

IMPORTANT NOTICE - PLEASE READ

This manual is intended to serve as a general reference guide to enable humane and law enforcement officers to benefit from the actual experiences of others who have had practice in investigating animal cruelty.

The authors and publishers are not legal experts or attorneys and are not offering legal services. In any case where the reader has a question regarding the intent of the laws and/or legal proceedings discussed in this manual, or their legal rights and duties in the situations described in this manual, they should consult an attorney for advice BEFORE proceeding.

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DEDICATION

Conducting a successful animal cruelty investigation requires two things: relationships and resources.

There are certainly problems inherent in Vermont's system of animal cruelty response, as there are in many other states. A lack of public education on what constitutes animal cruelty and a hesitancy to "get involved" in situations that sometimes include close neighbors or even relatives are both contributing factors. There is also no mandated training program (and limited training opportunities) for the state's humane agents. The limited resources within a private, non-profit animal shelter's budget make it difficult to fund a cruelty investigator's position. There is also an incredible financial burden associated with the long-term care and housing of animals seized in cruelty investigations for both municipalities and non-governmental agencies.

Since there are no standardized or mandated state-wide reporting systems for capturing animal cruelty complaints, it's difficult to identify and subsequently tackle the most serious problems. Our municipalities, law enforcement agencies, and state's attorney's offices also have limited financial and human resources to handle these sometimes difficult and emotionally charged cases. And lastly, our state animal cruelty laws don't always give us clear direction or the ability to legally intervene on an animal's behalf.

Despite these stumbling blocks and limitations, Vermont's animal welfare community stands ready to assist animals in need. We are pet owners, concerned citizens, animal

shelter and rescue workers, animal control officers, lawyers, police officers, social service workers, veterinarians, farmers, lawmakers and government officials.

The Vermont Animal Cruelty Response Coalition is a unique partnership of diverse agencies with a shared vision: to prevent and respond to animal cruelty through communication, education, and training. With our shared expertise, we hope to share the burden of the problems and costs associated with animal cruelty.

We would like to thank the New York State Humane Association for giving us the foundation for which our manual was based . . . and every person who contributed their precious time and expertise to creating this vital reference and training manual for the state's humane agents and law enforcement officers. This book is dedicated to Vermont's animal welfare community. You know who you are, and you're not alone.

What is the Vermont Humane Federation's Animal Cruelty Response Coalition?

**A state-wide network of professionals coordinating Vermont's
efforts to prevent and respond to animal
cruelty through communication, education, and training.**

**Vermont Humane Federation
Vermont Veterinary Medical Association
Vermont Agency of Agriculture, Food & Markets
Vermont League of Cities & Towns
Vermont Farm Bureau
Green Mountain Dairy Farmers Cooperative
Vermont Sheriffs Association
Vermont Police Chiefs Association
Vermont Constables Association
Vermont Animal Control Officers Association
Vermont Agency of Human Services**

For more information visit
www.vermonthumane.org

Author's Notes

- To avoid the awkwardness of referring to both female and male pronouns throughout the text, we have adopted the convention of using the masculine pronouns to encompass both genders. Thus, wherever you see “his” or “he” used, please understand that it refers to both men and women.
- Wherever possible, we have provided examples of actual case-related documents, such as search warrants, affidavits, etc.
- Throughout this manual, wherever we refer to the “owner,” the term includes anyone responsible for the care and well being of the animal, as well as the owner himself. Title 13, Vermont’s criminal statute, is written in broad language (see Chapter 7, “Various Vermont Laws Dealing With Animals”). Thus, we believe anyone responsible for the care and well being of the animal can be charged with animal cruelty if the animal is abused or neglected.
- Whenever reference is made to arresting a suspect, we are speaking only to law enforcement officers who have arrest powers in the state of Vermont.
- We have provided two Vermont legislative statutes relating to animals.

Title 13: Crimes and Criminal Procedure defines *criminal* violations of Vermont state law.

Title 20: Internal Security and Public Safety, Part 8, Animals defines *civil* violations of Vermont state law.

Whenever sections of Title 13 are referenced in the manual, we are referring to *Chapter 8, Humane and Proper Treatment of Animals*. Under Title 20, we have included Chapters 191 (*Control Generally*), 193 (*Domestic Pet or Wolf-Hybrid Control*), 194 (*Welfare of Animals and Sale of Dogs and Cats*).

Laws may change each year. Thus, to stay current with the animal cruelty laws and animal control laws, you can download updates to the most current legislative statutes from www.leg.state.vt.us, *Vermont Statutes*.

Contact: **The Vermont Humane Federation**
 c/o The Humane Society of the United States
 PO Box 619
 Jacksonville, VT 05342
 802-368-2790
 jbourbeau@humanesociety.org

What This Book Is About

The purpose of this manual is to provide Vermont's humane officers and law enforcement officers with sufficient information to successfully investigate animal cruelty complaints.

Enforcement authority for Title 13, Vermont's criminal animal cruelty statute, is given to "humane officers," who are defined in Section 351(4) as "any law enforcement officer as defined in 23 V.S.A. § 4(11)*, auxiliary state police officers, deputy game wardens, humane society officer, employee or agent, elected animal control officer, animal control officer appointed by the legislative body of a municipality, local board of health officer or agent, or any officer authorized to serve criminal process."

**23 VSA 4(11) defines enforcement officers to include "sheriffs, deputy sheriffs, constables, police officers, state's attorneys, motor vehicle inspectors, state game wardens and state police . . ."*

Since there is no single response agency tasked with handling animal cruelty complaints in the state, most investigations begin locally, with a private or municipal agency receiving a complaint from a concerned citizen. The degree to which other agencies are involved in the process depends on the complexity and severity of the case, as well as the local resources available to investigate. In most cases, complaints can be rectified through education and voluntary compliance.

Many humane officers, as defined in the statute, do not have powers of arrest. In addition, not every non-profit humane society has the funds or manpower necessary to investigate animal cruelty complaints. Thus, animal cruelty cases are often best handled using a collaborative approach among private animal shelters, municipal officials, law enforcement agencies, veterinarians and State's Attorneys (SA). *See Chapter 6, Developing a Cruelty Response System, for more information on effective collaboration models.*

With regard to prosecution, in many jurisdictions (given the high volume of criminal cases), animal neglect and abuse cases rank lower on the totem pole; in some cases, they will not be considered serious enough to be pursued by the SA's office. Thus, the objective of an investigation is to make a case as solid as possible to improve its chance of success. Even if the SA's office decides only to plea bargain, the better the case, the better the plea bargain the prosecutors can strike to help the animals involved.

The best way to enhance **your** chances of successfully investigating animal cruelty and building a solid case is to be prepared beforehand. Thus, before an animal cruelty complaint comes to your attention, review this manual – familiarize yourself with the elements and processes that are important to a successful cruelty investigation. In addition, familiarize yourself with the *people* in other agencies who can help you with an investigation: your State's Attorney, private and municipal animal shelters, local veterinarians, local law enforcement officials and agencies, state police officers and Sheriffs. We sincerely hope that you find this information helpful in your animal cruelty response work.

How to Use This Book

In this manual, we have attempted to convey to you what we have learned to date about investigating animal cruelty. For maximum benefit, we suggest reading the following chapters first:

1. *Be Prepared Ahead of Time*
2. *Receiving and Investigating an Animal Cruelty Complaint*

Afterward, you will find it worthwhile to review chapter 3, “*Common Complaints*”, chapter 4, “*Special Cases*”, and chapter 6, “*Developing a Cruelty Response System*”.

- As you review these chapters, refer to chapter 7, “*Various Vermont Laws Relating to Animals*”, for a further discussion and a complete text of the laws.
- In addition, review chapter 5, “*Animal Care Practices for Some Common Animals*”, to become aware of the care practices that are expected for the types of animals mentioned in each case.
- Review Appendix III, “*Forms & Supplies List*” to see the forms that might be used in a case.

Lastly, consider reading the various fact sheets and articles that are included in Appendix IV, “*Fact Sheets and Articles*”. We have chosen them because they provide added information on investigating animal cruelty as well as an exploration of the connection between animal abuse and other crimes.

Refer to Appendix I, “*Animal Shelters and Rescue Organizations in Vermont*” and Appendix II, “*Resource Agencies*”, if you need assistance with a particular case. Once you understand the layout of the manual, you can continue to use it as a reference tool.