



When Animal Hoarding is Warehousing for Profit / Part 1

By Sandra Sylvester and Curtis W. Baranyk



Hoarding and the Current State of the Law

Animal hoarding and abuse presents unique challenges for prosecutors. Judges are often sympathetic or lenient toward these defendants because of the psychological issues associated with hoarding (e.g., obsessive compulsive disorder (OCD)) and due to the lack of

criminal laws that specifically proscribe and punish animal hoarding.¹ Patronek notes that "animal hoarding is not widely appreciated by government agencies" and that "[a]nimal hoarding cases tend to fall . . . into the jurisdictional cracks between state and local government agencies and departments."² Without specific laws criminalizing hoarding, prosecutors must pursue convictions under the umbrella of animal cruelty or property destruction.

Animal abuse and neglect statutes vary from state-to-state and often require a minimum standard of care pertaining to medical care, food, water, and shelter.³ Although certain types of animal abuse constitute felonies in most states, the majority of animal neglect and maltreatment laws are only misdemeanors. Currently, only Hawaii and Illinois have specifically criminalized animal hoarding.⁴ Many states define animal cruelty as overworking an animal, inflicting unnecessary pain upon an animal, depriving the animal of necessary food, water, shelter or proper veterinary care, or otherwise inflicting unnecessary suffering upon an animal.⁵

Although the Diagnostic and Statistical Manual (DSM-IV-TR) does not recognize hoarding as an official diagnosis, there is a

movement to make hoarding a distinct diagnosis in the upcoming DSM-V because hoarders often have different symptoms than persons with OCD and other diagnoses associated with hoarding (e.g., personality disorders, paranoia, delusional thinking).⁶ The Hoarding of Animals Research Consortium (HARC) notes that hoarders "have much greater impairment of insight, potentially reaching delusional levels of impairment, compared to OCD patients."⁷

Notwithstanding the fact that a universal definition of animal hoarding does not exist, hoarders often have large numbers of animals that "overwhelms the ability of the hoarder to provide acceptable care" resulting in a failure to provide adequate water and food, veterinary care, or a sanitary living environment for animals.⁸ Deteriorated living conditions and property destruction are often associated with hoarding.⁹ The American Society for the Prevention of Cruelty to Animals (ASPCA) states that some hoarders perceive themselves to be "rescuers" and "claim that any home is better than letting [an] animal die."¹⁰ However, Dr. Randall Lockwood, ASPCA Senior Vice President, Forensic Sciences and Anti-cruelty Projects noted, "Being kept by a hoarder is a slow kind of death for the animal. Actually, it is a fate worse than death."

Profiles of the average hoarder have recently emerged. Sixty-seven percent of animal hoarders are female, unmarried, and live alone.¹¹ Forty-six percent of animal hoarders are sixty years old or older.¹² In nearly seventy percent of the cases studied, animal feces and urine accumulated in living-areas and dead or sick an-

imals were discovered in eighty percent of the cases studied.¹³ These hoarders often “fail to acknowledge the extent of the lack of sanitation and animal suffering” and tend to limit their hoarding to one or two types of species.¹⁴

Hoarding Versus Profiteering

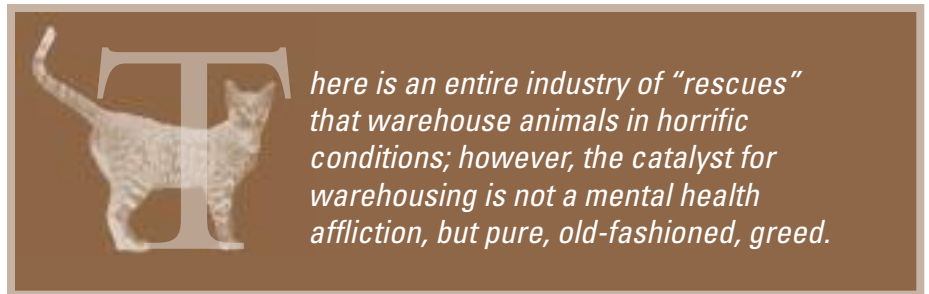
Prosecutors and police should not assume that mental health afflictions or obsessions are the sole cause of a defendant’s hoarding. Hoarding, animal abuse, and property destruction may be symptomatic of a larger criminal scheme: profiteering and tax evasion. The “exploiter hoarder” (see endnote 9 for discussion) is the most entrenched and difficult hoarder for the prosecutor and fits the profile of one who hoards for profit. There is an entire industry of “rescues” that warehouse animals in horrific conditions; however, the catalyst for warehousing is not a mental health affliction, but pure, old-fashioned, greed.¹⁵ These faux-rescues often operate without the appropriate tax-exempt status and are actually running for-profit business that should be properly claiming receivables. In such cases, prosecutors should consider contacting their state’s tax criminal investigation division to assist in the filing of felony tax evasion charges or seek help from a consumer affairs office in order to increase the public’s awareness of these enterprises.¹⁶ The prosecutor may wish to research the case law pertaining to state tax evasion however. In one recent case in Prince William County, Virginia, the court denied a Commonwealth motion in limine to preclude the defense from presenting evidence of “expenses” to offset income.¹⁷ The lack of state law forced the court to consider federal law as persuasive authority.¹⁸ While tax cases may be complicated, these types of felonies are valuable to prosecutors because animal abuse offenses are usually misdemeanors and a host of different sentencing options often become available for felony convictions. The prosecutor may wish to expand the investigation by considering larceny by trick or false pretense charges for everyone who made a donation payable by check to the “rescue” and declaring the deduction on their taxes. Without legitimate tax-exempt status, the “rescue” may be misrepresenting their status inducing the innocent citizen to donate. A jury may be more sympathetic to a citizen who is duped rather than the “tax man.”¹⁹

Some of these for-profit “rescues” frequent pet stores on weekends to hold adoptions and may even have websites that contain adoption contracts. These illicit organizations sometimes require home-visits before an animal can be adopted. Such requirements can fool the public into believing the intentions of these rescues are legitimate and altruistic.²⁰ However, sometimes

these animals are maintained in deplorable conditions, no different from a puppy-mill. In addition, some of these “rescues” may actively breed the animals in their care, resulting in overcrowding. The resulting overcrowding leads to fighting and stress for these animals and many animals may show evidence of scarring.²¹ Monitoring these adoption events may be necessary to ensure that funds are not being unlawfully solicited (e.g., the improper use of donation jars).

Instances of profiteering and tax evasion may also open the door to charging other crimes. The non-payment of sales tax is an offense in many states. Further, some venues may also proscribe the solicitation of charitable donations without having a proper tax-exempt status and have provisions for public censure.²²

Any bank account information seized during the execution of a warrant can prompt charging a party with zoning violations (e.g.,



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doing business without a license or running a business in an area not zoned). This information may also allow state tax investigators to get records of the checks deposited in the target’s accounts. Checks for “adoptions” may be placed in personal accounts and commingled with personal funds. The search warrant should also include all documentation of expenses to prepare for the defense that expenses exceeded income. All computers should be seized and forensically examined. These organizations boast about how many animals they have placed in homes (which is translated into sales). They maintain records of all “adopters” and will send out newsletters to these people asking for donations. If the “rescue” is participating in adoption fairs with national pet store chains, the stores often have an “adoption coordinator” who will have a lengthy questionnaire where the rescue may have claimed tax-exempt status.²³

Part Two will address prosecuting these types of cases and issues that arise.

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¹ Here, the term “hoarding” refers to the hoarding of animals, not the hoarding of inanimate objects.

² Gary J. Patronek, *Public Health Reports*, 114, 82 (1999).

³ Animal Neglect Facts, <http://www.aldf.org/article.php?id=1299>.

⁴ *Id.*; Animal Hoarding, <http://www.aspc.org/fight-animal-cruelty/animal-hoarding.aspx>

⁵ *See, e.g.*, Va. Code Ann. § 3.2-6570 (2010); Md. Code Ann. § 10-604 (2010); Fla. Stat. Ann. § 828.12 (2010).

⁶ Common Questions About Animal Hoarding, <http://www.tufts.edu/vet/hoarding/abthoard.htm>

⁷ *Id.*

⁸ Patronek, *supra* note 2, at 82; <http://www.tufts.edu/vet/hoarding/abthoard.htm>

⁹ <http://www.aspc.org/fight-animal-cruelty/animal-hoarding.aspx> Prosecutors should become familiar with the three types of hoarders recognized by Patronek. The “rescuer” is but one typology. They believe they are the only ones who can save animals from euthanasia, will not refuse shelter to any animal, work in animal welfare and avoid authorities. They present as true believers and will try to convince the trier of fact that the conditions were a necessary result of trying to save these animals. This type of hoarder has a compulsion that is very entrenched. The “overwhelmed hoarder” actually began by taking good care of their animals, but suffered a change in circumstances. They are generally more receptive to authority and intervention. The “exploiter hoarder” will acquire animals to fulfill their own needs and are indifferent to the harm they are causing the animals. They are controlling, manipulative and will evade the law. They are true narcissists and when charged with animal cruelty, will start letter writing campaigns, smear campaigns and allege reprisal. These hoarders will often start up new “rescues” during the pendency of the case. See “Animal Hoarding: Structuring Interdisciplinary Responses to Help People, Animals and Communities at Risk,” (HARC), Patronek, Loar, and Nathanson.

¹⁰ *Id.*

¹¹ Patronek, *supra* note 2, at 81.

¹² *Id.*

¹³ *Id.*, at 85.

¹⁴ *Id.*, at 86.

¹⁵ Certainly, many legitimate rescues exist and are vital to the adoption process and helping families acquire cherished pets. It is not the authors’ intention to suggest that all rescue organizations are simply fronts for criminal enterprises.

¹⁶ The National Association of State Charity Officials (NASCO) is an excellent source for persons interested in communicating with state entities that specialize in charity and donation issues and is located at <http://www.nasconet.org/>. Another source of information to assist the prosecutor is PayPal because many rescues use this service to manage payments.

¹⁷ *Commonwealth v. Janet L. Hollins*, A10002934-3010, CR. 10003222- 10003227. Hollins was originally charged with seventy-seven counts of animal cruelty,

which is a class one misdemeanor. She had that many animals in her three level town-home. The conditions inside the home were horrific and the ammonia from cat urine was so offensive, the cats all suffered ocular and nasal discharge. However, because the animals were fed and had veterinary care, the general district court judge convicted her of seventy-seven counts of the class four misdemeanor of failing to properly care for animals. She appealed the finding to the 31st Judicial Circuit Court, but in the interim, the Commonwealth charged her with six felonies including tax fraud and false pretenses.

¹⁸ *See e.g., United States v. Kayser*, 488 F. 3d 1070 (Ninth Circuit, 2007), *Greenburg v. United States*, 280 F. 2d 472 (First Circuit, 1960), *United States v. Garber*, 607 F. 2d 92 (Fifth Circuit, 1979).

¹⁹ During the Hollins case, authorities found a number of individuals that wrote checks for considerable amounts of money to “Janet’s Rescue” and claimed the deduction on their taxes. Many still possessed receipts for the donations showing a tax ID number that belonged to another tax-exempt organization. When prosecutors advised the defense that the case would not end and that they would pursue embezzlement from the tax-exempt organization and larceny by trick and false pretense charges for the donation, the case settled.

²⁰ Prosecutors should consider community outreach to educate the public about these “rescues.” Information helping pet adopters identify the legitimate organizations may also put these bogus organizations out of business. Dr. Lockwood advises potential adopters to consider whether:

- The group is unwilling to allow anyone to visit the animals in the location where they are kept.
- The group refuses to disclose the actual number of animals in their care.
- Despite adverse conditions, they keep taking in animals.
- The group views authorities and other rescue organizations as the enemy.
- The group receives animals at remote locations.

²¹ In order to support animal cruelty prosecutions, the prosecutor may wish to consult with animal behaviorists to view the conditions the animals were maintained. Many are kept in crates for long periods and become cage-aggressive. The overcrowding may lead to resource-guarding and stress. The number one reason for high rates of euthanasia in the United States is behavioral problems and these conditions may produce animals that need to be rehomed due to such behavioral issues. This evidence defeats the claims that the “rescuer” is trying to prevent euthanasia; the conditions actually contribute to it.

²² *See, e.g.*, Va. Code Ann. § 57-49 (2010); Va. Code Ann. 57-52 (2010); Va. Code Ann. § 57-57 (2010).

²³ Prosecutors may wish to prepare for character witnesses from retail stores who defend these “rescues.” A review of sales on adoption days will reveal a very lucrative profit margin for the person who “saw the puppy in the window” and just had to take him home . . . along with dog food (often recommended by the rescue), dog bowls, leashes, collars, beds, etc. all purchased the same day of the adoption.



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TALES OF JUSTICE

VOLUME 1, NUMBER 3, 2011 NATIONAL CENTER FOR PROSECUTION OF ANIMAL ABUSE

When Animal Hoarding is Warehousing for Profit / Part 2

Part One addressed the definition of animal hoarding and the state of the law.

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THE PROSECUTION OF ANIMAL ABUSE AND PROFITEERING CASES

An Interdisciplinary Approach

Prosecutors should consider establishing multidisciplinary teams to deal with abuse, hoarding, and profiteering cases. Tufts University sponsors HARC, an excellent resource for prosecutors who wish, or need, to become educated on the multifaceted public-safety issues attendant to hoarding.²⁴ Air-quality, sanitation, pest infestations, and zoonotic disease proliferation are often associated with abuse or hoarding and may necessitate conferring with public health officials, zoning personnel, fire marshals, and mental health and veterinary professionals prior to addressing a hoarding or profiteering case. In addition, ascertaining if children are in the house may necessitate child protective services presence at the crime scene as well as adult protective services.

The Search Warrant and Its Execution

Before executing a search warrant, coordinating with animal control personnel to determine if there is a history of complaints pertaining to the target of the investigation is prudent. Prior complaints of noise violations, offensive odors, and barking may demonstrate a pattern of behavior or be indicative of a long-term problem. Search warrants should include taking crates, pads, and cushions from furniture to show the trier-of-fact the living conditions of the animals. In Prince

William County, Virginia, search warrants also specify that all animals, including carcasses, will be seized.²⁵ The search warrant should also include taking food and water bowls and authorities should document a lack thereof. Receipts for animal food, medicines, supplies, and veterinary records are essential to show poor care of the animals.

Search warrants should also include animal ownership records. These documents are critical in ascertaining how the perpetrator acquired the animals and may prompt the prosecutor to pursue a tax evasion or profiteering investigation. When an abuse case also becomes a profiteering case, search warrants should include any and all records regarding the acquisition, ownership, and care of animals. These warrants should contemplate financial documents such as bills, credit-card receipts, papers pertaining to the purchase of supplies (e.g., food and medicine), veterinary records, and pedigree records.

Electronic devices should not be overlooked and, if possible, items such as desktop computers, laptops, mobile phones, printers, scanners, cameras, external drives, thumb-drives, tapes, CDs, DVDs, flash-cards, and other items capable of storing electronic data should be seized. Prosecutors and police should also consider seizing any and all computer hardware and software that is used in the operation of the computers to view or create data and the instructional material used in the operation of the specific computer's hardware and software programs. Because computers and data storage devices are capable of storing enormous amounts of data, these items must be sent to a law enforcement laboratory or other controlled environment to be searched by a qualified forensic computer evidence examiner for

evidence, fruits and instrumentalities of crimes, and any bank account information.

Prior to entering a hoarder's property, prosecutors, police, and other personnel, should consider consulting with relevant professionals because protective measures (e.g., "hazmat" suits) may need to be taken to safely enter the property. Ammonia levels in the hoarder's property should also be measured as a safety precaution and to document the poor air-quality in the dwelling. HARC states that the ammonia levels attributed to animal waste in an unventilated area can exceed 150 parts per million, which greatly exceeds the Occupational Safety and Health Administration's exposure threshold of fifty parts per million.²⁶ Because ventilation can compromise an accurate assessment of ammonia levels, measurements should be taken early-on in the execution of the search warrant, before persons repeatedly enter and exit the premises.²⁷ During a recent execution of a search warrant, a local fire marshal deemed a dwelling to be uninhabitable and prohibited admittance to anyone not using protective gear and air packs, after first responders had already been inside the residence for several hours.

Keep the Jury and Your Evidence in Mind from the Start

Once the decision to enter the property is made, the prosecutor should have an idea of how to make the horrors of the dwelling's confines come to life in the sterile environment of a courtroom. Animals should be photographed as they were found in the home and photographed individually as they are removed from the dwelling. The former photos will highlight the condition of the animals in their "natural" environment and proactively eliminates a defendant's claim that authorities caused damage to property and/or injured animals during the removal process. Further, prosecutors should consider serial photographs of the animals taken while they are in the custody of the animal control bureau pending trial. Visually capturing the nature of the dwelling is also important. Videotaping the crime scene in a condition with the animals in their natural habitat is powerful evidence if that can be done safely. Placing a clean white towel at the entrance of the home creates contrast and is a powerful visual display of the conditions and allows a jury to imagine the smell of the environment.

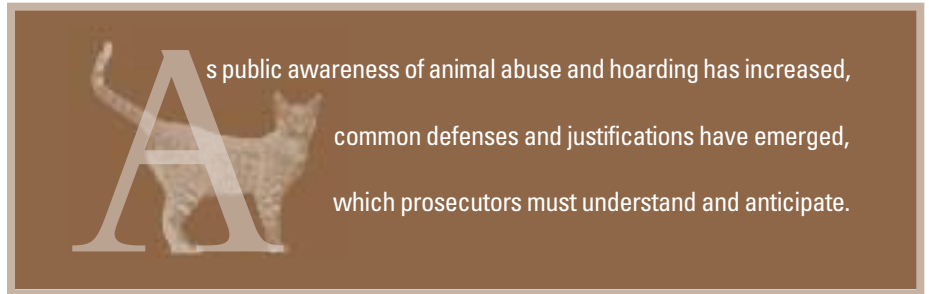
All of the animals seized pursuant to a search warrant should have a veterinary examination. Hoarded animals will often suffer from poor hygiene, parasitic infestations, ocular and nasal discharge from exposure to ammonia, poor grooming (resulting in matted fur and feces caked around limbs), dirty ears, and dental issues. Documenting the amount of staff-time required to care for these animals can further demonstrate neglect and can be used to seek restitution to the jurisdiction for the animals' care.

Regular communication with the veterinarian/s that receive these animals is prudent and prosecutors should consider keeping some of the objects used to clean the animals (e.g., the swabs used to clean

ears) for trial purposes; such items are powerful exhibits.²⁸ Veterinary testimony regarding the hazards associated with poor hygiene, overcrowding, shared resources, stress, lack of exercise, lack of quarantine when introducing new animals into a pack, and exposure to the odors from cat urine is powerful testimony.

Trial Preparation and Defenses

In preparation for trial, prosecutors may wish to have investigators canvas the neighborhood and identify potential witnesses to determine if the hoarder has acknowledged being overwhelmed with respect to animals under his/her control. A history of complaints by



neighbors to the hoarder, animal control personnel, or even a homeowners' association (HOA) can demonstrate that the perpetrator had notice and was aware that living conditions were unacceptable. If possible, detectives and prosecutors should determine if the HOA knew about the problem and if so, whether or not they communicated with the resident about the problem.

The trial itself also presents unique and new problems for prosecutors. As public awareness of animal abuse and hoarding has increased, common defenses and justifications have emerged, which prosecutors must understand and anticipate. There are three categories of defenses.²⁹ First, defendants sometimes submit a factual argument where s/he will simply deny that living conditions are injurious to the animals. A factual defense of this nature can be undermined with photographic evidence that accurately captures deplorable living conditions taken during the execution of a search warrant.

Second, a defendant may also argue that s/he is simply a "Good Samaritan" or a "rescuer" of animals. This argument is akin to a necessity defense and the hoarder will claim that s/he was simply saving the animals from certain euthanasia. Last, a hoarder may also posit that s/he is a "victim of the system" or the "true" victim. Here, the hoarder argues that s/he is simply the victim of a vindictive government official (e.g., police officer, zoning personnel, etc). The prosecutor may wish to use animal behaviorists or even certified dog trainers to educate the jury about the deleterious effects of the conditions on animal behavior. This kind of evidence seriously undercuts the defense that they are trying to save the animals when they are actually contributing to the problem.

Prosecutors should be cautioned, the common defense in the tax evasion aspect of these cases is the lack of intent to defraud. Defendants will often claim that their expenses greatly exceeded the in-

come generated. Defendants may also use tax exempt status of other organizations to circumvent tax ramifications. If defendants use another organization's tax exempt status, prosecutors may wish to ascertain whether the tax exempt organization is properly documented with state and federal authorities. The evidence seized from computers showing e-mail dialogues about avoiding tax implications, a thorough examination of expenses showing the income exceeded the expenses along with any receipts for cash donations, lying on applications about tax status and lying to high kill shelters about the tax status can show a pattern of deceit and support the prosecution theory that this is a criminal enterprise.

Resolution of the Problem and Public Perception

If the jurisdiction allows the perpetrator to relinquish custody of the animals seized in the search, the prosecutor may have to address allowing the shelter to place the animals for adoption. Prosecutors should have the animal shelter document the costs of care and the veterinarians should document the cost of treatment in order to request restitution. An overburdened animal shelter may seek to euthanize animals seized under these conditions. Such a decision plays right into the hands of the defense. Every effort should be made to save the animals and euthanization should be done only if medically warranted. The evidence of how many animals were saved and properly placed in good homes is powerful in front of jury. It also paints a picture of a callous individual who overburdened an already overwhelmed animal shelter. Care should be taken that the perpetrator will not have his/her supporters adopt the animals, only to give them back to the defendant. It is not uncommon for these perpetrators to use their supporters to retrieve seized animals, create a new organization, and start selling the seized animals; therefore, prosecutors should consider stipulations regarding the placements of the animals and require random inspection by animal control. Conditions of bond or release should include no contact with animals and also proscribe placing, adopting, giving, or selling of any animal pending trial.

The cost of maintaining a large number of animals seized can be exorbitant. An effective quid pro quo may be allowing the perpetrator to release the animals in exchange for a stipulation that the pictures of the animals may be used and that the animals may be placed in homes as soon as practicable. Kennel animals often develop behavioral issues and anti-social personality traits and are often exposed to a host of physical ailments such as kennel cough. Prosecutors should facilitate the process of placing these animals in good homes as soon as possible and use the restitution as a bargaining tool to encourage defense stipulations. Prosecutors should strive to give the seized animals a chance at a having a good life; the public will want to know what happened to animals seized during such an investigation. A prosecutor will have difficulty maintaining the public's support if seized animals are usually euthanized.

Effective Outcomes

Because hoarding has almost a 100% recidivism rate, probation

and counseling are necessary components of any disposition.³⁰ Without strict limitations and controls, the urge to hoard may be impossible to resist. Notably, felony tax-evasion or false pretenses convictions often allow a judge to impose several years of probation. A lengthy probation term permits a probation officer to ensure that any prohibition from owning animals and other court orders are abided by or enforced. Additionally, violations can also permit a prosecutor or probation officer to move to revoke all or part of a suspended-sentence. Due to the overwhelming impact that hoarding behavior has on the well-being of animals and humans, prosecuting these cases is a worthy endeavor. Further, because of the need to protect animals and an unsuspecting public from persons who seek to profit under the guise of a "rescue," prosecutors should be diligent in pursuing outlaw rescue organizations.

EXAMPLES OF HOARDING, ABUSE, AND PROFITEERING

Black Wolf Rescue

Robert Artois of Dumfries, Virginia, had an impressive website named "Black Wolf Rescue."³¹ He claimed to have the support of Robert Redford and President Clinton in his efforts to save wolf-hybrids. When local police received complaints of foul smells coming from the property, they contacted animal control who, in turn, provided police with a history of investigations into Black Wolf Rescue. Police and animal control executed a search warrant at Artois' home and found twenty dogs and nine wolf-hybrids in a single-family dwelling. The house had no electricity, no air conditioning, and was infested with rodents. The dogs' crates had thick layers of urine, feces-soaked newspaper, and jars with used condoms. A dead dog was found decaying on the property and everyone who entered the house during the search warrant was covered in fleas.

Despite these conditions, this "rescue" received significant donations by unsuspecting do-gooders. Unbeknownst to the donors, Artois was breeding wolf-hybrids for "adoption" for which he charged a significant fee. He also sold "pawtographs" to his supporters of wolf paw-prints. Following the seizure, a local animal shelter housed all of the animals pending trial. Unfortunately, several animals had to be euthanized due to health issues. Despite the best efforts of animal control, no sanctuaries would take the hybrids because they engaged in stalking behaviors in the shelter and were ultimately euthanized. During the trial, the court refused to hear evidence of financial gain, because the court felt that Artois was simply a hoarder. He was convicted of animal cruelty and sentenced to four years in prison.

The Assisi Animal Rescue Case

For many years, authorities in Fairfax County, Virginia, tried to shut-down Assisi Animal Rescue Foundation (AARF). In January 2008, a judge in Fairfax County acquitted Sandra Cortes, executive director of AARF, of a charge of failing to care for animals.³² Cortes left Fairfax County and in March 2008, she rented a three-acre homestead in Prince William County, Virginia. As part of a "rescue" network, her

volunteers would drive to police kill-shelters in neighboring southern states and get sick dogs and cats. AARF would then charge \$300 to unsuspecting pet lovers for sick and diseased animals.³³

Prince William County Police were contacted by a displeased adopter and subsequently raided AARF in May of 2008. They found 116 animals. One dog was dying in her kennel and several dogs had been buried on the property. Cortes lied to police when asked if she had showed animal control all of the animals; police later found over twenty-five dogs piled on top of each other in crates, underneath a plastic tarp that concealed their presence and exacerbated the early-summer temperatures.

A subsequent examination of veterinarian records showed a pattern of fraud. Many veterinary professionals provided care for animals, but received checks drawn on accounts with insufficient funds. Seized records showed that Cortes and her co-defendant, Brenda Dodson, brought fifteen to twenty dogs across states lines on a weekly basis, many of which were in dire need of medical attention. Sick dogs were permitted to mingle with healthy dogs on the property.

The investigation into AARF included reviewing petfinder.com to document when the animals were acquired. In viewing the postings on petfinder.com, investigators identified an official county emblem on the shirt of someone holding an animal for adoption and determined that the defendants were regularly acquiring animals from a neighboring state. Documents obtained from the police kill-shelter made it clear that Cortes and Dodson were acquiring sick animals for free and selling them for profit. By compiling photos from petfinder.com, it was estimated that AARF accumulated over \$600,000 by selling sick animals. Further investigation revealed that AARF was using another rescue's tax exempt 501(c)(3) status.³⁴

Conclusion

Animal hoarding presents a significant challenge to the entire law enforcement community. These problems are compounded when there is a financial motive, which may not be obvious at first blush. Due to the fact that judges may be lenient in what they consider to be the classic hoarding case, prosecutors should be ever vigilant to ensure that defendants are not making money off of the backs of the innocent victims of abuse and neglect.

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²⁴ The Hoarding of Animals Research Consortium, <http://www.tufts.edu/vet/hoarding/>.

²⁵ In Virginia, persons are deemed to have a property interest in their animals under Va. Code Ann. § 3.2-6500 (2010) and dogs and cats are considered to be personal property pursuant to Va. Code Ann. 3.2-6585 (2010). As such, dogs and cats will be seized as evidence during a search warrant execution and a hearing must be held within ten business days of the seizure/s to determine whether an animal has been "abandoned, . . . cruelly treated, or has not been provided adequate care." Va. Code Ann. § 3.2-6569 (2010).

²⁶ <http://www.osha.gov/dts/sltc/methods/partial/id164/id164.html>; Animal Hoarding and Public Health, <http://www.tufts.edu/vet/hoarding/pubhlth.htm#A2>.

²⁷ Animal Hoarding and Public Health, <http://www.tufts.edu/vet/hoarding/pubhlth.htm#A2>.

²⁸ These pictures are the swabs used to clean the ears of the cats taken in one raid in Prince William County, Virginia.

²⁹ Maria Vaca-Guzman & Arnold Arluke, *Anthrozoos* 18 (4), 338-356.

³⁰ Animal Hoarding, <http://www.avma.org/onlnews/javma/oct02/021015a.asp>. This article provides an excellent recitation of characteristics of hoarders and suggestions to veterinarians on identifying hoarding behavior. Prosecutors may wish to consider reaching out to their veterinary community and lecture on this topic.

³¹ *Commonwealth v. Robert Artois*, Prince William County General District Court, GC04009142, 05003712-00, et al.

³² *Commonwealth v. Sandra Cortez (sic)*, Fairfax County General District Court, GC08013025 (2008), alleging of violation of Va. Code Ann. § 3.1-796.68.

³³ *Commonwealth v. Sandra Cortes*, Prince William County Circuit Court, Criminal Numbers: 73413-73439 (2009); Jonathan Mummulo, *Washington Post*, Oct. 5, 2008.

³⁴ The specific statute pertaining to 501(c)(3) status can be located at 26 U.S.C. § 501(c)(3). Generally, the requirements for acquiring 501(c)(3) status are enumerated at 26 U.S.C. § 501 – 26 U.S.C. §505.



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