

WHAT IS A CITIZEN SUPPOSED TO DO?

Category : Virginia Beach

Published by [Specialprojects](#) on 2008/8/27

We are the Society for the Prevention of Cruelty to Animals so it is self-evident that we want citizens to speak out on their behalf if they see abuse or neglect. We also expect the law enforcement agency to pursue these complaints and to take appropriate and responsive action to protect animals. Here is a recent story:

->**March 12, 2008**- An SPCA employee witnesses a man holding a dog to the ground and hitting it in the head with his fists. An Animal Control officer responded to his complaint, elected to not issue a summons despite neighbors's confirming that this activity has occurred before, and suggested the employee file a complaint with the magistrate (no information regarding the process of filing a complaint was provided to the employee). ->**March 13, 2008**- After being contacted by the employee's supervisor, a Lieutenant with Animal Control said she would investigate and was very clear the officer should have provided assistance to the witness in pursuing a magistrate's warrant ->**March 20, 2008**- A summons for animal cruelty was issued against the assailant. ->**May 15, 2008**-Subpoena had been sent to the SPCA employee/ witness for this Court date, the employee appeared but the case was continued. The officer had not contacted the witness nor spoke with him in Court but did hand him a card with identifying the next court day, which turned out to be the incorrect date ->**May 27,2008**- No subpoena has been received with correct Court date so call was made to officer at Animal Control requested a call back. No return call ->**June 15, 2008**- Still no subpoena received, another call made to Animal Control to reach officer requesting return call. No call back ->**July 7, 2008**-A check of the Virginia Court case site shows that this case was heard on 6/09 and continued and then set again for 7/7 and was nolle prosequi (not prosecuted). That is done at the request of the Animal Control Officer. Our employee/witness had never been contacted, did not receive a subpoena nor a return call. On that date, I contacted the Police Captain supervising Animal Control and advised him of this series of events. I also copied the Commonwealth Attorney. ->**July 8, 2008**- I received a response from the Police Captain that said "not sure what happened here but it appears it might have been compounded by the officer writing the incorrect date".I second Sharon's request to re-open the case" The Commonwealth Attorney's office responded that they were not involved in this matter but had separate pending criminal charges against the assailant and if the warrant was re-issued and served quickly, then the animal cruelty matter could be added to the Court docket on 7/21. The Police Captain copied the Lieutenant and a supervisor at Animal Control to "move forward with the case". ->**July 24, 2008**-Again, I contacted the Police Captain as our employee/witness never was called to court, no subpoena was received. I looked onto the Court site and found the other cases were heard on 7/21 but the animal cruelty was not on the docket. ->**July 28, 2008**- I received an email from the Captain informing me that there was a petition to the Court to re-open the matter on 8/4. I advised that the employee/witness would be available that day and reminded him that the Animal Control officer had contact information for him as well. ->**July 29, 2008**- We were informed by the Lieutenant that the employee/witness need not appear on 8/4, it was only a motion to re-open the case. ->**August 4, 2008**- When I checked the Court site that afternoon, I learned that the case had been dismissed. I emailed the Captain to ask what happened and was told that the "judge denied the motion to re-open the case". ->**August 6, 2008**- I have asked which officer appeared in court on this matter and what reason the judge gave.

No response to date.

This one case has taken lots of our time and had it not been for our persistence, nothing at all would have happened. Indeed, nothing did happen on behalf of the dog or in holding the assailant responsible. What should a citizen do when witnessing a clear and obvious act of animal cruelty? Let us know what you think by sending us an email at executivedirector@vbspca.com