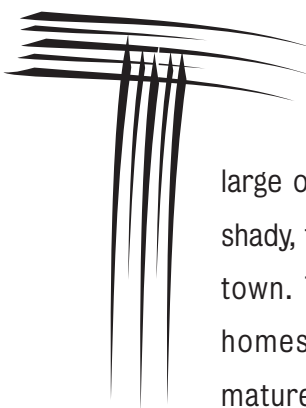




Prosecuting Animal Hoarders is

Like Herding Cats



The Baker Street neighborhood in Petaluma is a tidy one, albeit slightly worn, with both large older homes and small cottages nestled on a shady, tree-lined street just a few blocks from downtown. The sidewalk is cracked, but many of the homes have lush lawns and flowers banked by mature shrubs, even picket fences. It's a decent

neighborhood, a stranger might think, a neighborhood where not much can go wrong.

But close to where the road dead-ends, one house stands out. It's clearly a newer home, although it's built in a Victorian style. Its green siding and white trim look recently painted, but the lawn is brown and dry, weeds grow along the sidewalk, and broken glass shimmers beneath the windows, many of which are boarded up.

The house belongs to a San Francisco resident who bought the Petaluma residence six years ago for safekeeping a dozen or so cats, the offspring of two unspayed females. (She kept her home on San Francisco's Russian Hill and made the one-hour drive daily to feed the cats.) The woman, Marilyn Barletta, never neutered her animals because, her

BY SUSAN E. DAVIS

ILLUSTRATION BY JAKE FLAHERTY

first attorney, John LemMon, told the *San Francisco Chronicle*, "it would have been too traumatic to the cats." Within five years, her original herd of cats had grown to nearly 200.

Neighbors had complained about the noise and smell of the cats several times during the previous year, but each time, Barletta refused to let police officers inside the house. Since no evidence of animal cruelty showed from the outside, nothing could be done. Then, in May 2001, Petaluma police responded to a report of vandalism. Hearing noises and suspecting a burglary in progress, the police officers went inside the house. They discovered close to 200 cats hiding in cupboards, drawers, walls, the garage, and the small unfinished space above it. Five of the cats were dead: One was partially decomposed in an unplugged refrigerator; another lay totally decomposed in a closet; one other had died in a cat carrier.

Barletta is what some in our culture call a "cat lady," but in the parlance of humane societies she is an "animal

hoarder,” someone who is driven to collect and save far more animals than she can possibly handle. Yet Barletta has vigorously claimed she isn’t a hoarder at all, that, instead, she actually rescues cats from certain death at local shelters. Charged with two felony counts of animal cruelty, Barletta, with the help of her current lawyer, L. Stephen Turer, is trying to prove that she was actually kind to her charges and that she deserves not only to remain free but also to continue saving defenseless kitties for years to come.

The prosecutor, Marianna Lebedeff, a deputy district attorney for Sonoma County, asked to be assigned to the case because she loves animals. But after a few months of researching hoarding in general, and this case in particular, she said, “The scale of this felony is staggering. I’m kind of fascinated by it, but when I look at the pictures of what happened in that house, I’m just horrified.” The trial is slated to begin in October.

Barletta’s story is not unique. Animal hoarding cases—also called animal “collecting” cases—have been around a long time, and the perpetrators often adamantly defend their right to keep the animals they take in. But in the past few years some law-enforcement, animal-protection, and mental-health professionals have been focusing more aggressively on hoarding. This is partly because of the threat to public health as well as the recognition of the animals’ suffering. But it is also because investigators have discovered that stopping the crimes and rehabilitating the perpetrators is a much bigger challenge than they realized.

“Prosecutors don’t really have the tools they need to fully go after these cases,” says Dr. Gary Patronek, a professor at Tufts University School of Veterinary Medicine and a leading authority on animal hoarding, “and they often don’t have the support of other agencies that they need. The cases don’t get widespread attention, so many are not dealt with or monitored well. That means the perpetrators keep getting away with their behavior and animals keep suffering.”

Most people think of animal hoarders as crazy—usually lonely, perhaps deranged, older women who simply take their pet passion too far. That perception is only partly true. According to a study of 54 hoarding cases conducted by Patronek and published in *Public Health Reports* in 1999, 76 percent of the perpetrators were female; more than 80 percent were 40 years old or older (close to 50 percent were 60 or older); almost 75 percent were single, divorced, or widowed; and slightly more than 50 percent lived alone. But hoarders can be men, professionals, and parents, and they can also appear very normal to the outside world.

“It cuts across all socioeconomic boundaries,” Patronek says. “In some cases we’ve had veterinarians who hoard. They

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dedicated their professional lives to caring for animals, but their homes were houses of horror.”

Barletta herself is a 62-year-old divorced woman living alone. She’s also a well-dressed, retired real estate agent who lives in a tony neighborhood, drives a Mercedes-Benz, and has enough money to have bought a 1,600-square-foot, \$250,000 second home in Petaluma—just for her cats to live in. “If you met her and talked to her, you would think she was a bright, intelligent, and educated lady who is not eccentric or unusual in any way,” notes Turer.

According to Patronek’s survey, hoarders don’t just collect cats. Although cats were the objects of choice in 65 percent of the cases, 60 percent of the hoarders also collected dogs, 11 percent collected farm animals, and 11 percent collected birds. A man in Tillamook, Oregon, Eddie White, had more than 400 animals living on his property, including llamas, horses, cows, cats, a spider monkey, hedgehogs, parrots, and pet rats. In still another case, 60-year-old Norma Keyzers of Oxnard kept 70 rabbits in cramped pens in a barn and another 20 rabbits in her minivan. She had turned over an additional 140 rabbits to an animal rescue organization.

Of course, plenty of animal breeders, animal rescuers, and farmers keep hundreds—if not thousands—of animals on their property. What distinguishes people involved in hoarding is the condition of the animals, the environment in which they’re kept, and the failure of the hoarder to remedy the negative effects of their collecting. Animal control officers typically describe overwhelming smells of urine, feces, and, sometimes, decaying bodies of animals in the homes of hoarders. Case after case describes floors warped from urine, animals that are half starved or badly wounded, even animals living in cages with the corpses of those that have died. In Tillamook investigators found dead, dying, and sick animals, as well as a donkey with hoof problems and a llama that could barely stand.

Many of Keyzers’s rabbits had no food or water and lived in cages that had feces piled six inches deep. Many of the animals were missing eyes or ears, others had respiratory infections, and one had a broken back that Keyzers claimed God would heal. The Ventura County Humane Society ended up euthanizing all but 18 of the 230 rabbits she had hoarded, but those were eventually put down as well. “They were so diseased or dismembered that we had to put them out of their misery,” says Robert Jeffrey Hoffman, the director of investigations there.

Indeed, in 80 percent of the cases Patronek studied for the *Public Health Reports* article, animals were found dead or in severely bad condition. In more than 75 percent of the cases in which the residences were inspected, the homes were also heavily cluttered and unsanitary; in more than 25 percent of the cases in which residences were inspected, urine and feces were found on the humans’ beds. Barletta’s Petaluma house



Marilyn Barletta

was no exception. When police officers entered, they found that the floors were covered with feces, cat hair, and broken glass, and that urine had saturated the carpets and rotted the walls. The stench of ammonia was so great, one officer testified, that he had to leave after five seconds and couldn't re-enter until the fire department had set up large fans for ventilation. The cats were so wild it took three days to catch them. Because the cats weren't socialized, and because many of them were ill or wounded, the Petaluma Animal Shelter could save only 28. The others were euthanized or died at the shelter.

he hoarders themselves deny there's a problem. White, for instance, claimed that the charges of neglect on his Tillamook property were "bogus" and that he had been set up by three women. Keyzers claimed she was running a rabbit-rescue operation. Barletta told the *San Francisco Chronicle* in June 2001 that intruders had ruined her "immaculate home," and that her cats had been hiding from her, so she didn't know they were breeding. She repeatedly said the hoarding label was unfair, as she was just saving the cats from sure euthanasia at an animal shelter. "Here I am, shown as a hoarder, when I'm a protector," she told the reporter in that same interview. Says Turer, "Ms. Barletta's position is that she was taking care of the cats, protecting them so that they could eventually be adopted out and not euthanized. There's no question that her intentions were good."

In fact, during that preliminary hearing, Turer claimed that because Barletta's cats had not been malnourished or dehydrated, his client shouldn't be tried for intentional neglect or abuse, as defined under section 597(a) and (b) of the Penal Code. Deputy District Attorney Lebedeff shot back: "How can someone let something go so far? The conditions in the house and particularly the conditions of [one cat that had eye infections]—how can someone miss that? This is not something that happened overnight and that she was not aware of."

Hoarding experts believe that serious psychological problems may very well prevent hoarders from stopping themselves. Some psychologists believe that hoarders are actually addicted to their animals, just as substance abusers are addicted to drugs or alcohol. Others believe that hoarders suffer from a form of obsessive-compulsive disorder (OCD) that drives some people to collect objects like newspapers or old bottles. Animal hoarders and obsessive-compulsive collectors share common behaviors, including a deep, identity-forming emotional attachment to their "things," and they devise crafty strategies to keep other people from seeing the problem.

That most hoarders go back to hoarding as soon as they are able supports the theory that some form of

addiction or compulsion is driving them. "The adage is that most hoarders will pick up another animal on their way home from the courtroom," Patronek says. Indeed, Barletta had been caught hoarding cats in Sebastopol in the 1970s and in Novato in the mid-1990s. Within seven months of the Petaluma incident in 2001, neighbors reported that Barletta was once again keeping cats at the same house. When police entered the home in December, they found three living cats and one dead. (Two felony cruelty charges stemming from that incident were later dismissed for insufficient evidence.) Within a year, a landlord in Sausalito, who happened to be a veterinarian, evicted Barletta from a small office space because the 40 cats she was keeping there were howling, shrieking, and creating foul odors. No charges were filed in that case.

However, addiction and obsessive-compulsive disorder "don't explain a hoarder's inability to see the deteriorating conditions around them and how they're affecting the animals," Patronek says. "Those abuses go far beyond OCD." Patronek suspects that many hoarders suffer from a "focal delusional disorder," which makes them think their animals and their homes are fine even though all evidence is to the contrary. For instance, in one prominent case, a homeless woman, Vikki Kittles, was keeping 115 dogs in a school bus in Oregon, sometimes not letting them out for weeks at a time. A number of the dogs had heartworm, which is both fatal and contagious, yet Kittles fought all attempts to have her animals treated, even as some of them were dying. "We finally got very aggressive about getting the judge to order those animals to be

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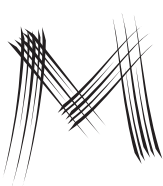
The Petaluma home (left), from which authorities extracted 200 cats. (below) Wearing gas masks to protect themselves from the overpowering odor, Petaluma animal-control officers remove the felines from the house.





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treated,” says Joshua Marquis, the district attorney in Clatsop County, Oregon, who finally prosecuted Kittles. In the Petaluma case, LemMon sent a letter to the Sonoma County District Attorney’s office asking that his client’s cats be kept as evidence—despite the fact that many of them were suffering. Deputy District Attorney Lebedeff refused. “Ninety percent of these animals were feral,” she says. “They were lunging and hissing at us. Clearly, they were unadoptable.”



any law-enforcement officers don’t take animal crimes seriously and don’t see animal hoarding as a problem. In the Kittles case, police officers in four different states asked her to leave. At least once she was given a tank of gas to help her on her way.

Local communities may be reluctant to devote resources to prosecution. “What are you going to say?” asks Marquis. “That you can’t pursue bad-check cases, but you’re going after someone who has too many animals?”

DAs are also hampered by weak laws. No state has actually defined hoarding as a crime, although local communities often regulate how many animals an owner can keep. District attorneys can prosecute hoarding cases under animal-cruelty laws, but in 24 states animal cruelty remains a misdemeanor, not a felony. (In California animal cruelty can be charged as either a misdemeanor or a felony since 1972. Pen C §597.) “We prosecuted the Kittles case under two animal neglect laws,” Marquis says. Eventually, however, that case spurred the passage of Oregon’s so-called Kittles Law (Ore Rev Stat §167.322), which makes aggravated animal cruelty a felony in some circumstances. Some states would like to seize and care for the animals, but there is a downside to that approach: “Once animals are in the criminal justice system, they can be held for days or weeks or years,” Patronek says, “because they may be held as evidence, and it’s harder to dispose of them. This does the animals no good. It’s only nominally better than the hoarding situation they came from.”

It’s also very expensive. In addition to needing basic food and shelter, the seized animals often need veterinary care and socialization. The city of Petaluma spent nearly \$49,000 to pay for the capture, care, and euthanasia of Barletta’s cats. Just two hoarding cases in Loudoun County, Virginia, used up \$135,000 of the county’s funds. One way that some states avoid such expenditures is by enacting “security bond” laws that require the animals’ owners to guarantee payment (often in 30-day increments) for impoundment. If the payment doesn’t arrive in time, the humane agency can either adopt out or euthanize the animals. Other agencies have appealed for donations or asked the judges to order the animals be put in foster care or be euthanized. The city of Petaluma, on the other hand, has put a nuisance-abatement lien on Barletta’s house to get the money.

Finally, the perpetrator’s own recalcitrance can make the cases exhausting to bring to trial. Kittles, for instance, went through eight court-appointed lawyers, six judges, and three

prosecutors. She finally ended up defending herself, and in court, “she would spend hours asking witnesses the same question over and over,” Marquis remembers. “She screamed at the jury members, and she was held in contempt 17 times. She filed so many motions that sometimes we just felt like giving up.”

A successful prosecution hinges on good police work, laws that keep hoarders from repeating their crimes, and community understanding of the true nature of the problem. In the Barletta case, search warrants weren’t “much of an issue,” Lebedeff says, “because the police’s first visit to the house was for a suspected burglary, and they just happened to find the cats. When the defendant arrived later, she gave her consent to have the place searched.” Lacking that consent, effective search warrants are crucial, say hoarding experts. Such warrants allow officers to search the premises for appropriate medication and food; samples of dirty flooring, walls, and food and water dishes; and any sick or injured animals that might need immediate treatment.

Taking good photographs of animals that are euthanized is also important. Hoffman says the photos his agency took of the rabbits seized in the Keyzers case enabled the district attorney to win the case. In the Barletta prosecution, animal-control officers arranged for photos to be taken of every cat that was in the house before it was euthanized. “They all looked very scared and very sad,” says Lebedeff.

Because recidivism is so high, few hoarding experts believe that a one-time prosecution or jail sentence will cure the hoarder’s problem. Some states, including California, require animal abusers to receive psychological treatment if they receive probation (see Pen C §597(g)). Some district attorneys, such as the Clatsop County district attorney in the Kittles case, also ask for a ban on future pet ownership; others ask for a ban requiring that hoarders keep only a certain number of *sterilized* animals and that they pay restitution and fines (see Pen C §597.1(k)). A monitoring program, whether it’s by humane society officials or social service agencies, also needs to accompany such a sentence. Otherwise, says investigator Hoffman, “the cases fall through the cracks.” Lebedeff says she wasn’t surprised that Barletta started hoarding again so quickly. “She’s not in any kind of treatment program right now, so there’s no reason for her to get over her obsession,” Lebedeff says. “And because she posted bail, she’s not in custody or restricted from getting more animals.”

Of course, the greatest challenge is getting jurors to understand that hoarders are not rescuers or even wacky collectors. “The defendants often get on the stand and say, ‘I loved my animals, I didn’t want to see them killed,’ and the jurors don’t want to punish them,” says Dana Campbell, a staff attorney with the Animal Legal Defense Fund, a Petaluma-based group that provides legal assistance to prosecutors trying hoarding and other animal-cruelty cases. Yet, as Patronek notes, “the conditions in which the animals live fly in the face of the definition of *rescue*. Hoarding is not done for the sake of the animals. It’s done for the sake of the hoarder, who has some fear or need or compulsion. So the community has to ask, ‘Who was the hoarding really for? The person or the animals?’ ” **CL**