

Animal advocates fault state oversight

Enforcement lacks teeth, critics contend

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When state authorities investigated complaints in recent years that DuPage County Animal Control had neglected to provide medical treatment to a swollen-eared Labrador retriever and that Cicero's animal control officers had bludgeoned and speared trapped wild animals, the state found no wrongdoing.

That made animal advocate Cherie Travis wonder: Does the state ever find anything wrong when it investigates complaints about animal welfare licensees--pet stores, shelters, kennels and municipal animal control centers? If so, does it ever penalize them?

The answer to the second question is no, said Travis, who filed the complaint against DuPage but later refocused her scrutiny on state regulators.

Between 2000 and 2005, Illinois residents filed 3,282 complaints about animal welfare licensees to the state's Department of Agriculture's Bureau of Animal Welfare, which oversees them. Animal Welfare investigators looked into all the complaints and issued findings.

But when they find a licensee is not complying with state law--such as overcrowding in a puppy mill or filthy conditions in a municipal animal control facility--they have only two punitive options: They can either revoke or suspend the license. Those are stringent actions that create a big problem: What do you do with the animals?

Just three of the 3,282 cases resulted in hearings to decide whether to revoke or suspend a license--and each time those actions were deemed unwarranted. Furthermore, Illinois has just seven investigators to span the whole state, check into complaints and make annual visits to the premises of 1,809 licensees across 102 counties.

"The Department of Agriculture is an unwilling regulatory agency," said Travis, who heads a Downers Grove-based nonprofit animal shelter. "They don't want to prosecute."

"It's insane," said Ledy VanKavage, senior director of legal training and legislation for the American Society for the Prevention of Cruelty to Animals. "There's no way in hell these people can deal with that kind of caseload."

The Department of Agriculture counters that is not accurate to say it takes no action.

"Our top priority is to work with licensees and rectify any problems that are uncovered," said spokesman Jeff Squibb. "For instance, if we find problems with sanitation at a site, investigators will talk to the licensee and make arrangements for a follow-up visit to make sure the problem has been corrected.

"Our top priority is the welfare of the animals and making sure the animals

are cared for as opposed to levying some sort of action against a licensee," he added.

The Department of Agriculture does not keep a tally of how often their investigators find infractions--nor do their investigators' reports always make it clear when they do.

In 2004, the department received a complaint that Champaign County was violating a state statute requiring shelters and pounds to spay or neuter dogs and cats before adoption or to obtain a written agreement from the person wishing to adopt to have the procedure done within 30 days. The complaint said the county's Humane Society was sending out hundreds of cats and dogs that were not spayed or neutered--and was not following up with the owners to see if the animals had been fixed later.

In a two-page report the investigator didn't say whether violations had been found, but stated: "I recommended that they enhance the follow-up procedure in order to achieve better compliance with the requirement."

If recalcitrant licensees figure out they "can flaunt the law and if [the agency] never penalizes them, obviously some are not going to comply," VanKavage said.

"Word gets out," she said. "Shelter and kennel operators talk to each other and they know there's no teeth. [The investigators] issue these citations, and [operators] blow them off."

In Springfield this year, state Rep. Patti Bellock (R-Hinsdale) is sponsoring a bill that would give the Department of Agriculture disciplinary options less severe than closing down a facility but strong enough to prompt compliance.

Under the legislation, the department could fine licensees \$200 for their first violation, \$500 for a second violation within three years and \$1,000 for a third violation and mandatory probation.

Bellock said she wrote the legislation after consulting the Department of Agriculture. Squibb said the department has not taken a formal position on the legislation, but said it was "viewed favorably."

"The more tools we have to do our job, the better," he said.

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