



December 1, 2011

Richard Baugh
Mayor, City of Harrisonburg
City Municipal Building
345 S. Main St. Harrisonburg, VA 22801

The recent incident of the Harrisonburg police officer who beat to death an injured cat shocked and horrified the Virginia Federation of Humane Societies (VFHS). On behalf of our members who consist of shelters, pounds, rescues and animal lovers all around the Commonwealth of Virginia, including the city of Harrisonburg, and Rockingham County, we are asking for transparency in the handling of this case and we are asking and watching for appropriate action to be taken regarding the officer and potential future incidents.

VFHS has board members who provide legal counsel on animal welfare cases and looking at the available facts, they have agreed that the actions of the police officer constitute animal cruelty and should be prosecuted as such, because the officer was not acting in accordance with the state code or local Harrisonburg policy and protocols. Virginia Code Section 3.2-6570 (A) (i) provides that any person who overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another. "

The officer was also not euthanizing this animal. Euthanasia is the humane end to an animal's life and suffering. In no way, can beating an animal with a baton be considered humane. The multiple beatings would also constitute "willfully inflicting inhumane injury." Only one of these has to be present for the cruelty statute to apply. Moreover, "cruelly kills" any animal would also fit the present scenario. So, his actions fit at least four parts of the cruelty code.

A reasonable person would never strike an animal 15-20 times. That is the act of a person with violent tendencies that rage out of control and someone who is at risk of equally violent actions against humans. That person should not be in a position of power and authority over either one.

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Of course we do not claim to have all the facts in the case, however there should be no excuses for such violent cruelty. Therefore, VFHS recommends the following steps for you, the Commonwealth's Attorney, and the police department to consider taking:

1. Suspend the Police Officer from duty during the investigation for the protection of animals and people
2. Pursue legal action for animal cruelty against the officer
3. Require the officer have counseling for violent behavior
4. Revise the City of Harrisonburg policy to clarify appropriate handling of injured animals, especially those who do not pose a threat to humans. That policy should include directions to take the animal to a Veterinarian for humane euthanasia
5. Establish a standard to train police officers in handling animals and include an 8 hour training requirement for all officers
6. Inform the public of the actions taken in order to show transparency

If we are to have a truly humane society, this act of inhumanity should be unacceptable to us all. VFHS and its members will continue to follow this case and how the City of Harrisonburg officials handle it. If we can provide assistance with establishing protocols or training of police officers in handling animals, we would be happy to do so.

Sincerely,



Virginia Kilmer
President, VFHS

cc: Marsha L. Garst, Commonwealth's Attorney
Earl Q. Thumma, Jr., City Attorney
Colonel D.G. Harper, Chief of Police
Kurt Hodgen, Harrisonburg City Manager

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