Building from Scratch: University of Georgia School of Law's Practicum in Animal Welfare Skills

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BUILDING FROM SCRATCH: UNIVERSITY OF GEORGIA SCHOOL OF LAW’S PRACTICUM IN ANIMAL WELFARE SKILLS

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TABLE OF CONTENTS

I. INTRODUCTION ................................................................. 93

II. THE BLUEPRINT ............................................................. 98

III. BREAKING GROUND ....................................................... 99

IV. ONGOING RENOVATIONS .............................................. 105

I. INTRODUCTION

How do you build an animal welfare team from scratch? You just start.

The Practicum in Animal Welfare Skills (PAWS) brings together students from the University of Georgia School of Law, legal and law enforcement professionals from the Athens-Clarke County (ACC) Unified Government, and private parties interested in improving animal welfare in the Athens area, for the sake of the animals and the people who care about them.1 The students are the mortar as well as some of the building blocks of this collaboration, binding the disparate elements into a cohesive whole and bringing their own skills and energy to identifying, investigating, and working to resolve animal welfare issues in the community.

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One day this past January, this cohesion was evident in the law school. Representatives from PAWS, the ACC Attorney’s Office, ACC Animal Control (ACCAC), the Atlanta Humane Society, and the University of Georgia School of Veterinary Medicine came together to educate each other on the respective roles each play in animal welfare cases, and to work through a current casefile to establish an approach for future cases.

The dog in the casefile, named “Olaf” by shelter volunteers, was the subject of a current cruelty investigation. A community member had called ACCAC in November, reporting a loose dog on his property that appeared to be sick. When the Animal Control Officers picked up the dog, they immediately noticed his painfully thin body condition and his greyish-white gums. Under an arrangement with a local nonprofit, they took Olaf directly to Firehall 4 Animal Hospital. There, the examining veterinarian scored Olaf’s body condition as one on a scale of five—emaciated with significant loss of muscle mass—and recorded his body temperature as critically low at 96.5° Fahrenheit. Shortly after arriving at the veterinary clinic, Olaf collapsed to the ground and was unable to stand again.

While Olaf was initially believed to be a stray dog, one that is unowned or with no identifiable owner, this quickly changed. Animal Control Officer Kathryn Schoepf found a single grainy picture from a tethering call two and one-half years earlier. The owner of the tethered dog was the same person who had called to

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2 Officially, Olaf is ACCAC impound #50498.
3 Athenspets, Inc., a 501(c)(3) organization, provides funding for the necessary medical care of impounded animals at Athens-Clarke County Animal Control, as well the costs of veterinary evidence collection for cruelty cases. See About Us, ATHENS PETS, https://athenspets.net/about-us/ (last visited Apr., 15, 2019) (discussing the services that the organization provides). I, Professor Milot, am the founder and Executive Director of Athenspets, Inc.
4 Firehall 4 Animal Hospital is a private veterinary practice that examines and treats animals impounded at Athens-Clarke County Animal Control under an arrangement with Athenspets. Firehall 4 Animal Hospital’s veterinarians work with PAWS in collecting veterinary evidence and serving as expert witnesses as necessary. See Veterinary Resources, FIREHALL 4 ANIMAL HOSP., http://firehall4.com/new-patients/veterinary-resources (last visited Apr. 13, 2019) (showing the hospital’s partnership with Athenspets).
6 ATHENS-CLARKE Cty., GA. CODE § 4-1-2(b) (2016) (making it unlawful in the county to tether an animal while not in attendance).
report Olaf’s presence on his property, and the dog in the photograph was a brindle mixed-breed intact male dog with a slightly fluffy tail—just like Olaf. If the photo was, in fact, of a healthy Olaf, then the dog was not a stray who was down on his luck; instead, he might well be the victim of animal cruelty. Could Olaf be “Cujo,” a dog on record as owned by the very person who had called him in as a stray? And, if so, could we prove it beyond a reasonable doubt?

The PAWS students launched into action, starting with more questions than they had answers. To prove animal cruelty, the students would need to establish that Olaf’s owner deprived him of adequate food or had caused him physical pain or suffering by failing to provide him needed veterinary care.\(^7\) To this end, they needed to confirm that Olaf and Cujo were the same dog and that the person who had called for help claiming Olaf was a stray still owned Olaf. Moreover, they needed to understand why Olaf was emaciated and hypothermic. Was it because of actions or omissions of the owner or did the dog have an underlying, untreatable condition for whom no one was to blame? And how does one prove pain or suffering in an animal?

Understanding the veterinary evidence was the first step. Under the guidance of Dr. Kelly Laas,\(^8\) the students reviewed the results of the initial diagnostics from when Olaf was impounded. A fecal exam showed the presence of whipworms, an internal parasite that causes irritation of the colon in infected dogs and leads to diarrhea and weight loss.\(^9\) Whipworms can debilitate an infected dog.\(^10\) In addition, Olaf tested positive for heartworms, a parasite that can cause a variety of medical issues, including a decreased appetite and

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\(^7\) See O.C.G.A. § 16-12-4(b) (2014) (providing in relevant part that “[a] person commits the offense of cruelty to animals when he or she: (1) Causes physical pain, [or] suffering . . . by any unjustifiable . . . omission; or (2) Having intentionally exercised . . . ownership of an animal, fails to provide such animal adequate food . . . consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal’s size, species, breed, age, and physical condition”).

\(^8\) Dr. Laas is the primary veterinarian at Firehall 4 Animal Hospital that assists with the cruelty cases in Athens-Clarke County. Our Team, FIREHALL 4 ANIMAL HOSP., http://firehall4.com/about/our-team (last visited Apr. 13, 2019).


\(^10\) Id.
weight loss and, untreated, it can be fatal.\textsuperscript{11} Heartworms and whipworms are easily prevented in owned dogs through the use of a single monthly pill costing approximately $10 per dose for a dog of Olaf’s (healthy) weight. Could the ultimate cause of Olaf’s condition be as simple as inadequate food combined with the presence of these parasites or did he have an underlying medical condition that would make an owner blameless?

Olaf’s bloodwork panel held the answer. Three factors in Olaf’s bloodwork—albumin, packed cell volume, and creatine kinase—showed that Olaf had not been receiving proper nutrition for an extended period of time. More tellingly, the bloodwork indicated no systemic illnesses. Olaf was near death because of his owner’s failure to feed him and to use common and affordable medications to prevent and treat internal parasites.

The students still needed proof, though, that Olaf had an owner who could be held responsible for his condition. One student took the lead on enhancing the older picture and taking a series of photos of Olaf in a position similar to that in the 2016 shot. He identified six points of comparison, showing that there was a good chance that Olaf and Cujo were the same dog. Others tracked Olaf’s weight daily and took photographs to thoroughly document his condition over time. From a prior case, they had learned the difficulty of showing emaciation in photographs of brindle-colored dogs because of the natural variation in hair color and appearance of contouring.

Another student collected the recordings from ACCAC, painstakingly creating a log and transcript of the calls and interactions between the Animal Control Officers and the now-presumed owner. At the same time, Officer Schoepf worked to get a confession from the presumed owner. Leveraging the evidence the students had collected, she finally succeeded. On a recorded line, the owner admitted to her that Olaf was, in fact, Cujo.

At the PAWS Animal Welfare Workshop, Olaf’s casefile was discussed and evaluated in the context of understanding how the various members of the Athens-Clarke County animal welfare team could best work together. PAWS students began the day with a

\textsuperscript{11} Heartworms are caused by a parasite carried by mosquitoes that infects the heart and lungs of dogs, cats, and some other animals. \textit{Heartworm Basics}, AM. HEARTWORM SOC’Y, https://www.heartwormsociety.org/pet-owner-resources/heartworm-basics (last visited Apr. 13, 2019).
presentation on animals as property, highlighting the legal issues raised by Olaf’s case. ACC Assistant County Attorney Sherrie Hines explained her role as prosecutor for animal ordinance cases. Officer Schoepf covered the local animal control ordinances and on-the-ground decision-making and evidence collection. ACC Attorney’s Office Investigator Mike Sellers trained the participants in witness questioning and the role of body language in testimony. UGA forensic veterinarian Dr. Doris Miller provided guidance on collecting veterinary evidence and understanding what it can prove. Finally, former animal cruelty prosecutor Jessica Rock reviewed Olaf’s case file, providing feedback on working with prosecutors and “selling” animal cruelty as an offense to be taken seriously to prosecutors, judges, and the public at large.

After the Workshop, the PAWS students finalized the case file and submitted it to the ACC Solicitor’s Office. Their task was not simply to collect and summarize the evidence, but to convince the solicitor to direct charge Olaf’s owner for his failure to provide the dog with both adequate nutrition and necessary veterinary care. They knew that if they were not successful, the only hope for justice for Olaf was to file a Warrant Application in Magistrate Court and try to convince a Judge that charges should be brought. From past experience, they knew their chance of success with this approach would be low.

It didn’t take long to receive an answer back: their work had paid off. The Solicitor’s Office took the case and charged Olaf’s owner with misdemeanor animal cruelty.

While the ultimate disposition of Olaf’s case is not yet known, we do know that a year ago this case is unlikely to have been charged. Without the knowledge, skills, evidence collection, and simple manpower provided by the PAWS students, the disparate pieces of the puzzle would not have come together.

In the eight months PAWS has been in existence—it is the University of Georgia School of Law’s second newest-clinic, beginning in Fall 2018—the students have learned to identify and investigate animal cruelty, worked to resolve potential cases amicably, compiled evidence and set forth cases concerning animal cruelty, and assisted in prosecuting offenses against animals. In so

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12 At the time of publishing, Olaf’s owner has pleaded not guilty with his trial set for June 2019.
doimg, they have put their classroom knowledge to work in the service of victims that are otherwise without legal representation, providing the foundation for Athens’ burgeoning animal welfare team.

II. THE BLUEPRINT

The blueprint for PAWS was sketched in the spring of 2017. I met with representatives from the ACC Unified Government about ordinances that the ACC Commissioners were considering enacting. The assistant county attorney who was then in charge of prosecuting violations of animal control ordinances suggested the idea of a class for offenders who might not have bad intentions, but did not know the law or how to properly care for their animals. The course she envisioned was much like a defensive driving course for traffic violators.

From there, the idea quickly grew. ACCAC management approved student involvement in shelter operations as participant-observers and the County Attorney’s Office threw its enthusiastic support behind the project, recognizing the benefits to the law students and its legal staff. Fortuitously, around the same time, the Dean of the Law School, Peter “Bo” Rutledge, approached me to discuss my interests and how to better align my teaching, scholarship, and service responsibilities. He quickly approved my proposed development of PAWS.

That was when the real work began. As a tenured faculty member hired to teach doctrinal classes—Property Law, Trusts & Estates, Estate & Gift Tax—who attended law school at a time when clinics were uncommon, I did not know many of the pieces of the clinical puzzle. University of Georgia Law Professor Alex Scherr guided me through the ABA rules concerning clinics, and other clinical faculty shared their applications, syllabi, and community connections. Over the course of a year, I went on ride-alongs with Animal Control Officers, participated in arraignments with the ACC County Attorney’s Office, learned the applicable ordinances and state laws, and put together the course materials. Then I sat back and waited.

Where the program went from there all depended on the students. Who was going to apply to the program in its first year,
when there were still so many unknowns? Would the difficult things they would see and experience—the neglect and abuse from which they could not turn away and the conflict inherent in any law enforcement activity—mean the losses would outweigh the gains for them, resulting in high attrition? Would they come away with an understanding of the roles of the various participants and how law worked in action, understanding the role of prosecutorial discretion and the range of skills needed to resolve problems, not just punish wrongdoers?

III. Breaking Ground

That fall, seven students accepted invitations to join PAWS. They, along with an eighth student who joined in the spring semester, brought a range of skills to the table: one had previously done an externship with Animal Law Source, another spent a summer at an international environmental NGO, yet another brought prosecutorial experience (and valuable connections) from an internship with the Solicitor’s Office. All were looking for an out-of-the-classroom experience in how law is lived, not just learned.

Recognizing, evaluating, and solving animal welfare problems is the foundation of PAWS. To this end, a primary task for the students is understanding the causes of the neglect and abuse they see: learning to differentiate instances of poverty or miseducation from indifference and malice so they can formulate solutions.

Ride-alongs with the Animal Control Officers are where PAWS students first experience the sorting and use of discretion that occurs in every real-world law enforcement action. A typical ride-along involves two Animal Control Officers and a PAWS student responding to a call from a member of the community who noticed a potential problem: a loose or tethered dog, an injured cat, or wildlife acting erratically. Once on site, the officers must decide quickly which calls concern actual problems and which are based on a mistaken perception or even a neighborly grudge. Then, among the actual problems, they must decide how critical the situation is. Is there time to work with a community member to come into

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compliance (and, if so, which tools—offers of assistance, referral to available community resources, provision of information, or threats of citation—will best accomplish that end?) or is the threat to the animal’s well-being so imminent and severe that taking the animal, knowing it might not make it out of the shelter alive, is the best approach? In all, just under 11% of all calls to ACCAC concerning dogs resulted in the issuance of citations in 2018.

Some of the call log entries tell stories of human hardship: “Medical call, owner down, [dog] guarding, EMS & Fire unable to get to owner,” reads one. Another caller “saw two [dog]s in pens and owner was admitted to hospital and nobody caring for [dog]s.” A third case concerns a “blue and white pit inside house with nobody caring for it, urine and feces everywhere, owner committed to mental hospital.” Others report dogs left homeless after an owner is incarcerated: “Owner trying to fight someone, owner going to hospital or jail” reads one entry; another tells of a “dog abandoned in house/owner in jail.” These calls tell of people who suddenly became unable to care for themselves, leaving their animals without a safety net in place. It is clear the dog (and the person) needs help, and the Animal Control Officers take on the task of tracking down family members. These calls provide insights into some of the most vulnerable members of our society.

Other times, the entries reveal the small nuisances of city living. By law, the first call for barking in a three-month period is a warning; after that, two complainants can elevate the offense to one

14 ACCAC is an open admission municipal shelter; it admits all cats and dogs brought to it by a county resident or found stray in the county, regardless of whether there is space available at the shelter to house the animal. Approximately 9% of the dogs impounded in 2018 were euthanized or otherwise died while at the shelter. Animal Control Statistics – 2018, ATHENS-CLARKE Cty. UNIFIED GOV’T, https://www.athensclarkecounty.com/8686/Animal-Control-Statistics---2018 (last visited Apr. 14, 2019) (showing a live release rate of 90.7% for dogs in 2018).

15 In 2018, there were 1576 calls reporting issues with dogs to ACCAC. In only 169 of these calls (10.7%) were citations issued. Log of Calls to Animal Control Concerning Dogs, ACCAC COMPUTER DATABASE, 2018 [hereinafter Call Log] (on file with authors).

16 Id. at Nov. 27, 2018.

17 Id. at Mar. 8, 2018.

18 Id. at Jan. 31, 2018.

19 Id. at Oct. 29, 2018.

20 Id. at Mar. 23, 2018.
for which an Animal Control Officer will usually charge.\(^{21}\) While fifty-six residents complained about barking in 2018, none provided the required written statements needed to bring charges.\(^{22}\) Other callers reported a neighbor’s failure to clean up behind a dog,\(^{23}\) though only rarely do these complaints lead to charges; in 2018, only one of nine such calls resulted in a citation.\(^{24}\) By far the greatest number of calls concern dogs running at large:\(^{25}\) some stray, some injured, some repeat offenders with known homes. In 2018, 70% of all calls—more than 1100 calls—concerned dogs currently running loose.\(^{26}\) At times, the callers are focused on the animal’s safety while at others on personal safety, reporting a dog that has charged at them\(^ {27} \) or is preventing exit from a building.\(^ {28} \) Dog bites often are linked to loose dogs, although bites also result from situations where a dog is properly under control: at a vet appointment, in play, or when a workman enters an apartment.\(^ {29} \)

\(^{21}\) ATHENS-CLARKE Cnty., GA., CODE § 4-1-4(c) makes it unlawful for a person to allow a dog he owns or possesses to disturb the peace “by loud, persistent, habitual barking, howling, growling, yelping or whining.” However, in order for an Animal Control Officer to cite under this provision, a warning must have been issued within 89 days prior to the citation date and two complainants must have provided witness statements. Id.

\(^{22}\) See generally Call Log, supra note 14.

\(^{23}\) ATHENS-CLARKE Cnty., GA., CODE § 4-1-6 (providing that a failure to clean up waste material not on the property of the pet owner is an offense, as is allowing an animal to defecate or urinate on another’s private property (even if cleaned up)).

\(^{24}\) See generally Call Log, supra note 14.

\(^{25}\) ATHENS-CLARKE Cnty., GA., CODE § 4-1-2(a) (requiring that animals be kept under their owners’ control at all times and, if off the property of the owner, be on a leash, confined within the passenger cabin of a vehicle, or confined on private property with the permission of the property owner).

\(^{26}\) See Call Log, supra note 14 (noting that 1110 out of 1576 calls in 2018 (70.4%) involved dogs running at large).

\(^{27}\) See, e.g., id. at Feb. (noting that a dog “charged two kids, kids are afraid to leave porch”); id. at July 8, 2018 (noting that a dog “charged . . . from across the street”); id. at July 11, 2018 (noting that a dog “charges at people, owner lets dog [run at large]”).

\(^{28}\) See, e.g., id. at Jan. 22, 2018 (reporting a dog on the caller’s porch that was growling, preventing him from leaving his mobile home); id. at July 27, 2018 (noting a caller trapped inside his home by a dog that was previously found to be “menacing”).

\(^{29}\) See generally id.
Calls expressing concern about neglect—tethering; inadequate food, water, or shelter; lack of safe and sanitary confinement—are commonplace. Rarer, but more chilling, are the reports of animal cruelty.

For impound #50498, the call log shows a complaint about a stray dog “hanging around in [caller’s] backyard, [dog] looks very thin and sick, [dog] showed up a few days ago per [caller].” While seemingly a sad story about a stray dog, hungry and alone, it quickly changed into a more troubling story of an owned animal not cared for properly: Olaf. It is a good reminder that callers might be intentionally misleading in their reports.

Another call reports three dogs “kept inside a wire [crate] together inside the house, all [dog]s in poor condition and being starved, [dog]s are drinking their own urine.” In fact, one dog was slightly overweight and another was only moderately underweight; the third, though, was a living and walking skeleton. Again, another caller-as-unreliable-narrator. This starving dog was Roxie, an early PAWS case that saw the owner plead guilty on October 17, 2018.

Still another call report is sparse in details: “1 mother and 2 puppies in poor condition, 1 puppy deceased.” This is the most recent case sent by PAWS to the ACC Solicitor’s Office for misdemeanor cruelty charges. A neighbor called and reported an approximately six-month-old puppy in peril, lying on the ground in a padlocked kennel after flailing about on the ground a few days before. The neighbor reported she had put food in the kennel by pouring it through the chain-link fencing. But it was too late. By the time the call came in to Animal Control, the puppy was dead of starvation.

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30 Calls reporting tethering were the second most common type recorded, with 143 calls in 2018. See generally id.
31 See ATHENS-CLARKE Cnty., Ga., Code § 4-1-3(b) & (c) (outlining the basic requirements for humane confinement of domestic animals). In 2018, 104 calls reported concerns about the conditions in which dogs were being kept or requested welfare checks to ensure the conditions were appropriate. Call Log, supra note 14.
32 See ATHENS-CLARKE Cnty., Ga., Code § 4-1-3(d) & (e) (providing sanitation and safety standards for kennels and other enclosures used to confine an animal on an owner’s property).
33 Call Log, supra note 14, at Nov. 5, 2018.
34 Id. at Apr. 3, 2018 (impound #49011).
36 Call Log, supra note 14, at Oct. 12, 2018 (impound #50357).
The ride-alongs in response to these calls are often the first exposure the students have to the non-university part of Athens. Athens-Clarke County is divided between the wealthier university and hospital communities, located in the downtown area, and the neighborhoods and trailer parks in the outlying regions of the county with high rates of extreme poverty.

This divide is not only economic; it is also social, physical, educational, and environmental. Moreover, it is reflected in ACCAC dog impounds: plotting dog intake data from ACCAC onto ACC census tracts shows “hot spots” for dog impounds in the 20% of ACC that falls north and east of the line that runs from Lexington Road around the east side of the Loop and up Highway 441. This swath represents half of the most socially vulnerable census tracts in the county. The area producing clusters of dogs impounded with known health issues is a tighter region, again bordered by Lexington Road to the south, but curving back more quickly at Hull Road. Within that area, enclosed by Olympic Drive/Old Elberton Road on the north, and still bordered on the south by Lexington Road, are the clusters of dogs exhibiting physical neglect at the time of impound: the starved dogs; the ones with skin infections so severe their bald heads and backs are cracked and raw and exude the odor of infection; those with collars embedded in the skin of their necks; and those presenting with common infectious diseases easily prevented with basic vaccinations. Yet not all of the cases emanate from this area, as some of the most persistent offenders have

37 Jessie Dyer & Lisa Milot, Social Vulnerability Assessment of Dog Intake Location Data as a Planning Tool for Companion Animal Community Program Development: A Case Study in Athens-Clarke County, GA, 2014-2016, Figure 1 (unpublished manuscript) (on file with the authors).
38 Id.
39 Id. at Figure 2.
40 Id. at Figure 3.
41 Id. at Table 1 (describing the factors leading to a classification of a dog as physically neglected).
addresses in the downtown Baxter Street area\(^{42}\) and Boulevard neighborhood.\(^{43}\)

For ordinance cases, the next level of discretion occurs at the level of the ACC County Attorney’s Office. After citation, the Animal Control Officers continue to collect information and evidence about the case, including performing rechecks in the days before the arraignment, but the resolution of the legal case is now out of their hands. While the Animal Control Officers may suggest low fines or that a case be dropped if they are confident the situation is remedied, it is up to the prosecutor whether and how to move ahead. At arraignment, the pieces come back together as the students explain the charges, work to resolve the underlying issues and, ultimately, negotiate plea bargains with the defendants. Only one or two defendants request a trial in any given month; of those that do, almost all settle in the days leading up to the trial as they come to understand the weight of the evidence against them.

Both in the ride-alongs and in these negotiations, the students learn to use the range of tools available for improving animal welfare in our community. Offers of free spay and neuter surgeries resolve issues caused by too many animals and not enough money to prevent more; the accompanying free rabies vaccinations bring the animals into compliance with state and local law and help keep them in good, if impoverished, homes.\(^{44}\) Referrals to local food banks help bridge the gap between what an owner can provide and what an animal needs; at times, donated food or dog houses are dropped off by the Animal Control Officers. Rechecks—both scheduled and unannounced—ensure conditions are improving and, once resolved, remain that way. And, if all else fails, citations help convince otherwise recalcitrant owners of the seriousness of their offenses.

The overall experience can be unsettling. Few owners think they are abusing their animals or treating them poorly and many

\(^{42}\) One entry reporting a “black pit X chained inside pen, 2nd [dog] chained with doghouse, black F/pitbull “Cookie” inside wire crate in carport, small brown & white [dog] Pebbles RAL” with previous offenses noted is for an address only blocks from UGA, just off Baxter Street. Call Log, supra note 14, at Nov. 15, 2018 (impound #50569). The “black pit X” was euthanized at the impound and is the subject of yet another cruelty investigation because of his damaged and rotting tail. Across the street, two other dogs were seized the same day.

\(^{43}\) See Call Log, supra note 14, at Jan. 31, 2018 (reporting two dogs running loose in the Boulevard neighborhood, listing “previous” contact with them—habitual offenders).

\(^{44}\) The surgeries and vaccinations are paid for by Athenspets.
defendants insist they genuinely care about their animals. It can be difficult to reconcile that the owner of a dog found in the field, tethered without access to water or shade and living among excrement, is the same person tearing up at the thought of losing his dog and not being allowed to obtain another. Yet these are a small minority of cases; in most instances, the problems that led to animal control and PAWS involvement are resolved, leaving the animals and the people who care for them in a slightly better place than before.

IV. ONGOING RENOVATIONS

During its first year, PAWS has already reshaped itself. The students moved from observer roles during the first semester to full participants in the second: preparing case summaries; spending hours at the shelter and on ride-alongs; getting to know the rhythms and inner workings of ordinances, laws, and practices that shape animal welfare in our community; and propelling prosecutions forward.

Most recently, the PAWS students have become a part of the rehabilitation process. On March 1, 2019, the course returned to its origins when four students taught the inaugural Animal Welfare Class at the ACC Courthouse, educating community members about state laws and local ordinances governing the care of companion animals, as well as the physical and social needs of pets, and behavioral solutions for common problems that, if left unresolved, may lead to legal issues or an owner surrendering the animal to the shelter. Here, students interact with the defendants they first met in the field, then with whom they negotiated plea agreements in court or who they helped prosecute, in a classroom environment focused on rehabilitation.

While the practicum will continue to change each year as new cohorts of students bring different skills and interests, its contours have been filled in by its first eight participants, and the animal welfare professionals with whom they have been working.