

# The Man Who Married His Pigeon: Animal Hoarding and the Criminal Justice System

THE HONORABLE GALE E. RASIN | SENIOR JUDGE  
MENTAL HEALTH COURT, BALTIMORE CITY CIRCUIT COURT

OCTOBER 23 – 25, 2020

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28<sup>TH</sup> ANNUAL ANIMAL LAW CONFERENCE | IMPACTS ON ANIMALS IN A CHANGING CLIMATE



# What is Animal Hoarding?

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Having more than the typical number of companion animals; Failing to provide even minimal standards of nutrition, sanitation, shelter, and veterinary care with neglect often resulting in illness and death from starvation, infection, and untreated injury or disease; Denial of the inability to provide this minimum care and impact; Persistence, despite failure to provide care, in accumulating animals.



# Types of Hoarders

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- **Overwhelmed Caregivers:** change in social, economic, and/or medical circumstances; awareness of problem; minimize rather than deny problem; willingness to accept care
- **Rescue Hoarders:** the focus of this presentation - distorted sense of identity; sense of being special; total denial of problem; belief that acquisition of animals is necessary to avoid euthanasia by authorities; secretiveness; refusal of help
- **Exploiter Hoarders:** operators of puppy mills; sociopathic



# “Animal Cruelty on Steroids”

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## Approximately 250,000 animals subjected to hoarding annually

- Psychiatrist in Manhattan with 700 cats; Woman with 550 dogs
- Lawyers, nurses, teachers, college professors, and veterinarians
- Majority are women – median age 55 for women, 53 for men
- Compulsive behavior – 100% recidivism, crossing state lines to avoid detection
- Operators of puppy mills; Sociopathic





# Why Hoard Animals?

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## Psychological factors: DSM V. diagnosis for “Hoarding Disorder”

- Anxiety and depression
- Attachment disorder
- Delusional disorder
- “Pathological Altruism”



# Animal Hoarding as Crime

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- Every state has statute criminalizing behavior
- Few states have laws specifically prohibiting “animal hoarding”
- Rhode Island: “hazardous accumulation of animals”



# Pretrial Issues

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- Forfeiture of seized animals if there is statute;
- Right to custody based upon search warrant;
- Animals as “evidence;” Discovery
- Competency of defendant may be raised by anyone
- Criminal responsibility plea – may be appropriate but unlikely



# Trial Issues

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- Defense representation and client conflict
- Courtroom management by judge
- Handling violations of pretrial conditions of release
- Expert testimony





# Sentencing Challenges

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- Presentence mental health evaluation
- Often required by statute
- Probation conditions: mental health treatment
- Animal ban
- Enforcement issues: inevitability of probation rather than jail. “If I thought it would do any good to send you to jail I would...”



# Problem Solving Court Approach

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- Try to engage judge in supervision as would judge in problem solving court (drug court; mental health court; veterans' court)
- Team approach: lawyers, probation officer, animal control agency, judge, mental health provider, local task force representative
- Status conferences
- Compliance: home visits to monitor animal ban; mental health treatment biggest challenge





# Thank you!

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