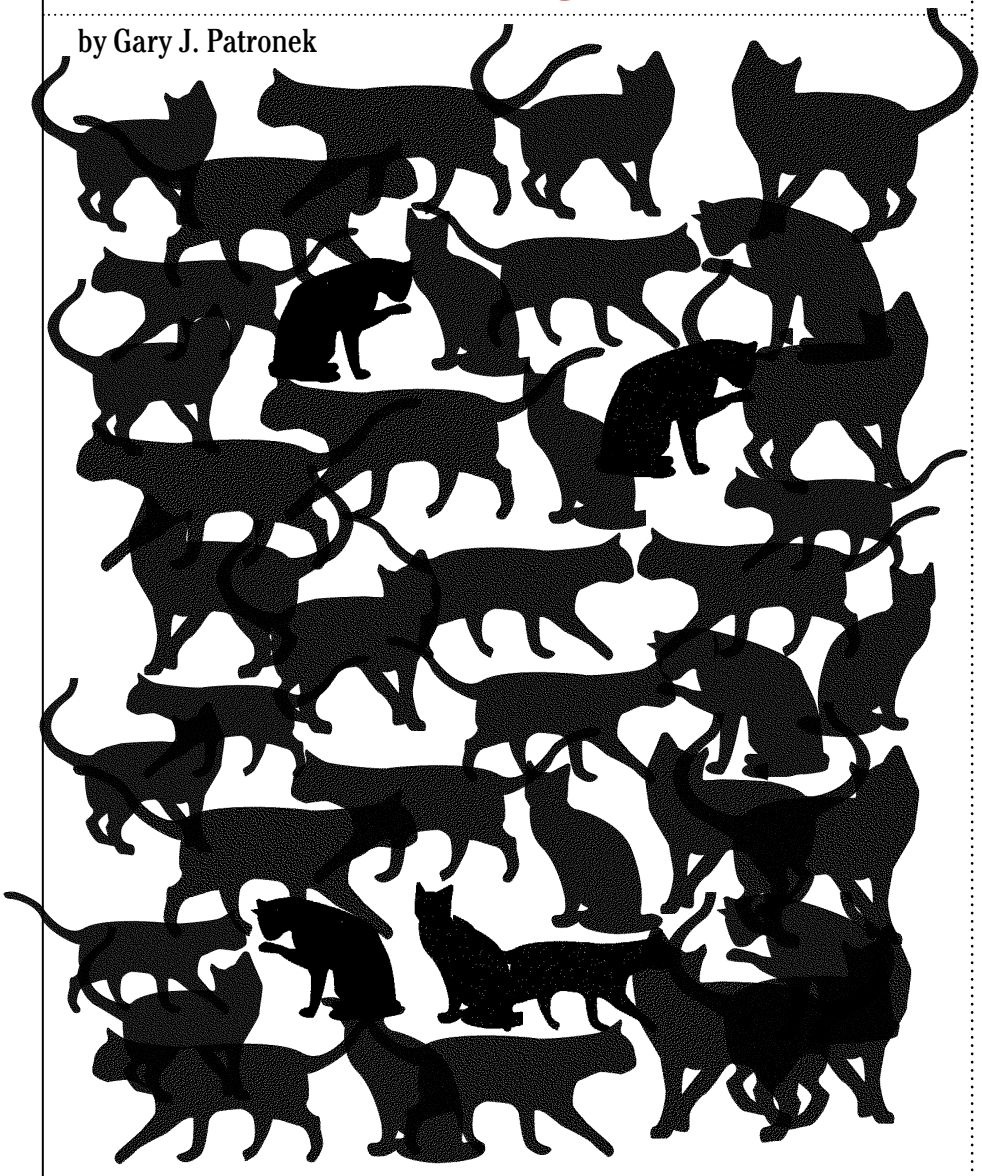
# Animal Hoarding: An Update

by Gary J. Patronek



This article is a follow-up to one originally published in this magazine in 2001,[1] in which we described the relatively new phenomenon of animal hoarding, and the definition of an animal hoarder as someone who has:

- accumulated a large number of animals, which has overwhelmed that person's ability to provide even minimal standards of nutrition, sanitation, and veterinary care;
- failed to acknowledge the deteriorating condition of the animals (including disease, starvation, and, even, death) and the household environment (e.g., severe overcrowding, very unsanitary conditions); and
- failed to recognize the negative effect of the collection on his or her own health and wellbeing, and on that of any other household members.[2]

Hoarding crosses all socioeconomic and demographic boundaries – it is seen in the stereotype of a hoarder as an older, single female, living alone and known as the neighborhood "cat lady," as well as professionals leading a double life, as evidenced by such hoarding being discovered among business executives, public officials, college professors, and even veterinarians.

To the extent that media reports are a reliable indicator of trends, animal hoarding appears to be more common. Today, there is a much greater public understanding of hoarding in general. Two new reality television shows now focus on hoarding (*Hoarders,* on the A & E network, and *Hoarding: Buried Alive,* by TLC), and a show exclusively on animal hoarding premiered on Animal Planet in July 2010, called *Confessions: Animal Hoarding.*

## Significant Developments

Much has been learned about this problem over the past decade, with a comprehensive website now archiving this work.[3] In my mind, there have been five major developments relative to animal hoarding:

- an explicit recognition by two states that animal hoarding is a form of cruelty (Hawaii[4] and Illinois[5]);
- a recognition by psychologists that hoarding is likely a distinct psychological disorder, and not just a symptom of potential mental health problems;
- a increased tendency for hoarders to present themselves as legitimate entities, working on behalf of animals (e.g., as a shelter, rescue facility, sanctuary, or a hospice);
- the publication of the first guidelines for the care of populations of companion animals (Shelter Standards) by the Association of Shelter Veterinarians; and
- the establishment of veterinary forensics as a field of expertise and a resource for prosecutors.

## Hoarding and Mental Illness

Although hoarding was initially framed as primarily behavior akin or linked to obsessive-compulsive disorder (OCD) in the medical literature, psychologists now recognize that most cases of hoarding have very little in common with OCD. The *Diagnostic and Statistical Manual of Psychological Disorders* (DSM) is currently in the last stages of its fifth major revision (DSM-V).[6] Although the content is not yet finalized, an expert working group has published a paper concluding that there is sufficient evidence to support the listing of hoarding as a distinct and separate clinical disorder.[7] It is hoped that this will lead to improved

recognition, research, and treatment of hoarding. A working model of how animal hoarding develops has been proposed[8] and refined.[9] (See Figure 1, at right.)

## Hoarders as "Animal Shelters"

It is of great concern when hoarders attempt to present themselves as a legitimate entity caring for animals. Besides the obvious issue of doing a great disservice to those organizations and individuals truly working with the best interests of animals at heart, this can be an effective ploy. Both the courts and the public may be very confused about what constitutes a legitimate shelter entity, in part because there is no national or parent body that provides oversight of local SPCAs, rescue leagues, and humane societies, or that certifies such groups as meeting a particular standard. Indeed, the only relevant federal law that governs companion animal care is the Animal Welfare Act of 1966 (AWA).[10] However, this law applies to a narrow class of commercial breeders and dealers involved in the wholesale, as opposed to retail, distribution of pets, and the AWA provides only nominal oversight of animal care by regulated entities. It does not regulate shelters, pet stores, hobby breeders, or other entities that sell, adopt, or otherwise transfer companion animals directly to consumers.

Although some states and municipalities may have local kennel, cattery, or shelter licensing laws or regulations, in many cases these are not written with the aim of ensuring optimal care. So, from a regulatory perspective, animals in institutional or quasi-institutional settings have little protection beyond what their caregivers deem necessary. Moreover, becoming a registered non-profit animal welfare organization for tax purposes does not require proof of knowledge, training, or skill in animal care, or evidence of having the proper resources.

Several options are possible when an entity that is a registered non-profit fails to fulfill its stated mission. Malfeasance by a charitable organization may be pursued through the Secretary of State (or State's Attorney General) to revoke an organization's corporate charter. This may or may not resolve deficiencies in animal care. Another option is to petition the appropriate office (usually the State's Attorney General) to put the organization into receivership, with the intention of replacing incompetent leadership with leadership focused on animal welfare, which will manage the organization's assets and programs with an eye toward proper animal care. Getting the Internal Revenue Service involved could result in rescission of the non-profit designation of the offending entity, which would restrict the flow of money by rendering any contributions no longer tax-deductible. Finally, in some cases, a criminal investigation into the organization's unlawful or fraudulent solicitation of "charitable" contributions could be appropriate, along with possible charges for cruelty to animals.

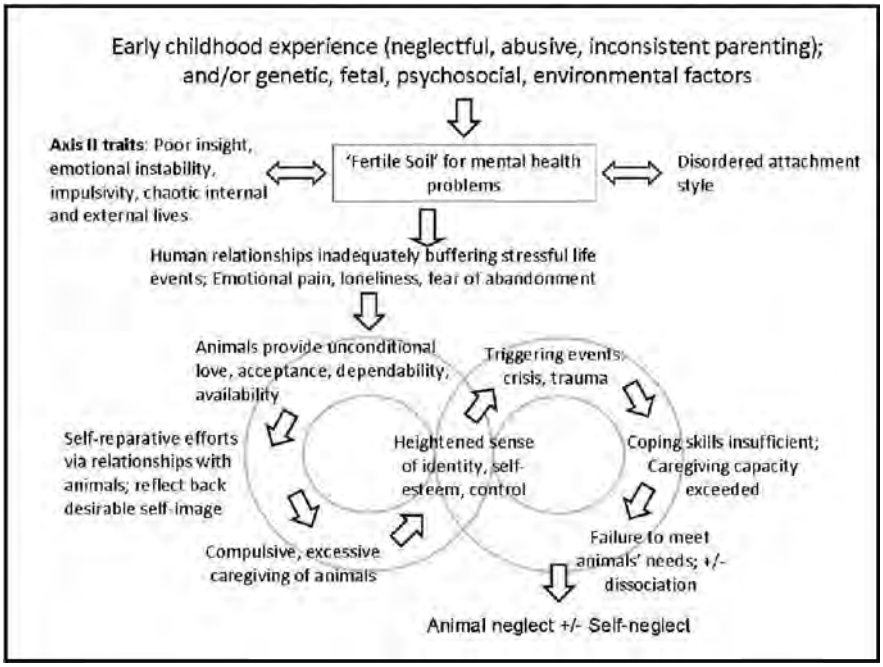



**Figure 1:** Working model of animal hoarding. From Nathanson & Patronek, 2010.

## The Growth of Shelter Medicine

Shelter veterinary medicine (the profession of providing veterinary care for populations of companion animals) is a profession that has truly come into its own within the past decade. The Association of Shelter Veterinarians,[11] founded in 2002, is approaching its tenth anniversary, with over 750 members. The first textbook in shelter medicine is soon to be released in a second edition.[12] A text specifically devoted to the prevention and management of infectious diseases in shelters has also been published.[13] A process is also underway to have shelter medicine recognized as a specialty in veterinary medicine, similar to the specialty of surgery or cardiology.

This body of knowledge and expertise has allowed a group of experts from the Association to come together to prepare the first set of guidelines for shelter standards, applicable to any setting (shelter, pound, rescue, or sanctuary) where populations of companion animals are cared for.[14] These standards aim to provide a detailed description of what is required for proper care and the prevention of cruelty. Hopefully, when these standards are finalized and are readily available, ignorance of basic principles will become less of a defense

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to charges of improper care. The shelter standards document could be used to help interpret existing cruelty statutes and to guide the writing or revision of municipal codes or legislation. Similar to the *Compendium for Animal Rabies Control* published by the National Association of Public Health Veterinarians,[15] or the American Veterinary Medical Association's *Guidelines on Euthanasia*,[16] the shelter standards document could be incorporated into state or municipal codes or statutes by reference.

### Better Resources for Prosecutors

Animal hoarding is ultimately a crime, and, sometimes, the best approach is a criminal prosecution. Over the past decade or so, the penalties for cruelty to animals have increased to become felony offenses. Increasing the severity and penalty for a crime inevitably mean that the sophistication and rigorousness of the evidence collection process required, to prove a case beyond a reasonable doubt in a court of law, is also likely to become more stringent. Fortunately, expertise on how to pursue a case and document relevant evidence is now more readily available. Two textbooks of veterinary forensics have been published;[17] a veterinary forensics training program is in the planning phases at the University of Florida;[18] and the International Veterinary Forensics Sciences Association has been formed.[19] The Association of Prosecuting Attorneys has a special interest section for animal cruelty,[20] and the Animal Legal Defense Fund (ALDF) maintains a website with a wide variety of sample pleadings and briefs.[21] Additionally, the ALDF employs experienced former prosecutors who provide free and confidential prosecutorial assistance services in all forms of animal abuse cases.

### Hoarding and Cruelty to Animals

Despite the focus on companion animals in today's society, it is important to recognize that modern animal cruelty statutes are largely derived from 19th century laws intended to discourage the abuse of working animals (particularly horses) on the streets of American cities. Reviews of statutes in all 50 states and Canada are available.[22] Recent revisions may include language about providing proper food, water, and a sanitary environment that is more relevant to proper care in companion animal settings, but, in some cases, antiquated language about "beating, overloading, overworking, and overdriving" animals is retained, along with language (e.g., prohibiting "unnecessary cruelty or suffering"), whether antiquated or not, that may appear vague. However, this provides an opportunity for the language to be interpreted in light of modern sensibilities about appropriate companion animal care.

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### Emphasizing Quality of Life

The emerging ethic about proper animal care in a population setting can best be summarized by a set of principles known as "The Five Freedoms." The concept originated with the *Report of the Technical Committee to Enquire into the Welfare of Animals Kept under Intensive Livestock Husbandry Systems* in the U.K. in 1965,[23] and the principles are now recognized to be applicable to many other animal care settings. The Five Freedoms include:

- Freedom from Hunger and Thirst, by ready access to fresh water and a diet to maintain full health and vigor.
- Freedom from Discomfort, by providing an appropriate environment, including shelter and a comfortable resting area.
- Freedom from Pain, Injury or Disease, by prevention of these conditions or rapid diagnosis and treatment.
- Freedom to Express Normal Behavior, by providing sufficient space, proper facilities, and company of the animal's own kind.
- Freedom from Fear and Distress, by ensuring conditions and treatment which avoid mental suffering.[24]

These form the foundation of the *Guidelines for Standards of Care in Animal Shelters*, published by the Association of Shelter Veterinarians,[25] which demonstrate that a broader view of animal welfare and competent care is now being advocated by experts. This view recognizes that suffering arises from many kinds of acts and omissions that produce a poor quality of life, not just deliberate acts of cruelty or neglect (e.g., failure to provide necessary food, water, or veterinary care to relieve suffering from disease or injury). There is greater recognition of the suffering that results from crowding, and the physical and psychological stresses associated with such conditions. A recent report by the Office of the Inspector General of the U.S. Department of Agriculture, describing problems with registered animal dealers, also provides some valuable explanations about why animals suffer from poor care in population-based settings, and why such conditions are prohibited.[26] This increased level of awareness may encourage prosecutors to use a more encompassing approach when considering whether the evidence in a case supports allegations of cruelty, being mindful that any prosecution must stay within the limits of existing statutes. This expanded spectrum of concern is explained diagrammatically in Figure 2 on page 13.

### Providing Competent Animal Care

Animal well-being is determined by the interactions of animals with each other, with their caregivers, and with their environment. Providing a good quality of life for a population of animals depends on many factors: the intrinsic capacity of the situation and caregiver resources (e.g., grounds, buildings, staff, volunteers, and finances), as well as the caregiver's traits and behaviors (e.g., understanding, judgment,

reasoning, training, experience, empathy, and decision-making skills) that render him or her more or less able to provide appropriate care. Being able to care for a single pet (or even a few pets) adequately is no guarantee that a person will be able to adequately provide care for a population of animals. The complexity and range of skills needed increase substantially with animal numbers—a situation where meeting the needs of the population involves much more than the ability to care for an individual animal. The consequences of one bad decision for one animal (for example, with respect to infectious disease control) could have far-reaching implications if many other animals are present because, obviously, their welfare is intertwined.

The impaired judgment and actions, or failures to act, of animal hoarders may arise from a variety of factors, including difficulties in understanding relevant information about animals' needs, an inaccurate appreciation of a situation and its consequences, being unable to reason about treatment options and alternative courses of action, faulty self-governance, and psychological defenses and behaviors in response to stress, as well as "magical thinking," a lack of insight, and other cognitive distortions. When these impairments become associated with functional deficits (a failure to provide adequate food, water, proper sanitation, and necessary medical care, and a failure to recognize and attend to the fundamental behavioral and mental needs of animals), incompetent care occurs and animal suffering results.

Solutions require eliminating or modifying problematic behaviors and beliefs in the person through education and counseling, compensating for impairments (for example, by supervision or involving competent others in the animals' care), or protecting the animals from contact with individuals who are likely to harm them. Assisting the person to improve his or her care-giving ability usually must be accompanied by downsizing the number of their animals, to a point where the number of animals better matches the person's capacity to provide care. In some cases, no animals can be safely left in the person's custody. Removing the animals may

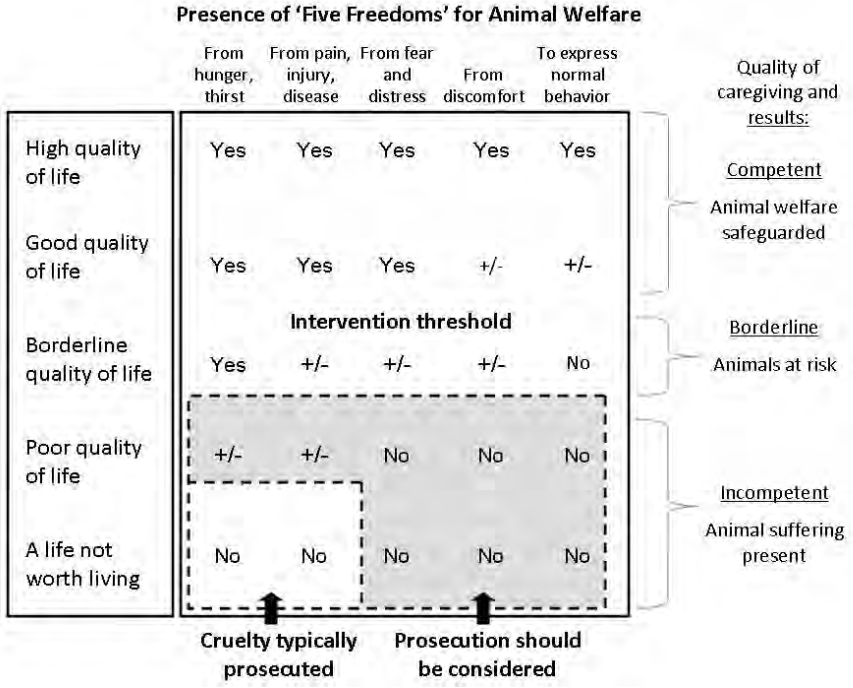



**Figure 2**: Requirements for quality of life and indicators of minimally competent care for animals

be a necessary step, but should not be viewed as solving the problem—animals are merely a symptom of underlying unmet needs that, for some individuals, are unfortunately met through the compulsive acquisition and control of animals.

## Solutions

The paradox that confounds intervention and resolution of these cases is that hoarders often profess a great love of animals, yet hoarders are, by definition, oblivious to both the extreme suffering of their animals, and to the detrimental effect of the behavior on their own welfare and that of human family members. Animals may provide a strong sense of identity, safety, security and self-esteem; thus, any threats to the integrity of the "collection" can be viewed as a threat to self and strongly resisted. Hoarders of all types are challenging to work with, and municipal agencies all over the country struggle with how to serve these individuals while protecting communities and vulnerable individuals from the effects of the hoarders' behavior.

The very complexity of these cases may be one route to resolution: since they usually involve violations of multiple laws and regulations (municipal codes on fire, safety, zoning, sanitation, and health; pet licensing and vaccination requirements; and animal cruelty statutes), interventions by multiple agencies simultaneously may have greater effectiveness than any single agency acting alone. This has led to community-wide hoarding task forces being formed, whereby the joint leverage of the agencies responsible for these various areas is more powerful than any one acting alone. This approach is described elsewhere.[27]

## Expediting the Resolution of a Case

Any animal hoarding case has the potential to become expensive, complicated, and protracted. (For an example, see the case of a "serial animal hoarder" that has been extensively described.[28]) Several factors contribute to this. If animals are removed from a hoarding situation by authorities pursuant to criminal proceedings, the animals must, typically, be kept in an institutional care setting (like a shelter) for a long period of time while the legal process unfolds. This may be a further detriment to the animals' welfare, even in the best of conditions. Another major issue is the cost of care while the case is resolved: when hundreds of animals are involved, and particularly if the animals are sick or debilitated, these costs can

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34. 373 U.S. 83 (1963).
35. Jeff Noble, *Police Officer Truthfulness and the Brady Decision*, POLICE CHIEF, vol. 70, no. 10 (Oct. 2003).
36. Jim Dwyer, *The Officer Who Posted Too Much on MySpace*, New York Times, Mar. 10, 2009, at http://www.nytimes.com/2009/03/11/nyregion/11about.html?_r=1&scp=2&sq=myspace&st=cse (last accessed July 30, 2010).
37. *Id.* A summary of the plot, from the IMDb web site at http://www.imdb.com/title/tt0139654/plotsummary, reads: "In a city where streets are overrun by drug dealers, those who have sworn to uphold the law are breaking them to clean up the streets. Denzel Washington plays L.A.P.D detective Alonzo Harris, a veteran narcotics officer whose methods of enforcing the law are questionable, if not corrupt."
38. *Id.*
39. *Impeachment via Social Network Websites*, Los Angeles County Sheriff's Department Newsletter, Vol. 09, No. 7 (May 27, 2009) at http://www.aele.org/law/2010all04/lasd-0907.pdf (last accessed Aug. 30, 2010).
40. Web tools such as the Wayback Machine at www.archive.org can retrieve outdated and removed web sites that were automatically archived, often without the web site owner's knowledge.
41. 18 U.S.C. §§ 2701-12 (2002).
42. City of Ontario, Cal. v. Quon, 130 S.Ct. 2619 (2010).
43. For a more detailed discussion of the Court's reasoning, see Ken Wallentine, *Police Department May Read Text Messages Sent on Agency-issued Pagers: City of Ontario, California v. Quon*, POLICE CHIEF, Vol. 77, no. 7 (Aug. 2010), available at http://policechiefmagazine.org (last accessed Aug. 25, 2010). ML

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rapidly escalate into large sums.

Some states have pre-conviction forfeiture provisions or bond laws that require an offender to provide a bond from which the costs of care can be covered. If such a bond cannot be posted, the animals become forfeit and can be placed in permanent homes. The Animal Legal Defense Fund provides recommended language for such a statute.[29] Another option is for the prosecutor to file a motion for priority setting on the court docket and expedited hearing dates, but, as the ALDF has noted, delays through continuances and a defendant's repeated firing of counsel are common.[30]

Some agencies have become more flexible in their approach to housing animals while a case awaits trial, and have used, as an acceptable practice, the placement of animals into supervised care in foster homes. Other civil approaches to recovering the costs incurred for animal care include filing a *quantum meruit* action to recover sums for unjust enrichment, or attachment of a common law or statutory lien to use the animals as collateral for the services rendered. Moreover, with the high recidivism rate of animal hoarders, a prosecutor would be well advised to secure a pre-trial condition of release that bans the defendant from owning, possessing, providing care for, or otherwise having access to animals during the life of the underlying case.

### Conclusion

Animal hoarding will continue to pose challenges for local governments and public health authorities, as hoarding of any sort poses significant health concerns for both the occupants of a home and the nearby residents. However, this problem is gaining increased attention from public agencies and the clinical and research communities, and more resources are becoming available. For additional publications on this issue, visit the Hoarding of Animals Research Consortium's website at http://www.tufts.edu/vet/hoarding/index.html.

### Notes

1. G.J. Patronek & The Hoarding of Animals Research Consortium, *The Problem of Animal Hoarding*, 42 MUNICIPAL LAWYER, 6–9 (May /June 2001).
2. G.J. Patronek, *Hoarding of Animals: An under-recognized public health problem in a difficult to study population*, 114 PUBLIC HEALTH REPORTS, 82–87 (1999).
3. The Hoarding of Animals Research Consortium (HARC) website, available at: http://www.tufts.edu/vet/hoarding (last visited Aug. 10, 2010). This site brings together the work of HARC, as well as credible resources from throughout the U.S., to help better understand the phenomenon of animal hoarding, its impact on individuals and communities all across the U.S. and internationally, and finally, its sentinel role for elder abuse and neglect, child abuse and neglect, and adult self-neglect.
4. HAW. REV. STAT. § 711-1109.6 (2009).
5. 510 ILL. COMP. STAT. 70/2.10 (2009).
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7. D. Mataix-Cols, R.O. Frost, A. Pertusa, L.A. Clark, S. Saxena, J.F. Leckman, D.J. Stein, H. Matsunag, & S. Wilhelm, *Hoarding disorder: a new diagnosis for DSM-V?* 27 DEPRESSION AND ANXIETY, 556–72 (2010).
8. G.J. Patronek & J.N. Nathanson, *A theoretical perspective to inform assessment and treatment strategies for animal hoarders*, 29 CLINICAL PSYCHOLOGY REVIEW, 274–81 (2009).
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10. 7 U.S.C. §§ 2131 *et seq.* (West 2010). The Act and regulations are available online at http://www.aphis.usda.gov/animal_welfare/awa_info.shtml.
11. For more information, see the Association of Shelter Veterinarians' website at http://www.sheltervet.org.
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13. L. MILLER & K. HURLEY, INFECTIOUS DISEASE MANAGEMENT IN SHELTERS (Wiley-Blackwell, 2009).
14. S.P. Newbury, et al., *Guidelines for Standards of Care in Animal Shelters*, available at http://www.sheltervet.org/displaycommon.cfm?an=1&subarticlenbr=29 (last visited Aug. 10, 2010).
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*Control* (Dec. 31, 2007), available at: http://www.nasphv.org/Documents/RabiesCompendium.pdf (last visited Aug. 10, 2010).
16. American Veterinary Medical Association, *AVMA Guidelines on Euthanasia* (June 2007), available at: http://www.avma.org/issues/animal_welfare/euthanasia.pdf (last visited Aug. 10, 2010).
17. M.D. Merck, Veterinary Forensics: Animal Cruelty Investigations (Blackwell Publishing 2007); J.E. Cooper & M.E. Cooper, Introduction to Veterinary and Comparative Forensic Medicine (Blackwell Publishing 2007).
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20. See the Association of Prosecuting Attorneys' webpage on *Animal Cruelty and Animal Fighting*, available at: http://www.apainc.org (last visited Aug. 10, 2010).
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30. Animal Legal Defense Fund, *Animal Neglect Facts*, available at: http://www.aldf.org/article.php?id=1299 (last visited Aug. 10, 2010). ML

## Regulation of Political Signs

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prohibit the substitution of messages on a lawfully erected sign.
23. A good discussion of durational limits for election signs is contained in Jules B. Gerard, *Evolving Voices in Land Use Law: Election Signs and Time Limits*, 3 Wash. U.J.L. & Pol. 379 (2000). In summary, durational limitations prior to an election are frequently struck down, while durational limitations following an election are almost always upheld.
24. Smaller sign sizes, such as three or four square feet per side, are typical for residential areas, while larger sign sizes (12, 16, or 24 square feet per side) are typical for non-residential areas. The speed limit of the adjoining roadways may be a factor in establishing size limitations, but in most circumstances, the size limitations should mirror the size limitations for other temporary sign types.
25. State v. Miller, 416 A.2d 821, 828 (N.J. 1980).
26. 540 F.2d 1360 (9th Cir. 1976), *cert. denied sub nom., Leipzig v. Baldwin*, 431 U.S. 913 (1977).
27. *Id.* at 1368-69.
28. Verrilli v. Concord, 548 F.2d 262, 266 (9th Cir. 1977) (sign ordinance restrictions invalidated, in part, as the city "failed in its burden of proof to identify any legitimate interests to justify the restraints imposed... or to show that such interests could not be 'protected by less restrictive provisions,'" adding that the court would not take judicial notice that the experiences of the City here were the same as those in *Baldwin v. Redwood City).*
29. Midwest Media Property, LLC v. City of Erlanger, Ky., 342 Fed. Appx. 133 (6th Cir. 2009).
30. 983 F.2d 587 (4th Cir. 1993).
31. Brayton v. City of New Brighton, 519 N.W.2d 243, 247 (Minn. Ct. App. 1994), *cert. denied,* 514 U.S. 1036 (1995).
32. 512 U.S. 43 (1994). "[The City] has totally foreclosed that medium [residential signs] to political, religious, or personal messages. Signs that react to a local happening or express a view on a controversial issue both reflect and animate change in the life of a community. Often placed on lawns or in windows, residential signs play an important part in political campaigns, during which they are displayed to signal the resident's support for particular candidates, parties, or causes. They may not afford the same opportunities for conveying complex ideas as do other media, but residential signs have long been an important and distinct medium of expression." 512 U.S. at 54-55.
33. *See* Doc. 23-58 in *Bowden v. Town of Cary*, Case 5:09-cv-00504-FL, in the United States District Court for the Eastern District of North Carolina, at Ladue Code Section 130-5(a)(2).
34. Ladue Code Section 130-5(a)(5).
35. William D. Brinton, Randal M. Morrison, and Robin M. Wolpert, *Deterring and Defeating the Sign Code Shakedown: Best Practices for Drafting a Constitutional Sign Ordinance,* Municipal Lawyer, Vol. 48, No. 1, pp. 9-10 (January/February 2007); Randal M. Morrison, *Regulating Election Signs,* Municipal Lawyer, Vol. 49, No. 4, pp. 17-18, 36 (July/August 2008). An excellent resource for sign law is Randal Morrison's website, www.signlaw.com. ML