



Memo in Support of S.1182 (Harckham)/A.1196 (Rosenthal) Giving Access to LiveScan Fingerprinting Technology to Humane Law Enforcement

The New York State Animal Protection Federation’s Division of Animal Cruelty Law Enforcement represents the state’s peace officers/humane law enforcement officers who work for their local SPCA. Every day, these officers protect animals. They work to stop animal crimes and pursue the perpetrators. Because of the Federation’s work to raise awareness of these crimes, we see more and more cases being pursued.

While humane law enforcement, referred to in the bill as society for the prevention of cruelty to animals (SPCA) officers, can make arrests, they do not have access to many of the tools other law enforcement (local police and county sheriffs) have. One of these tools is LiveScan.

While humane law enforcement can make an arrest, the officer must take the alleged offender to the nearest police department or sheriff’s office to process the individual. They do not have access to LiveScan so the arresting officers do not have the ability take the alleged offender’s picture and fingerprints and submit them directly to the State and the FBI.

Not having access to LiveScan means humane law enforcement cannot determine whether the alleged offender has a criminal history or if he or she have any outstanding local, state or federal warrants.

The lack of access to LiveScan creates more work for local law enforcement. But it also reinforces the notion some have that humane law enforcement professionals are not real law enforcement professionals. More times than we’d like to imagine, local law enforcement doubt the authority of a SPCA arrest, and some departments refuse to process any arrest if its not made by one of their officers.

Providing access to LiveScan allows humane law enforcement to complete the arrests they’ve made independently which will ultimately save valuable time and resources. This access will be one more tool in humane law enforcements’ toolbox to stop animal crimes and cruelty.



The Need for LiveScan: Stories from the Field

From Ken Ross, President of Putnam SPCA: When he was working at the Westchester SPCA, he received a call regarding a Yorktown Heights cat hoarder. When the Humane Law Enforcement/SPCA officers (licensed peace officers) arrived, a newborn baby was found in a crib with feral cats and the cats' feces. The house was not livable for humans or animals. The statewide Child Protective Services 800 number was called. The HLEs on site were given a case number and told the Westchester CPS office would call. The parents were arrested on multiple counts of animal cruelty and endangering the welfare of a minor.

Westchester CPS contacted the SPCA officers. The officers were told that CPS was busy but they knew the family. CPS set up a hotel for the parents and child to but asked the SPCA officers to issue an Appearance Ticket. The HLEs issued the Appearance Ticket and informed the mother and father that this was a printable offense. The parents were told to go to the Yorktown Police Department a week before they were to appear to be fingerprinted. The police department said they wouldn't process the arrest because it was their Standard Operating Procedure not to process other agencies arrests.

The Yorktown Police Department reached out to Westchester County Policy to see if they would help. The answer again was no. A few weeks went by, and Officer Ross received a call from the Yorktown Heights Justice Court Clerk who informed him that the Judge handling this case was angry that he couldn't proceed without a copy of the parent's Criminal Histories, the report routinely generated by Livescan which goes to the court as well as the arresting agency. There was an attempt to rectify by calling DCJS but nothing happened. Officer Ross soon went to work with Putnam SPCA and was never told of any resolution to the case.

From Matt Roper, Nassau County SPCA: While they have good working relationships with the Nassau County Police Department, Nassau County SPCA does not have direct access to the system and must wait hours for an arrest to be processed. The agency liaison will not process the arrest until a supervisor signs off.

From Chris West, Ulster County SPCA: West spoke directly with the Lloyd Police Department's Lieutenant and was told point blank "we will not process any of your arrests. They are your's, you can use our facilities but we will not do it." The SPCA has a memo of understanding with the Ulster County Sheriff's Office but that office routinely refers cases back to the local jurisdiction unless the case is so egregious that they absolutely have to come out. Lloyd PD and other local police departments refuse to fingerprint suspects even when the court sends the paperwork over. The HLEs then have to make arrangements with the Sheriff's Department for the fingerprinting further delaying the process.

Now Ulster County SPCA issues an appearance ticket, the defendant(s) are arraigned and, then, the court orders the fingerprinting—again further delaying the process. And in all this time, if animals have been taken from the defendant, the SPCA is holding and paying for the care of live evidence.

