

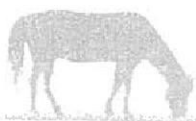
Mr. Chairman, Ladies and Gentlemen of the Committee,

I would like to begin by thanking you for granting a hearing on this important bill.

My name is Andrea Pace and I work for the Pennsylvania Society for the Prevention of Cruelty to Animals. I am employed in the Investigations Department and, starting next week, I will be Chief Counsel for the PSPCA.

At the PSPCA, we currently employ 11 Humane Society Police Officers and we are training a class of 7 future officers. The role and scope of service for Humane Society Police Officers is laid out in Title 22, Chapter 37 of the Pennsylvania Consolidated Statutes. For the purposes of the Pennsylvania Anti-Cruelty Law (section 5511 of the Criminal Code), Humane Society Police Officers have full police powers. Officers investigate allegations of cruelty, serve search warrants, initiate arrest warrants, and fill the same roles as police officers, except for the fact that their jurisdiction is limited. As specialized officers, our agents often serve as a resource for municipal and state police officers when faced with animal cruelty issues.

The PSPCA supports the proposition that Humane Society Police Officers should receive the same immunity afforded to municipal police officers while acting within the scope of their job and within the boundaries of the Constitution and the laws of the Commonwealth. The immunity offered in this



bill merely protects Humane Society Police Officers from civil liability while they are acting within the scope of their employment. Citizens should not fear that this bill would allow Humane Society Police Officers to violate fundamental rights or break any laws – The rights of private citizens will remain intact. The only change will be that Humane Society Police Officers and their non-profit employers will no longer live in fear of litigation for performing their statutorily-granted duties.

Currently, without immunity, the cost of enforcing the Pennsylvania Anti-Cruelty Laws is sizeable. SPCAs and Humane Societies are forced to carry a large insurance burden in order to be able to work in the field. As such, the non-profit organizations employing Humane Society Police Officers are at the mercy of insurance companies. If insurers continue to raise rates or if the insurers begin to end coverage altogether for the Humane Society Police Officers, many local SPCAs and Humane Societies will be unable to continue to enforce the Pennsylvania Anti-Cruelty Law.

The PSPCA alone has fielded thousands of complaints since the beginning of the year and there are currently hundreds of open investigations. The PSPCA Agents comprise only approximately one tenth of the total number of sworn in agents across the state. Causing further reduction in the Humane Society Police Officer numbers would be catastrophic to the enforcement of the Pennsylvania Anti-Cruelty Law.

If the SPCAs and Humane Societies are forced out of law enforcement roles, the burden of enforcing the Pennsylvania Anti-Cruelty Law will fall onto municipal and state police officers. With enforcement of the Anti-Cruelty Law, the public police will need to adapt in order to fill the void. The state will need to create facilities that will be able to house animals that are evidence until trial. The state will need to provide veterinary care to the animals waiting for trial. Staff will need to be trained in handling all types of domestic and exotic animals. Officers would also need to receive

specialty training so that they are able to easily recognize violations of the Anti-Cruelty Law. For the facilities, staffing, and training, the state could incur millions of dollars in costs to replace the infrastructure that the SPCAs and Humane Societies already provide.

The role of Humane Society Police Officers is necessary in our society. Animals are often found to be associated with other types of crimes – they can be abandoned following an arrest, be additional victims, or be part of a separate or related criminal enterprise. In one of our cases that is moving through the Philadelphia Courts, we were called in by the state police when they discovered evidence of cockfighting when they served a search warrant targeting drug dealing. That case yielded over a hundred birds, 13 of which were roosters dressed for fighting, 22 dogs, some dead, some mutilated, and one hawk. The state police recognized that they could not handle the animal portion of the case even though they were the primary investigators. In that case, the PSPCA and the state police created an ideal partnership to handle a case that neither one was equipped to deal with on their own.

However, in that raid, the police had immunity and the PSPCA agents did not. Both types of officers were acting within the scope of the law and their roles as police officers, but only the state police are immune from civil suits at the end of the criminal trial. The PSPCA, although acting alongside and at the request of the state police, may be sued for performing their job in a lawful and competent manner.

The PSPCA urges this committee to vote in favor of granting immunity to Humane Society Police Officers so that we may continue to do our job without fear of litigation.