

# National Law Enforcement Council

A project by animal wellness **action** & animal wellness **foundation**

Sept. 2, 2022

District Attorney Alvin Bragg  
Manhattan District Attorney's Office  
One Hogan Place  
New York, NY 10013

Dear District Attorney Bragg:

Our mission is to ensure the welfare of animals through the proper enforcement of humane laws, and as experts in the field of animal welfare laws and enforcement, we are writing to offer you our knowledge and perspective to aid in your investigations. In the spirit of collaboration, we are here to offer any assistance.

Our staff includes natives of the city who share a historical point of pride that it was in New York where concerned citizens worked to form the first anti-cruelty organization in the United States in 1866. You can draw a straight line from their moral concern for abused animals to the enactment of the state's first anti-cruelty law. That law has been upgraded over more than a century and a half — New York's Agriculture and Markets Law § 353 — but it is not dissimilar in intent from the original law to crack down on overworking or otherwise abusing horses carrying heavy loads on the streets.

AML § 353 was passed in the middle of the 19<sup>th</sup> century for the express purpose of criminalizing this very conduct. In the statute's plain language, any person who:

***“overdrives, overloads... any animal, whether wild or tame... or causes or permits any animal to be overdriven or overloaded... or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty,”*** is guilty of a misdemeanor.

In addition, AML § 353 also criminalizes depriving any animal of necessary sustenance (a term that, under New York case law, is well-established to include veterinary care, see, e.g., People v. O'Rourke, 83 Misc.2d 175 [Crim. Ct. N.Y. Co. 1975] [failure to provide medical care to working horse constitutes cruelty under the law]), food, or drink, as well permitting such deprivation to occur. Ryder's physical condition upon his collapse suggests that prosecution could also occur under these grounds.

There are few more quintessential instances of conduct that fit so solidly the elements of, and even historical impetus behind, New York City's animal cruelty statute of AML § 353, than what has happened to Ryder.

We also anticipate that your office will be investigating whether any criminal fraudulent activity has occurred in any submission of false documents regarding Ryder (such as his age) to any New York City agency. For example, any person who, “with intent to defraud ... knowingly... makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office,” is guilty of a class D felony (Tampering with Public Records in the First Degree, PL § 175.25; or its lesser included, PL § 175.20). Alternate statutes penalizing similar activities include Falsifying Business Records in the Second and First Degrees (PL §175.05 and PL § 175.10) and Offering a False Instrument for Filing in the Second and First Degrees (PL § 175.30 and PL § 175.35).

Any practice of knowingly submitting false information and records regarding the veterinary or health history of working horses should be prosecuted, not only because it undermines the health and welfare of the horses themselves, but also because it endangers the safety of tourists taking rides in the horse carriages, the safety of passerby, and, most of all, public faith and confidence in the ability of New York City agencies to carry out their delegated functions.

This case is important to the people of New York County, who overwhelmingly voted to put you in office, and the people of New York City and State, who have been flooding our organization's emails inboxes with e-mails asking about what your Office is doing to address what they perceive as unjust treatment of working animals conscripted into New York City's tourism industry.

On their behalf, we implore you to use the power of your office to also investigate the welfare and care of all working carriage horses in the New York County, given the following reports in the last four months, that in addition to Ryder's collapse:

- On July 20, a New York City carriage horse died in the stable after pulling a horse carriage for several hours that day during a record-breaking heatwave.
- In June, a carriage horse in Central Park galloped into oncoming traffic and collided with cars, injuring a pedestrian.
- In late May, a carriage horse collapsed in Central Park and witnesses took video of the driver cruelly mishandling the downed animal.

New York City is iconic in so many ways, and we know you want to make sure that its laws are enforced in a way that protects the most defenseless.

Thank you, and we look forward to helping you and your office in any way possible during this investigation.

Sincerely,

Josh Marquis  
*Co-Chair, National Law Enforcement Council Animal Wellness Action*  
*District Attorney Clatsop County (1994-2018)*  
*Director of Legal Affairs & Law Enforcement Animal Wellness Action*

W.A. Drew Edmondson  
*Co-Chair, National Law Enforcement Council Animal Wellness Action*  
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