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Senate Committee on Judiciary
Oregon State Capitol
900 Court Street NE
Salem, OR 97301

Wednesday, February 22, 2023

Re: SB 696

Honorable Chair Prozanski, Vice-Chair Thatcher, and Members of the Oregon Committee on Judiciary:

Oregon is a trailblazer in the fight against animal cruelty. From the founding of the Oregon Humane Society in 1868, to 1995's "Kittles Bill" and 2013's Senate Bill 6, and continuing to the present day, the state has been a vanguard in protecting animal victims of cruelty and holding animal cruelty offenders accountable.

I write today to urge you to pass SB 696, a necessary tool in the effort to protect animals from neglect and abuse. The bill would create and fund a statewide animal cruelty resource prosecutor position in Oregon's Department of Justice. I have been prosecuting animal cruelty throughout Oregon as a contractor with the Benton County District Attorney's Office for the past decade. I firmly believe passing this bill would fill critical gaps in the current system and strengthen Oregon's response to animal cruelty.

Why an Animal Cruelty Resource Prosecutor?

Animal cruelty prosecution requires expertise in multiple areas in which most Oregon prosecutors are not well trained: Oregon's animal cruelty laws, animal care issues, animal rescue operations, and veterinary science, to name just a few. Since these cases are rarer than other criminal cases, Oregon prosecutors do not have the opportunity to develop this expertise through practice, as they do on the many (for example) DUII, domestic violence, and theft cases they prosecute.

Additionally:

- Animal cruelty cases are often investigated by non-law enforcement agencies, such as animal control and code enforcement, who are less trained in criminal investigations than their law enforcement counterparts.
- The investigations are supported by private agencies and individuals—such as animal rescuers, veterinarians, and private forensic laboratories—often untrained in even the basics of criminal investigation.
- Unlike other criminal cases, animal cruelty cases typically involve living and sentient seized evidence, which means the seizing agency must provide that evidence with care while the case is pending.
- In many cases, a county or animal care agency may want to move for civil pre-trial forfeiture, both to save costs and to get animals to their "forever home" more quickly. In Oregon, pre-trial forfeiture is unique to animal cruelty cases, and prosecutors are not well equipped to handle these hearings.

- The Oregon bench and defense bar also do not see animal cruelty cases that often, so they are typically unfamiliar with the case law, practices, and procedures unique to these cases.
- Upon conviction for an animal cruelty offense, defendants may lose their ability to possess certain animals for up to 15 years. This statutory provision makes these cases heavily litigated relative to the number of cases that exist.
- Given how resource intensive these cases are, cash-strapped counties may deprioritize the cases, resulting in declined charges and under-prepared prosecutions.

A dedicated animal cruelty prosecutor can address these issues, both in advance through training and advice, and on the ground in active investigations, prosecutions, and related litigation.

The Current AC-DDA Position

In 2013, the AC-DDA position was created in the wake of Senate Bill 6, and I was hired to the position. I am proud to say that Oregon was the first state to have a statewide position for the prosecution of animal cruelty. However, we have been surpassed since then by other states (Virginia, Georgia, and Washington) copying and exceeding Oregon's initiative by creating animal cruelty prosecutor positions that are employees of the government.

Unlike other Oregon resource prosecutors, who are Assistant Attorneys General employed by Oregon's Department of Justice, the AC-DDA position was created in a joint venture between the Oregon District Attorney's Association (ODAA), the nonprofit Animal Legal Defense Fund (ALDF), and the Benton County District Attorney's Office in Corvallis. This contract-based position is funded by ALDF and is graciously housed in the Benton County DA's Office. The AC-DDA position has three main practice areas:

- **Prosecution:** I have been appointed to prosecute over 250 defendants charged with animal abuse, neglect, abandonment, sexual assault, theft, and fighting. These cases stretch throughout the state, covering 22 of Oregon's 36 counties.
- **Consultation/Advice:** I have consulted over 350 times—in nearly all of Oregon's counties—on cases to which I was not appointed. These consultations involve investigation basics, search and seizure, forensic collection and testing, legal standards of animal care, jury instructions, expert witness testimony, plea bargaining and sentencing recommendations, caselaw, collateral consequences, and of course, how to best deal with living, breathing evidence.
- **Training:** Animal control officers are largely unfamiliar with preserving evidence for criminal investigations. Law enforcement officers are largely unfamiliar with the intricacies of animal cruelty investigations. As a result, many cases arrive on my desk with gaps in the investigation that threaten to jeopardize a conviction or accountability. (Criminal animal cruelty cases, just like all criminal cases, must be unanimously proved beyond a reasonable doubt.) I have given over 75 presentations throughout Oregon for attorneys, law enforcement and animal control agents, animal shelter and rescue staff, veterinarians, and many others. My goal in these sessions is to ensure that best practices are followed in the investigation and prosecution of these highly technical cases.

Put simply: There is no lack of work available for a statewide resource prosecutor on animal cruelty in Oregon.

As a solo contractor, I lack the logistical and institutional support as well as the recognition and validity that a governmental position provides. These are critical needs that this bill would remedy.

DOJ Resource Prosecution

SB 696 would create an Oregon Department of Justice “resource prosecutor” position, like the already-existing DOJ resource prosecutors: environmental crimes and cultural resources, elder abuse, DUII, bias crimes, domestic violence, and wildlife offenses. Being housed in the Department of Justice provides these positions with critical support, recognition, and resources that allow these attorneys to best serve the state. If SB 696 is approved:

- Oregon’s animal cruelty prosecutor position would no longer only exist at the behest of a nonprofit organization and/or the whims of the nonprofit grant-funding cycle.
- As a state employee working under an elected official, the position would be more politically accountable.
- Oregon Department of Justice investigators and other resources would provide significant logistical support.
- Work to standardize law enforcement, animal services, and criminal justice response to animal cruelty throughout the state could be significantly expanded and improved.
- The position would be more widely respected and more recognized in parts of the state that have not yet taken full advantage of the AC-DDA position’s availability.

Thank you for your time and attention.



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