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ACTING DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
NASSAU COUNTY

May 16, 2015

Joseph Ra, Esq.
Town Attorney
Town of Hempstead
One Washington Street
Hempstead, New York 11550

RE: Impounded Animals

Dear Mr. Ra:

I am the Chief of the NCDA Animal Crimes Unit and additionally serve as chair of the Nassau County Animal Protection and Safety Council, which consists of animal shelter and control representatives from each municipality, including the Town of Hempstead. I am tasked with the oversight of all animal crimes prosecutions in the County of Nassau, regardless of their origin.

I have a deep respect for the Town of Hempstead animal shelter and control staff. Its professional relationship with the NCDA has been built on mutual respect, support, and investment in the mission to eliminate animal cruelty. The safety of shelter staff and security of the facility itself has always been a paramount concern – one which is a common refrain at council meetings. I have made it clear on numerous occasions to all shelter staffs in the county that, in cases involving gangs or violent crimes (such as dogfighting), the location of impounded animals would be concealed from public knowledge by my office. This is because animal shelters are not 24/7 secured facilities with strong entry-exit protocols or armed guard and also because there has been both a local and national history of attempts to recover animals by the perpetrators or their associates. Indeed, just during the past week, there was an incident in Paterson, New Jersey of a shelter being burglarized and animals, seized in connection with a dogfighting ring, taken.¹ Dogs associated with dogfighting activity may attain a street value of thousands of dollars and are therefore tempting targets for reclamation. As an ancillary benefit to the monetary recovery, the criminal case prosecution is gutted.

Over the course of my time prosecuting animal crimes in Nassau County, I have handled threats to Town of Hempstead shelter staff, emergency incidents at the shelter's front desk, and even the mysterious death of an animal impounded in connection with an ongoing cruelty case. Indeed, just last September, we arrested a suspected dogfighter at the Hempstead Shelter front desk after he threatened one of the animal control officers and was attempting to take back an animal impounded on suspicion of dogfighting. We have also had girlfriends and associates of dogfighters make attempts to reclaim animals utilizing various means of deception. In short, we do not take the

¹ <http://www.northjersey.com/mobile/news/rescued-pit-bulls-stolen-from-paterson-animal-shelter-police-say-1.1332066> (May 12, 2015).

impoundment or security of these animals lightly. Apart from the danger to the Town of Hempstead staff and facility, there is a danger to the animals themselves. I would note further that the animals are held as evidence, and so a tertiary danger to the criminal case itself exists if the animals are not appropriately safeguarded.

It has come to my attention that, on May 15, Town Supervisor Murray directly informed the media of the location of 11 animals that were impounded by law enforcement in connection with an ongoing major gang case. This action – made without consultation with my office or unit – needlessly jeopardized Town of Hempstead staff, the facility, the animals, and the criminal case. My office’s initial reaction was to contact the Nassau County Police Department to arrange for extra security for the Town of Hempstead Shelter.

It has further come to my attention that Supervisor Murray took temporary possession of one or more of the animals during a “photo op” media event featuring them. Please be advised that the animals were seized pursuant to a search warrant order issued by a Justice of the Supreme Court. The order provides, in specific detail, the personnel and professional titles that may lawfully handle, examine, and otherwise come into contact with the seized animals. The list includes law enforcement, code enforcement, veterinarians, pathologists, and veterinary technicians. Ms. Murray’s action in handling the evidence without my prior knowledge or consent, the presence of the impounding law enforcement officers to safeguard the chain of custody, or the approval of the court, was wholly unauthorized. Furthermore, her publication of the ages, genders, and other identifying characteristics of the evidence was similarly unauthorized and equally imprudent.

In order to maintain the safety of your town personnel, the security of your facility, the animals, and the case evidence, and to ensure compliance with an order of the Supreme Court, I directed the immediate removal of these animals from your facility.

Moving forward, no unauthorized person should handle evidence in connection with a criminal case without direct advanced approval from the assigned prosecutor. Should you have any questions about this letter or this directive, please do not hesitate to contact me at (516) 571-2100.

Respectfully yours,



Jed L. Painter
Chief, Animal Crimes Unit
Office of the District Attorney
Nassau County

Cc: Hon. Kate Murray
Supervisor – Town of Hempstead