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KENNEL CLUBSM

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August 20, 2020

Attorney General Gordon MacDonald, Chair
The New Hampshire Commission on Law Enforcement Accountability, Community and Transparency
107 North State Street
Concord, NH 03301

RE: American Kennel Club Recommendations for Reporting and Investigating Police Misconduct

Dear General MacDonald and Commission Members:

Thank you for encouraging written testimony regarding state and local procedures related to the reporting and investigation of police misconduct, with a specific focus on potential reforms and the development of a uniform statewide system for the reporting, investigation, and punishment of police misconduct.

Founded in 1884, the American Kennel Club (AKC) is a recognized and trusted expert in canine health, breeding, and training. We represent over 5,000 dog clubs nationally, including 22 in New Hampshire, which represent thousands of dog owners. We advocate for the purebred dog as a family companion, advance canine health and well-being, protect the rights of dog owners, and promote the ideals of responsible dog ownership. On principle, the AKC supports reasonable and enforceable laws that protect the welfare and health of purebred dogs and do not restrict the rights of breeders and owners who take their responsibilities seriously.

The American Kennel Club supports the right of people to own, train, interact with, and exhibit their dogs without interference. We abhor acts of violence, bullying, and intimidation committed against dog owners, breeders, kennels, pet stores, and research facilities by those who object to the keeping, breeding, and use of animals. Unfortunately, AKC is aware of instances of harassment, intimidation, and exploitation of responsible dog breeders and enthusiasts by animal rights activists.

As you consider what constitutes “police misconduct”, we respectfully write to acknowledge that private animal rights organizations may on occasion be contracted or enter into an agreement to assist with law enforcement responsibilities, but without being held accountable to the same policies and practice restrictions. For example, the use of evidence obtained by the Humane Society of the United States (HSUS) while assisting with the seizure of numerous dogs from a New Hampshire resident in 2017 is currently on appeal to the Supreme Court. The defendant’s attorney is arguing for suppression of evidence based on an agreement made between the local police department and the HSUS prior to the search, authorizing HSUS’ inappropriate use of seized evidence for their fundraising purposes.¹ Further, it is not clear that an entity contracted to assist with municipal animal control responsibilities would be treated as an ostensible agent of

Founded in 1884; a not-for-profit corporation

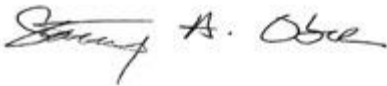
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law enforcement for purposes of adhering to standard department policies and procedures. Therefore, these entities could issue false allegations leading to individuals' arrest or other patterns of misconduct without any reporting, investigation, review of behavior patterns or consequence. Last year, an AKC breeder of merit was falsely accused by the New Hampshire Society for the Prevention of Cruelty to Animals (NHSPCA) while it was under contract with the town of Durham, New Hampshire, to provide animal control services. The accused was charged with animal neglect and cruelty resulting in significant legal costs and charges by the NHSPCA to board the seized dogs before the charges were eventually dropped by the police department without any investigation or repercussion.²

The American Kennel Club's recommendation is that any uniform statewide system for the reporting, investigation, and punishment of "police misconduct" include any third-party or organization under contract or agreement with a law enforcement agency to assist with law enforcement responsibilities.

Thank you for your consideration of this significant concern. Please know that AKC and our affiliated dog clubs are available as a resource to you. I can be reached at (919) 816-3348 or Stacey.Ober@akc.org.

Sincerely,



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AKC Government Relations

CC: Members of the House Judiciary Committee
The Honorable Ellen Read, Bill Sponsor
Angela Ferrari, Dog Owners of the Granite State (DOGS)

¹ Brief of Defendant – Appellant Christina Fay, The State of New Hampshire Appelle, v. Christina Fay, Appellant, New Hampshire Supreme Court, No. 2018-0402, accessed August 17, 2020 at <https://www.courts.state.nh.us/caseinfo/pdf/fay/060319Fay%20Brief.pdf>

² Early, B., "Charge Against Durham Dog Breeder Dropped," *Seacoast Online*, May 8, 2019, accessed August 17, 2020 at <https://www.fosters.com/news/20190508/charge-against-durham-dog-breeder-dropped>