



NEW YORK STATE SENATOR

Catharine Young

## Hero K-9 Officers Will Receive Greater Protection with Passage of Mitchell's Law

CATHARINE YOUNG May 15, 2017

| ISSUE: **UNDEFINED**



ALBANY – Recognizing the heroic actions of Jamestown Police Department K-9 Officer Mitchell and all our state’s service dogs and horses, Senator Catharine Young (R,C,I- 57th District) has announced bipartisan support for “**Mitchell’s Law**,” making it a felony to injure a K-9 officer in the line of duty.

The legislation is sponsored in the Assembly by Assemblyman Matthew Titone (D, Staten Island).

Jamestown Police Department K-9 Officer Mitchell, a six-year-old German Shepherd that has been a member of the department since 2011, was grievously injured during a confrontation with a suspected murderer following a six-hour standoff in November 2016. During the apprehension, K-9 Officer Mitchell was stabbed in the throat and under his jaw, causing the knife to penetrate his tongue, sustaining life-threatening injuries that required emergency surgery.

Following the attack, Jamestown Police Chief Harry Snellings, handler Officer Eric Kraft and K-9 Officer Mitchell visited Senator Young to request the law dictating the penalty for perpetrators who injure a K-9 officer in the line of duty be strengthened, because the crime is currently only a misdemeanor.

“K-9 officers protect people’s lives. They are skillfully trained to apprehend suspects, search for drugs, explosives and missing persons, and fulfill the duties of law enforcement. Police animals face significant dangers and their responsibilities are always expanding,” Senator Young said.

Existing law dictates that a suspect can only be charged with a Class E felony for an attack that intentionally kills a police work dog or police work horse. Despite the severity of his wounds, K-9 Officer Mitchell’s attacker could only be charged with a class A misdemeanor because the stabbing did not result in Mitchell’s death.

“K-9 Officer Mitchell is a hero for his actions. His injuries were very serious and a harsher penalty is warranted. The value of our K-9 officers’ lives should be reflected in the penalty for harming them, similar to assaulting a human officer. I proudly sponsor “Mitchell’s Law”

as a salute to the brave work of our dedicated K-9 Officers and I am happy that Assemblymen Titone has put it forward in his house. We will be working together to get the bill passed into law,” said Senator Young.

“When someone attacks a police dog or horse, one is not only injuring an animal, which is reprehensible, but one is also attacking an agent of the state in which considerable resources have been invested. Injuring a police dog or horse is not only animal cruelty, it harms the police’s ability to carry out its duties, and the punishment should reflect the gravity of this offense,” said Assemblyman Matthew Titone.

“Police K9 units are a valuable law enforcement resource. Often these dogs are placed in dangerous situations and are injured or killed in the line of duty. In New York State, unless the animal is killed, the charge is a Class A Misdemeanor. The consequences for assaulting a police K-9 need to be harsher. I want to thank Senator Young for sponsoring this legislation and supporting Mitchell’s Law,” said City of Jamestown Police Chief Snellings.

“K-9 Mitchell along with all law enforcement K-9s are an integral part of the communities we serve and protect in the State of New York. These dogs are highly trained working dogs. K-9 Mitchell along with other law enforcement K-9s conduct building searches, area and/or article searches, locate drugs and bombs and offer several other helpful tactics for area departments to utilize. Mitchell is not only a great tool for our department, but a comfort to the other officers, knowing that he is there not only for the community we protect, but also their safety. As a K-9 handler, we try to exhaust every option possible to make it safe for these heroic animals, but sometimes we face the unexpected as K-9 Mitchell faced November 15, 2016. I feel that if a law enforcement K-9 is seriously injured in the line of duty, the consequences should be more serious than a misdemeanor. K-9 Mitchell did his job on that day and was seriously injured. K-9 Mitchell may have saved myself and three other officers from being killed or seriously injured that early morning. I have a heroic partner and would

like to see Mitchell's Law succeed for him and all the K-9s that have been seriously injured while performing their duties," said Officer Eric Kraft.

The bill has gained wide support from law enforcement and animal advocacy groups.

New York State Police Investigators Association President Christopher Quick said, "Having been a K-9 handler for eight years while in uniform as a Trooper, I know firsthand how important a K-9 is to his partner, law enforcement and particularly the handler's family. Anyone who owns or has owned a pet will tell you how they are a part of a family. There is an exorbitant amount of time, money and dedication put forward to train a dog in becoming a K-9. K-9s are sensitive and emotional creatures that communicate in various ways with humans, to simply treat them as an expendable tool that is easily replaced, is not right. I fully support raising the felony level to protect our partners that fight crime."

Cattaraugus County Sheriff Timothy Whitcomb, President, New York State Sheriffs' Association, said, "Police animals are critical members of any law enforcement agency. They receive extensive training to perform very specialized functions. This is especially true for police dogs, who are called on to do a myriad of tasks ranging from bomb and drug detection, to scent tracking of lost individuals, to attacking and subjugating dangerous criminals. The New York State Sheriffs' Association strongly supports this legislation, because these animals are selfless in the service they provide to the public and should be protected accordingly."

Cheektowaga Police Chief David Zack, President of the New York State Association of Chiefs of Police stated, "Be it drug or bomb detection, search and rescue, tracking, and if need be attacking, the importance of these animals to law enforcement and the safety of our communities cannot be overstated. They never fail in their purpose and duty. It is only right we do all we can to protect them by deterring and punishing those who intentionally do

them harm. We owe them that.”

“Police dogs are on the front lines detecting dangers, apprehending criminals, and rescuing victims of crime every day,” said Bill Ketzer, Senior State Director of ASPCA Government Relations for the Northeast region. “The ASPCA thanks Senator Young and Assemblymember Titone for introducing Mitchell’s Law to honor these highly-skilled animals for their role in assisting law enforcement.”

“There is a well-known link between animal cruelty and a host of other criminal activities, including violent crime,” said Brian Shapiro, New York Director for The Humane Society of the United States. “Misdemeanor level penalties often fail to provide for sufficient deterrence. Passage of Mitchell’s Law would bolster Agriculture and Markets Law, and enhance felony penalties for an egregious form of animal cruelty. The HSUS applauds Senator Young and Assemblymembers Titone and Goodell for their meaningful efforts to strengthen these statutes.

“Each day, canine officers put their life on the line just like their human counterparts. Recognizing this is one of the important steps we take in recognizing the vital role dogs play in our lives,” said Libby Post, Executive Director of the New York State Animal Protection Federation. “Now we have shelter dogs being trained to be canine officers. The first in New York State is a pitbull names Kiah, who works for the Poughkeepsie Police Department. Mitchell’s Law recognizes the essential role canine officers play in law enforcement and both State Senator Cathy Young and Assemblyman Matt Titone are to be thanked for introducing this legislation.”

On November 10, 2016, Keith Robbins allegedly shot his estranged wife, Sheri Robbins, in the parking lot of the New Creation Assembly of God Church in Jamestown. The incident sparked a citywide manhunt that culminated in a six-hour standoff when Robbins

barricaded himself in a home where his father resided. At the time of the murder, Sheri Robbins had an active "no contact" order of protection against Keith Robbins, according to news reports.

Keith Robbins subsequently was indicted by a Chautauqua County grand jury on second-degree murder charges, as well as charges for injuring a police animal. His trial is scheduled to begin next month.

Less than a month after being injured, K-9 Officer Mitchell made a full recovery and was back at work with his handler, Officer Kraft.

Video from today's press conference can be viewed at <https://www.youtube.com/watch?v=zB8C3xR1Jq4>.

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#### RELATED LEGISLATION

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### **2017-S961**

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- Introduced
- ◦ In Committee Assembly
- In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate

- Delivered to Governor

- Signed By Governor

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Elevates killing a police work dog or police work horse from being a class E felony to a class D felony

January 05, 2017

In Assembly Committee

Sponsored by **Catharine Young**

Do you support this bill?