

## THE ARREST and COURT STORY: 2012-2015

It has taken a while to get to the point of telling all of you about the perils of animal rescue. I would have done it sooner, but with advice from the lawyers we were told to wait until it was resolved. The more pertinent part of this was that they thought if animal rescue people caught wind of this, the court room would be full of concerned supporters and distract the judge. Whatever the issues with that- it turned to be a fairly long drawn out affair so I kept fairly quiet until it was over. The event was on February 12, 2012.

Jan Karpel had received a complaint from a rescue group in Isanti County about a report they had gotten on a starving dog. She researched the complaint by contacting the original witness who knew of the dog's situation and determined it was worth going to investigate, since the Sheriff's department had been notified and done nothing. The day she was going drive up there, her car was on the fritz, so she asked if I would drive and go up with her. Jan had already notified Isanti County Sheriff's office that morning of the issue, and had requested an escort. In fact, when she called a second time to inform them that she had car troubles, and would be later than expected, they stated that they were too busy to provide an escort.

So, we drove the distance, knocked on the door and introduced ourselves. Explained that we had gotten a report on a starving dog and did he own a dog? He said "yes," complained about his neighbor reporting him, invited us in, and said to follow him to the basement. We went down to this small room in the basement and out of the corner of the room – he opened the door of a dog kennel. Out came a walking skeleton – a Weimaraner that could barely walk. Jan and I both expressed concern for the dog, and I calmly asked questions. Jan kept saying the dog needs food. So, he motioned us to go up the stairs with the dog. As we made our way, he and Jan were behind me, and I heard him say "Well, just take the dog then." Once upstairs, the man went into the kitchen and you could hear cupboards slamming and he emerged a minute later with no food. There was none in the house for the dog. We asked if he would sign our relinquishment form, he agreed, we left. Because of the geographic location, we had a rescue person from the area meet us and we took the dog to her home where she spent the night trying to get this dog stable by feeding small amounts of food and electrolytes every hour. Since this was a Sunday, the next morning she brought the dog to her vet. They did a number of tests and the conclusion was that this dog could have only ended up in this condition due to lack of food.

Jan and I felt that we had done the right thing and on Monday, February 13, 2012, I proceeded to write an affidavit which I had notarized and sent by fax to the Sheriff's Department in Isanti County, with the idea that this would help them bring neglect charges against this individual. In the meantime, Jan assembled photos, the vet reports, and affidavits of the original witness and sent the case file to the Deputy in charge of the case. A week or so went by and we were called up to Cambridge to talk to the investigator, Lisa Lovering. She interviewed us separately and by the end of the conversation it was quite clear that "we were the problem" and that she felt like we had

no right to knock on this man's door. We left and realized that the dog owner was going to get away with this.

Months passed and then 13 months later, Jan and I arrived home to find 1" thick packets in the mail charging us with Felony Coercion and 3 various gross misdemeanor counts of Theft of Property. Well, after the shock of that fell away, we discussed the need for attorneys. It was never clear to our lawyers, but from the beginning there was a thought this might be part of the "NEW RED IS GREEN" agenda, but in hindsight, now I believe it was just a territorial agenda by the Isanti Sheriff's Department and of Lisa Lovering, in particular. I believe that they care nothing about enforcing animal issues (i.e., the Minnesota State Animal Cruelty Statutes) and they don't want activists coming in to their area to do it for them.

The trip to Court began and continued for two years. After we were summoned, we had to plead (not guilty, obviously) and many months later we were in court for what is called a contested Omnibus Hearing. This is a formal court setting where each side is supposed to present their case as they would in an actual jury trial, so the judge can determine if the case has merit. It is rarely done, but we had so many witnesses and so much evidence that it made sense and our lawyers were sure the judge would dismiss the case. NOT. We had the original witness, who happened to be a friend of the family and godmother to this individual's child. She was appalled at what had happened to this dog over a period of eight months and knew she had to say something. She called the Isanti Sheriff's department. Got no resolution and so contacted rescue for assistance.

We had the neighbor address the condition of the dog who stated that she wished she would have spoken up sooner about his starvation. We had the original owner of the dog, who, unknowingly, gave this dog to the abuser in August of 2012, and who testified that the dog was 8, neutered and in good condition. We had a 3<sup>rd</sup> party independent dog breeder who testified that in his professional experience, he had never seen a dog in this extreme state of emaciation and when asked, under oath, his professional estimation of the monetary value of this dog – stated "0" or in negative numbers (because of the amount of medical care it would take to simply get him stable). We had the rescue director who took care of the dog speak to the condition of the dog and his weight gain after he was fed. Lastly we subpoenaed the two sheriffs' deputies.

This is where it got interesting. The first Sheriff on the stand stated that he had indeed been called to the address in question. That was in January of 2012. He drove into the driveway. Took note that there was no dog in the yard. ***He then closed out the case and drove away.*** He made no attempt to knock on the door or ask any questions.

[Mind you- if you remove the term dog from the equation, and replace it with child or elder person- would his actions be the same?] When asked why he didn't investigate further, he responded ***that it wasn't the protocol of the Isanti County Sheriff's Department.*** [So in other words, if you aren't killing the animal out in plain view, where they can't ignore you, they won't bother you?] The next Sheriff's deputy is really the author of the charges brought against us. On the witness stand, when she was asked

about how she arrived at the \$600 plus value on a starved-to-death, emaciated, and neutered 9-year-old-dog, she fumbled, and didn't answer. Our lawyer asked if it was safe to say that she found prices of puppies on the internet and she replied "yes" because there weren't comparative values of a 9 year old Weimeraner on line. The attorney then asked if that seemed reasonable and she said "yes, because if the family were to get a new dog that is what it would cost." The lawyer then asked her that if he had a car that was old and half running, could he call his insurance company and ask for a new car? She said, she didn't know, she didn't work for the insurance industry. [Seriously: the entire courtroom laughed at her.] It is pertinent to note that the prosecution did not call any witnesses for the Omnibus Hearing.

This event passed and we waited for the judge to make sense of this and dismiss it. That did not happen. At this point, we think the prosecution realized they had a bad case, but did not want to let it go. They wanted to "teach" us a lesson.

Now, go backwards farther to November of 2011. Jan had received a call from a rescue group regarding a hoarder situation outside of Cambridge. These people had ducks, rabbits, geese and chickens in cages on land across the highway from their front yard, double- and triple-stacked, no shelter, and little food. Folks passing by on the highway were livid about the lack of shelter and the animals living in a veritable junk yard. Again, one woman had contacted Isanti County Sherriff's Department about this situation and again, *nothing was done*. It was decided that Jan and 5 other women would go out- offer food, and help to these people. While the partner to the hoarder was verbally grateful and admitted that they were not financially able to feed the animals on a regular basis, but also said he couldn't personally surrender the animals; they would have to talk to the owner who was at work. It should be noted that Jan brought over \$200 worth of rabbit food and corn.

The partner of the individual specifically asked Jan to drive to the individual's workplace. Gave her directions and called his partner and asked him to talk to Jan. The individual agreed to surrender the animals, and out of that event, a number of ducks, rabbits, geese, and chickens made their way to sanctuary. It should be noted that the geese, who had been living in their own urine and feces, once they were able to get to water, had their feathers turn from dirty yellow and brown to white. The owner's partner not only helped the group to feed these hungry animals, but also was friendly and helped to load each of the animals on the truck for transport. Later, in 2012, these same people called and asked for more help with cats and kittens.

Fast forward to 2013, Isanti County *now* decides to charge Jan and a woman named Claudia Beckman for Felony Coercion, Theft, and Interfering witha Farm Operation. Why now, and why just those two women, and not all 6 people who were involved, was never explained. More lawyers. More court dates.

Finally, after 2+ years, it was determined that if Jan pled guilty to one count of misdemeanor coercion that they would dismiss the second case (rabbit case), as well as completely dismissing charges against myself and Claudia Beckman. Jan decided to

comply and also signed away her rights to involve herself in any form of animal advocacy in 5 counties surrounding Cambridge for 1 year. For some reason, Jan seemed to be the “bullseye” of bad animal people in their mind. It is interesting to note that each of the five counties represented either legal complaints regarding animal abuse submitted to Sherriff’s investigators by Jan, or zoning complaints regarding too many animals submitted to Zoning Departments by Jan, or cases that major law firms had agreed to take on pro bono after accepting pro bono proposals for assistance by Jan. In each county, residents had contacted Jan after having been uniformly frustrated that their respective sheriff’s departments, investigators, or humane agent had refused to listen to them or investigate and in each county, witnesses to animal abuse and neglect were willing to sign affidavits and stand up in court.

Both the case of the starved Weimaraner and the case of the 40+ rabbits, geese, chickens, ducks, and cats, should have been handled by the authorities and were repeatedly ignored, but once this landed in the Sheriff’s hands, there was an opportunity for payback. Whatever the reasoning, it spells out a great deal for rescue people and events. First, I think it speaks to the fear that the authorities have of animal “rights” people. Secondly, as I have experienced for years, while there are protections and laws on the books, many county sheriff’s departments do not enforce the laws. Lastly I think this was meant to “send fear” through rescues about “going too far.” Expensive lesson learned. In hindsight, the thing to have done would have been to call the Sheriff at the time the man said “just take the dog, then.” Had we had the Sheriff drive out and witness the surrender and signing over of the dog, we might have been covered. As it is, the three of us spent many thousands of dollars to defend ourselves and in the end there was NO JUSTICE.

No justice for us, but more importantly, no justice for MAX the dog that was slowly starved over a period of eight months.

Mind you, this wasn’t because this person was “overtly” cruel, it was because he was ignorant and poor. When the original owner showed him a large measuring cup [and sent it with him] to gauge how much food a day the dog got, he instead used a smaller measuring cup and fed him less than a cup a day. The original owner confirmed through testimony that they fed Max up to six cups a day. This lack of food and towards the end, no food, resulted in a dog that was constantly hungry, always searching for scraps of food, and always kept in the kennel as it is hard to handle a dog desperately searching for food and water.

This family had little money, 5 kids, and should not have had a dog. When the dog got so thin and they didn’t know why, they actually took him to a vet. The vet asked about how much food the dog was getting and was told 1 ½ cups a day. She recommended Science Diet and they bought 2 cans. At no point were there any notes about further education. They couldn’t afford testing, so out the door the dog went. It also begs the question of what kind of veterinarian could see such an obvious case of starvation/emaciation and not alert the authorities?

By the time we arrived, I believe that he had put the dog in the kennel to die away from view of his kids, and that was going to be that; he was out of ideas and had no money. Why he simply did not contact the original owner and admit he couldn't feed the dog and give the dog back, or at the very least, give the dog to the humane society is beyond belief.

The final result is that Max died approximately one month after rescue. All of the care and concern couldn't stop his organs from failing from eight months of terrible starvation and he had to be euthanized.

This dog was failed on so many levels that it is heart wrenching. This experience has been educational in so many ways and has affirmed what I have discussed with Jan many times. ***What exactly is it going to take to get the authorities in our state to enforce the laws that the Legislature of Minnesota passed in good faith? The same laws that they take an oath to enforce.***

Colleen Meyer

