

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

In the many months that I have been participating in the Vermont Animal Cruelty Task Force, I have come to believe that 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, as well as bear the incredible financial burden associated with the long-term care and housing of animals seized in cruelty investigations.

Since there are no standardized or 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.

I have had the privilege to work hand-in-hand with many of these animal welfare advocates--both on the task force and in my role with the HSUS. I have counseled and commiserated with officials looking for assistance with animal cruelty investigations, and with private citizens looking for some way to provide relief to an animal they must witness being mistreated every day. I can clearly see our shared frustration and desire to make improvements that will not only help animals, but help animal owners as well.

And that’s where relationships come in. The Vermont Animal Cruelty Task Force is a unique partnership of diverse agencies with a shared vision: to prevent and respond to animal cruelty through communication, education, training, enforcement and legislation. Not all of our member agencies had cooperative (or any) relationship with one another when we began, but the creation of the task force was instrumental in building a growing trust among us. With our shared expertise, we hope to share the burden of the problems associated with animal cruelty. Building those relationships across the state, and ultimately creating a formalized state-wide response network that can help local communities with cases of animal cruelty and neglect, will be a long process. But it’s a journey that is well worth the effort.

As for resources, this cruelty investigator’s manual is the first of many that are currently being developed to improve “the system”—for both animals and people alike. I 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. I would like to dedicate this book to Vermont’s animal welfare community. You know who you are, and you’re not alone.

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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; however, to protect us as well as the law enforcement and humane agents involved from the possibility of any litigation, we have obscured the names of any agents and defendants from the documentation.
- 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 199 (*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 order updated copies free of charge each year from the Vermont Animal Cruelty Task Force, c/o The Humane Society of the United States’ New England Regional Office, or download them from www.vactf.org. You can also download the most current legislative statutes from www.leg.state.vt.us, *Vermont Statutes*.

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The Vermont Department of Agriculture, Food & Markets
The Vermont League of Cities and Towns
The Vermont Sheriffs’ Association
The Vermont Farm Bureau
The Vermont Police Chiefs’ Association
The Vermont Department of Social and Rehabilitation Services
The Rutland City Police Department

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, 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 centralized database or 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 it. 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).

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 so that its chances of being dealt with are enhanced. 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 agencies, state police officers and Sheriffs.

We sincerely hope that you find this information helpful in your animal cruelty 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 the Complaint*
3. *Investigating the Complaint*

Afterward, you will find it worthwhile to review chapter 4, “*Common Complaints*” and chapter 5, “*Special Cases*”, along with their examples.

- 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 6, “*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 II, “*Resource Agencies*”, if you need assistance with a particular case. Once you understand the layout of the manual, you can use it as a reference tool.