 30 days late. One time they came to a court trial and attempted to -- well, not attempted; they defended the defendant that had animal cruelty charges against them, claiming there was no cruelty. The judge-- They showed up with the Attorney General's Office. The judge denied their motion, and that person wound up pleading guilty to animal cruelty charges.

So if this is about the animals, why would a State agency, that is supposed to be in the best interest of the animals, come to a court case, and attempt to defend a defendant who is up on cruelty charges? It was mindboggling.

So I just wanted, for the record, to say that a funded Department of Agriculture has -- and these are documented; it's not verbal. I can provide the Committee these documentations -- have lacked in 30 days of response, both on the veterinarian and livestock side.

In respect to Mr. Hackett's testimony and the HSUS, Assemblyman, you had a very, very great concern about budget. I want to say that I'm a general contractor, by profession -- for the past 10 years building wildlife and fish structures -- I've been doing it for 20 years. I'm a managing partner of the business; I know a lot about budgeting. I took off the time from work today because I volunteer my time at the SPCA.

This will definitely increase taxpayer dollars; no secret about it. In fact, Essex County just received funding for 15 officers for \$1.6 million; and that's a one-shot deal. Who knows what the future-- That doesn't include pensions, benefits, fringes, and all that that comes with it.

The SPCA has done the best they could with the resources that they have. Have we made some mistakes? Absolutely. There is no agency that's perfect. But to go and bring this into the counties and municipalities-- As a taxpayer myself in Morris County, I have a great deal of concerns; and I have no stake in this. That's why I volunteer my services.

If the SPCA disappeared tomorrow, it would be a disservice to the community and to the animals. Because we don't have enough police, we don't have enough Animal Cruelty Investigators or Humane Law Enforcement Officers -- not only in the State of New Jersey, but in this entire country.

So what really is the cost here? Long-term planning -- Assemblyman DiMaio, I think you had mentioned -- this really needs to be thought out. And I would love to be part of the Committee. Again I will say that there are issues here; but to take a sledgehammer and kibosh the New Jersey SPCA over a 160 years, nearly, I think is really aggressive.

The volunteer perception -- that they're not professionals. Well, if that's the mind here, and of the public, then we should kibosh the Essex County and Passaic County Deputy Sherriff programs that are volunteers. These officers are no different than the Sherriff's Officers within their own. They're volunteers who go through the PTC training, and who give their time to increase policing in the community at zero cost for

the taxpayers. Are they *wannabe cops* because they're volunteers? Are they any less professional because they're volunteers? So the perception of volunteers and wannabe cops is just silly.

Again, we really need to know the cost here. And I think this was a really kneejerk decision to take this aggressive approach. An Animal Control Officer and Animal Cruelty Investigator just testified, and I will say a lot of that comes from opinion; and maybe a little upset, that recently a fellow Animal Control Officer, who I charged with animal cruelty charges, pled guilty to a lesser charge because he decided to take a fawn -- a baby fawn that was injured, take it back to the shelter and slice his throat with a knife as a form of euthanasia. That obviously didn't sit well with the Animal Control Officer community.

But the Animal Control Officers have no oversight whatsoever. Right now, you have an Animal Control Officer in Bergen County who's a convicted felon; okay? This is factual, and I can provide the Committee these reports, based on my investigation. And he's still -- the guy who I charged, who pled guilty, who's up for review on his license suspension -- how is a convicted felon an Animal Control Officer? How is he an Animal Cruelty Investigator? No oversight whatsoever. They're not commissioned, like the New Jersey State SPCA Humane Law Enforcement Officers. And for some who don't know the commissioning process behind me -- it's 32 pages long; it goes back to when you're 17 year old. And if you have any hint of any discredability (*sic*), you're out. So if you're commissioned, you're squeaky clean.

It is completely not true, in respect that the animals -- we don't tend to animals. And you'll hear testimony later on from some people who

we did help. But the true fact here is, we are the New Jersey Society of Prevention of Cruelty to Animals. And in Title 4, that is what we are supposed to do by law. We're not required by law to pick up animals. Do we help doing that when our resources tell us to do so? Yes; I have personally transported an animal that was injured in my vehicle, I turned on my lights and sirens and took him to the nearest animal emergency center; absolutely. I also took out \$325 out of my pocket to put down an animal -- to humanely euthanize it, because the family couldn't afford it.

So if we're going to work together, I think a committee needs to be formed -- SPCA, Animal Control, Department of Health -- all these groups, so we can come together for a common goal.

Finally, regarding testimony today -- I heard a lot about fines and collecting monies. Well, if we were able to collect the \$400,000 or \$500,000 that the court system owes us, we'd be in a much better place. In fact, we probably wouldn't even be here today, because that's where most of the problems came from. The court doesn't want to be bothered; to be on a payment plan for \$25 a month, and trying to collect that, and then executing a search warrant for that individual -- you've spent more money looking for him than what he owes.

So the fine process is a complete flaw; it's a sell that I'm sure you guys can all look through. It's not lucrative; it's not going to pay for your officers. I will tell you, I just did a rough number here. But if the State funded the State SPCA \$2 million, that comes out to \$2,000 for every jurisdiction in the State of New Jersey, which is a spit in the bucket. We'd have paid officers, and then you leave the volunteer part undisturbed. Just like Passaic County and Essex County have a Deputy Sheriff program, that

is volunteers, you will have the same here and continue to serve the community and the animals in the State of New Jersey.

Yes, the structure needs to change; yes, it needs work. And we need to further talk about that.

What was really important for me to be here today -- I want to draw your attention to the SCI report, page 11. I was the lead investigating officer for the Hunterdon County SPCA shelter, that is now closed, with the arrest of an 84-year-old operator, as it states in this report. And I apologize, because I don't like to mention people's age; I don't think that even matters. Because if you committed a crime regardless of age, sex, or religion, you did it; you're guilty or not. We don't discriminate about age.

So they grabbed this 84-year-old headline -- for media attention, through the news, social media -- that I handcuffed her. Well, that's true -- and that I handcuffed her because she failed to provide food for her cats. Well, that is completely not factual. In fact, what I have today with me are the arrest warrants. The reason why this 84-year-old operator was arrested is because she was deemed dangerous to animals and property. And it was signed by a judge not once, but twice.

It was also ordered, the second time, that she was to be arrested-- I have an e-mail here from the Hunterdon County Prosecutor's Office; Assistant Prosecutor John Burke, who is now a Superior Court Judge in Burlington County, who was the head of this investigation in conjunction with the Prosecutor's Office.

So my point is here, this SCI report -- that's just one paragraph that has very little merit for you guys to focus on, because it's not factual, okay? The SCI never interviewed me; never asked for these warrants; never

talked to the State Police who was there, when she was arrested, with me. They never even called the Hunterdon County Prosecutor's Office. In fact, because I kind of brought this to their attention when I made a phone call to their office after the report was issued, they called the Hunterdon County Prosecutor's Office two weeks ago, after they issued their report, asking why we arrested the 84-year-old woman, who was the operator.

Now, I'm not trying to throw stones here. But for some agency that is funded and is supposed to be a watchdog agency in the State of New Jersey, and to produce a report that is not factual, we have some bigger issues here.

Committee members, I want to thank you for your time, Mr. Chairman.

If there are any questions, I'd be more than happy to answer you.

ASSEMBLYMAN ANDRZEJCZAK: So I do have a question.

Are there any paid members of the NJSPCA?

MR. AMATO: Yes, there are.

ASSEMBLYMAN ANDRZEJCZAK: And who ends up being paid; who determines that?

MR. AMATO: To my knowledge, there was a couple of the senior command staff. Exactly which ones, I would only know by hearsay. I never saw which ones were actually paid.

ASSEMBLYMAN ANDRZEJCZAK: And are they full-time, or are they still volunteers like everybody else?

MR. AMATO: Well, at this point, to my understanding, there is no one paid. But there has been paid in the past, and they were part-

time. And we're talking about one, or two, or three people tops, who really do a lot of the administrative work.

ASSEMBLYMAN ANDRZEJCZAK: And are they Board members as well?

MR. AMATO: To my knowledge, yes.

ASSEMBLYMAN ANDRZEJCZAK: And who determines to pay the Board?

MR. AMATO: At that point, I wasn't part of the Board.

ASSEMBLYMAN ANDRZEJCZAK: But--

MR. AMATO: Yes; the Board and the Treasurer, actually were, yes.

ASSEMBLYMAN ANDRZEJCZAK: So the Board members would be determining their own pay.

MR. AMATO: Well, Board members have never been paid. Law enforcement officers have been paid for their time. A single Board member, to my knowledge, for Board duties -- I have never been paid.

ASSEMBLYMAN ANDRZEJCZAK: Right. So regardless, an officer -- a paid officer for NJSPCA, who is also a Board member, is determining their own pay -- or was, at some point?

MR. AMATO: Mr. Chairman, I really couldn't answer that question. Because when those payment structures were put together, I was not part of the Board. As far as I know, when I was part of the Board, there were no payments issued, or that structure was already in place. So to date, all I can answer you is that there is no one being paid and there is no structure in place.

ASSEMBLYMAN ANDRZEJCZAK: Thank you.

MR. AMATO: No problem.

ASSEMBLYMAN HOUGHTALING: I have another one.

ASSEMBLYMAN DiMAIO: The warrants that you referred to-- Sorry.

ASSEMBLYMAN HOUGHTALING: I have one question.

So all you do is volunteer? Oh, I'm sorry.

ASSEMBLYMAN DiMAIO: Go ahead.

ASSEMBLYMAN HOUGHTALING: So all the time you spend is volunteer?

MR. AMATO: Yes. I received a minimal compensation, at one time, for securing a grant. And I got paid for doing the paperwork; and I think it was \$2,000 over 10 years, and maybe issued a small salary for a uniform, at one time, when we went through the academy for the first time. Which goes back to why all the ammo pricing is the way it is. It costs us just to go through the academy, with ammo, almost close to \$3,000. And we have to pay out of our own pockets. So at that initial training, I was actually able to secure a grant for 10 of our officers. So as a courtesy, I was paid \$2,000 for that securement, and so my tuition was paid for. But I spent months preparing that paperwork. But otherwise -- yes, my services have been free.

ASSEMBLYMAN HOUGHTALING: And do you have a vehicle too, or do you have to use your own vehicle?

MR. AMATO: I have a vehicle; and again, I secured a \$10,000 donation for that vehicle that I drive today for SPCA duties, from a corporation that paid for that. And it was earmarked specifically for the use of-- When they donated that money, they said -- I actually went and found

it, and I said, “Look, this car is breaking down every day. Can you please donate some money so I can have a safe car to work with?” And when that check was cut, it was under that condition that that’s what the money would be used for.

ASSEMBLYMAN ANDRZEJCZAK: Assemblyman.

ASSEMBLYMAN HOUGHTALING: Thanks.

ASSEMBLYMAN DiMAIO: Thank you, Chairman.

Since you brought those warrants, is it true or not true that those charges were dropped in court?

MR. AMATO: Great question, Assemblyman. Actually, I wanted to address that too, and I’m glad you brought it up.

Those charges were in abeyance for 12 months for good behavior. So essentially, she was put on probation for 12 months by the Hunterdon County Prosecutor’s Office. And in exchange for good behavior, they were dismissed.

ASSEMBLYMAN DiMAIO: I didn’t know Prosecutors could--

MR. AMATO: I’m sorry?

ASSEMBLYMAN DiMAIO: I didn’t know Prosecutors could grant probation. I thought that was a judge function.

MR. AMATO: Well, if you want to call it *compliance, probation* - - you know, *good behavior* -- that was the plea deal that the Prosecutor’s Office worked out. We don’t get involved with that.

ASSEMBLYMAN DiMAIO: But the charges were dropped.

MR. AMATO: They were dropped in conjunction with compliance. There was a stipulation.

ASSEMBLYMAN DiMAIO: And that shelter was operated as a no-kill shelter, correct?

MR. AMATO: There's no shelter in the State of New Jersey that I would consider *no-kill*. That's a broad definition; I don't even--

ASSEMBLYMAN DiMAIO: Well, that's your opinion.

MR. AMATO: --know where to begin with that.

ASSEMBLYMAN DiMAIO: That's your opinion; okay.

Thank you.

ASSEMBLYMAN ANDRZEJCZAK: Anybody else? (no response)

Thank you.

ASSEMBLYMAN DiMAIO: Thank you, Chairman.

MR. AMATO: Thank you.

Do you want me to drop off a copy of these warrants? Can I give them to someone?

ASSEMBLYMAN DiMAIO: Sure.

ASSEMBLYMAN ANDRZEJCZAK: Sure; to somebody--

Thank you.

We have Diane O'Donnell, Voters (*sic*) for Animals; and Voters for Animals-- Oh, this one is the same thing.

**DIANE O'DONNELL:** Sorry.

Good afternoon.

I'll be brief.

I'd like to kind of take it back to a more aerial view, as Brian from HSUS.

There are a lot of things that have gone on in animal welfare through the years. And everyone has their opinions about them, including me.

But I just want to go back and emphasize some structure. I'd just like to read what I've prepared here.

Thank you for allowing us the opportunity to testify concerning this important effort to ensure the safety and humane treatment of our state animals.

There is a Bill pending; the Senate Bill is S-3558; the Assembly Bill, I understand, is A-5231. People for Animals supports these bills, and we believe the time is well overdue to update and standardize New Jersey's law enforcement scheme as it relates to the Title 4 anti-cruelty statutes.

New Jersey has often been referred to as a leader in humane public policy. But we have lagged behind in enforcement of those good laws. Without effective enforcement in the field, all progressive policies -- that our esteemed Legislature has worked so hard to enact -- become nothing more than paper tigers, and the animals are the ones that suffer for it.

PFA is well-known and respected; a provider of affordable veterinary care throughout New Jersey. As our organization has grown and become more recognized by the general public as a trustworthy animal welfare organization, we have seen a significant increase in the number of calls we receive concerning animals cruelty. Now, PFA is not an enforcement authority. These calls come to us out of confusion, and sometimes in desperation. Animal law enforcement in New Jersey has evolved into an incredibly fragmented labyrinth. Enforcement

configurations vary widely from one municipality or county to the next. Because of this, the public doesn't know who to call. Worse, when they do call authorities, too often nothing is done as the buck gets passed from one to the next.

These are desperate calls that we receive, as good Samaritans become frantic to relieve the animals' suffering, or even save its life.

We are relieved to see the Legislature recognize this problem, and wholly support the A-5231 method to bring order to the chaos.

Historically, New Jersey animal control and cruelty enforcement have been marginalized at every level of government. Local governing bodies often give low priority to animal control needs, satisfying minimum mandatory requirements at the lowest possible cost. This way of thinking is detrimental not only to animals, but to all of us. Animal crimes are known to be associated with and predictive of crimes against human victims. Professionalizing animal enforcement law will undoubtedly result in earlier intervention and added deterrence. But equally as important, today's society demands humane treatment of animals; demands it.

Some of these things you've already covered with other speakers.

I hope we can find a way to professionalize enforcement of our animal cruelty code, and move animal crimes out of the shadows and into the mainstream of professional law enforcement. A-5231 will surely make New Jersey a safer and more welcoming place for all living beings.

As an aside, I would just like to say I know some of the concerns are about budgeting. I would gladly pay higher taxes to have animal cruelty laws enforced.

Thank you very much.

ASSEMBLYMAN ANDRZEJCZAK: Thank you.

Any questions, comments? (no response)

Thank you.

MS. O'DONNELL: Thank you

ASSEMBLYMAN ANDRZEJCZAK: Dawn Marie Fry.

**D A W N M A R I E F R Y:** Good afternoon.

I am here today in support for the NJSPCA.

This past year I agreed to take in about 30 starved horses from an abuse and hoarding situation that the organization was dealing with. I am thankful for Sergeant Amato of the SPCA, who spent countless hours of his time away from his family so he could help these animals.

Before placing these horses with me, he made many calls and extensively checked references to be sure I was capable of handling these malnourished horses. The officer physically checked in at my farm, and frequently called in regards to the health of the horses, for weeks. This officer also placed 20 more horses with other rescues, spending even more time checking more references and physically checking their facilities.

Contrary to what many people believe, it's immensely difficult to find homes for horses, as they are very expensive to upkeep and require a lot of land that most people do not have. It's amazing that the SPCA was able to place so many horses in such a short period of time in suitable homes.

Overall, I'm very satisfied with how the SPCA handled the whole situation. A thorough investigation, led by the SPCA, resulted in the conviction of the animal cruelty offender, which resulted in a 20-year ban

from having any contact with animals. This would not have been made possible if it were not for every possible lead followed and every bit of evidence collected. The officers who I dealt with were very professional and knowledgeable in their animal care.

Months later, Sergeant Amato came to my aid when I had two horses stolen from me by the convicted offender. This officer helped facilitate their return to me, which I am more than grateful for. And without his help, I truly believe I would not have gotten them back.

It's apparent to me that the officers of the SPCA do their jobs out of passion for helping animals, and not for the money, since they receive little to no compensation. I do not want to see the SPCA law enforcement turned over to the county Sheriff's Department and local municipalities, as they do not have the knowledge with livestock, especially in regards to handling these abuse situations.

The officers of the SPCA already have a plethora of knowledge of humane law enforcement that only comes from many years of doing their job and having their contacts. If this Bill gets passed, I wonder what the cost to the taxpayers will be with paying the salaries of-- And I just found out that we don't have 565 municipalities; so I guess less municipalities have police officers than that. But just the median salary of an officer is \$93,000 in New Jersey. So taxpayers would need to come up with \$54 million per year, at the very least. Or are we just going to deem one police officer already hired within the station to be the Humane Enforcement Officer, as someone has to do it, experienced or not.

I do agree that reform is needed within the SPCA, but it would be a disservice to the animals and the community to disband any type of

law enforcement agency, especially one that specializes in animal cruelty, and one that has a 150 years' worth of experience.

I can only imagine how extraordinary the SPCA would be if the officers were able to become paid employees, which would allow them time and money to check into every call that comes their way in a timely fashion. If a budget is being given to county and local law enforcement, then it just makes practical sense to give the budget to the NJSPCA so that they can do their job.

I would also recommend that the Prosecutor's Office should also provide direct oversight of all the SPCAs.

So in closing, fortunately for my situation, they were very helpful, and I am thankful for that.

So thank you.

ASSEMBLYMAN ANDRZEJCZAK: Thank you very much.

How big of a farm do you have?

MS. FRY: I have a 30-acre farm.

ASSEMBLYMAN ANDRZEJCZAK: And how many horses are you able to stall?

MS. FRY: So ideally, you should have one horse per acre.

ASSEMBLYMAN ANDRZEJCZAK: And did the SPCA help cover the costs of the horses that they had turned over to you?

MS. FRY: No, I did not receive any compensation from the State, and I most certainly did not make a profit off these animals. I was just trying to do the right thing, and hopefully to expand my business at the same time.

ASSEMBLYMAN ANDRZEJCZAK: And what business is that?

MS. FRY: We do guided trail rides, as well as riding lessons, summer camp programs, and therapeutic riding.

ASSEMBLYMAN ANDRZEJCZAK: Okay. So through the fines that the SPCA collected, they did not, in any way, help pay for board, or feed, or care?

MS. FRY: I did not receive any money; no.

ASSEMBLYMAN ANDRZEJCZAK: And you covered all the vet bills?

MS. FRY: Correct, yes.

ASSEMBLYMAN ANDRZEJCZAK: Thank you.

Any other questions?

ASSEMBLYMAN HOUGHTALING: I have one.

ASSEMBLYMAN ANDRZEJCZAK: Sure.

ASSEMBLYMAN HOUGHTALING: Did they -- did you have to bring the horses -- go and get the horses, or did they bring them to you?

MS. FRY: I did have to go bring them over here, yes.

ASSEMBLYMAN HOUGHTALING: Okay.

ASSEMBLYMAN ANDRZEJCZAK: Thank you.

MS. FRY: Thank you.

ASSEMBLYMAN ANDRZEJCZAK: We have Collene Wronko, Reformers-Advocates for Animal Shelter Change in New Jersey.

**COLLENE A. WRONKO:** Good afternoon, everyone.

I've been listening to this, now, for a while, and I've gone to the other two Senate hearings as well. And there are just a few points that I would like to make.

One of the points that Mr. Martin made earlier today was about an OPRA request, and the fact that they're being sued for OPRA. I am the original person who filed that OPRA complaint. I asked for eight documents on that OPRA request, and was told that they were not subject to OPRA.

The reason why I asked for those was because originally, in 1997, there was a case -- it was Penske and Mallosky (phonetic spelling), I think it was -- where the judge ruled that the NJSPCA *was* a government agency; and the case was dropped because the person did not file a tort claim prior to going in and filing the complaint. As such, if you have a tort claim, you're a government agency. So when they refused to give me the information, I sued them. It should have been a very simple case.

No; instead, they got -- we went to the hearing and it was found in my favor that they were, in fact, a government agency. At which point, within 20 days, their attorney, Harry Levin, filed a motion for reconsideration. They went in on a motion for reconsideration, and Judge Travis Francis in Middlesex County found, again, in our favor.

That was a year-and-a-half ago. Last Wednesday, on November 29, it went before the Appellate Division. Now, they're saying about how they keep getting sued for OPRA. I won; I wasn't going to continue to sue them. They're the ones who are continuing to take this to the next step. And of course, with every step that they take it to, it's more and more

money that's taken away from the animals; and it's more and more money that they're spending.

So far, to date, they owe my attorney over \$75,000 on something that could have been simply -- a very simple case if they had just handed me the eight pieces of paperwork; which they did not.

One of the things that I asked for in that original document was invoices for a company called Ubiquity Promotions. It turns out that Ubiquity Promotions was owned and operated by the President's wife. At the time, the President was Rick Yocum. His wife had this shell company; the company is registered nowhere in the State of New Jersey. It's not registered, it's not incorporated; I cannot find it anywhere. It does not have a Tax ID number; nothing.

So they were actually getting T-shirts, and hats, and sweatpants, and things of that nature through this company and selling them to the NJSPCA. That's one of the reasons why they didn't want to have to do the OPRA complaints.

One of the other reasons why was, I asked for three years' worth of the tax audits. They didn't have the three years' worth of tax audits, as we all know, since the State of New Jersey went after them and since the IRS went after them, and actually had shut them down at one point.

So right now, the \$75,000 that is owed to my attorney, and the fact that they appealed it, and that Mr. Levin has also come up with something else that he said he was going to appeal again -- I don't know to who -- they are only paying my attorney \$200 per month. So yes, they do

allow my attorney quite a sum of money, but they are only paying them \$200 a month. That was one of the first things.

One of the other things I found out when I did the OPRA request was, I OPRA-requested a checkbook. And when I got that checkbook, it showed that the Board members at the time -- all of the Board members were paid \$500 per month, whether they did cases or not. Most of the Board members don't do cases. They are either older or they have been pushed up in rank where they don't go out on cases of dogs not being fed, and shelters not properly feeding their animals, or watering them, or whatever the situation is.

So they were getting \$500 per month, every month, as a Board member.

Mr. Amato, who came up here a little while ago -- he got \$2,500 after he handcuffed the Director of the Hunterdon shelter. So that was his bonus for doing what he did; and I have the checkbook and all the check registers to prove it, and I will be more than happy to send it to you, if you'd like.

I did a Lakewood hoarding case two years ago in Lakewood. We got a phone call through Husky House that there were six huskies inside of a hoarding situation. We went down there with our big truck that holds about, at the time, probably about 12 dogs. When we got down there, there were not 6 animals inside that house; there were 42 full grown Golden Retriever-Aussie mixes. Not one NJSPCA officer did anything to lift a hand, other than to stand in the street, screaming at us about what we should and shouldn't be doing.

The only officer that did go into the house was Lieutenant Tom Yanisko. He went into the house with a rabies pole. The six or seven other officers who were there literally stood against the side of their car; they did not ask us if we needed water, they did not ask us if we needed something to eat, they did not offer to help in any way, shape, or form.

Sergeant Donato, who is with the NJSPCA, was at this scene. On Sergeant Donato's property, he has an ambulance; an NJSPCA ambulance that holds in excess of 40 dogs. We asked him if he could please go and get that ambulance so that we could transport all these dogs at one time to a veterinarian and to the groomers so that we could have these animals taken care of. I cannot express to you how disgusting these dogs were. They were matted to the skin; and the only way I can describe this is *feces dreadlocks*. The entire dogs had to be shaved; every ounce of them. It was horrendous.

We were told by Sergeant Donato, and I quote, "Oh, you can't have that ambulance. We just cleaned it. We have an event on Saturday." Which is more important: the 42 dogs that are inside this house, that had been living in these horrific conditions, so much to the point that we had to shave every dog down; or your event on Saturday?

So I'm not real sure where the humane end or the prevention of cruelty to animals comes in when you get a response like that.

There were also several other cases that I've done with Husky House. The Just Pups case -- the four stores that were closed in New Jersey. We took a lot of those puppies; NJSPCA paid for nothing.

Lucky Pets; they paid for nothing. We took 10 parvo puppies, of which I think 2, maybe 3 lived. Over \$50,000 in vet bills; not a single, solitary penny.

Fancy Pups -- that was three dogs that we took out of Woodbridge. The dogs needed to be scoped. They were so starved that they were eating fiber, and wood, and toys just to keep their bellies full. They had to be scoped; that cost in excess of \$10,000. Not one penny.

The Lakewood hoarding case; this is the case that disturbs me the most. They went online the night that we were at the hoarding case. Rick Yocum, when they had their Facebook page, went online and solicited over \$35,000 in donations for that Lakewood hoarding case. They did not go into the property; they did not vet, feed, shave down one dog, yet they collected \$35,000. Well, Lorraine Healy of Husky House spent over \$50,000 on those dogs, with absolutely no restitution.

As far as their agencies -- one of the Assemblymen over here earlier today asked about if the cars were owned; if somebody who is working on the vehicles was a family member. No, they were not a family member; it was Midland Motors. Midland Motors was owned by Kevin Rudolph, who was a Board member at the time. So all of the cars that were being fixed and were being taken care of were being taken care of by an NJSPCA member.

Premiums and Promotions, FDR Printing -- those companies are owned by the Chief, Frank Rizzo.

JBBMI 1 and 2 -- JBBMI 1 takes care of the insurance for the fleet of cars and does some accounting paperwork; JBBMI 2 was solely put into effect to do OPRA request. Now, they say they can't afford to do

OPRA requests, and that they don't have the time to do OPRA requests. Yet, one of their Board members is designated to do those OPRA requests; he gets a one-time stipend every year of \$500, and he gets \$20 per hour for every hour that he spends on OPRA. So it's not that they can't do it, it's just that they want to be paid to do it.

As far as slow response times. In January 2016, I had called in a case where there was a Yorkie, for days after we had a big snowstorm, that was out on a porch in Jersey City. I was getting footage left and right of this dog outside. I called it in to the NJSPCA. A few hours later, I got a call from -- I don't remember the man's name -- from the ACO in Jersey City who had told me that he had seen the video online and he had gone out to the home, ticketed the people, and had had them bring the Yorkie into the house. Fantastic.

I thought everything went right in this case. It turns out that two months later, 64 days after my original phone call to the NJSPCA, Lenny Fox of the NJSPCA called me to ask me what the circumstance was with the dog because he was going to go out there that day. I said to him, "Whoa." I go, "I thought the situation was already taken care of." He goes, "Oh, no." He goes, "I just got this assigned to me today;" 64 days after I sent the initial call was when the NJSPCA responded.

So for them to sit there and tell you that they respond within 24 to 48 hours is a lie. Because I deal with the NJSPCA on a pretty regular basis, and unless I physically talk to one of the officers -- whatever I call in, it takes days before I get any kind of a response back, so much so that I don't even call anything in anymore. I'll just call one of the officers myself.

They consistently-- I go to every one of the NJSPCA meetings. They consistently violate the Public Meetings Act. They don't notify in the paper that there's a meeting; they shut meetings down at the last minute; they don't follow Robert's Rules inside the meetings.

They also did away with the members being able to vote the Board of Directors in. It used to be where, if I paid my \$50, I was now a voting member. So I could go to the meeting at the end of the year and I could say, "Yes, I think so-and-so is good," or "I think we should elect this person." Well, it has gotten to the point now where the Board has -- the Board of Directors, those 16 people, or 15 people -- are the only people who are allowed the vote on who they want into the Board. So it's the same people. And if you go back and you look -- and I will be more than happy to send you all the information that I have -- if you go back and you look, over the course of the last 10 years, there's only been a handful of people who have sat on the Board; maybe six, seven, eight tops. They just keep switching positions. One time they're Treasurer, the next time they're Vice President, the next time they're a Trustee, the next time they're-- It's just the same people who are just continuously being shifted around, just like a shell game.

I think in this day and age, with the civility that we now have, to have an agency that's working part-time is ridiculous. I do think there is a need for the NJSPCA, but I don't think that's in the humane law enforcement officers' end of it. I think they should be a welfare animal agency; I think they should be out there in the schools, educating kids about animal cruelty. I think they should be educating whoever it is they need to educate; I think they should be (indiscernible) and going in front of

Senate Committees like this about TNR and things of that nature. I don't think they need to be carrying guns, and badges, and cars, on a part-time basis, when they have full-time jobs.

I think it's an antiquated system. I think we would be much better off, in the long run, coming together, coming up with situations (*sic*). We are already paying ACOs and ACIs in all these towns anyway; it's mandated by law. So if you can take that ACI and that ACO and turn them into the HLEO Officer; or if one of the cops-- And there's a cop in my particular town who already told me that he would love to do it; he would love to be the HLEO Officer. So it's not going to take any money away from that on that level.

And with the amount of fine money -- and if you could actually come up with a system where the fine money could be collected, that would take a large chunk of it off. I'm not saying this is perfect system; I'm not saying the Bill is a perfect system. But it's a better system than what we have now. And I do believe that there are some very good NJSPCA officers out there who are really in it for the animals. I'm not going to sit here and tell you there isn't, because there are some who I work with who are wonderful individuals. And then there are some who are there for the guns, and the bells, and the whistles.

And I think to have an organization that's part-time that-- And I'll tell you this. Once you get past Ocean County in the State of New Jersey, there are hardly any, *any*, officers in that area. Whoever spoke to it earlier, where they said it takes two hours to get down to Cape May -- it does. And you're not going to get an officer who just spent all day in New York City, who is now going to drive two, two-and-a-half hours, to spend,

possibly, two, two-and-a-half hours investigating this case at 7:00 at night. So those animals, anywhere south of Ocean County, are suffering because there are just not enough people out there to handle that type of a situation.

So I think, as an overall, this is a good Bill. I don't think we should get rid of the NJSPCA; I think they should just be a 503(c)(3), just like the ASPCA is, or HSUS. And that they should be coming together here, like we are, to try and get everybody else to understand that there are additional laws that are needed for the State of New Jersey.

ASSEMBLYMAN ANDRZEJCZAK: Thank you.

MS. WRONKO: Thank you.

Any questions?

ASSEMBLYMAN DiMAIO: Just to clarify, because you went through a lot of information here.

MS. WRONKO: Sure.

ASSEMBLYMAN DiMAIO: The eight things that you had -- the eight pages, the eight things you OPRAed -- did you ever receive those documents?

MS. WRONKO: I received two of the documents; the other six I never received.

ASSEMBLYMAN DiMAIO: And what were those documents?

MS. WRONKO: I had asked for-- At the time we were doing a situation with the Helmetta Regional Animal Shelter. So I had asked for some e-mails between Rick Yocum and the Mayor; I asked for some e-mails between Chief Rizzo and the Mayor; I asked for a couple of different check registers. I asked for-- I'm trying to think now -- check registers, payroll

registers, because I wanted to see whether or not they were paid. Most of the items -- the check registers, I did get; it did take me a year-and-a-half, though, to get them. I mean, nothing came-- Even after they were ordered-- And let me go back to that for a minute. Even after we were -- it was found in our favor, Harry Levin still refused to turn anything over. So it was a year-and-a-half of jockeying back-and-forth with the judge; and my attorney having to resend letters upon letters, upon letters to finally get those couple of documents that we had.

ASSEMBLYMAN DiMAIO: After the judge had ordered it.

MS. WRONKO: After -- three times the judge ordered it.

ASSEMBLYMAN DiMAIO: So you still don't have what the judge ordered.

MS. WRONKO: I still do not have the original documents.

ASSEMBLYMAN DiMAIO: Okay; thank you. That's-- I just wanted that on the record.

MS. WRONKO: Okay.

ASSEMBLYMAN ANDRZEJCZAK: So even after the judge had ordered it three different times, and you still had not received it, is the intent to go back and continue to push for it?

MS. WRONKO: Well, I mean, we have--

ASSEMBLYMAN ANDRZEJCZAK: Which would be more legal costs?

MS. WRONKO: Which would be more legal costs. Now, right now, they're appealing it. So they appealed it; they did a motion for reconsideration after we won the first time, which went back into court; again, found in our favor. And then he still refuses to give any of the

paperwork over, saying that it's still in litigation. So it was in litigation as of November 29; November 29 they went back into court -- I believe this time it was in Trenton at the Appellate Division, or maybe it was in Middlesex at the Appellate Division -- and they went there, and it was appealed, and we're waiting on the appeal -- on the decision for the appeal.

ASSEMBLYMAN ANDRZEJCZAK: Well, like you said, simply turning over the information--

MS. WRONKO: Would have negated all of this.

ASSEMBLYMAN ANDRZEJCZAK: --would have--

MS. WRONKO: And as far as when Mr. Martin stated earlier that he's been inundated with OPRA requests -- I can tell you for a fact I have not OPRA-requested the NJSPCA in over 18 months. So if he's being inundated with OPRA requests, it's coming from parties other than my own, or from my organization, because we have not asked for anything from them in the last 18 months.

ASSEMBLYMAN ANDRZEJCZAK: And also to clarify -- you said that Board members do receive compensation.

MS. WRONKO: Yes; and I do have the check registers for that. Board members were receiving compensation of \$500 per month; and then I believe it was in August or September of 2016, they gave themselves a raise, and they raised it to \$800 a month. Now, I don't know if they're currently being paid, with their financial situation being what it was; but the Board members were, in fact, being paid.

ASSEMBLYMAN ANDRZEJCZAK: And determining their own pay.

MS. WRONKO: Yes; correct.

ASSEMBLYMAN ANDRZEJCZAK: So based on your experience with NJSPCA, either you do a case or they call in a case. You do all of the heavy lifting; they swoop in and write citations.

MS. WRONKO: They write the citations. And when the Facebook page was up, Rick Yocum was running the Facebook page. They actually had over 100,000 people on their Facebook page. So every time one of these cases came up -- in some instances, even with Geoff Santini's organization -- they would go on and say, "Oh, we have a big Lakewood hoarding case today. We're going to need funds for these animals." And you're right; we're going to need funds for the animals. But the funds came out of Husky House. They didn't come from the NJSPCA.

And when we went on the page -- and I'm going to give this, I'll be real quick -- we went on the page and we started disputing some of the things they were saying, Rick Yocum banned all of us. Anybody who spoke out in opposition on the NJSPCA government page was banned from being allowed to speak any further on that page.

And until they took that Facebook page down -- which I think was about six months ago now; eight months ago -- up until that time, I was still banned. So for over two years I was banned from being able to speak on that page.

ASSEMBLYMAN ANDRZEJCZAK: So your organization -- which is separate all together -- have you ever received any kind of help from the SPCA?

MS. WRONKO: Not monetarily, no.

ASSEMBLYMAN ANDRZEJCZAK: Thank you.

Any other questions?

ASSEMBLYMAN HOUGHTALING: I have a question.

MS. WRONKO: Sure.

ASSEMBLYMAN HOUGHTALING: You talked about that Lakewood event; and the SPCA was there with you?

MS. WRONKO: Yes.

ASSEMBLYMAN HOUGHTALING: I'm just trying to get -- what is the protocol for the SPCA? What exactly is their function? Are they required to take the animals out, or-- I mean, I don't really know--

MS. WRONKO: I mean, I would think, meaning that-- I would think they would have to be there, because of the situation -- 42 dogs inside of a house that were obviously not taken care of.

ASSEMBLYMAN HOUGHTALING: Yes.

MS. WRONKO: But, I mean, normally most agencies help in some way. You know, we had to call other ACOs down; we called other agencies, other rescues, to come in help. So we had other rescues come in; we had one of the ACOs from Perth Amboy come down, one of the ACOs from Woodbridge came down. But that wasn't by their doing; that was by our doing, that was by our contacts and our resources in making the calls.

Obviously, we couldn't take 42 dogs; so we had to find rescues that came down that night and took dogs as well. I think we took, maybe, 15 dogs total, or maybe 20 dogs total. And then the rest we -- you know, there was-- Eleventh Hour came down, Seer Farms came down. There were a couple of other agencies that came down, and they took dogs and vetted them. They received no money either. St. Hubert's was also an agency that came down and took them.

So I'm not real sure what the function of the NJSPCA is in a protocol like that.

ASSEMBLYMAN HOUGHTALING: Would it be only just to issue a summons?

MS. WRONKO: That's the way it works now, yes. They would be there to issue the summonses; and then the dirty work would go to other people.

ASSEMBLYMAN HOUGHTALING: Thanks.

ASSEMBLYMAN ANDRZEJCZAK: Any other questions? (no response)

Thank you very much.

MS. WRONKO: Thank you.

ASSEMBLYMAN ANDRZEJCZAK: Up next, Michael Melchionne, New Jersey Certified Animal Control Officers Association.

John, this is making up for the last, like, four. (laughter)

**MICHAEL MELCHIONNE:** Good afternoon.

I want to thank you, as a Committee. I could see on your faces that you are listening, very intently, to the testimony today; and it's greatly appreciated by, at least, several of the members in the room.

So, thank you.

It's tough going at the end because a lot of people have said the same things that you were going to say. So I will try and bear (*sic*) you the burden of hearing it again, and try and pick through my testimony, which I've presented to you.

One of the issues that I didn't hear brought up today -- do you know that when called upon, there's not one law in the State of New Jersey

that requires the New Jersey SPCA to respond? Did you know that? Not one statute. You can call them a hundred times, and it's up to them whether they come out or not.

You heard about the SCI report, you heard about the Animal Welfare Task Force report, you heard about the legislation where they tried to correct the situation in 2005. This year alone, outside of all of the reports and all of the committees, I want to tell you about a case that's happening as we speak right now. In fact, warrants were issued just last Monday.

A government agency called the New Jersey SPCA over a period of six months, three separate times, for their help and assistance in a large-scale hoarding situation. There was no response from the New Jersey SPCA -- until the County Prosecutor got involved and called that agency.

I don't have it with me, but I will be able to provide it you; I will be able to provide the Prosecutor's number. But the New Jersey SPCA -- a high-ranking member of that organization -- sent the County Prosecutor a letter, in writing, that they do not have the manpower or the resources to deal with this situation; and for the County Prosecutor to take the lead role in this investigation.

ASSEMBLYMAN HOUGHTALING: Was it below Ocean County?

MR. MELCHIONNE: No, it was a southern county in New Jersey. It was Gloucester County; no secret.

ASSEMBLYMAN HOUGHTALING: So it was way south.

MR. MELCHIONNE: It's still ongoing now. You can -- I'll be able to provide the names.

But what really struck me is that a group of private citizen volunteers were giving a County Prosecutor permission. I don't know where everybody else comes from, but where I come from that's kind of backwards. I think the Prosecutor should have that authority.

I've been involved in this business, on the job, for 37 years. I heard Officer Santini eloquently talk about his day-to-day experiences. I can tell you that there's 566 Officer Santinis at a municipal level as Animal Control Officers that, when called upon, are mandated by law to respond. And they do, night and day.

In the State Commission of Investigation's report, in the 2000 report-- And I'm going to quote just two lines. "The enforcement function of animal cruelty enforcement should be placed in the framework of government. The enforcement function properly rests with the Certified Animal Control Officer." Not my words; the State Commission of Investigation, in 2000.

In 2017, the State Commission of Investigation's comments were, "assign enforcement to local government." This is appropriate for many reasons. Municipalities are required by law to employ an Animal Control Officer. Animal Control Officers are properly trained to handle animals; but I can go on to tell you that they're trained in animal health, and animal welfare; and they experience this every, single day on the job.

They went on to say, "They possess the necessary resources." I would only stress that Animal Control Officers are mandated to respond when called upon. That's how simple the answer to our question is. Not *if*, but *who* are you going to replace the SPCA with?

I will tell you that animal control is the foundation of animal welfare and animal cruelty prevention. A proactive animal control program can curtail many of the potential animal cruelty episodes at their core level before they even perpetuate to the point of being cruelty. When Animal Control Officers get called, we go out, we respond. And I will tell you that 90 percent of these cases can be handled by education and education alone to the people. Some, quite frankly, are so horrendous that the only action we can take is enforcement.

The system has been set up where Animal Control Officers are now allowed to take certification courses and training to become a certified Animal Cruelty Investigator. But as the law looks at them, they're still a civilian; they're not classified in a law enforcement function. That's a mistake, and I've heard much testimony about that today. It's time to give them the designated title that they deserve: Municipal Humane Law Enforcement Officer. Same identical powers as the SPCA, except the firearm component.

Should a Humane Law Enforcement Officer carry a firearm? Ladies and gentlemen, they're not dealing with your everyday citizen. And in today's society, there are some really bad actors out there. In the past year-and-a-half, we've had an Animal Control Officer killed while on duty.

So to answer your question, if you give a person -- an Animal Cruelty Investigator -- which is in the law right now -- the powers of arrest, then, yes, they should be able to protect themselves.

The very small percentage that rises to the level of true animal cruelty requires a law enforcement presence. In my jurisdiction, when I was working, I called them *my posse, my big brothers*. When I had a situation, I

wasn't afraid to go across the hall, talk to my police liaison, "Guys, I need you at this address." They loved getting involved. But I need to go on to say that if we're going to include County Prosecutors, Chief Law Humane Law Enforcements -- like the County Prosecutor -- the Sheriff's Office, police officers, they need to be trained the same way that the Animal Control Officer is. Animal Control, Animal Cruelty Enforcement, and then that Humane Law Enforcement component, which can be developed very simply by adding sections and increasing our Animal Cruelty Investigator training, which is already in place. We've trained over 1,200 Animal Cruelty Investigators, over 3,300 Animal Control Officers already certified--

ASSEMBLYMAN ANDRZEJCZAK: How long is that training?

MR. MELCHIONNE: That was such an appropriate question.

By law, it's a mandatory, minimum 45 hours. I can tell you, you can't teach anybody in 45 hours to be an Animal Cruelty Investigator. When I first took it, I said, "My gosh, this needs at least an Associate's Degree," there are that many components. But more importantly, you need a structure of people that understand what rises to the level of animal neglect, animal abuse, animal cruelty.

Animal Control Officers are taught that at the basic level. They live it on the job every day. Most importantly, every town has one. And I heard the stories about the SPCA coming in. The Animal Control Officer is handling 85 to 90 percent of that investigation in that case anyway. We talked about the funding; excellent point before. Where does this money come from? I don't think I agreed with you, Assemblyman, about the dog account. But let me throw this one at you. We have thousands, upon thousands, upon thousands of cats out in our society. Did you know that

cats are the number one domestic animal that can give rabies to people? Every year, we may get one dog -- because of our licensing system, because we require rabies vaccinations for dogs. But we don't do it for cats. And every year, our public health system -- we have between 15 and 25 cats that contract rabies. The whole purpose of licensing was to inoculate the animal to stop their-- Well, now it's in the cats, but yet our public health system doesn't require rabies vaccinations for the number one animal that transfers it to humans. And every year, about 700 people have to undergo post-exposure shots because they've been exposed to feral kittens, feral cats. Why? They see an animal in need. We live in a good society; we have many good people. They want to help. And the next thing you know, they're exposed to a potentially rabid animal. So that is one way.

Another part of the funding that I did put in there is Animal Control Officers issue hundreds upon hundreds of summonses a day across the state: no licenses, running at large, poor sanitation. Add a surcharge on to the violators, like we do with some of our domestic violence issues, and let the violators pay for this. The taxpayer doesn't have to do it; there are many, many other ways.

My point to you is, we have a person on the job now who is required by law to respond: the Animal Control Officer. We were certified in 1983; we got a second certification in 1997. The State SPCA, who had been around for 137 years at the time -- in 2005 -- only was required to take State-certified and approved training, after 137 years. And one of the officer's names -- who I heard mentioned earlier -- actually thanked the Animal Control Officers in public for bringing us to this point in history because we, as government, set the standard.

I can bore you with some more; but if you have any questions, I'd be more than happy to answer them.

I mentioned to Mr. Sumners that I postponed an out-of-state trip just to come to talk to you. If you have any questions, I'd love to hear them; if not, I have to go. (laughter)

ASSEMBLYMAN ANDRZEJCZAK: I do have one question.

MR. MELCHIONNE: Yes, sir.

ASSEMBLYMAN ANDRZEJCZAK: So-- I just lost my train of thought.

MR. MELCHIONNE: Good. (laughter)

ASSEMBLYMAN ANDRZEJCZAK: It will come back to me.

MR. MELCHIONNE: Wait until you get to my age; it gets worse. (laughter)

ASSEMBLYMAN HOUGHTALING: I'll fill in while he's thinking.

The Animal Control Officer -- can he issue summonses and do investigations as well?

MR. MELCHIONNE: Not for animal cruelty; only if he has been certified as an Animal Cruelty Investigator and appointed by that municipality. There is no requirement in the State of New Jersey, at the moment, for a municipal Animal Cruelty Investigator.

One of the pieces of legislation we have is requiring the ACI to go into the municipal Humane Law Enforcement Officer -- with additional training, of course. And they are requiring that every town have one. It's not a far leap, I can tell you that right now.

ASSEMBLYMAN HOUGHTALING: What do we have now that -- you used to translate and call the old *dogcatcher*? I mean, what -- is that position long gone?

MR. MELCHIONNE: Can I tell you something? Let me tell you a quick story.

I went in for this job in 1975. I know; some of us weren't even born that year. But when I came home, the first day on the job -- what do you think I told my family? In 1975, one day on the job, "I did it; I got a position with the local government." I knew that first day that this was just not a job; this was a profession. And that image of the big dope with the net, running around, is long gone.

The failure of any animal control program in the State starts at the administrative level. And if you have support in your community -- like I did in my last job -- and they let you do your job, and they let you train, and you make the-- This system works. I am a product of the system, from 1975. If you knew my background -- I know you'd find it hard to believe -- but yes, it does work; the system really works.

ASSEMBLYMAN HOUGHTALING: So you're an ACI.

MR. MELCHIONNE: I'm an ACO--

ASSEMBLYMAN HOUGHTALING: ACO--

MR. MELCHIONNE: --I'm an ACI.

ASSEMBLYMAN HOUGHTALING: ACI--

MR. MELCHIONNE: I have the distinction of being New Jersey's first certified Animal Cruelty Investigator, which I'm very proud of. But it came through hard work, through legislation; and it's a system that actually works. I'm telling you, it works.

A lot of bills out there; I agree. It's not often we agree with the SPCA -- oh, they left (laughter) -- with Sergeant Amato. It's a complex issue, and there are not a lot of people in this state who can put the pieces of the puzzle together. But there are a few. We need to work together to work out what's best for the State of New Jersey. And I can tell you, the antiquated system that we have in place now -- of private citizen volunteers enforcing the law, carrying firearms, with no oversight from the government, arresting 84-year-old ladies. That was her, in the front row, who got arrested by the other guy, right there, from Hunterdon County.

This is happening in the State of New Jersey. I can go on, with story after story, about the infractions of the State SPCA; but I won't. The system needs to change.

I'm glad I took Mr. Sumners' invitation to be here. I thank you all for listening. I know you can do the right thing. It's time to change history, ladies and gentlemen. The time is right now. Do it; please do it.

Any questions?

ASSEMBLYMAN ANDRZEJCZAK: Yes, I did remember.

MR. MELCHIONNE: Oh, you got it. (laughter)

ASSEMBLYMAN ANDRZEJCZAK: I got it, thankfully.

So in 2005 and 2006, when the law was changed, and the requirement for the additional training was added for NJSPCA -- even though, locally, it was a requirement for many years -- basically, what is the point of having NJSPCA do the training if the only thing they're doing is writing citations?

MR. MELCHIONNE: Well, let me tell you--

ASSEMBLYMAN ANDRZEJCZAK: I mean, the local branches--

MR. MELCHIONNE: Let me tell you a difference; and again, an excellent question.

Local Animal Control Officers, local Animal Cruelty Investigators -- we don't operate on fine money; we don't need the money.

ASSEMBLYMAN ANDRZEJCZAK: Right.

MR. MELCHIONNE: We operate on one premise, and this is what-- If you notice on my bio in the front, I'm still very involved in the State certification process. I train every level, including the people who testified to you before; I was their instructor; so you know.

You can-- At the local level, you can enforce the law for animal cruelty. Why do we need them? Our job is to educate the people and to help the animal. Not to hurt the people, but to help the animal. There are situations -- and we talk about this in class all the time -- we go into some of these houses; they are horrendous. Officer Santini didn't tell you; he didn't explain the stench that sticks in your nostrils for days on end from these horrendous situations. But we train our recruits: there's a human being living in there; it's just not the animal. We need to get help for that person, get help for that human being. Help the animals. It's a combination.

We don't need the fine; that's not our main goal. Our goal is to help the people in our community, and to get those animals in a better spot. That's what we're training in our current Animal Control Officer, Animal Cruelty Investigator.

One thing I'd like to tell you is, in 2005, when they developed the training for the SPCA, I was fortunate enough to get picked by the

Police Training Commission to sit on that Committee, and I helped develop that. And I wanted to see them become Animal Control Officers; at least train with the same training Animal Cruelty-- And then I said to them, "Whatever else you guys need, that's -- you need the basics, you need the foundation." "We don't need any of that; we just need--" Dogfighting and all of this horrendous stuff -- which is about this much (indicates) of the enforcement. No shelter, improper shelter, improper care -- that's really what the issues are out there, ladies and gentlemen.

So in the State law, in the SPCA training, it says right in there their training shall be similar to the Animal Cruelty Investigator course of study. It says it right in there. And it is; about 80 percent of it is. We can expand on that a little bit.

One of the things that -- if you don't mind, I really-- This is extremely important. Indulge me for two more minutes, and then I will be out of your hair.

Any legislation, ladies and gentlemen, needs to be in consultation with the New Jersey Certified Animal Control Officers Association. We're doing the job, we know the job, we live it 24 hours a day.

All personnel -- animal control, animal cruelty, humane law enforcement, chief humane law enforcement -- all need to be trained in similar fashions. The appointing authority creates positions; they know who they need in that position, but we need the training to put those people in. We talked about requiring Humane Law Enforcement Officers in every community. Require all levels of animal control welfare and animal cruelty enforcement to work cooperatively. That's what this is about.

There's a big struggle out there between government and the private agency. The private agencies look down on us as, "You're the dogcatcher; go get the dog." No, no, no, no. We know more about this-- Yes, I heard the officer say, "Do you have a warrant?" You can't order me to-- And now they're starting to get it. They have no training in handling animals; they have no vehicles to transport animals. They depend on government. Right in the legislation -- police, health need to work cooperatively with the Humane Law Enforcement.

Well, it said the same thing about the SPCA. We were doing 80 or 90 percent of their work; they were getting the fine money. If an Animal Cruelty Investigator signed the charges, we would have to give the SPCA 50 percent of our fine money for doing nothing; for absolutely doing nothing. What other government agency gives 50 percent of their money away?

Now, whether they collect it or not -- I don't know; that's their issue. But I've been in government a long time, and we've never had trouble getting money from people. You have things called *bench warrants* and they go out and pick people up for being in contempt of court, for not coming in to pay their fines.

Thanks for asking me. I appreciate it.

ASSEMBLYMAN ANDRZEJCZAK: Thank you very much.

ASSEMBLYMAN HOUGHTALING: Thank you.

MR. MELCHIONNE: Thank you.

Please make the right decision on this one. And we're here to help you; remember that.

ASSEMBLYMAN ANDRZEJCZAK: We have Madelyn Kaiser; who is in favor, no need to testify.

Then we have Lorraine Healy, in favor.

**L O R R A I N E H E A L Y:** Hi, Committee; thank you for having us today.

I run Husky House, the organization that a couple of people had brought up. We carry about \$150,000 to \$200,000 in veterinary care for animal cruelty cases in the State of New Jersey on a regular basis; probably for the last five or six years.

We receive no funding from anyone. We are self-funded; we run fundraisers on a regular basis.

That Lakewood hoarding case, when we were called in -- 10 dogs were removed from that house previously, about 12 days before, that were housed at a county animal shelter. We found out the day after we removed the 42 dogs there, that they were still sitting in the shelter, in the same exact condition that they were when they were pulled out of that facility. And the SPCA knew about it -- knew that they were there. We went back and picked up those additional 10 dogs as well.

We work with the SPCA on a regular basis; but I definitely think that this -- there needs to be oversight, there needs to be local government involved.

You had asked what their function is -- if they're supposed to handle animals. If they're not, what are they doing with all of these transport vehicles that we never have access to with all of these hoarding cases that we're doing? So there-- I mean, I would love for them to donate to us, because we would use it on a weekly basis, moving dogs to spay and

neuter events, adoption events, hoarding cases. We provide not only all the transportation, all of the medical care; we give the SPCA or the Animal Cruelty Investigators full access to all of our medical reports. We've done a lot of the pet shop cruelty cases where, if our organization didn't step up and provide the thousands of dollars in medical care, those pet shops would still be operating today.

And their restitution coming back to private facilities like us are -- it's just not existent. We've now learned that we actually have to contact the courts ourselves and put ourselves on as a victim in order for the SPCA to be held accountable on getting us some form of restitution.

So there definitely needs to be some sort of change. I mean, we're a tiny, little organization and we really don't care who is in charge, who's going to take responsibility -- if it's going to be your ACOs, or ACIs, or an SPCA, or Humane Law Enforcement Officer. But there has to be some kind of oversight, because what's going on now is just running amok and there's no oversight whatsoever.

And there is only a short amount of time before a little places like us are not going to be able to step up to the plate to do what needs to be done. Your municipalities cannot handle hoarding cases. And you're worried about taxpayer dollars. When you have a hoarding case of 50 or 60 dogs coming in, or cats, those taxpayers cannot-- Your shelters can't hold that many animals.

We had a cruelty case out of Secaucus; we had seven senior Labs that had never come out of a crate. They couldn't even walk. Were they adoptable? No. We had to carry them out. And we had to hold onto those dogs for about 10 months, provide all of their medical care, provide

all of their rehabilitation. We never received a dime until, finally, we were awarded custody. And every single one of those dogs wound up getting adopted. But how is your municipality going to take that on? That's a huge, huge expense.

And it's time consuming. We have tons of volunteers who come in, on a daily basis, who work with those dogs. I mean, trying to teach seven dogs how to walk again and just rehabilitating them and building up that muscle mass is a huge undertaking.

So it definitely -- there needs to be some kind of oversight, and there also needs to be some kind of accountability.

Thank you.

ASSEMBLYMAN ANDRZEJCZAK: Thank you.

ASSEMBLYMAN HOUGHTALING: I have a question.

ASSEMBLYMAN ANDRZEJCZAK: Sure.

ASSEMBLYMAN HOUGHTALING: So you're saying that they have a lot -- they have vehicles that are equipped to carry the animals?

MS. HEALY: Absolutely.

ASSEMBLYMAN HOUGHTALING: So then why would they call organizations and say, "Come get the dogs," and things like that?

MS. HEALY: I don't know. They have a fleet of over 20 vehicles. They have vans, they have that humongous ambulance, they have armored vehicles that are -- these huge military vehicles. So there are tons of resources that they have that are just not going to help. That would have been a huge help if they would have brought that ambulance in, in Lakewood, and helped us relocate those dogs. That was a huge undertaking for just a few volunteers. And we were the ones -- the Husky House

volunteers were the people in that house pulling all those animals out. I mean, they were-- The walls were -- the ceilings were disintegrating. There were dogs running on the beams on top of us. There were dogs in the walls. And, you know, that was us; we did all of that. And to come home, and after being with these dogs -- the smell was horrendous. And the vet on staff; and the news was there; and groomers until 5:00 in the morning. To take a shower and check my e-mail, and see that the SPCA has gone online and raised thousands and thousands of dollars and didn't lift a finger to help us at all -- it's frustrating.

ASSEMBLYMAN HOUGHTALING: Well, would they show up to the situation, and they'll be in their personal car? Or are they always in an SPCA vehicle?

MS. HEALY: It's both; I've seen both. There are SPCA vehicles -- yes, they usually show up in a police car that's been changed to an SPCA logo. The big transport vehicles you'll see at, like, the Balloon Festival, and parades, and things like that where it's very misleading to the public, where they think that those vehicles are out there helping animals.

I mean, we got called into a hoarding case with Geoff Santini. I think we pulled 10 old, old Labs out of this building. And, you know, it was all little rescue groups and shelters there, with their vehicles, pulling those dogs out. And the SPCA has this fleet of vehicles that an animal never steps foot into.

ASSEMBLYMAN ANDRZEJCZAK: The vehicles that they use -- were they donated from other organizations or government agencies--

MS. HEALY: That I'm not sure.

ASSEMBLYMAN ANDRZEJCZAK: --or were they-- Okay.

MS. HEALY: That would be a Reformers question. They know the answers to those.

We're just an organization that is in the business of rescuing animals. So that's basically all we do. And it would be beneficial for us, boots on the ground, that the powers-that-be would actually help us instead of causing more difficulties. It would be helpful if they worked in conjunction with us, and helped us not only to raise funds; but they have those vehicles to help move the dogs to where they have to go.

ASSEMBLYMAN ANDRZEJCZAK: They said that they had over 5,000 cases within the last year, if I remember correctly. Do they consider the cases that your organization does as their cases?

MS. HEALY: Yes, absolutely.

ASSEMBLYMAN ANDRZEJCZAK: So the work that you do, they take claim; and that adds to their numbers of total cases.

MS. HEALY: Absolutely. So they write the-- I mean, we don't have the authority to write a summons. We do the work, we take the burden, we actually, physically care for those animals to the tune of-- I mean, I have a bulldog puppy that I spent \$18,000 on, from a pet shop, to save her life. She was eight weeks old. And they take responsibility for that, and they collect the restitution for that, and we don't see any of it.

ASSEMBLYMAN ANDRZEJCZAK: Any other questions? (no response)

ASSEMBLYMAN HOUGHTALING: Thank you.

MS. HEALY: Thank you.

ASSEMBLYMAN ANDRZEJCZAK: Thank you very much.

All right; we only have like 40 more to go. (laughter)

Just kidding; that was it.

I want to thank all of you for coming out. I want to thank all of you, who remained, for remaining.

Anything worth doing is never easy; and this is not going to be easy. We're going to have to sit down and look at legislation that's already been drafted. We might have to make additional amendments to that, or draft new legislation. But collectively, I think we need to sit down and figure out what the best path to resolve this problem is going to be.

But I thank all of the members for being here and sticking with it today.

With that, we are adjourned.

**(MEETING CONCLUDED)**