
Public Hearing

before

SENATE ECONOMIC GROWTH COMMITTEE

“The Senate Economic Growth Committee will take testimony on the recent report released by the State Commission of Investigation regarding the New Jersey Society for the Prevention of Cruelty to Animals. In addition, the Committee will discuss legislative reform to strengthen the enforcement of New Jersey’s animal cruelty laws”

Senate Bill No. 1429

“Requires accountability of NJSPCA and county Societies for Prevention of Cruelty to Animals to Attorney General and county prosecutors, respectively”

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: November 13, 2017
10:30 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Raymond J. Lesniak, Chair
Senator Nilsa Cruz-Perez, Vice Chair
Senator Joseph M. Kyrillos Jr.



ALSO PRESENT:

Patrick Brennan
Kevin J. Donahue
Office of Legislative Services
Committee Aides

Louis Couture
Senate Majority
Committee Aide

Laurine Purola
Senate 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



RAYMOND J. LESNIAK
Chair

NILSA CRUZ-PEREZ
Vice-Chair

JOSEPH M. KYRILLOS, JR.
STEVEN V. OROHO

KEVIN J. DONAHUE
*Office of Legislative Services
Committee Aide*
(609) 847-3840
(609) 292-0561 fax

PATRICK BRENNAN
*Office of Legislative Services
Committee Aide*
(609) 847-3840
(609) 292-0561 fax

New Jersey State Legislature
SENATE ECONOMIC GROWTH COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

PUBLIC HEARING NOTICE

The Senate Economic Growth Committee will hold a public hearing on Monday, November 13, 2017 at 10:30 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The public may address comments and questions to Kevin J. Donahue, Patrick Brennan, Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideSEG@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.

The Senate Economic Growth Committee will take testimony on the recent report released by the State Commission of Investigation regarding the New Jersey Society for the Prevention of Cruelty to Animals. In addition, the committee will discuss legislative reform to strengthen the enforcement of New Jersey's animal cruelty laws.

Those individuals presenting written testimony are asked to provide 10 copies to the committee aide at the public hearing.

Issued 11/1/17

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SENATE, No. 1429

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED FEBRUARY 11, 2016

Sponsored by:

Senator MICHAEL J. DOHERTY

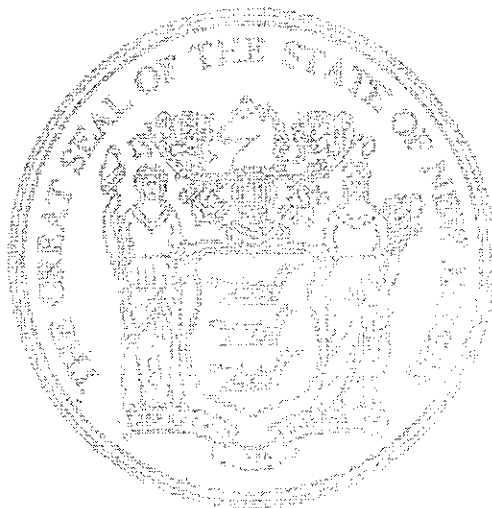
District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Requires accountability of NJSPCA and county societies for prevention of cruelty to animals to Attorney General and county prosecutors, respectively.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning societies for the prevention of cruelty to
2 animals and amending P.L.2005, c.372.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.2005, c.372 (C.4:22-11.2) is amended to
8 read as follows:

9 2. a. (1) The New Jersey Society for the Prevention of Cruelty
10 to Animals is continued as a parent corporation for the purposes of
11 coordinating the functions of county societies for the prevention of
12 cruelty to animals, and of promoting the interests of, protecting and
13 caring for, and doing any and all things to benefit or that tend to
14 benefit animals. The New Jersey Society for the Prevention of
15 Cruelty to Animals shall be governed by a board of trustees
16 consisting of 15 persons, of whom 12 shall be members of the
17 society elected by the membership thereof and three shall be
18 persons appointed by the Governor with the advice and consent of
19 the Senate. Each trustee shall serve a term of six years, except as
20 provided otherwise pursuant to paragraph (2) of this subsection. Of
21 the 12 elected trustees, at least one shall also be a member of a
22 county society for the prevention of cruelty to animals in the
23 northern part of the State, at least one shall also be a member of a
24 county society for the prevention of cruelty to animals in the central
25 part of the State, and at least one shall also be a member of a county
26 society for the prevention of cruelty to animals in the southern part
27 of the State.

28 For the purposes of this paragraph: "northern" means the
29 counties of Bergen, Essex, Hudson, Morris, Passaic, Sussex, or
30 Union; "central" means the counties of Hunterdon, Mercer,
31 Middlesex, Monmouth, Somerset, or Warren; and "southern" means
32 the counties of Atlantic, Burlington, Camden, Cape May,
33 Cumberland, Gloucester, Ocean, or Salem.

34 (2) Notwithstanding any provision of paragraph (1) of this
35 subsection to the contrary, every trustee on the board governing the
36 New Jersey Society for the Prevention of Cruelty to Animals on the
37 day before the date of enactment of P.L.2005, c.372 (C.4:22-11.1 et
38 al.) shall complete the remainder of the trustee's respective assigned
39 term on the board created pursuant to paragraph (1) of this
40 subsection.

41 b. The New Jersey Society for the Prevention of Cruelty to
42 Animals shall be accountable to the Attorney General and shall not
43 undertake an investigation or law enforcement activity or operation
44 in any county without the prior approval of the county prosecutor
45 for that county.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. The board of trustees of the New Jersey Society for the
2 Prevention of Cruelty to Animals shall prepare an annual report
3 concerning the law enforcement activity of the New Jersey Society
4 for the Prevention of Cruelty to Animals and the county societies,
5 and shall submit the report for each calendar year by June 1 of the
6 next following calendar year to the Attorney General and pursuant
7 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature,
8 and shall make the report available to the public upon request.

9 **[c.]** d. The New Jersey Society for the Prevention of Cruelty to
10 Animals shall submit quarterly to the Attorney General statistical
11 information concerning its law enforcement activity during that
12 period, on a form developed in conjunction with the Attorney
13 General.

14 (cf: P.L.2005, c.372, s.2)

15
16 2. Section 6 of P.L.2005, c.372 (C.4:22-11.6) is amended to
17 read as follows:

18 6. a. Every county society for the prevention of cruelty to
19 animals that is in existence on the date of enactment of P.L.2005,
20 c.372 (C.4:22-11.1 et al.) shall be continued as a chartered county
21 society.

22 b. A charter for a county society may be granted by the board
23 of trustees of the New Jersey Society for the Prevention of Cruelty
24 to Animals if the county society can demonstrate that it consists of
25 at least 10 members. The requirements of this subsection shall not
26 apply to a county society which is continued as a chartered county
27 society as provided in subsection a. of this section.

28 c. Each county society for the prevention of cruelty to animals
29 shall be accountable to the county prosecutor for the county in
30 which it is located and shall not undertake an investigation or law
31 enforcement activity or operation without the prior approval of the
32 county prosecutor.

33 d. Every county society shall submit quarterly a law
34 enforcement report to the board of trustees of the New Jersey
35 Society for the Prevention of Cruelty to Animals on a form
36 developed in conjunction with the Attorney General. Each county
37 society shall also submit a copy of its quarterly report to the county
38 sheriff and the county prosecutor. The New Jersey Society for the
39 Prevention of Cruelty to Animals shall compile these reports and
40 submit them to the Attorney General.

41 (cf: P.L.2005, c.372, s.6)

42
43 3. This act shall take effect immediately.

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STATEMENT

2

3 This bill would require the New Jersey Society for the
4 Prevention of Cruelty to Animals (NJSPCA) to be accountable to
5 the Attorney General and provide that it would not be authorized to
6 undertake an investigation or law enforcement activity or operation
7 in any county without the prior approval of the county prosecutor
8 for that county. The bill also would provide that each county
9 society for the prevention of cruelty to animals would be
10 accountable to the county prosecutor for the county in which it is
11 located and would not be authorized to undertake an investigation
12 or law enforcement activity or operation without the prior approval
13 of the county prosecutor.

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SENATOR RAYMOND J. LESNIAK (Chair): All right; here's what we're going to do.

And thank you all for coming.

We're first going to hear from the SCI; and then the New Jersey SPCA; and then the departments that have requested to testify -- the New Jersey Department of Agriculture, the New Jersey State Board of Agriculture -- I'm sure you'll come up together; I guess you're on the same page, yes? -- then the New Jersey Farm Bureau; and then the County SPCAs that are here. They are the Atlantic County-- We have two from the Atlantic County SPCA, so I hope you folks will come together. I presume you're on the same page; maybe, not. Hunterdon County SPCA, and then the New Jersey Certified Animal Control Officers Association, and then Reformers-Advocates for Animal Shelter Change.

And by the way, we -- this is going to be about the NJSPCA and the SCI report. I know there are some issues with regards to shelters; we've heard about Newark. We'll take limited testimony on that, because that's not what this hearing is about. But I know we want to do something to straighten out that situation that exists there, and I'm sure in other places in the state.

Then we have a former SPCA officer, Brian Stone; and then Tracy Rolph is here as an individual; and Carl. Oh, I'm sorry; and Kathy McGuire, President of NJ Aid for Animals. We'll get you guys in.

And all I have to do is call up the first witness.

Senator Cruz-Perez, do you want to say anything, or would you just rather listen?

SENATOR NILSA CRUZ-PEREZ (Vice Chair): No; thank you for putting this hearing together. It's a very good subject.

SENATOR LESNIAK: I know how animal welfare is so important -- not only to you, but to your colleagues down in South Jersey. I know your Freeholder -- who's the Freeholder--

SENATOR CRUZ-PEREZ: Jeff Nash?

SENATOR LESNIAK: Jeff Nash is a great advocate for animal welfare.

Okay, here we go.

Lee Seglem, and Lisa Cialino, and Kathy Riley from the SCI.

I'm going to ask you guys a question first. Well, maybe I won't. I'm not going to ask you guys a question; what I'm going to do is ask you to be factual, because I did find the report to be sensational. You had a lot of good facts there, but I think it takes away from the facts when you draw conclusions that seem to be more like a political campaign, rather than a report from an important agency.

Okay, go right ahead.

L E E C. S E G L E M: Let me just say that we value facts above everything else.

SENATOR LESNIAK: Well, then, you need to change the way -- your style of writing. This is not the first time, by the way. You did the same thing with the recycling report when you said, basically, that the legislation that we did in the 1980s failed in its mission. No, it didn't fail in its mission; we drove organized crime out of the garbage industry. Recycling didn't even exist. I had it out with Pat Hobbs on that issue, by the way, for that.

So I would just-- You don't have to listen to me; I'm gone in January. (laughter) But just some elderly words of advice. Your reports would be taken much more seriously if you stay with the facts.

Okay; go ahead.

MR. SEGLEM: I hear you; thank you.

Good morning, Mr. Chairman, members of the Committee. I'm Lee Seglem, Executive Director of the State Commission on Investigation.

Joining me are SCI Counsel Lisa Cialino, to my right, whose investigative team conducted the SCI's latest inquiry of the NJSPCA; and to my left, Communications Director Kathy Riley, who served in an instrumental role on that team.

Thank you for the opportunity to testify.

By way of background, let me just say that one of the things government agencies don't do very often, or very well, is to follow up on the results of their actions. 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.

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. Criminal wrongdoing referred by the SCI resulted in the prosecution of a former Burlington County SPCA treasurer,

who was indicted on charges of diverting more than \$45,000 in SPCA funds for personal use; and of the former president of the Cape May County SPCA, also indicted for theft. Both pled guilty and agreed to pay restitution.

Taken together, the findings of that investigation raised very serious questions about the ability of these organizations to fulfill their core statutory mission 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.

So early this year, we decided it would be prudent to re-visit this arena. What we found, with particular focus on the NJSPCA, was that significant problems and deficiencies, first identified by the SCI 17 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 -- that's 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 NJSPCA seems to care more about the appearance of aggressive enforcement than the reality of it. It has lavished its personnel with fully equipped police-type vehicles that they can keep at home, complete with flashing lights, sirens, advanced policing technology, body cameras and the like. Not to mention credentials that purport to identify even its attorney as a "special prosecutor."

And then there are all the guns and ammo. Did you know that during the course of one year, 2014, the NJSPCA spent more than \$25,000 on firearms ammunition, more money than it devoted to animal care

expenses, such as vaccinations? This, against a disturbing backdrop presented by the fact that the NJSPCA has been negligent in ensuring that its armed officers adhere to statutory provisions allowing them to carry firearms.

We also took sworn testimony from multiple individuals who described several circumstances in which NJSPCA officers exceeded their lawful authority by conducting traffic stops that had nothing to do with animals or animal cruelty. These are the kinds of things we have in mind when we use the term “wannabe cops.”

During this follow-up inquiry, we also found that several current and former members of the NJSPCA governing board have personally benefited by profiting from ownership interests in businesses that provided goods or services to the organization. One of these companies, owned by the organization’s Chief Humane Law Enforcement Officer, received more than \$93,500 between 2013 and 2017 from sales of promotional items to the NJSPCA. In addition, businesses owned by former trustees, or that employed a family member of a former trustee, received more than \$108,000 for NJSPCA vehicle repairs and for supplying various merchandise to the organization.

SENATOR LESNIAK: Can I ask you to sum up? Because we’ve seen the report, and just reciting the report-- It’s in the record. So if you could just give us-- Or are you adding things that--

MR. SEGLEM: No, I’m just addressing questions--

SENATOR LESNIAK: I didn’t think so.

MR. SEGLEM: --that you raised in a letter to me that I received on Thursday.

SENATOR LESNIAK: Okay.

MR. SEGLEM: But I can move forward; that's fine.

SENATOR LESNIAK: That would be very helpful, because we have read the report, and it's a public document.

MR. SEGLEM: Okay.

SENATOR LESNIAK: So just reciting it for the record is not needed.

MR. SEGLEM: All right.

All right, we'll move on.

Mr. Chairman, in 2006, as you well know -- because you were the main sponsor of it -- legislation was enacted in an effort to reform this system. The measure mandated significant changes, including provisions designed to require greater transparency, accountability, and oversight of the NJSPCA. In our report, we do not state or mean to imply that this law, on its face, is weak or misplaced. The problem is that, in practice -- and the facts bear this out -- these positive objectives have not been realized because elements of the NJSPCA itself have spent the better part of the last 10 years ignoring and undermining them.

What I mean by that -- for example, the 2006 law authorized the Governor to appoint three members to the organization's board of trustees. We interviewed individuals who served in these gubernatorial positions, and they pointedly complained that they were routinely kept in the dark about substantive NJSPCA matters, and were stonewalled internally when asking questions about the organization's finances.

SENATOR LESNIAK: May I ask you a question? I *will* ask you a question about that.

These gubernatorial appointments to the trustees -- they're not capable of contacting legislators or the Governor about these issues? They weren't capable of doing that?

MR. SEGLEM: I'm sure they are capable of doing that.

SENATOR LESNIAK: But they did not, correct?

MR. SEGLEM: I don't know the extent that they contacted any members.

SENATOR LESNIAK: Well, I never-- Well, I'm the sponsor, and I never heard from them. So my point is, it's not just the NJSPCA that stonewalled them; they didn't perform their duties under the law as trustees. I just wanted to make that clear; you didn't mention that, and I think we have to mention that. These are gubernatorial appointees who were confirmed by the Senate. They didn't do their job, either; you didn't mention that, and I want to make sure that we put that on the record.

Because-- And you're absolutely right. The legislation was fine. The problem is, as you stated at the beginning, upon its implementation it wasn't implemented correctly. And I would lay that also on the fact that these gubernatorial appointees didn't do their job, and that's something that we'll make sure won't happen again. And we will have legislation to either reform or replace the current system.

MR. SEGLEM: Mr. Chairman should also know that just last December, the NJSPCA bylaws were revised to preclude the organization's President and its Board of Trustees from having any oversight in most policing matters.

Another provision of the 2006 law requires the NJSPCA to submit an annual financial audit and to provide quarterly reports on its

enforcement activities to the Office of the Attorney General. Our inquiry revealed that these reports have chronically been filed late and, occasionally -- such as for two quarters in 2015 -- not filed at all.

SENATOR LESNIAK: All right, again, what was the Attorney General doing during this period of time -- sleeping?

MR. SEGLEM: The obligation in the law to file the reports is on the NJSPCA.

SENATOR LESNIAK: I understand that; and they have an obligation to enforce the law -- that's what the Attorney General's Office is supposed to do.

You know, we can only pass laws; we can't implement them. That's why I ran for Governor, seriously. I mean, and so you have to-- This has been a total foul up of implementation of the law, all right? I just want to make this clear. Yes, the wrongdoing is on the NJSPCA; but the law required and gave the Governor's Office, and his appointments, and the Attorney General's Office authority over it, and they did nothing about it. So that's what we have to make sure changes. I just want to point that out, because your report doesn't say that. I mean, with all due respect, I'm sorry.

You know what? An Assignment Judge once told me, whenever a lawyer says, "With due respect," means "You have no idea what you're talking about." I'm joking. Come on, smile.

Okay. I'm going to critique your report. I mean, I don't know whether you are afraid to criticize the Governor's appointees or the Attorney General, but I'm not, all right? They dropped the ball on this also.

MR. SEGLEM: To a certain extent, Mr. Chairman, you're singing to the choir here. We've been concerned about this area for almost two decades now. We warned about this going on in 2000, and we revisited it and found some of the same things. So we share your concerns.

In closing, let me say that we stand by the core recommendation that we made 17 years ago, and that we repeated last month: 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.

Thank you; and we would be happy to try to answer any questions you may have.

SENATOR LESNIAK: Sure.

Any questions from-- (no response)

No, thank you very much for your testimony. I appreciate it very much, and for the report.

And we will do something about it, and it will be effective.

MR. SEGLEM: Good.

SENATOR LESNIAK: Okay.

Who's here from the NJSPCA in rebuttal? Steve? Steve Shatkin (indicating pronunciation).

S T E V E N S H A T K I N: (off mike) Shatkin (indicating pronunciation).

SENATOR LESNIAK: You didn't go to Catholic grammar school, because your handwriting is not good. (laughter)

C O L O N E L F R A N K J. R I Z Z O: Frank Rizzo, Senator.

SENATOR LESNIAK: Okay; hi, Frank.

Nobody has a sense of humor this morning; what's going on?
(laughter) It's raining; it's the rain.

Okay; Senator Cruz-Perez thinks that what I said was funny;
she laughed.

MR. SHATKIN: I went to Catholic grammar school.
(laughter)

SENATOR LESNIAK: So did I.

MR. SHATKIN: High school and college.

SENATOR LESNIAK: All right.

Go right ahead, please.

MR. SHATKIN: Mr. Chairman and members of the Senate
Committee on Economic Growth, my name is Steve Shatkin; and I sit
before you proudly representing the men and woman of the New Jersey
SPCA.

I have been with the NJSPCA for 19 years; I currently serve as
President of the NJSPCA and Deputy Chief of Law Enforcement.

I appreciate the opportunity to appear before you today, and
look forward to a productive dialogue.

Before I begin, I want to bring to the Committee's attention the
fact that the NJSPCA recently entered into a voluntarily agreement with the
Attorney General's Division of Consumer Affairs to have an outside
monitor installed, at our expense, to look over our shoulder, as the
Department of Consumer Affairs had requested. We are in the process of
lining up an accounting firm, and expect to submit that selection to the
AG's Office for approval shortly.

,-

I would be derelict in my duty if I did not address this next point upfront; and I want to be very clear to you, Mr. Chairman, the members of the Committee, and the general public. The NJSPCA is not a broken agency, it is not a haven for wannabe cops, it is not an organization that lost sight of its core function, nor is it an agency that should be disbanded or stripped of the authority granted and reaffirmed by this Legislature. Simply stated, do not always believe what you read in the newspapers, see on second-rate cable TV channels, and yes, even what you read in the SCI's most recent report.

Whether one agrees with the intent of this Legislature or not, the NJSPCA was created by this Legislature in 1868 as a public law enforcement agency to enforce Title 4, New Jersey's animal cruelty statutes.

SENATOR LESNIAK: I didn't sponsor that legislation. (laughter) I know I've been around a long time, but--

MR. SHATKIN: Understood.

Since 1868, the NJSPCA has performed this function at no cost to New Jersey taxpayers. Our enabling legislation is crystal clear about what our core mission is -- the enforcement of Title 4 -- and also what it is not. We were not created to open and operate animal shelters or serve an animal control function. NJSPCA personnel are not *wannabe cops*, as the SCI has attempted to paint this agency. In fact, the exact opposite is true. Our agents and officers undergo training developed by the Department of Law and Public Safety, and approved by the Police Training Commission, the PTC, at police academies throughout the state. Our firearms instruction is given by the State Police at the State Police Academy in Sea Girt. Over 20 armed officers are commissioned by the State Police, and then re-

commissioned every two years, again by the State Police, and signed off by the Superintendent of the State Police.

I would put my officers up against any law enforcement officer in this state in regards to who is squared away. You don't get commissioned unless you are squeaky clean.

Here's a 36-page commissioning form (indicates), which all officers have to fill out every two years.

The reality is, the NJSPCA receives and responds to approximately 5,000 animal cruelty complaints each year. Since January 2015, we have issued approximately 1,250 summonses for animal cruelty. We have rescued thousands of animals and have successfully resolved thousands of complaints by educating humans about animal cruelty.

The SCI's conclusion that the NJSPCA is not responding to complaints in a timely manner is pure hogwash. For the record, the Committee needs to understand that, as part of the investigation, the SCI illegally obtained access to the NJSPCA's CCRS Dispatch Database and, during the investigation, SCI Commissioners claimed to have reviewed thousands of cases.

SENATOR LESNIAK: Okay; time out, time out.

MR. SHATKIN: Yes.

SENATOR LESNIAK: When you said that they did something *illegal*, what was illegal about what they did? You're not talking about any criminal violation or civil violation. What are you talking about?

MR. SHATKIN: They accessed the police database, through a disgruntled employee, and gained access to it; and they should not have.

SENATOR LESNIAK: All right. If that was something *illegal*, as in *criminal*, you should refer it to the Attorney General's Office. That's not our function here.

MR. SHATKIN: Correct.

SENATOR LESNIAK: Okay.

MR. SHATKIN: Yet in its report, the SCI claims to have reviewed 120 cases, a small sample out of the 54,000 cases in our database. The SCI's methodology was flawed, and its finding is without merit. It should be crystal clear to you, as it is us, the SCI has an agenda: Get rid of the NJSPCA. When the SCI couldn't find a scintilla of corruption or anything illegal, they started to cherry pick in order to justify their actions. They were going to get from Point A to Point B no matter what it took, and that included lying.

While the SCI concluded that the NJSPCA is dominated by a wannabe cop culture--

SENATOR LESNIAK: Okay; stop, stop, stop, stop.

MR. SHATKIN: Yes.

SENATOR LESNIAK: You can't just say *lying* without saying where did they lie.

MR. SHATKIN: There was an incidence regarding the Hunterdon County SPCA, and about an arrest that took place. And their facts are absolutely wrong; that they stated whatever they wanted to state in order to build their case. They are absolutely incorrect. I have the officer who made the arrest here, and they are trying to say we arrested an 84-year old woman and basically body-slammed her and handcuffed her, and threw her in a cell. Well, that was under the direction of the Attorney General's

Office and the-- I'm sorry; the Prosecutor's Office and the State Police. So they're trying to make something out of nothing here.

That's just one instance, but they let continue.

Thank you.

While the SCI concluded that the NJSPCA is dominated by a *wannabe cop* culture, at no time did the SCI spend any time with NJSPCA personnel in the field conducting investigations. How the SCI can conclude the NJSPCA is populated by wannabe cops is laughable and unprofessional.

The reality is, while the dedicated men and woman of the NJSPCA are in the field handling thousands of complaints each year with zero assistance from the State, the SCI commissioners and staff are busy burning through millions of taxpayer dollars each year; yet it issues only about two reports each year. Very interesting how a well-funded and flush State agency can be so unproductive, yet arrogantly pass judgment--

SENATOR LESNIAK: All right, time out, time out, time out.

You can attack, if you will -- and as you are, very well -- the report. Leave it to me to attack the SCI, okay?

MR. SHATKIN: Fair enough.

SENATOR LESNIAK: All right.

MR. SHATKIN: Critics question the NJSPCA's authority to carry firearms, an authority granted in 1868, and reaffirmed by the Legislature and the Governor in 2006. The NJSPCA is comprised of approximately 60 people, 20 officers and 40 agents. Officers carry firearms, receive the same firearms training as municipal police officers, have the authority to make arrests related to Title 4, and hold several certifications in humane law enforcement. Agents do not carry firearms, and are

empowered to conduct investigations and issue summonses related to Title 4.

Throughout the 150-year history of the NJSPCA, there have been no firearm incidents, accidental or otherwise. The fact is, NJSPCA personnel work in dangerous areas throughout the state, in crime-ridden neighborhoods at any hour of the day or night. NJSPCA personnel work on routine cases involving improper shelter, to complex cases involving cockfighting or dog fighting -- blood sports where violent gangs, illegal guns, gambling, and drugs are typically associated. There have been homicides at these events as well. Do you question why municipal police officers carry firearms? Are my officers' lives worth any less?

Approximately 30 days ago, NJSPCA personnel removed an AK-47 assault rifle off the street working a routine case in Newark. The media conveniently ignored that fact. Instead, they disrespected NJSPCA personnel by calling them *armed pet detectives*.

We have invited the media to come work the cases we work in dangerous areas, and we invite the members of this Committee to do the same. It should be an eye-opener.

The SCI alleged that the NJSPCA engages in *aggressive ticketing* and conducts *unauthorized traffic stops*, yet the report provided zero evidence to back those claims. The NJSPCA does not engage in aggressive ticketing and does not have the authority to conduct traffic stops. The NJSPCA has never issued a summons for a traffic violation, ever.

In response to the claim that the NJSPCA spends more money on wannabe cop toys than on animals, each and every time an NJSPCA officer or agent works a case, the NJSPCA is spending scarce resources on

animal welfare to prevent cruelty to animals -- investigating cruelty complaints, preventing cruelty, or working with local prosecutors to secure a conviction.

For 150 years, NJSPCA personnel have been out in the field responding to citizen complaints, issuing warnings, educating humans, removing animals from hoarding or unhealthy shelter situations, or securing necessary veterinary care for animals in distress -- all at no cost to the State of New Jersey.

With respect to so-called *exorbitant legal fees* -- while the NJSPCA is, in fact, a public law enforcement agency, and the Attorney General's Office has denied multiple requests to assign a Deputy Attorney General, that has not stopped us from making the requests. With no State funding and no in-house legal counsel assigned by the State, the NJSPCA had no choice but to retain outside counsel.

More importantly -- and I hope this will resonate with this Committee and the entire Legislature -- over 90 percent of the litigation the NJSPCA is currently involved in is the direct result of the NJSPCA adhering to the requirements of the SPCA Act of 2006, as they relate to County SPCA compliance and charters. Simply stated, we have been enforcing the provisions of the SPCA Act of 2006.

An attorney for the revoked Hunterdon County SPCA charter actually was quoted in the newspaper as saying, "If the Legislature doesn't act, I'm going to try to litigate them out of existence," he said of the SPCA. "Let the tort laws do what our Legislature has chosen to ignore." And he's doing that. They were revoked, and they're using our funds to sue us in court, over and over, and over again.

SENATOR LESNIAK: I'd like to ask you a question about these traffic citations.

Are you even authorized to issue one if you wanted to?

MR. SHATKIN: Absolutely not.

SENATOR LESNIAK: I didn't think so; okay.

MR. SHATKIN: Finally, the call to disband the NJSPCA, or strip the NJSPCA of its authority. This call was made in 2000 by the SCI; debated *ad nauseam* in 2002 when Governor McGreevey's Animal Welfare Task Force was released; and once again, during committee hearings and passage of the SPCA Act of 2006. To be blunt, the short answer to the question of whether the NJSPCA should be disbanded is: asked and answered.

Throughout these debates, it was made clear that county and local law enforcement are unwilling to assume the functions currently held by the NJSPCA. We look forward to future debates and working together with all stakeholders to strengthen New Jersey's advocacy efforts for the safety and well-being of animals. Hopefully, additional reforms will be made to the NJSPCA's enabling legislation; and Mr. Chairman, we appreciate your efforts as they relate to improving the enforcement of animal cruelty laws.

In response to specific recommendations advanced by you, Mr. Chairman: One, provide that all members of the NJSPCA Board of Trustees be appointed by the Governor with advice and consent of the Senate. Three members would be based on recommendations from North, Central, and South.

My response: The SPCA Act of 2006 required that three Board of Trustees be direct appointments of the Governor. Since 2006, we have had a very difficult time getting the Governor's Appointments Office to adhere to the requirements of the SPCA Act of 2006. In fact, two of the three seats have remained unfilled for years. Given our past history, we are very concerned about the Governor's ability to fully populate the full Board of the NJSPCA.

Under the current structure of the NJSPCA Board, we believe the geographic North, Central, and South representation is appropriate, with County SPCA's having seats on the NJSPCA Board.

Another point you had brought up: Require the annual law enforcement report of the NJSPCA to the Attorney General be published on the NJSPCA's website. These reports have been provided to the Attorney General's Office on a consistent basis since 2006, as have the monthly reports. We have no problem whatsoever posting these reports on the NJSPCA website.

Submit NJSPCA to OPRA. Should a public law enforcement agency, created by the Legislature in 1868, that receives no State funding whatsoever, be subject to OPRA? That is the issue we have been grappling with since the NJSPCA has been barraged by OPRA requests by Internet activists. Yes, it is true we have challenged whether OPRA applies to the NJSPCA in court, and that court battle continues. We would be happy to comply with any and all OPRA requests if we had the resources to do it. But without the resources, the deluge of OPRA requests has been extremely challenging and costly. While the public's right to know may trump our legal challenge, at some point a line in the sand must be drawn. We have

no full time personnel and no secretary. Our headquarters is not manned. How do you recommend we fulfill OPRA requests? Why should our department be treated any differently than any other State agency?

Another point that you made, Mr. Chairman -- require all humane law enforcement officers to semiannually qualify for gun use as other law enforcement personnel in New Jersey. NJSPCA officers, commissioned by the State Police, are currently required to qualify with their firearms twice a year, and they do. While the SCI and the media are critical of the amount of money spent on ammunition, these funds have been spent to meet the firearm qualification requirements of the SPCA Act of 2006 for the 20 commissioned officers of the NJSPCA.

Require, in addition to other external audits, that the State Auditor annually perform a financial audit of the NJSPCA to be published on the NJSPCA's website. We have no objections whatsoever.

In conclusion, I want to thank you, again, on behalf of all the dedicated men and women of this department for the opportunity to be heard. Our goals are noble: Stop the needless suffering of animals. Our commitment to that goal is unshakeable.

My request to this Committee is quite simple. Stop trying to tear us down when you should be lifting us up. Instead of constantly calling for our demise, look for ways to help us fulfill Title 4's mandate. Instead of throwing roadblocks up at every twist and turn, extend a helping hand to ease our burden, which will allow us to alleviate the needless suffering of even more animals in the state.

We have asked the New Jersey Treasury Department for small breadcrumbs in the past. Allow us to fill up our SPCA vehicles at State

Police barracks. Help us by providing cell phones to our officers. Give us a vacant State office so we can alleviate the overhead of maintaining a building.

I'm going to be bold with the next one: Provide a guaranteed financial stream to this department so we can actually create a budget. Provide a Deputy Attorney General, or other legal assistance, so we don't have to constantly answer questions regarding our legal bills. Provide a point person at the Attorney General's office, one who is actually responsive; one who might actually call us back.

None of these requests have ever been granted. Yet we are here today defending ourselves against numerous baseless claims.

Oversight is something we have been requesting, and we would welcome it with open arms. All we ask in return is that we are treated with respect and be put on equal footing with other State agencies.

Thank you, Mr. Chairman, and I would be happy to answer any questions you may have.

SENATOR LESNIAK: Any questions from the Committee?
(no response) No? Frank, I presume you're going to rely on Steve's testimony? It was pretty thorough.

COLONEL RIZZO: Yes, Senator, I am.

SENATOR LESNIAK: Okay, cool. Wise man. (laughter)

No questions from the Committee? (no response)

Thank you very much.

COLONEL RIZZO: Thank you.

MR. SHATKIN: Thank you.

SENATOR LESNIAK: The Department of Agriculture, Mitchell Jones.

Okay, we have three. Can all three of you state your names for the record?

MITCHELL JONES: Mitchell Jones, President of the New Jersey State Board of Ag.

ERICK DOYLE: Erick Doyle, State Board of Agriculture, representing the livestock industry.

ED WENGRYN: And Ed Wengryn, New Jersey Farm Bureau.

SENATOR LESNIAK: Okay; go right ahead, please.

MR. WENGRYN: You go first.

MR. JONES: Okay.

Some points on the report.

I think we agree with the report.

SENATOR LESNIAK: Your mike's not on.

MR. JONES: Okay.

Yes, we agree with the report, and would support the report.

The only thing it didn't really touch on is the livestock aspect of this, and the humane standards and the enforcement of humane standards.

The humane standards are geared towards distinguishing what is acceptable in the realm of animal husbandry and livestock production, versus the kind of pet-keeping that the majority of New Jersey residents, including the cruelty investigators, have as their sole experience with animals.

That is why the law sets out to find which animals are *livestock* and which are considered to be *pets*. It's very important that the Department has the oversight for the agricultural animals because of the possible spread of diseases and biosecurity.

The officers' first instinct in responding to an animal cruelty complaint is animal cruelty, and not possibly a sick animal, or an animal being treated, or even a biosecurity problem. We've all heard of the avian flu that, possibly, everybody was preparing for, as far as that -- those types of situations. The moving of disease from farm to farm or off-premise is a very large consideration.

The SPCA must, but doesn't always, involve the New Jersey Department of Ag and the Division of Animal Husbandry livestock experts in any of their investigations. And this is the difference between the disease being mistaken as cruelty -- especially if the owner is currently treating disease -- and whether or not the animal should be quarantined on premise, or removed.

Furthermore, the State Ag Convention, this past year, passed a resolution on the humane treatment of livestock. There are continued concerns from stakeholders because of the humane law enforcement personnel's inconsistent and inappropriate enforcement of animal cruelty statutes against the owners of livestock and poultry in New Jersey by largely ignoring the humane standards even when they are being followed by the livestock owner.

Also, the certified livestock inspectors within the Division of Animal Health are, by law, the experts for humane treatment of livestock when an allegation of cruelty or neglect is made against the owner of

livestock. Disease inspectors have expertise that is not common among humane law enforcement personnel, veterinarians, or others who may mistake normal husbandry, an ill animal, or biosecurity measures for mistreatment of animals; and humane law enforcement officers and others may jeopardize a farmer's livelihood or the State's livestock population when they do not follow appropriate testing and biosecurity protocols.

And also, the State Board would urge that the New Jersey Attorney General require all law enforcement personnel authorized to respond to animal cruelty complaints comply with the rules set forth in the humane standards upheld by the Supreme Court, including reporting and biosecurity measures.

Beyond that, I was able to accompany the Department on an investigation. What really shocked me was how the--

SENATOR LESNIAK: Investigation? I'm sorry; investigation by whom?

MR. JONES: On an SPCA investigation. The Department was keyed into it.

What really surprised me was-- Now, we're going to investigate alleged cruelty of animals on a farm, with a multitude of SPCA official cars and personnel.

SENATOR LESNIAK: I'm sorry, was this a State SPCA, or a county?

MR. JONES: State.

SENATOR LESNIAK: Okay.

MR. JONES: And just the way that they showed up -- they were there for a raid; they weren't there to investigate the animals. In the

end, the Department did the investigation; they haven't finished the report yet, but in my opinion there was no animal cruelty. The lady takes care of rabbits; she owned rabbits, breeds rabbits, sells rabbits. They were there -- "Well, there are a lot of rabbits here." Well--

SENATOR LESNIAK: That's beyond the jurisdiction of this Committee--

MR. JONES: Okay.

SENATOR LESNIAK: --and it's something that's currently under investigation.

MR. JONES: Yes.

SENATOR LESNIAK: So we shouldn't be talking about that here, I don't believe.

Any questions from the Committee? Senator? (no response)

I have a question for all three of you. It's a little off-topic, but since I have you there, okay?

You maintain that gestation crates are not used in the State of New Jersey?

MR. JONES: Gestation crates?

SENATOR LESNIAK: Yes.

MR. JONES: Farrow-- Do you want to answer that one?

MR. WENGRYN: So they-- We don't have an operation that totally confines in gestation crates continuously. We do have farms that occasionally will confine the sow in a gestation crate when she's off her feed or being bullied by other sows. So we don't have, like-- When people talk about gestation crates and the 24 hours that they are in them, and then they move to a farrowing crate right before birth -- and we don't have

anybody who has that total confinement operation. We do have operators who-- And their open confinement systems may confine and use a gestation crate for periods -- again, being bullied, off their feed, and you want to make sure they're getting proper nutrition, and things like, so they'll confine them from the rest of the herd.

So it's not a simple black-and-white, "Yes, we do," or "No, we don't." It's a management tool that farmers who produce piglets take advantage of.

SENATOR LESNIAK: Okay; you just gave me some ideas.

Thank you.

Because I certainly want to address that issue; if not in lame duck, with the new Governor and the new Legislature. I'll be a private citizen. (laughter)

MR. WENGRYN: Yes, always willing to engage on that.

SENATOR LESNIAK: Thank you.

Anyone else have anything to say in addition?

MR. DOYLE: Yes, I would.

As a producer of livestock who makes my living, and as a professional livestock owner and operator, I would feel much more comfortable dealing with a professional when it comes to the enforcement and--

SENATOR LESNIAK: And you would define a *professional* how?

MR. DOYLE: Somebody who is -- whose job is to make sure that these -- in this case, humane standards are followed; and, if necessary,

if penalties have to be taken, that they are issued by a government organization.

SENATOR LESNIAK: Okay.

Anything else?

Yes, sir.

MR. WENGRYN: Yes, I don't dedicate (*sic*) the commitment of the SPCA officers who are out there, who are putting their lives on the line and enforcing the statutes. But you actually heard them make the argument for why we should move to a professional law enforcement, through regular policing and things. If you are going into neighborhoods where crime and betting pools over cockfighting rings and dogfighting rings -- and you're putting yourself into those criminal situations, you should really be a police officer and doing it in conjunction with the police and police training.

I know the law required the update, and they have been going through it. When you see the reports saying not everybody is keeping up with their credentials, that's concerning. We need to make sure that people are. And you are absolutely right. There's been a stumbling block from the Administration, from the AG's Office. That's one of the problems that the Department of Ag has been having when they get a call -- that there's going to be an animal cruelty investigation on a farm -- they're getting them after the officer has already been there, or not in a timely manner to be there with the officer to do a proper investigation. They will turn over a report, and then they don't get a follow-up report on, were charges filed, not filed, what happened to the case.

So, you know, making sure that those things happen professionally, continually, I think is the goal that all of us want. This system, the way it is now -- volunteer law enforcement may have worked well in the 1800s. We're talking a new century here, and we need to look at how to make that most professional, most operational. And if it needs to be supported by government in a bigger and better way, then it should be part of regular law enforcement, along with everything else.

SENATOR LESNIAK: Okay.

MR. WENGRYN: That would be our conclusion.

SENATOR LESNIAK: Okay.

Thank you very much for your testimony.

MR. JONES: Thank you.

SENATOR LESNIAK: Brian Hackett, the Humane Society of the United States.

B R I A N H A C K E T T: Thank you, Senator.

Good morning.

The Humane Society of the United States is our country's largest animal protection organization. Much of the reason for our creation and our function is because we've recognized that even though rescues and shelters are doing tremendous work, and we support that work, it's not possible to rescue ourselves out of the problems we face, especially those with animal cruelty.

So when we pass laws -- and Senator, thanks to you, New Jersey is a leader in animal welfare--

SENATOR LESNIAK: Thank you. I just saw a chart; have you seen that chart of the United States? They rank states by strong animal protection laws; and we're right there at the top.

MR. HACKETT: We're consistently in the top 10, absolutely. So thank you.

But we do know that the other side of that coin is, of course, the issue of enforcement, as it is with any law that the Legislature passes.

So while we're here because of, specifically, the SCI report, I really think it's important to look at this more broadly. I'm not here to focus on any one individual or organization; I think we would be remiss if we did that. I think we need to look at this issue in a broader, structural, systemic context of how our State addresses humane law enforcement.

A couple of interesting observations: To hear President Shatkin say about the lack of funding; everyone is a volunteer. That's precisely part of the problem -- that we have 20 well-meaning, well-intentioned humane law enforcement officers within the NJSPCA covering a state with 9 million people, on a volunteer basis, with virtually no backing, no funding, in a more uniform structure. And I tell you, I think hell may have frozen over today, Senator, because HSUS is seemingly on the same page as the Farm Bureau; pretty interesting.

And so what Ed said about having a more uniform structure -- that's a big part of the problem. I get calls every week. People see some case of potential cruelty; they don't know who to call. Do I call my local police, do I call the county SPCA, do I call the NJSPCA? Who do we call? Some counties, like Monmouth County, have a wonderful SPCA, a

wonderful, functioning organization with lots of backing. And other counties don't even really have a functional county SPCA.

So there's no uniformity across the board. And if-- I think there would be taxpayers with pitchforks on the steps of the State House if we treated any other law enforcement issue the way we treat humane law enforcement in the State of New Jersey -- the lack of funding, the lack of uniformity. And to point out why it's so important to treat humane law enforcement like any other law enforcement situation or crime in the state -- the Texas shooter of the church, recently, in Texas. He had a wide history of animal cruelty in his background. Animal cruelty is not a minor issue; it rarely happens as an isolated incident.

Research shows that animal cruelty in someone's background is one of the most reliable indicators for future crimes. That's why the FBI tracks animal cruelty crimes, because it's such a strong indicator of future crimes.

There's also research that demonstrates, and numerous examples, that when there are animal crimes, there is often so many other crimes. Just look at dogfighting, cockfighting -- there's often illicit drug activity, illegal gambling -- all sorts of illegal activities. So why are we treating humane law enforcement in New Jersey as a separate category that doesn't get any funding, that there's not uniformity across the board?

Strong enforcement provides an opportunity for the criminal justice system to identify potentially dangerous individuals--

SENATOR LESNIAK: Brian, you've made your point.

MR. HACKETT: Yes.

So Senator, in closing, I just want to bring to the Committee's attention--

SENATOR LESNIAK: Very good. (laughter)

MR. HACKETT: I know you well. In closing, I just read in an article two weeks ago that the Sacramento County District Attorney's Office has unveiled a Humane Law Enforcement Division, on a county-based structure, with humane law enforcement full-time, paid officers. And this is, perhaps, where we need to go. We have some wonderful officers with the NJSPCA. Perhaps they should be transitioned, given the option to become full-time law enforcement, under a county-based structure, which is fully accountable to the county prosecutor, fully accountable to the taxpayers, supported by a 501(c)(3) structure that supports, perhaps, the shelter operations that are connected with that county SPCA law enforcement structure.

HSUS is here; I don't have all the answers for you today, and I don't think anybody does. But we stand ready to work with the Legislature, to work with the NJSPCA, to work with the counties, to work with other animal organizations in the state to make this system more uniform, more efficient, better funded. Because at the end of the day, when we better enforce animal cruelty and humane law enforcement, we better serve the people.

Thank you.

SENATOR LESNIAK: Thank you, Brian.

Okay; Ross Licitra, Monmouth County SPCA.

And Ross, try not to be repetitive of what Brian just said.

ROSS LICITRA: I certainly will be--

SENATOR LESNIAK: I'm reading your mind. (laughter)

MR. LICITRA: Thank you, Senator.

SENATOR LESNIAK: Like Carnac.

MR. LICITRA: Good morning, Senators, Senator Kyrillos, and the rest of the Committee members here.

My name is Chief Ross Licitra, I'm the Chief Humane Law Enforcement Officer and the Executive Director of the Monmouth County SPCA.

Better now? (referring to PA microphone)

SENATOR LESNIAK: By the way, I'm very familiar with the work that you guys do; it's tremendous.

MR. LICITRA: Thank you, sir. And there's a good reason behind that.

You know, before I go any further, for those Committee members who really do not know me or know my background, I am a career law enforcement officer. I was a municipal officer for five years; a Monmouth County detective in the County Prosecutor's Office for 25 years; retired a narcotic commander in charge of the County Narcotics Strike Force for many years. I have an enormous amount of law enforcement experience behind me.

Monmouth County SPCA is a law enforcement division that works, and it works for one fundamental reason: We are a funded agency. I am a fully funded Law Enforcement Humane Officer out of the Humane Law Enforcement Division; and my second-in-command, who is also a retired Monmouth County detective, is also a fully funded Humane Law Enforcement Officer.

When I first took over the County SPCA and the Law Enforcement Division after the County Prosecutor's Office, it was very difficult for me to wrap my head around the fact that law enforcement across the state, and even in parts of the County, were done on a volunteer basis. How do you possibly hold someone accountable to handle the statutory obligations of enforcing the law without having a paid law enforcement division?

When I took over at the County SPCA, the very, very first thing I did was meet with the County Prosecutor. I went in with a Memorandum of Understanding with the County Prosecutor's Office. I had a County Prosecutor assigned for all my legal and advice obligations that I needed in law enforcement and to prosecute cases. The County Prosecutor's Office supports us on every end -- in training and in everything else that we need on a law enforcement end.

The County Sherriff was my next meeting. The County Sherriff is very, very supportive here in Monmouth County. They gave us 9-1-1 communications; I have 24 hours in the Communications Desk that works. He gave us thousands of dollars' worth of up-to-date digital radios so our officers are safe on the street. Again, fundamental purposes of an agency that's working correctly because it's funded correctly. Every one of our calls in Monmouth County that we receive -- an average of 70 humane law enforcement animal cruelty calls a month -- are answered within a 24-hour period because we have paid personal who do it -- myself, and my second-in-command, and a few other special agents who are -- work for the County shelter, but are also Humane Law Enforcement Officers who I do pay to answer the calls out on the street.

SENATOR LESNIAK: So basically, you're saying that we've been trying to get by enforcing animal cruelty laws on the cheap, and it's not working.

MR. LICITRA: That is correct, sir.

You know, in my 30-plus years of law enforcement, I've learned something very profound when it comes to animals and animal cruelty. For every one person who cares for a crime committed against a person, there are 10 more who care equally more about an animal crime. And it truly, truly is. I've learned that through my years in the Prosecutor's Office. People come out of the woodwork when an animal is the victim of a crime.

I know, in Monmouth County, when we have some very, very serious animal cruelty crimes that come up to task, the fundraising that pours into the Monmouth County SPCA to support our mission, and to support (*sic*) the animal cruelty, and help these animals is overwhelming. Never in my law enforcement career have I ever seen such an outpouring of concern from the public. It is very, very important at this time, the 21st century, in the State of New Jersey, that our State lawmakers and our local government-- And that's the other big thing. You know, on our end here, in Monmouth County, our County Freeholders are very, very supportive and support my mission under shared services. They supply me with fuel, with vehicles, with equipment. But what I need to complete my mission-- I wouldn't be as successful, nearly, in Monmouth County -- and we're extraordinarily successful in our mission in what we do in animal cruelty -- if it wasn't for the support of our local Freeholders, our County Sherriff, and our County Prosecutor. That is it -- down, out -- that is the bottom line here. If we're going to do this job correctly, we need the support of our

local government, our local County government, and our police. And that's it.

SENATOR LESNIAK: I appreciate that.

Any questions? (no response) No?

Thank you very much, Officer.

MR. LICITRA: Thank you.

SENATOR KYRILLOS: Thank you, Ross.

SENATOR LESNIAK: Oh, Senator Kyrillos; I didn't see you there.

Good afternoon.

SENATOR KYRILLOS: Thank you, Senator.

SENATOR LESNIAK: It's still the morning. (laughter)

Hey, you're going on the Horizon Board; I mean -- just relax. (laughter)

Thank you for coming.

Atlantic County SPCA, Nancy Beall and Chelsea Lippincott.

N A N C Y B E A L L: My name is Nancy Beall, and I represent the Atlantic County SPCA as the President.

Our charter has been in existence for the past 27 years, responding to abuse and neglect cases in our County, at no cost whatsoever to the County.

We have done this willingly; however, the past 10 years have been difficult, as we have not had the cooperation of the New Jersey SPCA.

When we began noticing that the animals seemed to come second to all the new regulations, one major demand was that we must have at least one person authorized to carry a gun. Our Board has not felt this

was necessary; however we did as we were told, and we now have one person who is available to carry.

As you know now, every charter has to pay a fee of \$1,000 each year to the New Jersey SPCA. In addition, we were also told we needed to pay \$50 a month for the CCRS system, which is the reporting system, through the New Jersey SPCA.

We did this; however, we have never been given access, and assume that any calls that go to the 800 number are not being answered. This is a shame, since we are very conscientious with our responses. We have constantly contacted Colonel Rizzo, but all our complaints have gone unanswered.

Just a little background: Three years ago I was contacted by an attorney in Burlington County to testify as an expert witness for his client Kate Decker. She had been served with 66 summons for animal neglect. After hearing the circumstances, I decided that if I was, in fact, subpoenaed, I would testify that the charges were unfounded.

When the New Jersey SPCA was notified by Burlington County that I would testify, Frank Rizzo called me and threatened me not to testify. Of course, I notified the Prosecutor; he was told to have no further contact with us.

The case was never tried; the judge dismissed all the charges, all 66. Ms. Decker spent thousands of dollars defending these false charges.

This incident seemed to initiate the constant threats and intimidation we have received over the past two years, from letters sent to our local Prosecutor, to interfering with the execution of a search warrant by

Tom Williams. Mr. Williams seems to be in charge of the New Jersey SPCA warrant squad. The Atlantic County Prosecutor has never--

SENATOR LESNIAK: Okay; I apologize. I had to go to the bathroom; I missed the context.

MS. BEALL: I have copies; do you want to just -- do you want me to just leave you copies?

SENATOR LESNIAK: Okay; just one second. (confers with staff)

Oh, okay.

Can you start all over again? I really apologize, but I just couldn't pick up what you were saying.

MS. BEALL: Do you want me to start at the beginning?

SENATOR LESNIAK: Please.

MS. BEALL: I've got copies of this, if you want me to leave them for you.

SENATOR LESNIAK: That would be great.

MS. BEALL: And I can just continue.

SENATOR LESNIAK: But basically, what is your -- what's your complaint?

MS. BEALL: The complaint is that we are constantly, constantly harassed. We're told that we don't have a Chief Law Enforcement Officer.

SENATOR LESNIAK: Okay, you're talking about the Atlantic County SPCA--

MS. BEALL: Correct.

SENATOR LESNIAK: --is being--

MS. BEALL: By the New Jersey State SPCA.

SENATOR LESNIAK: By the NJSPCA. And you are under their authority, because they grant you the charter, and they could pull it.

MS. BEALL: Sure, right -- that we pay \$1,000 a year for.

SENATOR LESNIAK: Right.

MS. BEALL: Yes. When this group came in, it went from \$100 to \$1,000.

SENATOR LESNIAK: And you have written testimony for this?

MS. BEALL: Written testimony? What do you mean?

SENATOR LESNIAK: I'm sorry; just go ahead. I now understand what you're saying.

MS. BEALL: Okay.

In addition to handling abuse and neglect in Atlantic County, we also operate a mobile spay/neuter unit, as well as a low-cost surgery center for low-income pet owners. We've worked diligently for all these years, and feel it is time the New Jersey SPCA focuses on the animals -- which must be their main focus -- and eliminate the stealth cars, guns, bullet proof vests and, most of all, the hundreds of thousands of dollars spent on legal fees, which is totally unfounded. We have one attorney who represents us, and absolutely never charges us anything at all. And we also have a liaison with the County Prosecutor, and have for years.

I also put my home phone number, in case anybody had any questions and wanted to talk to me about anything else.

And I have 10 copies that I was asked to bring.

SENATOR LESNIAK: Okay, fantastic; if you could bring it up for us.

C H E L S E A L I P P I N C O T T: We also don't have access to CCSR, either.

SENATOR LESNIAK: Okay.

MS. LIPPINCOTT: The reporting system.

SENATOR LESNIAK: Okay.

MS. LIPPINCOTT: So any calls that come in for Atlantic County to the 800 number, we don't receive them.

MS. BEALL: And we don't know if they're responded to or not; we have no idea.

And unfortunately, it reflects very poorly on me because, for 27 years, we've been very conscientious.

SENATOR LESNIAK: I hear what you're saying.

Okay, thank you very much.

MS. BEALL: Thank you.

Hunterdon County SPCA -- Tee Carlson and Meredith Olson.

Yes, no?

Yes.

T H E R E S A " T E E " C A R L S O N: Good morning, Senator--

SENATOR LESNIAK: Good morning.

MS. CARLSON: --and everyone.

We have three major concerns: accountability and oversight, asset protection, and membership on the State SPCA Board.

There are three bills that have been sponsored, and these bills are in the best interest of the animals and the people in this state. These

bills, if approved, will put an end to the current major problems with the SPCA.

This organization, State and County, was founded -- our mission is to help animals. Animals are the most important thing: how we treat them and what we do. These bills will enable the counties to perform their duty in the proper, legal manner.

We spend far too much money on frivolous lawsuits, and we just can't do that. The money should be spent on animals, on the care of animals.

So it is very important that serious consideration is given to these bills because they are important to everyone.

Thank you.

SENATOR LESNIAK: Thank you for bringing them to our attention.

Yes.

No? Okay.

Any questions from the Committee? (no response)

Thank you very much for your testimony, and we will give them serious consideration, for sure.

MS. CARLSON: Thank you very much. You're a friend to animals.

SENATOR LESNIAK: Thank you; I appreciate that.

Michael Melchionne, New Jersey Certified Animal Control Officers Association.

Michael.

M I C H A E L M E L C H I O N N E: Senator, I have copies that we were asked to bring.

SENATOR LESNIAK: Please; thank you.

MR. MELCHIONNE: I didn't know who to give them to, so--

SENATOR LESNIAK: We'll come up and get them.

MR. MELCHIONNE: This way you won't have to follow along as closely; it will be right here.

SENATOR LESNIAK: As you can see, I learn by question and answer; the *Socratic Method*. You learn that in law school. (laughter)

MR. MELCHIONNE: Whatever works.

SENATOR LESNIAK: That's right; exactly.

MR. MELCHIONNE: Whatever works.

Good morning, ladies and gentlemen.

My cover page is a brief bio of who I am in the industry -- of what I've been involved with.

Actually, I'm here to represent the government's version of animal cruelty enforcement and what you, the Legislature, have set up over the years.

I want you to know that for the last 42 years of my life I've either been on the job as an animal control officer or an animal cruelty investigator. And for the last six years, I've been retired from government work; but as you can see, I'm still involved because we need to go further than where we are today.

SENATOR LESNIAK: I plan on doing the same thing.
(laughter)

MR. MELCHIONNE: And I'm glad you understand.

I can tell you -- to bring a little of your humor into this -- there is another place I would rather be; and as we speak, the striped bass are migrating right by my lagoon. And I'd like to get this over with, so we can go and maybe catch one or two. (laughter)

SENATOR LESNIAK: I thought you were going to say *Tahiti*.
(no response) Another joke that fell flat. (laughter)

MR. MELCHIONNE: No, it resonated with me because I make a smoked fish salad that you would love. And maybe the next time I'll bring it to you.

I'm here today to attempt to give you a better understanding of the animal-related services that we deal with, on a daily basis, in New Jersey.

The best way I can describe it is to start from the beginning and give you a brief history.

We know that the New Jersey SPCA started in 1868--

SENATOR LESNIAK: Please don't give us the whole history. We're pretty familiar with it.

I would like you -- if you would just focus on your role and your responsibilities, because I think it's important for us to know that, as an animal control officer.

MR. MELCHIONNE: I think it's important to point out that in 1941--

SENATOR LESNIAK: We just saved a hundred years, almost, right? (laughter)

MR. MELCHIONNE: Well, this is going to be the beginning of what we're explaining to you.

In 1941, this Legislature created a government--

SENATOR LESNIAK: I'm sorry; you're going to have to come to your recommendations. We don't need-- The history lesson is on the record for anybody who wants it; it's in the record. Can you--

MR. MELCHIONNE: Sure.

SENATOR LESNIAK: What is the point of your testimony; what do you want to convey to us?

MR. MELCHIONNE: The point of the testimony is, the State of New Jersey already has a system in place for first responders for animal-related issues. That position is our animal control officer, who goes on to an ascending level of certification and training; that allows the government employee -- who, I might add, is required by every municipality -- statutorily required -- is the first responders of many of the issues that the people in this room address on a daily basis.

SENATOR LESNIAK: So how do you relate to the county and the State SPCAs on the issues that the SCI has brought up?

MR. MELCHIONNE: I can tell you, over the years -- as you might have seen in my bio -- I'm involved in the certification process for animal control, animal cruelty, and humane law enforcement officers.

SENATOR LESNIAK: Okay.

MR. MELCHIONNE: As a matter of fact, many of the members from the New Jersey SPCA in this room were in the class that I was part of. So I have a history with the SPCA, with the county SPCA.

Our county SPCAs have worked along with the government structure. The New Jersey SPCA seems to be a separate entity that, as much as we, the government employee, would like to be part of that system,

have been kept away, at arm's length, for fear that we were going to take over their business, when our only concern was to help them in the matter of investigating and enforcing animal cruelty.

SENATOR LESNIAK: Okay, so basically what you're suggesting is, basically, what many of the other folks have testified, in particular, the Humane Society, that what is a volunteer function of the NJSPCA -- and its control, if you will, of the county SPCAs -- would be -- that the animals and Society would be better off if the counties directly were under the authority of a county organization, a government organization?

MR. MELCHIONNE: It has to be under the law enforcement structure. And we, in our proposal to you, allow counties and municipalities to be part of that law enforcement structure.

SENATOR LESNIAK: Okay; I got you, yes. And with your background, that means a lot to us.

MR. MELCHIONNE: Well, I appreciate that.

SENATOR LESNIAK: Okay.

I don't mean to cut you short--

MR. MELCHIONNE: I know you have a lot to do; I have to go fishing, so-- (laughter)

SENATOR LESNIAK: All right.

MR. MELCHIONNE: I got you.

SENATOR LESNIAK: Enjoy.

MR. MELCHIONNE: All right.

SENATOR LESNIAK: All right, thank you.

We have a lot of people to hear from.

Collene Wronko, from the Reformers-Advocates for Animal Shelter Change.

Collene, you want to talk about shelters, or do you want to talk about the NJSPCA?

COLLENE A. WRONKO: The NJSPCA.

SENATOR LESNIAK: Okay. But we do have to talk about shelters at some point in time as well, by the way.

MS. WRONKO: Yes.

SENATOR LESNIAK: We know that; but not today.

MS. WRONKO: Is this on? (referring to PA microphone)

MR. DONAHUE (Committee Aide): Red means “on.”

SENATOR LESNIAK: Red means “on.”

MS. WRONKO: Red means “on;” okay, there we go.

SENATOR LESNIAK: And anybody who comes up to testify with a book that thick (indicates), I start to worry. (laughter)

MS. WRONKO: Good afternoon, everyone.

My name is Collene Wronko, and I am the President and founder of an organization called the Reformers-Advocates for Animal Shelter Change in New Jersey. That organization came about after the Helmetta Regional Animal Shelter debacle, and after me adopting a puppy from that organization.

Since that time, we have a Facebook page with over 3,200 followers. And we get numerous complaints daily from individuals who have gone through the NJSPCA and attempted to get something done with a neighbor’s dog or a dog that’s left outside, and they are at their wit’s end.

One of the reasons why I am here today is because the SCI report states about the numerous and exorbitant fees that Harry Levin has charged the New Jersey SPCA. Some of those fees were with respect to an OPRA lawsuit. The OPRA lawsuit is a lawsuit that I filed. So everything in that report that was written in the SCI report about Harry Levin and OPRA is mine.

So just so you have some kind of understanding: On November 4, 2014, I filed an OPRA request. The OPRA request was with respect to finding out additional information about the Helmetta Regional Animal Shelter. The request had eight items that I asked for. The first four items were e-mails between Rick Yocum and various individuals at the Helmetta Regional Animal Shelter.

SENATOR LESNIAK: Okay, I need to ask you a question, then.

MS. WRONKO: Sure.

SENATOR LESNIAK: So basically this litigation has been as a result of the NJSPCA's position that they are not subject to OPRA, and they don't have to answer your request?

MS. WRONKO: That's correct.

SENATOR LESNIAK: Okay. Well, we could remedy that in some way, shape, or form. And unfortunately, that does happen a lot. But we have bigger -- we have that issue confronting us, not just with the NJSPCA, but municipalities as well. So we have to find a balancing between the public's right to know and the ability for government be able to respond appropriately. But we have to fall-- If we're going to err, we have to err on the right to know, which is what you've been trying to achieve.

MS. WRONKO: Correct.

So we did take it court, and it was found in our favor -- by Judge Travis Francis in Middlesex County -- that the NJSPCA was not a private organization that they stated; but rather, a public government entity, and that they were, in fact, subject to OPRA.

SENATOR LESNIAK: And then they appealed it.

MS. WRONKO: Then what they did was they filed a motion for reconsideration; at which time, that was also, again, heard by Judge Francis, and that was also ruled in our favor.

Now they have taken it where they are appealing it. It's been two years, and it's going -- I believe, on the 29th of this month, it's going to the Appellate Division. But in the meantime, the NJSPCA--

SENATOR LESNIAK: Who's representing you?

MS. WRONKO: CJ Griffin.

Between what they have paid -- or what has been billed by Harry Levin and what is owed to my attorney is nearly \$200,000.

SENATOR LESNIAK: And you would suggest that it would be a lot easier just to comply with the request, right?

MS. WRONKO: Well, here's my concern. My concern is where -- back on July 15, 2006, Chief Rizzo had a -- this was found in the standard operating procedures. And I'm just going to read this little short blurb here.

It says, "All the procedures established by the New Jersey State SPCA Humane Police may be revised or amended, but must be in compliance with the Privacy Act, Public Law 93-579 as enacted on

December 31, 1974, and the Open Public Records Act, P.L. 2000, chapter 4--

SENATOR LESNIAK: Okay, okay. We're not going to litigate the case here.

MS. WRONKO: No; but what I'm saying is, that this was something that they had put into their standard operating procedures. So going back as far as 2007, seven years before I filed my lawsuit, they were already aware of the fact that they were supposed to be subject to OPRA.

SENATOR LESNIAK: Okay.

MS. WRONKO: So they've spent \$200,000 fighting me on literally one piece of paper--

SENATOR LESNIAK: I hear you.

MS. WRONKO: --and maybe 15 or 20 documents.

SENATOR LESNIAK: I hear you loud and clear.

Okay; anything else you wanted to address?

MS. WRONKO: Yes. The county charters -- there are several county charters. And I believe, in 2013, it was Mercer County, Ocean County, and there was another county -- I believe it may have been Cape May -- that were suing the NJSPCA as they were trying to become county charters. The NJSPCA was supposed to be helping the county charters come about. Instead, they have taken the county charters and have systematically gotten rid of them over time.

Recently, Tim Kennedy, who's a sergeant with the NJSPCA, wanted to take over the Union County charter. It was a charter that was still operational, but was defunct in the fact that nobody was actually doing cases through Union County; the cases were going through the NJSPCA.

One of the reasons why they had decided that they were going to do away with the Union County charter -- the NJSPCA -- was because they had not paid their fees up to date. So Tim Kennedy and his Board members had gotten together and they agreed that they would pay the \$2,000 to get the charter up-to-date. The check from the NJSPCA was returned.

So here you had an individual inside the NJSPCA who wanted to take over a county charter; who had gotten a Board in place; who had, at the same time, come up with the funds to pay everything up-to-date; and the NJSPCA sent the check back and told them, "No, thank you."

So the NJSPCA, overall, is an antiquated system. They are there for one reason, and one reason only, and that is to make themselves look good. The organization's-- I mean, just about everybody on the Board has some -- has their hand in the organization in some way, shape, or form, whether it's between the companies that they have, the companies that they've put in place. One of the things they said with the OPRA request was that they didn't have anybody to do it, and they said that here today; Officer Shatkin said that earlier.

SENATOR LESNIAK: Well, they had \$200,000; they could have hired somebody, right?

MS. WRONKO: Thank you.

But Shatkin said, earlier today as well, that they're inundated with OPRA. They're not inundated with OPRA. The only person who OPRA-requested them was me. And I can tell you, it was on a very limited basis, for a limited period of time.

SENATOR LESNIAK: Okay; we'll check that out for sure.

But certainly, \$200,000 could have--

MS. WRONKO: It's certainly more than enough money.

SENATOR LESNIAK: --paid for a lot of compliance, right?

MS. WRONKO: But here's my concern with that. Lieutenant Biermann -- who was a Board member and was the sole Lieutenant with the NJSPCA -- started an organization, a company, called JBBM2 (*sic*), which the NJSPCA accepted as the company that was going to do OPRA. So they were -- they gave him a one-time payment at the beginning of the year of \$500, and then \$20 an hour for him to sit there and do the OPRA requests.

So on one hand they're saying they don't have the resources and they can't do it; and then, on the other hand, they're saying, "Well, we're going to spend \$200,000 fighting it, and we're going to pay somebody \$20 an hour to do this."

SENATOR LESNIAK: I hear you.

MS. WRONKO: So, you know, that's a lot of money to be spent that could have gone to the animals--

SENATOR LESNIAK: I understand.

MS. WRONKO: --and we're-- You know, it's not me that's fighting it, it's them.

SENATOR LESNIAK: Point well taken, okay?

MS. WRONKO: So that's my biggest thing that I wanted to bring forward -- was the OPRA situation.

SENATOR LESNIAK: Thank you very much.

MS. WRONKO: Thank you.

SENATOR LESNIAK: Thank you.

Okay; Kathy McGuire, President of New Jersey Aid for Animals.

And by the way, I'm not calling this in any particular order; just as the names come up, so--

KATHY M c G U I R E: Good afternoon.

SENATOR LESNIAK: Good afternoon.

MS. MCGUIRE: My name is Kathy McGuire; I have run New Jersey Aid for Animals in the City of Camden since 2005 -- the eyes and ears of Camden City, working very, very closely with animal control and animal cruelty investigators there, and throughout the County of Camden.

In 2004, although I'm not appointed, I was certified as an Animal Cruelty Investigator; now a Patrol Officer -- in 2004; and then started my organization in 2005.

So fast-forward, and we're going to talk about those three cases that were ignored by the SPCA until myself, as a private citizen, brought it, and got convictions.

SENATOR LESNIAK: The SPCA, meaning--

MS. MCGUIRE: The New Jersey SPCA.

SENATOR LESNIAK: Okay.

MS. MCGUIRE: There's also one in Burlington. So the State SPCA; yes.

As an aside, before we get started, I just wanted to say something about the fine gentleman who said something -- from the HSUS. He said that the NJSPCA has to cover this entire state with no funding and resources, etc. They do not cover the entire state; the charters cover many of those counties. And if the State SPCA had granted some of the charters

of some of the people who had wanted charters, they wouldn't have such an onus on them, and the work would be divvied out more appropriately.

So I just wanted to make that comment.

So fast forward to Wednesday, December 7, 2016, at 8:55 p.m. I received a text from one of our independent contractors that the SPCA had lost their charity status for not filing their 990 financials--

SENATOR LESNIAK: We're very familiar with that issue.

MS. MCGUIRE: --for three years.

SENATOR LESNIAK: Yes.

MS. MCGUIRE: So fast forward -- I was the one who put the information out there, got the information, and here we all are.

Between those years, the first case that you're going to see is three cases that myself, as a private citizen, when we needed help-- We reported these cases to the SPCA, as we always do, and were told, "We're not interested--"

SENATOR LESNIAK: Again, I'm sorry. You're going to have to be clear. You're talking about reporting to the NJSPCA?

MS. MCGUIRE: Yes, reporting cases to the SPCA.

SENATOR LESNIAK: Now, why-- You know, enlighten me. Why wouldn't you have reported them to the County SPCA, or to the local municipality?

MS. MCGUIRE: We don't have a County charter, first of all, in Camden--

SENATOR LESNIAK: You do not; okay.

MS. MCGUIRE: --so we called -- we always call the 800 number--

SENATOR LESNIAK: Okay.

MS. MCGUIRE: --yes; and report it. And if we don't get action, then we move forward with our probable cause, as private citizens, and go to the local Clerk's Office and take our pictures, which -- you have three cases; they're all very self-explanatory. You can always find these cases on *petabuse.com*. One is--

SENATOR LESNIAK: And basically, your complaint is that no action was taken?

MS. MCGUIRE: Yes, yes. One was a starving dog, or a chained dog, that had to be euthanized that night. The other one was a Councilman in Chesilhurst, New Jersey -- where, again, there's no SPCA -- let his dog have 15 puppies out in the freezing cold.

SENATOR LESNIAK: So what is your proposed solution?

MS. MCGUIRE: Well, my recommendations-- Somebody had said -- Melchionne, I think -- somebody had said, you know, "Let the ACOs handle it." There's only a couple of ACOs who really have the experience of righting cruelty and knowing Title 4. They don't want to be bothered; they want to do their rabies control--

SENATOR LESNIAK: What's your recommendation?

MS. MCGUIRE: My recommendation-- I mean, we need the SPCA; there's a role for the SPCA. The ACOs-- Police -- I don't think we should put it on the police. They already have enough things to do -- in the City of Camden, they do anyway; I don't know about up here.

SENATOR LESNIAK: Up here as well.

MS. MCGUIRE: Yes; well, there's a place for the SPCA. And it just needs more monitoring, and I think they should be entertaining the

people who do want their charters, again, to take the onus off of them. They probably need a little bit more-- I mean, we're all volunteers. We only pay a part-time bookkeeper to oversee every single penny that we spend.

So some more oversight, as you had mentioned earlier. Those Governor appointees having the authority to look at the books and look at the 990, and look at everything that any Board would be allowed to look at.

And, you know, I don't think that the ACOs taking over the cruelty-- We have a new contract taking over the City of Camden January 1. The ACI/ACO independent contractor that's been in Camden for eight years has lost his bid, and the gentleman who's taking over -- who I spoke with yesterday about a smooth transition, because I'm the person down there giving out doghouses, and all my money is going to Camden City -- we want a smooth transition. And I said, "I don't know if you know what you're getting into, because the City of Camden wants the ACI down here. They don't right the cruelty; the SPCA doesn't come to the City of Camden. And the ACO said, "Oh, we just want to get along. We don't--" And I -- they don't want to right cruelty; that's not what they want to do.

And so, if there were more charters, and if there more cooperation between the State and between -- even private citizens are calling it-- Somebody said here, "Who do I call?" They don't know who to call.

And I think that's the conundrum that we're faced with, and that we have been faced with. And that's' where we need more cooperation. And I'm getting more cooperation, I have to say, on behalf of the SPCA in the last six to eight months.

SENATOR LESNIAK: Well, we're going to make sure that there's a system that you can rely on, for sure. Now I'm going to sound like Donald Trump. (laughter)

We're going to have the greatest system that ever existed in the world. (laughter)

MS. McGUIRE: Well, we trust you, and--

SENATOR LESNIAK: I'm not like Bramnick; I don't have a stand-up routine. (laughter)

MS. McGUIRE: Thank you for having this hearing today.

SENATOR LESNIAK: But we will; but seriously, this is something that I am determined-- I only have a few months left as a Senator after 40 years, but this is a system that I am determined to straighten out -- that it's responsive.

Senator Cruz-Perez.

SENATOR CRUZ-PEREZ: Yes, I just want to let you know I do represent Camden City, so I would love to meet with you. But if you confront any problems -- and I am saying it in front of everybody -- call my office.

MS. McGUIRE: Oh, that would be wonderful.

SENATOR LESNIAK: Fantastic; she's a great representative.

MS. McGUIRE: I have to give you my card.

SENATOR LESNIAK: Thank you for--

MS. McGUIRE: Thank you so much.

And we just started a doghouse project. We have a lot of doghouses we're bringing down.

SENATOR LESNIAK: You're doing God's work; congratulations.

MS. McGUIRE: Thank you.

SENATOR LESNIAK: Thank you.

Brian Stone.

B R I A N S T O N E: Good morning, Senator.

SENATOR LESNIAK: Good morning.

MR. STONE: As a former SPCA investigator, I have information that I think is relevant to this hearing.

I'm not going to point fingers or do name-calling; and I know you want to get right to the point.

SENATOR LESNIAK: Please; thank you.

MR. STONE: I did have some answers to that very eloquent speech by President Shatkin--

UNIDENTIFIED MEMBER OF AUDIENCE: (off mike) Can't hear you.

MR. STONE: He did mention that -- you had asked the question, "Has anybody done any car stops?"

SENATOR LESNIAK: No, I said about traffic citations.

MR. STONE: Yes; the question should have been, "Has anybody in your organization performed an illegal car stop?" Perhaps you might have gotten the correct answer then.

Additionally, the vacant seats that they mentioned on the Board -- I applied for one of those seats last December; followed up on it five times. I still have not heard back. Had I been able to get on the Board, there would have been some oversight and some direct contact with your

office. I know for a fact that there was one of the Board members, one of the Board-appointed -- or Governor-appointed Board members did try to contact the office and did not get a response.

SENATOR LESNIAK: They tried to contact--

MR. STONE: He was a Governor-appointed--

SENATOR LESNIAK: Yes, they tried to contact the office, you said. What office?

MR. STONE: Well, you asked had anybody tried to contact you or the Governor's Office.

SENATOR LESNIAK: Right.

MR. STONE: And I believe the information -- the answer to that question is "yes." But--

SENATOR LESNIAK: And to whom?

MR. STONE: All right--

SENATOR LESNIAK: Who did they try to contact?

MR. STONE: I will have to get that; I don't have the specifics.

SENATOR LESNIAK: Well, that's okay.

MR. STONE: But--

SENATOR LESNIAK: That's okay.

MR. STONE: The question about the--

SENATOR LESNIAK: I'll just tell them, you know, it's-- That doesn't have a lot of credibility because you don't have anything to back it up.

MR. STONE: Okay, yes. I can get it to you -- I can get it to you by the end of the day. That's not a problem.

SENATOR LESNIAK: Well, that's not the point, you know? We have broader issues. We're not talking about one specific case.

MR. STONE: No, absolutely.

SENATOR LESNIAK: Okay.

MR. STONE: There are many cases--

SENATOR LESNIAK: What are you here to testify about?

MR. STONE: The organization itself-- Yes, do I believe there's a use for the SPCA? Yes, there is. Under its current guidance, as retired military -- and I understand you have military as well -- you take an oath that if you see, hear, become aware of corruption, abuse of force, abuse of authority -- all these wonderful things that do exist in that organization -- you're supposed to do something and say something about it. And the reason I'm on the outside looking in is because I did stand up and say something about it at a Board meeting -- an open public Board meeting last year. I questioned the loss of the 501(c)(3). I asked our Chief if he felt that the organization and the public deserved an apology for not filing the proper paperwork, and letting them know that we lost the 501(c)(3). And he proudly stood up and said, "No, I'm not apologizing to anybody. I didn't do anything wrong."

And I looked at the rest of the Board members and said, "Well, you're all guilty of corruption and misconduct, because you've taken no action against your Treasurer who has lost your 501 (c)(3); and this is not a momentary action, this is a three-year action."

Do they deserve to continue doing what they're doing? Absolutely not. Is the SPCA necessary? They are necessary to assist local law enforcement that may be overtaxed in some of the things they have to

do in certain municipalities. And from my knowledge of other municipalities, maybe they don't want to be bothered with that. But it needs a better oversight; and the current sitting Board -- which did something as flagrant as alter the bylaws the night of an election to put somebody on the Board; then alter the bylaws back again--

SENATOR LESNIAK: I have those same concerns.

MR. STONE: Well, they got all that.

But if that current group was eliminated and a new group put in with the Senator's approval, or your future -- your predecessor's (*sic*) -- that it wouldn't be law enforcement sitting at that table; that it would be one member of law enforcement and the public. Maybe somebody from a shelter, or somebody from a rescue; somebody who could sit, and discuss, and see what do we need, how do we need to do it, when do we need to do it, where do we need to do it. Where is more law enforcement needed?

The training -- the training needs to be more extensive. As prior law enforcement, there is no in-service training. Nobody brings them in and says, "Hey, listen, you need to do this, you need to try that." They do a use-of-force; that's required every year. It's on the computer. In-service training -- my knowledge of in-service training, my experience with in-service training from NYPD, from the military -- you're out there, you live it, you do it. I'm MOI certified; I can teach at the academies. They don't do that. They're missing a lot of the little things that everybody has mentioned here about being transparent, putting things together, and making sure everybody is equipped and knowledgeable in what they're doing.

I believe it was -- the Department of Agriculture mentioned that they needed to have officers and individuals who were knowledgeable in what they were enforcing. That, I think, is what he was trying to say, and he couldn't get the words out. But if you're not educated--

SENATOR LESNIAK: No, I got it; I got what he was saying, sure.

MR. STONE: These are the things that need to happen. It's not that they should be disbanded and never be heard from again. They are a useful organization. You do have some individuals in there who are quite qualified and are here for the legitimacy, and safety, and protection of the animals. But there are other individuals there who are there for propaganda and to line their pockets.

SENATOR LESNIAK: Well, there's no doubt-- I think it's been well established that, at the very least, we need better oversight, for sure; I mean, a lot better oversight.

MR. STONE: Absolutely, absolutely.

I thank you very much for your time.

SENATOR LESNIAK: Thank you for your testimony.

Tracy Rolph; Tracy.

You're not Tracy; you're Tracy. (laughter)

And are you Carl?

TRACY ROLPH, Esq.: This is David Gaier.

SENATOR LESNIAK: Dave.

MS. ROLPH: I forgot to put him on the thing.

SENATOR LESNIAK: Dave, did you fill out a slip?

D A V I D G A I E R: Well, I was supposed to be on hers. We're together, because we met with you in January.

SENATOR LESNIAK: No, I understand that. But we have a system here, but I'll let you go. (laughter)

MS. ROLPH: My name is Tracy Rolph, and I am here today in support of the findings and recommendations that are contained within the SCI investigation report; specifically, to turn enforcement of animal cruelty over to the police, prosecutors, and animal control investigators.

I am an attorney in New Jersey who has always had a passion for animal advocacy. As someone who has had a very personal experience with and has been the victim of animal cruelty, I can truly appreciate how challenging it can be to enforce these cases. But I would like to briefly share with you my experience, because I think that it is illustrative that if the enforcement of animal cruelty is left to the police, prosecutors, and animal control investigators, timely and meaningful enforcement and prosecution of animal cruelty can occur.

I'm going to be very brief about this.

In 2012, my dog Shyanne was killed by a man who portrayed himself as a dog trainer. He convinced me to leave her in his care; and during that time, he killed her. A necropsy showed four broken ribs and severe internal bleeding. This was one of the most devastating things that had ever happened to me. When this happened, I did call the NJSPCA; I also called the local police and ACO. The ACO immediately returned my call; we promptly met together, and he diligently investigated the matter. He coordinated his efforts with the local police and the Mercer County Prosecutor, which resulted in a grand jury finding of four separate felony

charges against this individual, who had not only hurt animals, but also people, and was a convicted sex offender.

The strategic alignment between the ACO and the prosecutors in this case resulted in the defendant accepting a plea bargain of five years because, ultimately, he was facing a total of over 20. Not only was an arrest in this matter made, but it is my understanding that this was the first instance in New Jersey where a person convicted of animal cruelty was sentenced to a meaningful term of five years. The NJSPCA, in this instance, took days to return my phone call, and did not offer any assistance.

At this point, I think that it is fair to say that everyone in this room is now aware of the history of abuse, waste, and malfeasance that is rampant within this organization, so I am not going to belabor that point.

But I think that as we go through all that, one of the things that we need to remember and focus on is that there are innocent victims, both animals and human, whose protection and welfare are in the hands of this organization, and whose rights have been negatively affected or completely disregarded as a result of the inaction and overall misconduct of the NJSPCA. Permitting part-time volunteers to serve as the primary enforcers of New Jersey's animal cruelty laws means that a large majority of complaints go completely unanswered. This is exactly why New York City turned over responsibility for enforcement of animal cruelty to the police. To quote my esteemed colleague, David Gaier, who is a former Board member of the NJSPCA, "The very concept of a nonprofit law enforcement agency is unworkable, even absurd, and the result is an organization mired in controversies and lawsuits."

I have to agree with the Commission's conclusion that all of the items noted in the most recent report could have been addressed had the recommendations within its initial 2000 report been followed over 17 years ago -- specifically, to eliminate the SPCA as enforcers of animal cruelty laws, and assign this function to the government and allow the police, prosecutors, and the courts handle enforcement of those actions -- those who are already trained to do so.

As I believe the Commission correctly stated, against the backdrop of a highly stratified and professional law enforcement system, it is an anomaly that the State continues to empower organizations of private citizens to carry weapons, investigate criminal and civil conduct, and enforce laws, issue summonses, effect arrests, and obtain and execute search warrants.

The issue is no longer whether or how to fix this group of self-appointed, self-directed, and uncontrolled entities, but whether to eliminate this archaic system entirely.

The infrastructure today exists to be able to hand over enforcement of animal cruelty to those who are actually trained, and to work within the judicial system. The proper framework is there; we just need to take this opportunity to transition.

New Jersey would be taking another step back if, at this point, any efforts are made to fix the NJSPCA, because we already know this won't work. Appointing an independent monitor won't work, requiring additional oversight won't work, requiring more accountability won't work. All of these things have been tried in the past, and they have all failed. The

only way to fix this problem is to completely disband the NJSPCA and turn the enforcement of animal cruelty statutes over to law enforcement officers.

One of the points I just wanted to touch on, briefly, is everyone is concerned about resources. The police don't want to do it, prosecutors don't want to do it. But I believe it was the Monmouth County SPCA Officer who made a really good point. He said for every person who cares about an individual, you have 10 people who care about animals. Well, as illustrative of that, I've gone to a few of the major law firms in the State of New Jersey to institute an animal law pro bono program. And they are more than willing to jump in with big firm resources and back these cases, help the prosecutors, help the police to continue to be able to prosecute animal cruelty laws within the confines of the actual law.

Thank you.

SENATOR LESNIAK: Well, thank you.

And I can also attest to that. I'll put a picture of my dog on my Facebook, and I get thousands of comments and replies. And I put something about my Recovery School, and I get a handful. (laughter)

So, a little frustrating, but I'm glad to see that people do care about animals. And I actually think it's the next wave of what Dr. King says about the moral curve of the universe, curving towards justice.

Dave, do you have anything to add?

DAVID GAIER: Yes; thank you, Senator, I do.

I have four points to make, and I hope you'll indulge me. Because I was a member of the -- I was the Governor's Appointee and a member of the NJSPCA Board from July of 2015 to November 2016.

And I will admit right now -- I did fail; I absolutely failed. I failed, and the proof of it is the SCI report. I could not make a dent in the organization; I could not penetrate the opacity of the organization; I could not get legal invoices from the attorney. I had no idea, for example, that any members of the Board were receiving money from the organization for promotional materials for the organization. I would have resigned on the spot. That is an absolute conflict of interest, and it occurs in no 501(c)(3) organization that I have ever heard of. We're talking not about some T-shirts, as President Shatkin said, when he was mentioned in Walt Kane's News 12 article. But \$100,000 is a lot of T-shirts, sir.

But I will admit, I failed.

But as to your opening point -- Tracy and I met with you at your golf club on January 5 of this year; that's 10 months ago. I told you I had massive concerns about the organization. And I came to you because you have a reputation, and I think well-deserved--

SENATOR LESNIAK: Thank you.

MR. GAIER: --for being a humane person who has extraordinary care about and for animals. And you gave me a lot of time; I think we spent 40 minutes together.

So I don't doubt that you care, but I did whatever I could. I failed, and I feel bad about that. But I resigned out of conscience--

SENATOR LESNIAK: It's not where you've been, it's the direction you're heading; and you're headed in the right direction. So don't worry about that.

MR. GAIER: Yes, sir.

Well, you know, I don't like to fail. I'm an ex-Marine, and you and I had a talk. I know you're former Army. We have a way of doing things. But even given my supposed aggressiveness in most things, I was not able to find out anything. And I felt I could not continue to be part of a Board that I could not do my fiduciary responsibility in, especially given that the Board seemed to be consumed with lawsuits, creating lawsuits, responding to lawsuits. We never discussed the animals, except for a brief recitation of the number of cases called in and the number of cases either summonsed or resolved. There was no talk. We talked about bullet-proof vests; we talked about ammunition; we talked about countering Collene Wronko's lawsuit. We never talked about animals. How in the world can we say an organization that's supposed to exist for the welfare of animals never talks about animals?

Also, as Ms. Rolph, said -- and quoting me -- how can you have a 501(c)(3) organization, a charitable organization of essentially private citizens, carrying weapons and enforcing the law? It is absurd on its face. That is not the NJSPCA's fault; that is the State's fault. But I am also a former Federal agent, and I was a real Federal agent. I was a State Department agent in Washington, and I protected George Schultz when he was Secretary of State. I can tell you, being a law enforcement officer is not a part-time duty and it is certainly not a hobby. I was not in a hobby situation; I was a Federal agent.

So in conclusion-- Oh, I would also like to add that I'm a member of a board of an animal shelter called Sammy's Hope. A board's responsibility, particularly fiduciary responsibility, is to supervise the activities of the organization. By definition, board members have to be

outside the organization; but with the exception of me and one veterinarian who was voted in partially during my term, all of the members were either commissioned officers or agents of the NJSPCA. So you have the fox guarding the henhouse. It is completely contrary to all principles of board governance.

SENATOR LESNIAK: Now, see, that point has been well established, in terms of the Board, so--

MR. GAIER: So I am with Ms. Rolph, and with some others, who've said I don't want to accuse anyone of anything. But I think the very organization and the very operation of this organization is proved unworkable and should be disbanded. Laws are laws; police officers -- existing police officers, who are fully and formally trained-- Because my understanding is, NJSPCA officers who carry weapons only get weapons training. They don't get the full police academy training. So they are not trained law enforcement officers. They write *Police* on the sides of their vehicles, but they are not police officers.

So I think we need to have professional, full-time law enforcement; and that could be carried out in a number of ways. But I don't think the organization as it's constituted, depending on charitable donations for law enforcement, is remotely workable or is something that is accountable to the people of New Jersey.

Thank you, sir.

SENATOR LESNIAK: Okay; thank you.

MS. ROLPH: Thank you. (applause)

SENATOR LESNIAK: Uh-uh. I get an opportunity to use this. (strikes gavel) (laughter)

Okay; Carl Galioto.

Carl.

CARL GALIOTO: Good afternoon.

SENATOR LESNIAK: Good afternoon.

MR. GALIOTO: My name is Carol Galioto; I am a retired Chief from the SPCA. I served with them from 1992 to 2009.

And if you read the SCI report -- which I know you have -- I'm not mentioned once in it.

You know, I didn't come here to bash the SPCA; I came here to make a couple of points. One, I really think the State dropped the ball because they created an agency and, according to the State Constitution, they have to fund that agency. And they are not funding this agency.

Another thing: I think it is totally against the law for an agency to write fines and keep the fine money. So when you tell me that they're not working with taxpayer money, in a sense, essentially, they are working with taxpayer money.

And I think the State dropped the ball on both of those counts.

I mean, I've been fighting; and I've been with Assemblyman Conway when this Bill was first written. And I tried to put this under the State Police supervision so we wouldn't all be here today. But I was voted out by the Board of Directors -- which, again, were members of -- all law enforcement; 12 members of the Board, but 11 members were all law enforcement. They voted not to have oversight by anybody because, why have to report when we can keep ourselves under the radar? We can have guns--

SENATOR LESNIAK: Well, they're not under the radar any longer.

MR. GALIOTO: Well, yes. And there are a couple of things. I mean, they talk about not having a DAG. Well, I did speak to the -- when I was there, I did have talks with the Attorney General's Office, and they were willing to help. Rutgers Law School was willing to put a team of law students. But when the lawyer heard that he might lose his position, I lost my position. So there are a lot of things going on here.

The training -- I heard that we wanted-- We're talking about giving it to counties, letting the ACOs do it, giving it to the police departments. And in my opinion, doing this for so long, this is never going to work.

SENATOR LESNIAK: What *is* going to work?

MR. GALIOTO: I think-- And I came up with a plan 10 years ago; but I guess the State didn't want to hear about it, because they had other things to do.

I said to set up three units -- a North, Central, and a South unit -- with one supervisor in each unit with a three-man team under each unit.

SENATOR LESNIAK: Or woman.

SENATOR CRUZ-PEREZ: Absolutely. (laughter)

MR. GALIOTO: Because I really think if you're going to set it up with the counties, you have 21 counties and you're talking 21 paychecks. I'm talking 10 people: 3 people in the North, 3 people in the South; 3 people in the central area; 1 Chief -- all under the auspices of the State Police -- to work the state.

I mean, we're talking now -- animal cruelty laws are 10 times different than what our normal police write under 2C. Yes, they are criminal, and yes they are DPs. But I see 2C laws more black-and-white. You're doing 35 in a 20-mile zone, you get a ticket; black and white. When I go to a farm and I see a racehorse that looks lean, that looks skinny to the average person, and I know it's a racehorse -- it's lean. You have to have people--

SENATOR LESNIAK: I'm going to disagree with you on that. I believe our criminal laws aren't exactly black-and-white either.

MR. GALIOTO: I mean, the training is totally different.

SENATOR LESNIAK: You're absolutely right on that.

MR. GALIOTO: And without the correct training, you just can't hand it over to each police department; you can't hand it over to the ACOs. Do they know the hazmat control procedures when you do go to a livestock farm? I mean, we're talking extensive training; we're not talking part-time people, you know, who have businesses to run, who might answer it in a week or two, when they get a chance.

SENATOR LESNIAK: You're in accordance with a lot of the testimony that has already been stated -- that we need to have law enforcement agencies that provide this type of training, that have the experience; not all volunteers, is what you're basically saying.

MR. GALIOTO: That, and I also really wanted to make the point how the State dropped the ball on this agency.

SENATOR LESNIAK: Yes; okay, I hear you.

All right; and that includes all of us.

All right; thank you very much.

Okay; Geoffrey -- how do you spell your last name? How do you pronounce your last name?

G E O F F R E Y S A N T I N I: Santini (indicating pronunciation).

SENATOR LESNIAK: Santini? That's not even close to Santini (referring to witness slip). Are there two Geoffreys here? Oh, there are two Geoffreys. (laughter) Geoffrey Santini, come on up.

There's another Jeffrey out there, all right; you just cut in front of him. (laughter)

MR. SANTINI: Sorry; sorry.

SENATOR LESNIAK: Go ahead.

MR. SANTINI: Good afternoon, Senator; good afternoon, everybody.

Thank you for hearing me.

I'm going to keep it short; a lot of things have been said today.

I am an active Animal Cruelty Investigator, Animal Control Officer for the last 25 years.

SENATOR LESNIAK: Where?

MR. SANTINI: I work for the municipality in West New York, Union City, Guttenberg, and North Bergen.

I have--

SENATOR LESNIAK: I was just with your Mayor the other day; we had breakfast.

MR. SANTINI: Yes, sir, I know. (laughter)

SENATOR LESNIAK: He's another military guy; a Colonel.

MR. SANTINI: He's probably at home resting. He's retired; he's retired from the school; he's resting.

I'm not here to bash anybody, but to professionalize our services. I've worked with the New Jersey SPCA; we've actually met with them two months ago to try to open a county chapter. The long and the short of it is, there is no communication. I haven't heard from Frank Rizzo and Steve Shatkin, sitting in the back. I heard Mr. Shatkin say they wrote over 1,200 summonses. You know, when we do animal cruelty investigations -- and I know you guys probably don't know about this -- it's called *stacking*. We don't *stack* our summonses. If I write a summons, it's either criminal or civil. I don't make a deal in court and say, "Hey, I have you six criminal and six civil; they are identical summonses. But if you don't want the criminal charge, and you don't want to have this criminal record against you for the rest of your life -- so you can get into the law enforcement, or become a post office (*sic*), or even get a job at Home Depot -- for the background check, I'll plead you out on the civil case, and then take the money." That's not what I do.

We just want to have equal ground. When they say carry a weapon, do the weapon -- I've been with the State Police; I've been with the DEA; I've been with the Secret Service; I've done drug raids; I've done these raids with the law enforcement. And you know who the first guy through the door is? Me, because there are pit bulls there; they're afraid the dogs. And as of two years ago, I didn't carry a weapon. I carry a weapon now, but I went through the court system and I had to do it a different way.

The weapon doesn't solve the cases; the weapon just gives us authority, especially when you go in those precarious situations. Like they said, when they go to Newark, they go here -- any city is dangerous. You go in any alleyway, you go to an unknown residence. We don't have access to

that residence. When a police officer goes to a residence, and they put up 123 Main Street-- I was told one day, when I called into West New York, because I worked for West New York -- I had just left there last year -- they said, "Don't go in that residence. It's a known gang unit, and there are pit bulls there." And I just -- and I'm in that town 25 years, and I didn't know that residence. I'm not going to give the address right now, but it's in West New York, it's on record, it's in our *CAD system*, it's called. I didn't have access to that. I was going there by myself, knocking on the door to a known gang unit. How are we protected? I'm not gifted with a bullet-proof vest. I wasn't gifted with a weapon. I was going there as Animal Control, with a shirt saying *Geoff Santini, Animal Cruelty Investigator*. Anything could have happened. Thank God nothing happened; I have two children who I love dearly. And we're just looking for equal ground.

We are sponsoring a Bill with Senator Sacco -- it's Bill No. 461 -- and it's to change our titles. Our titles are *Animal Control Officer* and *Animal Cruelty Investigator*. We have the same training. My mentor is Michael Melchionne, sitting behind me. He teaches the SPCA this class; he teaches us this class. We have the same training, except we don't have the extras, the protection. We need to be protected also.

If we are allowed-- This Bill also talks about weapons. It's not about the weapon; it's about the same authority and our protection. We do go out in the field and do that. We do the same thing they do; we don't have the weapon, we don't have the police communications. We can't log into -- we can't log into certain channels they can log into. We don't have access to it.

If I'm doing a case at 123 Main Street -- do you know the SPCA shows up, goes to the same house, because the calls were made -- who responds first, kind of, sort of. I responded to a case where I had the SPCA come in-- I was already doing an investigation -- because they don't check in to the local authorities. I have to check in, and call in, and say, "Hey, I'm at 123 Main Street; I'm doing an investigation. CAD me in." When I leave, I CAD out. When the SPCA comes in and goes to that same house, they could have blown my whole investigation. What would my investigation be? Animal cruelty. Animal cruelty does lead into other things. I work with other law enforcement agencies and divulge that information to them, as far as the Prosecutor's Office, as far as State and local authorities--

SENATOR LESNIAK: So what's your point?

MR. SANTINI: My point is, take a look at this Bill we're trying to present to you, sir.

SENATOR LESNIAK: Oh, this-- Senator Sacco's, is what you're talking about; okay.

MR. SANTINI: Senator Sacco's Bill. Take a look at that Bill.

SENATOR LESNIAK: Got it.

MR. SANTINI: It gives us the same authority, and it gives all the animal cruelty investigators who dedicate their lives to this -- 25 years, Senator; I just didn't start this -- 25 years of taking care of the animals. And we're not -- they call us the *dogcatchers*; they call us the *taxi drivers*. If the SPCA comes in-- I did a case two months ago -- it's on record -- in Bayonne. There were 10 pit bulls in the apartment. We had two SPCA officers there; Frank Rizzo's son, who's here, I think; and the Bayonne

Police Department. The pit bull broke loose inside the apartment. Who was inside the apartment getting the pit bull? Geoff Santini, by himself. I had everybody behind me. I do carry a weapon, now; but let's just say I didn't have the weapon. The only person going into the apartment to get that dangerous pit bull, that was eating the other pit bull, was me. These are real-life circumstances.

I believe in continuing education for these animal control officers, animal cruelty investigators. Just give us the same opportunities, and keep it in local government or a local SPCA charter that's monitored by the prosecutor or the highest law enforcement officer in the county.

SENATOR LESNIAK: I hear you loud and clear.

You said there were 10 dogs in the premises at that time?

MR. SANTINI: In an apartment, Senator.

SENATOR LESNIAK: What happened, ultimately?

MR. SANTINI: We ultimately took all the dogs, except one; one of the dogs we euthanized; the other dogs were brought to-- Here's the great thing also. We have a large network. We brought them to Saint Hubert's.

SENATOR LESNIAK: Oh, great.

MR. SANTINI: Saint Hubert's pitched in--

SENATOR LESNIAK: Actually, I adopted my pit bull from Saint Hubert's.

MR. SANTINI: We have to work with the shelters, because they're the ones that really need the money. And Saint Hubert's is a great organization, as other county SPCAs. Husky House is here; these are great organizations that need the money. The enforcement should be done

through the municipality, the prosecutor's office. And as far as the weapons, the cars, the police -- let the highest law enforcement say, "You can carry a weapon; you're clear."

SENATOR LESNIAK: I hear you.

Okay; thank you very much.

MR. SANTINI: Thank you, sir; thank you for your time.

SENATOR LESNIAK: Okay; now the other Jeffrey, from Shake a Paw Rescue.

Sorry they cut in front of you; this guy cut in front of you, man.

(laughter)

By the way, you're Geoffrey with a G--

MR. SANTINI: Yes, sir.

SENATOR LESNIAK: --and you're Jeffrey with a J.

J E F F R E Y M O R T O N: Correct.

SENATOR LESNIAK: Okay; I just want to make that clear.

MR. MORTON: Senator Lesniak and Committee members, my name is Jeff Morton. I'm President of the Shake A Paw Center for Rescue and Adoption. I'm also the owner of Shake a Paw pet stores here in New Jersey; and I am also a certified ACO and cruelty investigator.

I'll be brief, because I know you've heard a lot of testimony.

I read the SCI report that was published; and all I could think about was, there are two sides to every issue. I can't really speak to all the allegations--

SENATOR LESNIAK: Three. (laughter)

MR. MORTON: --that were made.

SENATOR LESNIAK: Three; seriously.

MR. MORTON: But I'm here to testify--

SENATOR LESNIAK: Oftentimes, it's the third side that -- where the truth lies.

Anyway, go ahead.

MR. MORTON: But I'm here to testify that investigating animal cruelty in today's environment is not easy and it's very challenging. Current laws require that an Animal Control Officer be employed in every municipality; and I think that's good legislation. The problem, as I see it, is that a local ACO is not trained to handle complex cases of hoarding, or dog fighting, or animal cruelty.

Being able to successfully process an animal cruelty crime scene, preserve evidence properly, and successfully bring that case to trial is really not the job or expertise of a local, municipal Animal Control Officer.

I believe that the New Jersey SPCA is a necessary law enforcement agency. Local police officers and municipal ACOs are not trained to handle complex cruelty cases. For me, experience is the key. A rookie Animal Control Officer cannot successfully investigate and handle a hoarding case with 30 animals; just as a rookie police officer cannot investigate and prosecute a large criminal case.

I believe that New Jersey needs the law enforcement agency, such as the New Jersey SPCA. I do believe they need funding, from everything I've heard today. But our state does need that agency.

SENATOR LESNIAK: Okay.

MR. MORTON: Thank you.

SENATOR LESNIAK: Thank you very much.

Andrea Joy Albrecht; yes, Andrea?

Okay.

A N D R E A J. A L B R E C H T, Esq.: That's close; Albrecht. (indicating pronunciation).

SENATOR LESNIAK: Okay; Albrecht. (indicating pronunciation).

MS. ALBRECHT: Good morning, Senator; good morning, members of the Committee.

I'm an attorney with Best Friends Animal Society, and I am also the current Chair of the New Jersey State Bar as Animal Law Committee. But I am here today in my individual capacity.

And I just have two points to make that I think haven't been made yet.

There seems to be a few patterns in this testimony; one being that investigations of animal cruelty should be by people who are trained in law enforcement. I agree with that. However, I think there is a large problem with Title 4, and that is that it does not include the probable cause standard.

I can tell you that this is something that the Animal Law Committee has been grappling with--

SENATOR LESNIAK: Excuse me; could you explain it a little further?

MS. ALBRECHT: Yes. So in order for there to be search and seizure of persons and property, you have to be subject to probable cause. And in Title 4, specifically 22-10, it is *reasonable suspicion* for investigating animal crimes. And that's a problem in the law, and I think there needs to

be better training and better consistency when it comes to these laws that are--

SENATOR LESNIAK: I mean, I don't want to get too technical with you. But I mean, what's the difference between *reasonable suspicion* and *probable cause*, with regard to an investigation? We're not talking about the subpoena, or a -- with regard to just an investigation. You can start an investigation with reasonable suspicion.

MS. ALBRECHT: Correct. However, it doesn't raise the constitutional claim of probable cause. And that's something that I believe is an inconsistency in our law, and I think it's one of the largest reasons why, when we're discussing law enforcement and discussing who this should be delegated to -- whether or not it's further training with the SPCA, whether or not it's ACOs, whether or not it's police departments -- I think that's one of the biggest issues why certain departments don't necessarily want to get involved in this -- because there is this inconsistency. And I think that's something that needs to be legislated.

The only other comment I will make, and it is mission-aligned with Best Friends Animal Society -- our mission is to end the killing in America's shelters and bring the State to no-kill -- and that is with one of the SCI's recommendations that we strongly disagree with, and that is raising licensing fees. And there are two reasons for that. While I understand that generating revenue is something that will need to be addressed -- as we've heard throughout the testimony today -- raising license fees cannot be the answer. That's going to create a barrier for low-income folks who want to keep an animal, and it could be cost prohibitive.

And second of all, it's going to negatively impact community cats. We have wonderful TNR programs that are cropping up all throughout this state that we should be very proud of. That has been a real grassroots movement for many people who are sitting behind me today. And if we were to say that every cat needs to be licensed, and we're putting a prohibitive measure on a caregiver who's doing TNR--

SENATOR LESNIAK: I agree with you a thousand percent.

MS. ALBRECHT: So I think we need to be careful with the recommendation in the SCI report.

Those were my only two comments.

Thank you for having this hearing, and I commend the Department for their report.

Thank you, Senator.

SENATOR LESNIAK: Thank you for your testimony.

Madeleine Kayser; yes?

M A D E L E I N E K A Y S E R: Good morning.

SENATOR LESNIAK: Good *afternoon*.

MS. KAYSER: Or good afternoon.

SENATOR LESNIAK: *Buenas tardes*; Senator Cruz-Perez went--

MS. KAYSER: My name is Madeleine Kayser; I'm here as a constituent.

There are no laws that require the SPCA to respond to complaints.

Animal control officers and investigators are the first responders; not the SPCA. Here you see many SPCA volunteers; not too many animal control officers, because they're all working.

ACO and ACI are mandated as first responders. They are all working; but you don't see them. Private citizens should not have law enforcement authority.

SENATOR LESNIAK: So what is your ultimate recommendation?

MS. KAYSER: My ultimate recommendation is that continual education -- the SPCA go through the animal control officers' training classes. That's my recommendation.

SENATOR LESNIAK: That's it?

MS. KAYSER: That's it. They should not--

SENATOR LESNIAK: Is that going to solve all the problems?

MS. KAYSER: They should not-- The point is--

SENATOR LESNIAK: But it will be helpful.

MS. KAYSER: Volunteers should not have the authority to enforce law.

SENATOR LESNIAK: We're hearing that from a lot of different sources.

MS. KAYSER: I know.

SENATOR LESNIAK: Okay; I appreciate that.

MS. KAYSER: I just forgot I reiterated--

SENATOR LESNIAK: No, no, no, no. That's why I'm saying I appreciate it coming from your point of view as well. I hear you.

MS. KAYSER: Thank you.

SENATOR LESNIAK: Okay; thank you.

MS. KAYSER: Thanks.

SENATOR LESNIAK: All right; Roni Wildoner, Bergen County SPCA.

Roni.

Again, I want to apologize for the order here, but it's just based on the slips.

R O N I W I L O N E R: Good morning.

SENATOR LESNIAK: Good morning.

MS. WILDONER: My name is Roni Wildoner; I'm the Chief of the Bergen County SPCA, also known as the Animal Cruelty Task Force, out of the Prosecutor's Office.

We have a full-time liaison at the Prosecutor's Office and access to the Assistant Prosecutor at all times. We are accountable to the Bergen County Prosecutor.

The only monies received from the SPCA are received via fines, from summonses that have been written, and through fundraising.

We employ an accountant, keep accurate records, file our taxes -- all in a timely manner.

We only spend monies on necessary equipment. Members receive no compensation, often buying their own uniforms and equipment if it's not in our budget.

We respond to calls through County Communications 24/7.

Some calls are emergent, often instituted by a law enforcement agency we're responding to. Other calls we respond to as quickly as possible.

SENATOR LESNIAK: I'm familiar with what you do; you do a good job.

Your point is what?

MS. WILDONER: Well, my point is, the Bergen County SPCA, under the Bergen County Prosecutor's Office, runs very smoothly. We cost the taxpayers no money, with the exception of the liaison salary and the guidance--

SENATOR LESNIAK: What's your interaction with the NJSPCA?

MS. WILDONER: We don't work directly with the New Jersey State SPCA. We are a charter; they--

SENATOR LESNIAK: You received the charter -- when you received the charter from the County--

MS. WILDONER: We received -- we are a charter of New Jersey State SPCA.

SENATOR LESNIAK: You are. But they keep their hands off and let you do your job?

MS. WILDONER: We do our job independently. We do communicate with them, as needed. If they receive a call that's in Bergen County, they relay it to us and vice versa.

SENATOR LESNIAK: So would I be correct in categorizing your testimony that at least in terms of the Bergen County SPCA -- and I am hearing this from some others -- that working in close relationship with the County Prosecutor's Office has been very efficient in terms of enforcing the animal cruelty laws? You like that arrangement?

MS. WILDONER: It is good. We are accountable; there is no lapse in time on responding to calls because we're answering to someone else.

As far as the New Jersey State SPCA going -- they're covering a lot of territory with very few members. We have 20 members from one County; they are covering much more territory with probably the same percentage of cases that we receive. These cases are very time consuming; they require follow-ups, court appearances, report writing, referrals to other agencies. It's not just a cut-and-dried, walk in and say, "Okay, your dog needs water," and leave. A lot of our clients are mentally ill. There is other criminality involved in their residence. We may refer to DYFS, we may refer to Adult Protective Services; they may refer to us. We work continuously with other agencies, back and forth.

There is a direct correlation between domestic violence and animal cruelty. It's all related. We are educated, as far as the training for the State goes, what's required. We take additional training. Some of our members are cross-trained as ACOs. We have a veterinarian as one of our members, as well as other on-the-job law enforcement members, including myself.

I can't speak for any agency except mine; but I do know that we are dedicated. And whether we are paid or not, we're in it for the right reasons -- for the animals -- and we do the best job we can.

SENATOR LESNIAK: I believe you are; I've heard that.

Thank you very much.

Thank you.

MS. WILDONER: Thank you.

SENATOR LESNIAK: Steve Shatkin, NJ-- Oh, wait a second;
that's it.

Anyone who expected to testify--

Yes, sir; did you fill out a slip?

MR. DONAHUE: Yes, he did.

SENATOR LESNIAK: Oh, you did. I missed you.

Come on up; step forward, please. I'm sorry.

Venga.

Venga? Venga, venga.

SENATOR CRUZ-PEREZ: *Venga, venga, venga.*

DANTE DiPIRRO, Esq.: Good afternoon, Senator.

Dante DiPirro; I'm an attorney, and I practice--

SENATOR LESNIAK: Dante, could you just hold on one
second?

MR. DiPIRRO: Yes.

SENATOR LESNIAK: Did I miss anyone else who submitted a
slip? Oh, yes. Check in over here; we'll--

MR. DiPIRRO: May I proceed?

SENATOR LESNIAK: Okay; yes, please.

MR. DiPIRRO: Thank you, Senator.

I'll be very brief.

Dante DiPirro; I'm an attorney in private practice. I practice
actively in animal law. I was also the Vice Chair of the Governor's Animal
Welfare Task Force, 2002 to 2004. And I have 20 years of experience,
almost, with the New Jersey Attorney General's Office.

In terms of experience, I have represented animal rescues, animal nonprofits, and welfare groups. I have prosecuted animal cruelty; I have advised ACOs and ACIs in cruelty enforcement; and I have had interactions with the SPCA. They have included notifying them about cruelty, which was meritorious of active, zealous prosecution--

SENATOR LESNIAK: I accept your credentials. (laughter)

What do you--

MR. DiPIRRO: Thank you.

I also had to sue the SPCA because of their failure to approve applications, or even review applications, that would have allowed local citizens in three different counties to form local chapters.

The advantage of going late in testimony, Senator, is I'll get right to the bottom line.

SENATOR LESNIAK: Sure.

MR. DiPIRRO: So I'll focus my comments on what change, and when.

In the *when* category, we need structural change now. The SCI first came out with its report, as you know, in 2000, calling for structural change because the system was flawed. The Task Force that I served on came out with a report in 2004, calling for a law enforcement functions to be taken away from the SPCA, and for the professionalization of law enforcement with our existing law enforcement personnel.

We now have a new SCI report, and it has documented how we have not had that change. I believe now we have critical mass to make the needed reforms.

So I echo the choir of individuals who've testified today that we need a modern, professional structure. In particular, the recommendations would be to abolish the NJSPCA and establish a different point for the primary enforcement of animal cruelty. And there are two possible ways I would recommend to your attention.

The first would be to make the point the ACOs and the ACIs in the municipalities, and allow overlapping jurisdiction for the other entities that already have enforcement authority. That includes the County Prosecutors, the Sherriff's Office, and the AG's Office.

The other basic way to institute the needed reform would be to move the responsibility for the enforcement of our cruelty laws to the Attorney General's Office. We would essentially make the prosecution of animal cruelty just like the enforcement of the other criminal laws in this state. The AG's Office has professional investigators to investigate, professional attorneys, and the Deputy Attorneys General to prosecute.

Investigation could also continue to come from the other meritorious entities that are actively involved, including the ACOs and ACIs in the municipalities.

SENATOR LESNIAK: What about the county prosecutor?

MR. DiPIRRO: The county prosecutors as well. The county prosecutor could remain a vital part of the function. Bergen County -- we've heard testimony today -- very effectively stepped into the void created by the NJSPCA's inadequacies.

SENATOR LESNIAK: We've also seen that in Monmouth County.

MR. DiPIRRO: And in Monmouth County as well; and there are other examples. So the county prosecutors would be able to do it.

I think, though, that perhaps elevating the function to the AG's Office would provide the statewide coverage, would provide the professionalism, and it would elevate the interest of enforcement of animal cruelty to criminal enforcement, generally, in the state.

And I would point out that one of the other recommendations that I believe should come with this reform is to move the requirements of Title 4 into Title 2C. Title 2C is where all of our criminal laws are uniformly codified and enforced. And by having the animal cruelty laws in Title 4, it devoids that statutory provision of all of the uniformity, all of the case law, all of the application that's part and parcel with professional enforcement that comes through the AG's Office.

Senator, you're quite right; the counties could be another way to do it.

If I could just mention a couple of things in closing.

SENATOR LESNIAK: Sure.

MR. DiPIRRO: Again, specifics. I know you've heard a lot of testimony, but the next step would be to think about how this could happen. And that's -- there are a number of moving parts.

So I would say, statutorily, there would be clarifying the statutory power. Either an existing law enforcement -- such as the animal cruelty investigators in the municipalities, county prosecutors, the sheriffs -- could be involved in coordination of information on a county-wide basis. Or it would be moving the responsibility to the AG's Office directly.

Fees: If the function is going to be primarily done, for example, by the ACIs, then we should change the system where half the fee now goes to the SPCA and half goes to the municipality -- or rather, all those fees should go to the ACIs and the municipality.

2C: Again, move it to professionalize it; make it part and parcel of the criminal laws.

And finally, consider continuing the citizens suit provision that's in Title 4 now, that allows -- just like in environmental enforcement cases -- if the government is unable, or doesn't have the funding or the staffing to proceed in environmental cases, a citizen can do that in the name of the government. There's a similar provision now; I would encourage that to be continued, if there's reform, and we allocate responsibility to the ACIs, or the AG's office, or the county prosecutor.

SENATOR LESNIAK: Interesting suggestion; thank you very much.

MR. DiPIRRO: Thank you, Senator; thank you, everyone.

SENATOR LESNIAK: Okay; Roni (*sic*) Ising, Watch Your Paws Rescue. Is that right?

SENATOR CRUZ-PEREZ: Go ahead.

T O N I I S I N G: Oh, he stepped out.

SENATOR CRUZ-PEREZ: That's fine; I'm here. (laughter)

MS. ISING: Oh, okay.

Actually, he pronounced my name wrong; it's Toni Ising. (indicating pronunciation).

But my name is Toni Ising; I want to thank everybody for having me here.

Everybody here who's talked about the New Jersey SPCA-- I have a personal case that I was involved in with New Jersey SPCA.

I reached out, as rescuer, for some help back in 2016, in July. A friend of mine had called a gentleman by the name of Al Peterson with the New Jersey SPCA, because there was a very bad hoarding situation and the cats were in a desperate situation.

She had worked for St. Hubert's; St. Hubert's was full at the time and they couldn't take any. But they put her on a waiting list, and asked me to do what I could.

So anyway, I took in quite a few cats at the time. And what had happened was, he had said, "Don't worry; we'll try to help the situation out."

Well, about a week later I received a knock on the door. I'm in the process of cleaning and in my pajamas. And as I was -- there was an officer out there, and I opened the door slightly, because I was fostering a dog at the time. And I had told him to wait a couple of minutes, because I had to get the dog on a leash -- because he's a small dog, a very friendly dog.

But he's very impatient; I come down, and as we came down the stairs, the officer -- at that time, he didn't identify himself immediately, but later on he identified himself as Sergeant Amato. He puts his hand on his gun and, you know, of course, you're intimidated, you're scared, or whatever. So anyway, he says, "Well, you know, I'm here because of a situation. I understand you have several cats." I said, "That's true; I'm a rescuer." And I told him -- I tried to tell him about the story of what happened; he didn't want to hear it.

To make a long story short -- I'm going to try to be brief. Anyway, he comes in; he had no plan, nothing, to take these cats. So AC Officer Mark Johnson shows up. He, therefore, tells Sergeant Amato that, of course, the protocol, I understand, is to take pictures. Sergeant Amato told him, "If you take pictures, I'll confiscate your phone." So anyway, he comes down and he says to him, "Look, it's 87 degrees out. Why should we put the cats out on the sidewalk?" Well, Sergeant Amato-- In the meantime, News 12 is there. He had speed-dialed News 12 there. So he's trying to get the close-up, and he's directing Sergeant Amato. And in the meantime, Mark Johnson tells him, "Please, let's leave the cats inside because there's central air."

SENATOR LESNIAK: Okay. Your conclusion here is what?

MS. ISING: Basically, what I'm saying is -- okay, also, too, there's a long story; there was a lot of animal abuse in the case of New Jersey SPCA. But the bottom line is this: One of the items in my case was a letter written -- okay? -- that Mark Johnson--

SENATOR LESNIAK: We can't litigate your case here.

MS. ISING: I know; I'm not litigating--

SENATOR LESNIAK: Okay.

MS. ISING: What I was going to say is abuse of power. What I'm trying to say is, you're not litigating my case; my case is done, okay?

SENATOR LESNIAK: Okay.

MS. ISING: My case went as far as the Attorney General of this State, okay? Because the letter -- that Mark Johnson did *not* write-- Okay, I understand. What I'm trying to say -- the case was dismissed by the Attorney General. You talk about abuse of power.

SENATOR LESNIAK: Okay.

MS. ISING: Sergeant Amato committed fraud and forgery, okay?

SENATOR LESNIAK: So what you're saying is that you're--

MS. ISING: So basically what I'm saying is--

SENATOR LESNIAK: If I may, if I may -- is that you've been a victim of abuse of power of the NJSPCA.

MS. ISING: Correct, correct.

SENATOR LESNIAK: And that case is--

MS. ISING: It's dismissed.

SENATOR LESNIAK: It's dismissed.

MS. ISING: Yes, by the Attorney General and by the County Prosecutor of Hunterdon County.

SENATOR LESNIAK: Okay, so you are in agreement with the SCI report--

MS. ISING: Correct.

SENATOR LESNIAK: Okay.

MS. ISING: Like I said, because of the abuse of power; and, you know, as Mr. Gaier had said, it's the fox watching the henhouse.

SENATOR LESNIAK: Okay.

MS. ISING: You have no say.

But yes, that's what I'm-- Okay.

SENATOR LESNIAK: Okay; I appreciate you saying that.

MS. ISING: Thank you.

SENATOR LESNIAK: Thank you.

Linda Wilferth, Happy Paws.

Linda? Okay.

L I N D A W I L F E R T H: Thank you, Senator Lesniak--

SENATOR LESNIAK: Sure.

MS. WILFERTH: --and Committee, for hearing me.

I'm a cat rescuer in Flemington, New Jersey. I've been out in the streets doing trap-neuter-return for 16 years.

And one day I came across a colony I was working on in an apartment complex. And a little old lady, Alice, walked up to me and she said, "Honey, good news. A State Trooper came today, and all your cats were trapped and taken to the Edison Animal Shelter. So all the feral cats -- they're going to get homes today." And I thought, "State troopers don't come and trap cats and take them to Edison Animal Control. There are problems in Hunterdon County, and all through the State of New Jersey, with cat overpopulation."

So I followed up on it, and I called the Edison shelter. I said, "Those are my cats; I've spayed them, I want them back. Why are you taking Hunterdon County cats?" And she said, "Let me put a New Jersey SPCA Officer on the phone with you."

So she, therefore, said, "It just so happens when you called, Al Peterson from the New Jersey SPCA just happens to be in the shelter, and he will talk to you."

I said, "Al, can you please help me? I know, by law, they'll kill my cats within seven days. I don't want my cats killed." He said, "No problem. I know who A-Z Technical Pest Removal Service is. I'll get your cats."

At the same time, I was really emotionally upset. So I called my friend. I said, "Please call this guy; I have his business card, he has our cats, I can't talk to him. I love them, I want them back. He's going to kill them; he's a technical pest removal service."

The fifth day, I'm thinking -- by the seventh day, my cats are going to be dead. I call Al Peterson up, and I say, "Can you please tell me what's going on? I'm concerned."

Al Peterson told me he spent the whole week checking me out, and that I have permission to trap cats in Flemington, New Jersey. I said, "I know that; that's why I called you. Now we're running out of time. My friend Buff, who called the Technical Pest Removal Service -- he's said he gave them to a rescue in Pennsylvania called Jane Osgood."

So we spent time Google-searching for *Jane Osgood*; she did not exist.

I called a friend at Hunterdon Humane; I said, "Does anybody know Jane Osgood? My cats are gone. There are two more days, by law, and they can kill them."

So Officer Peterson said he would look into it.

He called me up and again Mr. A-Z Technical Pest Removal said they're at a rescue; Al Peterson is looking into it. He said -- he called me up on the seventh day and he said, "I have some really, really good news for you; really good." I said, "What?" He goes, "It's just what you're going to want to hear." I said, "What?" He said, "All of your cats are in a warehouse in Middlesex County. A-Z Technical Pest Removal Service just happened to know a man who needed stray cats for his warehouse in Middlesex County. The case is closed, Linda. You should be happy."

That was the end of it.

I had a sinking feeling, because I know Middlesex County, New Jersey, has a major cat problem; that my cats were not alive, and they were not in that warehouse.

I came to find out later that if you get a business to write on letterhead that you have a cat problem -- a feral cat problem, the Edison shelter is so kind to give discounted services for killing them to solve the cat problem.

The next time I called the New Jersey SPCA -- I let it go; I don't have time to pursue that -- I got Al Peterson again, and someone named Sergeant Phil Amato. And this was for a barn; I'm still out trapping, and I'm seeing dead cats in the road; cats with no eyes, broken legs. And I say, "Who do I call?" I had no shelter in my town in Hunterdon County.

The SPCA came out to the Ballick barn to investigate, and we were told that, "It's too far to drive; we don't have the coverage. We are going to turn that case over to your local Animal Control Officer," in which they did. The local Animal Control Officer, at the time -- his name was Tom Dodd. Tom Dodd told me that I could go on the Ballick property; I could start doing TNR and stop this overpopulation. I said, "Great, I'll pay for it. I don't want to upset this farmer; I just want to stop the suffering of these cats."

I called up Mr. Ballick, and Mr. Ballick screamed at me and said, "You're a city slicker; you're ruining it out here for us. Do not come on my property or I will have you arrested." I called up the ACO Officer, Tom Dodd, and I said, "I can't go on that property." So I called up Al Peterson; I said, "What's going on with my case? There are cats out there,

broken legs, eyeballs missing, getting hit by cars. Can you help me?" Al Peterson told me, "Your case has been closed." Closed. Tom Dodd called and said there is no case.

SENATOR LESNIAK: I'm sorry; what county are we talking about?

MS. WILFERTH: Hunterdon County.

SENATOR LESNIAK: That's what I thought.

Now, Hunterdon County does not have a County SPCA; is that correct?

MS. WILFERTH: No; no, it's the New Jersey SPCA.

SENATOR LESNIAK: Okay. So basically, your concern is that there's nobody doing their jobs here.

MS. WILFERTH: No.

SENATOR LESNIAK: I hear you.

MS. WILFERTH: No.

SENATOR LESNIAK: Okay.

MS. WILFERTH: I have two more incidents with the New Jersey SPCA.

It's going to take a twist now.

I also adopt out puppies in a pet store, and have since Pet Valu in Flemington opened.

No one wants an unhealthy puppy to go out; none of us. Well, I had one unhealthy puppy go out to a young woman with conversion disorder, a mental illness. Doctor--

SENATOR LESNIAK: I'm sorry--

MS. WILFERTH: I called-- The SPCA charged me now with animal cruelty.

SENATOR LESNIAK: Okay.

MS. WILFERTH: Okay? So a puppy went out that was--

SENATOR LESNIAK: Okay; we can't litigate individual cases here.

MS. WILFERTH: I'm not litigating; I'm just telling you about the abuses.

SENATOR LESNIAK: By the SPCA.

MS. WILFERTH: Yes.

SENATOR LESNIAK: Okay; so you would like to see them abolished.

MS. WILFERTH: They went and put on New Jersey 101.5--

SENATOR LESNIAK: You would like to see them abolished--

MS. WILFERTH: Yes.

SENATOR LESNIAK: --because you believe they abused their power.

MS. WILFERTH: Well, they said I'm an Animal Control Officer; I'm not. They put it all over the media.

SENATOR LESNIAK: Yes; okay.

MS. WILFERTH: They said that I charged \$500 for a dog; I didn't. They never interviewed me, and they said I let the dog die. So that's pretty serious to go out on *nj.com*, the *Democrat*, *Lehigh Valley News*, and 101.5. None of that is true. If you Google my name and look-- Yes, I feel that's abusive.

SENATOR LESNIAK: I'm not disagreeing with you; I'm just--
That's your point; I understand that.

MS. WILFERTH: One more time with them -- recently a dog went out with one flea on it; one. And I have the documentation. Sergeant Phil Amato brought me up on animal cruelty charges again for one flea, some worms. I have all the vet records. I won the case; it's dismissed. I have been all over the media again, as a repeated offender, an animal abuser. I'm a single woman; it has hurt me financially and employment-wise. I don't think it's fair.

He came into the store when I did adoptions, in his uniform, and he basically threatened the store manager and said, "If you ever let--"

SENATOR LESNIAK: Again, we can't--

MS. WILFERTH: You can't, but I'm telling you, there's an abuse of power and they do need to be controlled. And I do think that since they're fine-based, I feel these are commissions for them.

SENATOR LESNIAK: Okay.

MS. WILFERTH: You know? So, yes.

SENATOR LESNIAK: I hear what you're saying; okay.

MS. WILFERTH: But like, animals do need help. We do need an SPCA. When we have cats that are -- we need somewhere to go.

SENATOR LESNIAK: Without a doubt.

MS. WILFERTH: So, yes.

Thank you for listening.

SENATOR LESNIAK: Okay; thank you.

Lorraine Healy.

Lorraine.

And we just have Lia, right? Lia? Is there a Lia here?

L I A S T R U C I C H: (off mike) That's me.

SENATOR LESNIAK: Okay, you're next. No one else, right?

(no response)

Okay.

Go ahead, Lorraine.

L O R R A I N E H E A L Y: Hi; my name is Lorraine Healy. I run Husky House, Siberian Husky and fellow canine rescue, in Matawan, New Jersey.

We work with the NJSPCA, on a regular basis, with a lot of big cases. And no one today has brought up anything about the medical condition of these animals. The NJSPCA needs funding; they need to be-- Obviously, everybody agrees that they need State funding, that the State needs to support them.

But where do they -- where are they supposed to bring their animals? I'm in and out of the animal shelters all throughout New Jersey every single day. Our ACOs -- although there are some who are stellar, the majority of the ACOs are not capable of handling these cases, nor do the municipalities provide the medical care needed.

So I've been on the phone with Rizzo multiple times in the middle of the night with 30 dogs that need medical care. Where do they go? The municipal shelter won't take them; or if they do take them, they'll kill them. So organizations like us step up and bring these animals to 24-hour facilities to save their lives. And with the exception of, maybe, the Monmouth County SPCA, that would step up to do something like that, your municipal shelters won't.

So if you hand the animal cruelty law enforcement division over to your local police officers -- a lot of them don't know animal cruelty laws. And the ACOs aren't capable either; and the municipalities refuse to provide medical care.

So I think there's a need for the NJSPCA; I think there's a need for them to work in conjunction with rescues -- reputable rescues, with veterinarians throughout the state, and have some kind of organization with State funding to help these animals. I mean, with cruelty comes huge vet bills -- huge vet bills that-- And if you don't provide the medical care, then you have no case, and the abusers go -- they go free because you have no documentation.

So leaving this up to your ACOs and your ACIs is just -- it's not going to work; animals will die.

SENATOR LESNIAK: I hear you.

MS. HEALY: In huge quantities, animals will die.

SENATOR LESNIAK: We're not going to do that, okay? I appreciate that.

And who did I say was last? Lia, right?

MS. STRUCICH: (off mike) Yes.

SENATOR LESNIAK: Okay.

MS. STRUCICH: Hi; my name is Lia Strucich.

I just want to speak to-- I think also that we do need an SPCA. I do agree with the findings in the SCI report.

But one thing that hasn't been touched on is term limits.

SENATOR LESNIAK: Is what?

MS. STRUCICH: Term limits.

SENATOR LESNIAK: Term limits.

MS. STRUCICH: Seems like these same people, this Board -- they've been in control for--

SENATOR LESNIAK: Are you talking about the Board of Trustees?

MS. STRUCICH: Of the SPCA, yes.

SENATOR LESNIAK: Okay.

MS. STRUCICH: It's been the same group of people. And they become-- You know, they're all buddies. They have their buddies in. So there's another layer of the fox watching the henhouse, so to speak, within the organization itself. They are, like David Gaier testified to, very opaque. It's their own little circle.

These charters that -- the county charters -- recently they've been given out, and they've denied-- Dante DiPirro spoke about the lawsuits about people who wanted to open up charters and were denied, and had to fight through lawsuits. Yet, Joe Biermann -- he got a county charter. Harry Levin, the attorney -- he got a county charter. There is not even -- there's nobody but those people; that's the charter.

SENATOR LESNIAK: Okay.

MS. STRUCICH: I don't know how that works. But they should have term limits. They shouldn't be able to sit there on the Board for 10 years.

SENATOR LESNIAK: Well, they should have terms; they should have terms, yes.

MS. STRUCICH: Terms; and it should-- And limits to how many they can have in a row; like, maybe, like--

SENATOR LESNIAK: Well, having served 40 years in the State Legislature, I'm not exactly in favor of term limits. (laughter) But terms, so that they could be evaluated like every three years or five years.

MS. STRUCICH: Like three-year terms, Right. And like mayors have term limits; you can't be mayor, what--

SENATOR LESNIAK: No, no they don't. The only term limit in the State is Governor, thank God. (laughter)

MS. STRUCICH: Oh, yes, right. Maybe-- Right; you're right.

SENATOR LESNIAK: See, Senator Cruz-Perez got that; okay.

Actually, the voters impose their own term limits. But I hear what you're saying -- that a Board member should serve for three years and be subject to reappointment, reconfirmation. That's what we have.

MS. STRUCICH: Or not; maybe they shouldn't be reappointed again, because that what happens. They vote each other in, and--

SENATOR LESNIAK: Well, that's-- Yes, it all depends on who the appointing authority is, and whether they're doing an adequate job, whether there's governmental oversight. I hear you -- that there is really no, basically, accountability, is what you're saying.

MS. STRUCICH: Well, because what happens when they are in control for that many years, it becomes like their thing -- you know? -- like their business.

SENATOR LESNIAK: I hear you.

MS. STRUCICH: Their own-- They become very comfortable; they know the ins and outs very well of what -- the mechanics of it.

SENATOR LESNIAK: No accountability and transparency; that's what -- basically what you're saying. And as I agree with you, we have to-- We will do that.

MS. STRUCICH: Well, they're kind of just able to take over as their own little club, is what I'm saying.

SENATOR LESNIAK: Got you; I hear you loud and clear.

MS. STRUCICH: Yes; and just one other thing.

SENATOR LESNIAK: Sure.

MS. STRUCICH: After the first SCI report -- which I've read; I thought it was very thorough as well, and they made all these recommendations -- what confidence do we have, as taxpayers, that anything will be done this time, going forward?

SENATOR LESNIAK: You'll just have to wait and see.

MS. STRUCICH: Okay.

SENATOR LESNIAK: Okay?

MS. STRUCICH: Like everything else.

Thank you.

SENATOR LESNIAK: That's right. I mean, what do you want me to say?

MS. STRUCICH: No, I--

SENATOR LESNIAK: What do you want me to say?

MS. STRUCICH: That there will be a more aggressive pursuit of-- You know, I think I read somewhere that there's a mentor--

SENATOR LESNIAK: We've been here all morning--

MS. STRUCICH: --a monitor, I mean.

SENATOR LESNIAK: --and heard all this testimony. Do you think I'm doing this for show?

MS. STRUCICH: No, I don't. But I mean, you know--

SENATOR LESNIAK: Okay; don't worry about it. We're going to get something done.

MS. STRUCICH: Okay, I hope so.

Thank you.

SENATOR LESNIAK: All right.

Thank you very much.

The hearing is adjourned.

Thank you all for your participation.

(HEARING CONCLUDED)