



IMPACT OF BAIL REFORM ON CARING FOR ANIMALS KEPT AS EVIDENCE

- Bail reform will cause animals to be held in shelters longer than they were in the past.
- Instead of the offender's summary arrest, the offender will be issued an appearance ticket to show up in court. Unfortunately, in many of our upstate communities, the local courts only meet once or twice a month.
 - This means the defendant will not have an attorney assigned to them until they appear in Court. There will be no communication about forfeiting the animal(s) until that happens.
 - In addition, a bond petition cannot be filed until they are arraigned.
 - Previously, if a person was arrested and appeared before a judge that day or the next, the district attorney's office would have been able to contact their attorney and possibly negotiate forfeiture of the animal in exchange for a plea, OR discuss the impending bond petition and negotiate forfeiture before that has to happen.
- Discovery reform:
 - The shelter caring for the animals (live evidence) must photograph, document, and maintain records of animals that are in their care while a case is pending.
 - A detailed record of the animal's initial medical evaluation must be maintained in addition to details records of the animal's regular checkups.
 - All documents, notes, photos, emails and texts must be maintained in a central location with someone designated to collect all notes, examination reports, photos, etc. Ultimately, all of this information will be shared with the defendant once the materials are turned over to the local DA's office.
 - All documents and photos must be turned over to your local DA's office within 15 days.
 - Any follow up exams, reports, etc. have to be sent to the DA on a consistent basis.
 - Any and all veterinarians who examine and treat animals that are the subject of a cruelty case must have a current CV on file at the shelter and it must be turned over to the DA's office.
 - The veterinarian's notes, text messages, emails, etc. all have to be stored with the other documents cited and turned over as well.
 - Any employees who work with the animals, care for them, or can testify to the animal's condition when they arrived or how they improved with proper care could be called as witnesses.
 - Contact information for these employees must be provided to the DA's office. The employee can determine how they are to be contacted--email addresses, the shelter's main number or the worker's supervisor's direct line, etc.

The Federation thanks Albany County Assistant District Attorney Jennifer McCanney for providing the information used in this document.