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For Immediate Release

Friday, January 31, 2020

REGARDING "WYATT"

On January 14, 2020, my office received reports from the Carbondale Police Department relating to an animal cruelty complaint involving a Shih Tzu mix with an injury to its snout. Upon review of the reports of the investigation, an assistant state's attorney with over 20 years of experience as an attorney determined that a criminal prosecution was not warranted. This decision was immediately brought to my attention, and I reviewed the reports relating to the investigation and agreed. Our decision was in writing and my office promptly notified the investigative agency of the decision.

Since reaching our decision there has been a firestorm of social media activity challenging that decision, in large part because of inaccuracies which have been circulated in the social media about the facts. This release is an effort to clarify factual inaccuracies.

First, this little dog was the member of a family with three children and two other dogs. The mother noticed that her dog appeared to have been injured around his snout because of redness and swelling in that area so she called St. Francis Care Animal Shelter on Friday, January 3, 2020, in hopes of obtaining financial assistance so that her dog could be taken to a veterinarian. When she was told that money was not available without surrendering her dog for adoption, she declined. On the same day, she contacted the Carbondale animal control officer and made a similar inquiry. The mother explained that she thought that the dog may have been injured by putting his snout into a can in her garbage or perhaps by one of her other puppies who may have bitten the dog. The animal control warden explained to her that there were no funds available for veterinary care, but that if she agreed to give the dog up, the dog could be taken to the Humane Society Shelter in Carbondale where it would receive treatment. The warden informed me that the mother agreed to do so and was crying. She agreed to turn over all three of her dogs. The animal control warden noticed that the dog appeared to have an injury but did not see a rubber band or anything restricting the dog's mouth. Prior to surgery, the dog's hair was longer than what is shown in the picture of him which was circulated in social media. Both the mother and the animal control officer noticed a smell emanating from the dogs wound. All of the dogs were taken to the Humane Shelter the same day by the animal control warden with a request that a veterinarian examine the injured dog.

According to the reports received by my office, a call was made from a staff person at the Humane Society that same day to St. Francis Care requesting that the dog be picked up and taken to a veterinarian, but the dog was not picked up until Monday, January 6, 2020. During the time that the dog was in the care of the Humane Society shelter, according to the supervisor and her workers, the dog was eating and drinking. The report even indicated the type of food the dog was eating. No one observed a rubber band around the dog's snout. When he was transferred to St. Francis Care, a rubber band was discovered around the dog's snout which had to be surgically removed by the veterinarian. The rubber band, which the veterinarian opined must have been around the dog's snout for two weeks, was imbedded into the skin and jaw. The rubber band is black in color and appears to be similar to a round hair-band.

Upon learning about the rubber band, police officers returned to the family and interviewed everyone individually. When the mother was told that there was a rubber band around the dog's snout, she was surprised and explained that she had not seen it and opined that it must have been put there by

her seven-year-old child who had been using rubber bands to style the dog's hair. Others interviewed indicated that same thing. The seven-year-old child denied putting the rubber band around the dog's snout.

Prosecution of an owner for animal cruelty requires that we prove the owner either committed the act of cruelty or knew about it and did nothing about it. We cannot prove either in this case and cannot prove who put the rubber band on the dog or why. There is nothing to suggest that the owner intentionally left it on the dog or knew about it. The owner did eventually notice a change in the dog's appetite and when the injuries were discovered immediately tried to get medical care. There is no evidence that she was ever aware that a rubber band may have been the cause of the injury. It is inconceivable to believe that the owner would know that there was a rubber band around the dog's snout and would nonetheless take the dog to an animal control officer and request treatment for the dog. The animal control officer did not see a rubber band on the dog and neither did anyone at the Humane Shelter. To suggest that the mother should have seen this, when others who were around the dog and examined his injuries did not see it, is a stretch of logic that cannot be taken. The mother's actions were inconsistent with abuse. She was attempting to obtain care for a dog and did not have the funds to do so. It was under those circumstances that she gave up the dogs.

There were allegations that the mother or the family abused their dogs on other occasions when they lived in a previous community. Detectives contacted the community where allegedly these allegations were made and were told by the animal control agency that there were no prior allegations of abuse.

The men and women in this office take their responsibilities as attorneys for the People of the State of Illinois seriously. We will act decisively and promptly to prosecute provable allegations of cruelty to any animal. In this case, it is also our obligation to respond quickly and decisively to allegations which are not factually supported by the evidence when to refuse to do so would result in irreparable harm to individuals who were not engaged in conduct which can be subject to prosecution. The facts in this case do not warrant a prosecution of the owner. Her actions in trying to obtain help for her dog contradict the scurrilous attacks which have been made against her.

**Sincerely,**

**MICHAEL C. CARR**