

May 15, 2013: HPD P.I.P. focusing on Animal Cruelty Laws

At the May Positive Interaction Program meeting we learned that burglary of habitation is down in our District 20, but robbery and theft from cars has risen. There was a rape in the 2400 block of Gray Falls and a theft in the 12200 block of Overbrook; Ashford Hollow was spared any crime. We were urged to lock cars and not leave valuables in them, and to not display expensive electronics like iPods in public.

We also learned that, in routine every-few-years reshuffling of HPD personnel, Westside's Captain Skillern will be transferred to Gang Detail, and our new captain will be Mike Luiz. Captain Luiz's new downtown bosses will be G.T. Buenik, assistant chief, and M. Dirden, executive assistant chief.

Our program was presented by someone I had long requested: Belinda Smith, the highly praised animal cruelty prosecutor for Harris County's Office of District Attorney. Belinda is now part of a team of three; she brought animal cruelty and domestic violence prosecutor Jessica Milligan to assist her. Their presentation was well-organized and thorough, and, at times, sadly graphic.

There are differences between civil and criminal definitions of "animal" All animals except crustaceans receive some legal protection, but there is a hierarchy. Service animals are most protected, then dogs and cats, then horses, then livestock, then wildlife. And there are many frustrating exceptions and loopholes in the laws that are supposed to protect animals. Civil actions, brought by county attorney Vince Ryan's office, are primarily brought to remove an animal from an abusive environment, and require only a preponderance of evidence. Criminal actions, brought by district attorney Mike Anderson's office, are primarily brought to seek justice while removing the animal from abuse, and require a proof beyond a reasonable doubt.

Most cases of animal cruelty are classified as Neglect, which can be simple (and often resolved by education of the owner) or willful (such as deliberately abandoning an animal or allowing it to starve.) Intentional Abuse or Torture is definitely criminal, while Animal Hoarding can be tricky as it often includes mental health issues. Cock or Dog Fighting, Bestiality (animal sexual abuse), Seriously Overworking an Animal, Using a Live Animal as Lure in Dog Race Training and Tripping a Horse are rare but do occur.

Case studies presented included the recent horrifying crush videos. Perhaps you read in the Chronicle last August of the couple arrested in our District 20, Ashley Nicole Richards and Brent Wayne Justice. Justice filmed Richards slowly torturing mice, chickens, rabbits, dogs and cats to death, filming their agony for the sexual gratification of internet customers. PETA alerted HPD to the videos and within two days HPD had located the pair, Belinda Smith had written the search warrant, the couple was arrested and their computer was seized. On the computer was an email conversation with a customer about possibly using a young man as a crush video victim - preferably one who was homeless so he wouldn't be missed. That shows that these cases need to be taken

very seriously, but Texas law provides for only two years of jail time for the animal cruelty.

So what has happened? The Chronicle reported on November 28, 2012, that the federal government had stepped in and filed 5 counts of animal cruelty and two of obscenity for a possible stackable total of 45 years prison time. But on April 22, 2013, the Chronicle reported that Judge Sim Lake had dismissed the five cruelty charges due to a loophole in the law that made the charges, he said, unconstitutional. And on May 15, the very day of our P.I.P. meeting, the Houston Press cover story recounted this discouraging setback, printed some gruesome photos of Richards torturing a cat, presented some background information on the perpetrators, and sounded pretty dismal for getting justice for the victims. Check it out at http://www.houstonpress.com/2013-05-16/news/ashley-nicole-richards?utm_source=Newsletters&utm_medium=email.

Fortunately, prosecutors Smith and Milligan gave us hope. Richards and Justice are still in federal custody, but about to be turned over to Harris County. They will remain in custody while Smith pursues the charges that she dropped when the feds entered the case. AND, the feds are now planning to appeal the decision of Judge Lake. We can continue to hope that neither Richards nor Justice will walk freely among us anytime soon, especially Richards who, Ms. Smith says, is the sickest person she has ever met.

Crush videographers start with crustaceans, that have no protection; you can see that they can work up to human victims. Richards and Justice obtained some of their victims simply by raising their garage door a foot and placing a bowl of food inside - a good argument for keeping dogs on leashes and cats indoors. Individuals involved in violent acts against animals present a danger to the public. They are often also involved in drugs, gangs, weapons violations, sexual assault and domestic violence. We all need to press our state and federal legislators for tougher laws, with no loopholes and longer sentences, for those who deliberately abuse and torture any animal, including crustaceans.

We need to report when we see any kind of animal cruelty. Ms. Smith says that non-emergency abuse can be reported to the Humane Society at 713- 433-6421 because they have 3 full time peace officers, with the power to seize animals and to arrest people. For serious emergencies, like dog-fighting and animal beating, HPD has two excellent but overworked animal cruelty investigators who can be reached by phoning dispatch at 713-884-3131, or 911 when appropriate. Ms. Smith was kind enough to give me a hard copy of her presentation in case anyone wishes to read her presentation outline.