



Charging Document

§ 14 Criminal Procedure Act 2011

CRN:

18092503995

Filed in the District Court at Manukau

on:

2 November 2018

Defendant

Name:* Janine Anne Wallace

PRN:

61092563

Address: 1478 Miranda Road
Mangatangi
Mangatawhiri 2473

Gender:* Female
Date of birth:* 9/02/1960
Driver licence no:
Occupation: Farmer / Dog Breeder

Offence details

I, Kevin Plowright of the Royal Society for the Prevention of Cruelty to Animals, have good cause to suspect that Janine Anne Wallace has committed the offence specified below.

Date of offence:* Between 28 July 2017 &
13 Oct 2017

Offence location:* at Mangatawhiri

Offence description: *

Being a person in charge of an animal, namely a German Shepherd dog named Zeta, did not ensure that the physical, health and behavioural needs of that animal were met in a manner that was in accordance with good practice.

Legislative reference:* Animal Welfare Act 1999, sections 10, 12(a) and 25.

Maximum penalty:* 12 months' imprisonment and/or \$50,000 fine.

Offence category:* 2 Representative charge:* No Alternative charge:* No
Select Yes if the offence description is worded as a representative or alternative charge.

First appearance hearing

Date: 17th December 2018

Time: 9am

Court: Manukau District Court

Prosecutor details

Prosecutor:* Royal Society for the Prevention of Cruelty to Animals (Auckland)

Address for service:* Kaye Fletcher Walker (Luke Radich)
PO Box 76066, Manukau 2241
Email: service@kfw.co.nz

Signed:



Charging Document

MOI9001

s 14 Criminal Procedure Act 2011

CRN:

18092503951

Filed in the District Court at Manukau

on:

2 November 2018

Defendant

Name:* Barbara Glover

PRN:

61092530

Address: 1478 Miranda Road
Mangatangi
Mangatawhiri 2473Gender:* Female
Date of birth:* 2/08/1938
Driver licence no:
Occupation: Farmer / Dog Breeder

Offence details

I, Kevin Plowright of the Royal Society for the Prevention of Cruelty to Animals (Auckland) have good cause to suspect that Barbara Glover has committed the offence specified below.

Date of offence:* Between 28 July 2017 and 13 October 2017

Offence location:* at Mangatawhiri

Offence description: *

Being the owner of an animal, namely a German Shepherd dog named Zeta, did not ensure that the physical, health and behavioural needs of that animal were met in a manner that was in accordance with good practice.

Legislative reference:* Animal Welfare Act 1999, sections 10, 12(a) and 25.

Maximum penalty:* 12 months' imprisonment and/or \$50,000 fine.

Offence category:* 2 Representative charge:* No Alternative charge:* No

Select Yes if the offence description is worded as a representative or alternative charge.

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Signed:

Young male pup tethered on a short leash without any water and an inadequate shelter, around the cattle yards.

(6) ZETA

Adult female dog tethered in the cattle yard and identified by the veterinarian has been underweight and a matted coat.

(7) DEBBIE

Adult female dog found in a locked shed. She had faeces matted in her coat and had an obvious ear infection causing her to shake her head with discomfort.

Since being seized, Debbie gave birth to ten puppies on 29 November 2017. One of these puppies died but the other nine are progressing well in SPCA care.

(8) PARIS

Female pup found in a small cubicle in the deer shed. She was identified as being underweight and having a matted coat. Like all the dogs the deer shed they were without any bedding or behavioural enhancement.

(9) DESNEY

An adult female dog housed in the wood shed. She had skin problems and an ear infection that required veterinary treatment.

Since being seized, Desney gave birth to seven puppies on 10 December 2017. They are progressing well in SPCA care.

(10) ELITE

5 month old male dog, housed in the wool shed in unsanitary conditions.

(11) PUPPY

5 month old male dog, housed in the wool shed in unsanitary conditions.

(12) EMMA

Inspector Statement

Glover. We would also get Waikato Animal control to assist us with the safe removal of welfare comprised dogs.

INSPECTION 5.

On the 13th of October 2017 at approximately 11:30am Inspector Lori Davis and I entered the property of 1478 Miranda road Mangatangi assisted by, Veterinarian Jess Beer, Community Police Constable Todd..., Waikato Animal Control Officer Rhys Heatley and a number of SPCA staff to assist with the transportation of dogs.

As we drove up the driveway we sighted a pup in the pen area next to the cottage without shelter. We stopped outside the picket fence of the main house. There was another young pup which was tethered without shelter or water. Another adult dog was also tethered without shelter and water. Mrs Glover came out of the house I advised her of why we were at the property and advised her of the Bill of Rights. But I said I would not be asking any questions today but anything she may say could be used as evidence in a court of law. Mrs Glover asked me to wait until Ms Wallace was home as she was only 15min away. We decided to proceed regardless.

I first checked on the dog that was tethered in the utility shed yesterday. This dog was no longer there. The young male pup tethered on a short leash to the picket fence was seized and entered as **"MONTY" dog 1.**

I then looked at the dogs in the old enclosures with the veterinarian, the enclosure had been cleaned out and the dogs had water. The Veterinarian stated the dogs were underweight, matted coats and with ear infections. We seized a male dog **"ASTRO" dog 2.** & a female **"DOLLY" dog 3.** & a male dog **"MAFIA" dog 4.**

Ms Wallace arrived home, I informed her of why we were at the property, I advised her of the Bill of Rights but let her know I will not be asking any questions today. As we would be focusing on the safe removal of welfare compromised dogs from their care.

We walked past the utility shed and heard dogs barking from inside a locked room in the utility shed. We had not been aware of any dogs being kept in this room previously. We requested that Ms Wallace produce a key for the room.

We continued to the cattle yards, one young male pup was tethered on a short leash without any water and inadequate shelter. This dog was seized. **"Casper" dog 5.** Two other adult female dogs were tethered in the cattle yards, one was underweight 2/9 BCS and matted coat. This dog was seized **"Zeta" dog 6.** The other dog we decided to leave.

As we entered into the garage, Ms Wallace asked if we had a warrant for the removal of dogs, I suggested Ms Wallace Google search the Animal Welfare Act 1999 and search section 127 (5) and that will explain the powers that we were operating under. The dogs were confined in the crates without water. We are

Signed:



Witness signature:



Occupation: **TRAINEE AWI**

Inspector Statement

just wait for Janine. Barbara Glover was then addressed by Todd Kirker from Tuakau Police to further inform her. She became visibly distressed and refused to speak with him also. We therefore started our seizure process.

We brought SPCA Veterinarian Jess Beer to perform a basic assessment on the dogs living conditions and a basic health assessment.

Dog 1 seized, Monty, a young male pup tied to the picket fence by short 1m lead attached to a choke chain. He was in normal body condition but without any shelter. He had water. Yesterday he was tethered by a short lead around by the concrete kennel runs with no water and no shelter.

The concrete kennel runs had been cleaned and the dogs all had water today. SPCA Veterinarian assessed the dogs inside the runs. They were all underweight, their coats were all matted and covered in faecal matter and urine. A couple of the dogs were shaking their heads and displaying signs of distress. Dogs 2. Astro, male adult, 3. Dolly, female adult and 4. Mafia, male adult were seized.

In the large open utility garage the dog tethered on the short lead seen yesterday was gone, the bowl with unpalatable water remained and the urine & faecal staining was still evident on the floor. There were scratch marks on the floor and wall. There was an empty crate right at the rear of the shed unclean, with stained and ripped newspaper. We could hear adult barking coming from somewhere. We sighted a dead bolted door we had never seen before and certainly had not ever been shown. We could hear adult barking coming from there. There were no windows. We didn't want to cause unnecessary damage to the door and carried on with the inspection with the intention of asking Janine to unlock it for us.

At the cattle yards where an adult 'Ritzi' had been tethered yesterday was now a young pup who started fear urination as we approached. Our veterinarian stated he had bony abnormalities. He was tethered by 1m lead to a cattle crush with no water and no adequate shelter on a concrete floor covered with urine and faeces. Dog 5 Casper young male was seized.

Inside the cattle yard were a further two female adult dogs both tied on chains approximately 1m long. One in normal body condition with water and one underweight with a moderately matted coat. Identified as Dog 6 Zeta seized. Both dogs were tethered with choke chains around their necks which is not ideal as they are a choke chain for training while walking. The area had been spot cleaned. There was a chain and a bowl with no dog.

Two adult female dogs were inside crates inside the garage, Opel and Nelly. The smell of ammonia was still obvious but less than on previous visits. Both dogs were assessed by the veterinarian, normal body condition and their coats and crates relatively clean, the concern is the amount of time being confined in these crates and as we have no way of determining how long they are confined we had no ground to remove either. Both Opel and Nelly were in these crates in the garage yesterday at the time of our visit with one other, Crystal who was not in there today.

Signed:



Witness signature:



Occupation: *TRAINEE AWI*

Witness Statement

Some of the dogs at the property were tethered by short leashes to a choke chain. Dogs tethered in this manner and left unsupervised are in considerable risk of harm. The dogs tethered were also without shelter and some dogs were without access to water. Many of the water bowls that were present were knocked over, likely by the dogs. Other options for water vessels could have been easily sought to prevent the vessels being knocked over.

There was robust vocalisation from the many dogs on our arrival. Many showed concern at our approach, showing body language consistent with fear, anxiety and distress.

Two of the dogs Desney and Debbie. Showed evidence of chronic skin disease and both dogs were in whelp at the time of seizure. There was also clear evidence of chronic untreated skin and ear disease, exacerbated by dirty living conditions. This would have caused these dogs' unreasonable pain and discomfort.

Seven dogs showed evidence of chronic untreated ear disease. Desney, Dani, Mafia, Astro, Debbie, Dolly, Paris, this condition would have caused significant and unnecessary pain and distress and a number of dogs had visibly poor conformation.

Ear disease is commonly caused by underlying Atopic Dermatitis which is a known heritable disease in German Shepherds.

This would have been obvious to any lay person, and treatment should have been sought. The dogs ears required medical treatment and pain relief immediately and ongoing. Atopic Dermatitis and related ear disease is a heritable condition and both dogs should not be bred from as it is likely to cause pain and distress particularly in moderate to severely affected dogs.

Eight dogs, show mild to moderate radiographic abnormalities in their hip joints. Hip Dysplasia is a known heritable disease in German Shepherds, and strict screening is advised for all breeding.

The code of welfare for dogs, minimum standard no7. Breeding, states; Breeders must make all reasonable efforts to ensure that the genetic make-up of both sire and dam will not result in an increase in the frequency or severity of known inherited disorders

Thirteen dogs were underweight with low body conditions scores of 2-3/9 on Purina scale

Fourteen dogs had unkempt coats with significant fur matts, faecal and urine staining. Only one dog had a coat that had been recently attended to, Monty. The faecal and urine staining typically leads to a risk of skin conditions and infection which can cause pain and distress.



Eight dogs Elite, Emma, Puppy, Mafia, Dolly, Debbie, Zeta, Casper, show behaviour abnormalities fear, hyperactivity, frustration. One dog Ritza had such a severe injury to her leg due to tethering and trauma that euthanasia was required despite treatment.

Signed: 

Witness signature: 

Occupation: *AW Inspector*

Witness Statement

Name: Dr Jess Beer BVSC MANZCVS	Occupation: Vet
<p>This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief. It has been made by me knowing that it may be admitted as evidence for the purposes of the standard committal or at a committal hearing, and that I could be prosecuted for perjury if the statement is known by me to be false and intended by me to mislead (Summary Proceedings Act 1957 section 162).</p>	
<p>Date: 12 Dec 2017</p>	
<p>Signature: </p>	<p>Witnessed by: </p>

I have BVSc from Massey University, graduating in 2002. I have Membership by examination of the Australia and New Zealand College of Veterinary Scientists in Veterinary Behaviour, 2014. I have worked with animal welfare charities in UK, Romania, India, Portugal, Greece, Thailand, Mexico, Panama, Rarotonga and New Zealand. I am currently working as a Head Veterinarian at SPCA Auckland, as well as being the Owner and Director of a private behaviour consulting business, Kiwi Vet Behaviour.

On the 13th of October 2017, I was requested by SPCA Animal Welfare Inspectors Laurie Davis and Kevin Plowright to assist them with an inspection of large numbers of German shepherd dogs at 1478 Miranda Road Mangatangi.

My overall observation on the day was of a poorly run large scale dog breeding operation with an obvious lack of facilities to adequately house their dogs. The large number of German shepherd dogs were contained in various locations around the large rural property. Dogs were confined within the hay barn, utility shed, wool shed, deer shed, garden shed and garage. Dogs were also found tethered at various locations around the property without adequate shelter. The dogs were tethered by choke chains around the dog's neck. The owners of these dogs are risking possible harm to tether their dogs in this manner.

There was robust vocalisation from the many dogs on our arrival. Areas where the dogs were contained had evidence of faecal tracking and build up, and many of the dogs were without water. Many showed concerned at our approach, showing body language consistent with fear, anxiety and distress.

"Zeta". Dog 6. An adult female German shepherd Dog, identification number 292119.

Zeta was found within a roofed cattle yard area, the floor was concrete. "Zeta" was tethered with a choke chain around her neck. The cattle yard did not protect the dog from the wind or driving rain. There was a bowl of water, but no bedding, no form of enrichment such as toys or chews to counteract the barren environment. These conditions fail to meet the recommended best practice under the Code of Welfare.

Signed:

Witness signature:

Occupation: A W Inspector

Witness Statement

Zeta was timid, anxious and vocalising at our approach, and though no aggression was shown she was unsettled with contact. It would be considered that her environment lacked even the basic necessities for good mental health. She was bored, tethered and with no outlet for normal canine behaviour such as sensory enrichment, no evidence of access to sufficient exercise, play, chewing or sleeping comfortably. The concrete floor was soiled by faecal matter. This environment would be considered detrimental to the mental status of any dog, and likely to have contributed to anxious and fearful behaviour she displayed

Zeta's clinical exam showed evidence of a thin body condition score 2/9 and her weight was 27.4kg. An expected weight being 30kgs. She had a matted coat with obvious urine and faecal staining which would cause distress and skin irritation. Zeta has a small non reducible umbilical hernia and there were 2 palpable pea size dense masses in her caudal mammary glands. This would be consistent with neoplasia and further testing would be advised. Her conformation was sloping from her lumbar region down her pelvis and there was a "Cow Hocked" appearance to her stance. Radiographs under general anaesthesia showed evidence of broadened femoral neck in her left hand side femur and bilateral femoral heads appeared flattened. This would be consistent with mild to moderate hip dysplasia. This is a heritable condition and should be not bred from as it causes pain and distress particularly in moderate to severely affected dogs. The code of welfare for dogs, Minimum Standard no7. Breeding, states; Breeders must make all reasonable efforts to ensure that the genetic make-up of both sire and dam will not result in an increase in the frequency or severity of known inherited disorders.

Zeta's health assessment revealed poor body condition and a matted coat. Mild to moderate hip dysplasia and masses in her mammary tissue. Her reactive barking and body language on the premises was consistent with a level of anxiety. The behaviour exhibited by her was consistent with a lack of socialisation and trust. Her behaviour has improved since being in the care of the SPCA showing increase engagement and body language indicative of pleasure and enjoyment. It was clear that the deficiencies of her environment ongoing were detrimental to her physical and mental health.

Signed:

Witness signature:

Occupation:

AW Inspector



SPCA ANIMAL HOSPITAL CLINIC RECORD

VILLAGE ID: 292119 - Zeta
ADMITTED: 13 OCT 2017
ENTRY TYPE: SEIZED
STATUS: SEIZED
LOCATION: DOGGERY
GENERAL

ANIMAL DETAILS

NAME: Zeta
SEX: Female
SPECIES: Dog
DESEXED: Unknown
BREED: Shepherd, German
AGE: 4 Years, 11 Months (at admission)
COLOUR: Black/Tan / Black/Tan
MICROCHIP ID:
FEATURES: held @ pukekohe pound
ENTRY NOTES:
DOg #6/15

OTHER ADMISSION DETAILS

FOUND: Mangatangi
ENTRY SOURCE: Inspector
UPLIFT INFO: Kevin Plowright - UPLIFT SCREEN - health/environment dirty living conditions
MANAGER ALERT:
MEDICAL ALERT:

CONTACTS

RELATIONSHIP	NAME	PHONE NUMBERS	ADDRESSES	NOTES
Entry Source:	(201743) - Kevin			
Inspector	Plowright			
Owner	(263334) - janine wallace		1478 miranda road, mangatangi	janine wallace & barbara glover are the owners

CLINIC NOTES

DATE	STAFF MEMBER	NOTE TYPE	NOTES
13 Oct 2017	Tracey Gamble	Event - New Admission	
13 Oct 2017	Tracey Gamble	Event - Status Change	Seized
13 Oct 2017	Tracey Gamble	Event - Location Change	Pound - General

DATE	STAFF MEMBER	NOTE TYPE	NOTES
27 Oct 2017	Jess Beer	Treatment - Vet Consult- Seized	<p>Inspector: LD Veterinarian: JB</p> <p>ID: 292119</p> <p>Species: Canine Breed: GSD Colour: Sable Age 3 years Sex: Female De-sexed: No Microchip: 982000363588027</p> <p>History: seized from breeder</p> <p>Physical examination: Weight: 27.4kg BCS: 2/9 Overall appearance and attitude- BAR Hydration - normal Ears – WNL Eyes – WNL Mucous membranes: pink CRT: one sec Nose – WNL Mouth – WNL Chest – WNL Abdomen – small umbilical hernia, non reducable, right hand side nipple 4 two small dense masses pea size differential mammary neoplasia Urogenital system – WNL Skin – • UV lamped: Negative • Ringworm culture required: no Coat and nails: Coat is matted and fecal/urine contaminated. Multiple matts in groin, back area and all limbs. Urine scalding: No Urine staining: Yes Faecal staining: Yes Lymph nodes – WNL Neurological – WNL Musculoskeletal – poor hindlimb with sloping conformation adn slight cow hock appearance Temperament – nervous but happy to interact for food Treatment: bathe, groom, vaccinate, flea, worm, monitor mammary masses.</p> <p>Assessment/differential diagnoses: underweight, musculoskeletal abnormalities, skin and coat dirty, mammary masses Given revolution and drontal</p> <p>Protech Bronchi Shield III Batch # 8940216A EXP 04MAY19 Vanguard +5 Batch no 200182 3/07/18 Given drontal and revolution (SL)</p>
27 Oct 2017	Katie Wright	Event - Location Change	Doggery - General
30 Oct 2017	Katie Wright	Note - General	<p>Bathed in Sebizole Coat in bad condition, heavily matted on her limbs legs and underside. Had to cut matts out with scissors and then brush them out. Matts on legs and underside had dry mud and/or faeces. These needed to be soaked and brushed out. Dog smelt of urine and faeces. The water running off his coat was brown in colour. Some matts could not be removed and will require either professionally grooming and/or shaving.</p>
30 Oct 2017	Katie Wright	Note - General	Kevin Plowright gives permission for this animal to go under anesthesia for the purpose of a hip displaysia test and ear exam and any other exam/treatment deemed necessary to mitigate possible suffering while the animal is in our care
06 Nov 2017	Doug Dreyer	Treatment - Xray - Big Plate	<p>Premed with ACP / Temgesic , induce anaesthesia with propofol , maintain with isoflurane . X-ray hips v/d view , JB to assess Examine both ear canals , no sign of inflammation or infection , little waxy debris , no need to flush Severe matting with knot through coat , shave ventral body , brush out and sheve off rest of knots and mats</p> <p>HIPS bilateral thickened femoral necks shallow joints and flattened femoral heads</p>

DATE	STAFF MEMBER	NOTE TYPE	NOTES
17 Nov 2017	Jess Beer	Treatment - consult re-check seized	<p>RHS lower canine fractured. Dentine exposed but no pain or pulp. CA noted dog wheezing. RHS Lymph node slightly enlarged so possibly laryngitis. Monitor for cough. Increased respiratory sounds over trachea. Query pregnancy. No evidence of pregnancy. Mammary masses have not changed in size. Still small, pea sized. Hips comfortable on extension.</p> <p>Vanguard +5 Batch no 233093 11DEC18</p> <p>Weight 29kg</p> <p>(SL)</p>
08 Dec 2017	Jess Beer	Treatment - consult re-check seized	<p>Eyes: WNL Ears: WNL Nose: WNL Mouth/teeth: WNL Heart/Lungs: WNL Limb Extension: WNL Skin/Coat: WNL Weight: 31kg BCS: 3/9 Revolution applied (SL)</p>
11 Dec 2017	Summer Marks-STAFF	Event - Fostered	Fostered to: (143897)
11 Dec 2017	Summer Marks-STAFF	Event - Location Change	Foster Home - General - Fostered to: (143897)
29 Dec 2017	Saskia Lindstrom-STAFF	Event - Returned From Foster	
29 Dec 2017	Saskia Lindstrom-STAFF	Event - Location Change	Doggery - General - Returned from foster.
29 Dec 2017	Jess Beer	Treatment - consult re-check seized	<p>FP noted no issues, says dog has been licking her vulva a lot in the last couple of days and has appeared more tired.</p> <p>On exam, moist around vulva, slightly swollen, no bloody discharge. Possibly going into season - CAs to monitor if excessively licking and get urine sample. Weight 32kg</p> <p>(SL)</p>
29 Dec 2017	Saskia Lindstrom-STAFF	Note - General	<p>Behaviour notes from foster parent: Dog is very good with cats - not fazed whatsoever, would love a cat friend. Lovely to walk and ignores distractions. No problem being greeted from a distance. Happy and relaxed dog, no problems noted. (SL)</p>
12 Jan 2018	Jess Beer	Treatment - consult re-check seized	<p>Monthly General Examination Eyes: WNL Ears: WNL Nose: WNL Mouth/teeth: WNL Heart/Lungs: WNL Limb Extension: WNL Skin/Coat: hernia on stomach no treatment required Weight: 32.2kg BCS: 4/9</p> <p>Given Revolution Is in season (SL)</p>
24 Jan 2018	Rosalind Holland	Treatment - consult re-check seized	<p>CA noted D++, Eating fine, BAR, no change in demeanor.</p> <p>Weight 32.3kg Abdomen comfortable, body condition is good. To go on 1.5 stormogyl 20 twice daily for five days.</p> <p>Given Drontal Is in season (SL)</p>
02 Feb 2018	Lyndell Olley	Treatment - consult re-check seized	<p>Rechecked to see if dog is in season. Vulva no longer swollen, no blood. Strongly resented exam. No longer in season. (SL)</p>

DATE	STAFF MEMBER	NOTE TYPE	NOTES
14 Feb 2018	Senka Piri - STAFF	Treatment - consult re-check seized	<p>Monthly General Examination</p> <p>Eyes: WNL</p> <p>Ears: WNL</p> <p>Nose: WNL</p> <p>Mouth/teeth: WNL</p> <p>Heart/Lungs: WNL</p> <p>Skin/Coat: WNL</p> <p>Weight: 31.8kg</p> <p>BCS: 6/9</p> <p>Needs to lose weight. To go on 1 3/4 cup food twice daily.</p> <p>Given Revolution</p> <p>(SL)</p>