

**\*\*\*MEDIA ADVISORY\*\*\***

June 25, 2025

**ADDITIONAL EVIDENCE AND INDIANA LAW EXCEPTIONS DO  
NOT SUPPORT FORMAL CRIMINAL CHARGES BEING  
REINSTATED IN ALLEGED ANIMAL ABUSE CASE**

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The evidence now received by the Office of the Prosecuting Attorney establishes that the two (2) cats that were destroyed by the individuals originally accused of animal abuse in Elkhart Superior Court were feral cats that had not only damaged a ceiling structure of the business property where they were captured, but also an item with established and documented value to the business. Over the week before the destruction of the cats, attempts had been made to find homes for the cats and to relocate one of the cats, which traveled approximately ten (10) miles to come back to the business property. These efforts were not successful, and the individuals responsible for resolving the matter made the choice to destroy the cats using a compactor that caused death within a few seconds of the physical injury that was inflicted. Each of the individuals, as well as the business that employed them, were cooperative and honest during the investigation. There was no evidence documented that suggested that any of the three individuals engaged in the behavior with the intent to cause suffering or prolonged physical pain to the cats involved.

All criminal actions prohibited by the State of Indiana are defined by its laws and are to be strictly construed against the State. A person's conduct, *no matter how offensive or objectionable it may be*, will only be actionable under criminal law where there is specific authority granted to the State, by its Legislature, to hold a person accountable. Prosecutorial decisions regarding formal charges may not be emotionally driven, nor be inconsistent with the intent of the Legislature.

After evaluation of the additional evidence, and with consideration of applicable law in Indiana, an exception to the law prohibiting the abuse of a vertebrate animal exists when the animal that is destroyed is endangering, harassing, or threatening livestock or a domestic animal, or destroying or damaging a person's property. Indiana Code 35-46-3-5(a)(10).

A "vertebrate animal" is an animal that has a vertebral column and a skull. A cat is a vertebrate animal to which the protections against abuse, torture, or mutilation would normally apply. "Abuse" means to knowingly or intentionally beat, torment, injure, or otherwise harm an animal; "torture" means to inflict extreme physical pain or injury on an animal with the intent of increasing or prolonging the animal's pain; and "mutilate" means to wound, injure, maim, or

disfigure an animal (I.C. 35-46-3-0.6). Indiana law defines these specific terms to ensure the general public's awareness of prohibited conduct.

However, application of animal abuse laws is specifically prohibited in certain situations including fishing, hunting, trapping, farm management practices, emergency events, animal disease control programs, and destruction of a vertebrate animal that is endangering, harassing, or threatening livestock or a domestic animal, or destroying or damaging a person's property.

In addition, there exists Indiana law regarding acts of trapping and killing animals for the harvesting of fur. In permitted circumstances where a person is licensed to trap vertebrate animals, see I.C. 14-22-6, the law allows for an animal to be captured for a period not exceeding forty-eight (48) hours in a trap designed to crush or asphyxiate the animal. In comparison to the crushing mechanism used by the individuals to destroy the cats in the subject case, death would have occurred within seconds, certainly not the extensive period contemplated by the trapping laws.

Finally, in consideration of other circumstances where a person might use a trap that crushes or asphyxiates a vertebrate animal for the purpose of destroying it, such as a rat or a mouse, a raccoon, an opossum, or any other animal that is damaging or destroying a person's property, the Prosecuting Attorney determined it would be unreasonable to apply the law regarding abuse to such circumstances where the animal's death is brought about by actions that do not prolong the suffering of such an animal.

Accordingly, as the cats causing damage to property that are the subject of this case were, by definition, vertebrate animals like a mouse, a rat, a raccoon, or an opossum, and were destroyed in a manner that did not prolong suffering beyond that which is permitted by law, no criminal charges will be filed in this matter.

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*“Under Indiana law, all persons arrested for a criminal offense are innocent until proven guilty in a court of law.”*