

# 3. Common Complaints

## Overview

This section discusses some common situations you may encounter when investigating animal cruelty complaints. Our objective is to make you aware of these situations and provide you with possible ways to respond to them.

At the end of each discussion are actual examples, along with related documentation where available.

The situations we include are:

- Neglected Pets
- Neglected Large Animals
- Animal in Hot Car
- Physical Abuse
- Abandoned Animals

## NEGLECTED PETS

### Overview

You may receive a complaint that an animal is not being fed or watered properly, not receiving medical care, not being provided with shelter, or all of the above.

These complaints are difficult to deal with because they are in the grey area - though the animal is not being subjected to outright abuse, the animal is suffering nevertheless.

Situations involving neglect generally occur because people acquired an animal on impulse and did not think through the responsibilities involved. Some examples include:

- An owner acquired a dog as a puppy. When the puppy started to grow, the owner was unable to housebreak it, or the novelty wore off, or the dog got too big. The owner feels guilty taking the animal to the shelter; as a result, the dog is put outside and is only fed/watered when someone remembers.

- An owner acquired a kitten, and it clawed the furniture; or it simply grew older and lost its cuteness, so it was deemed an outside cat and left to “fend for itself.”
- An owner is ignorant of how to care for an animal or has lost interest in caring for it.

The causes vary, but the results are the same: neglected animals. The way people respond to your intervention will vary from being cooperative to acting hostile.

- **Things to be aware of when investigating:**

- Does the animal have access to clean water in a weighted bowl that cannot overturn?
- Does the animal appear thin? Is there any evidence that the animal has been fed recently?
- If the animal is a dog, and there is a path worn around where he is tied or the grass is nonexistent, it’s likely that he is tied out all the time.
- Does the animal have access to shelter from the weather? If the animal is a dog, is the dog house appropriate to the size of the dog? Should this breed of dog be left outside at all? (See Chapter 5, Animal Care Practices for Some Common Animals, “Dogs”, and Appendix IV, “Dog House Plans”)
- What is the condition of the animal’s coat and skin? Does it have areas where hair is missing? Is it constantly scratching at itself?
- If the animal is a dog, how does the collar fit? It may never have been adjusted for growth. Is there room to put two fingers in between the collar and the dog’s neck?
- Does the dog have a license and a rabies tag? Dogs in VT must be licensed at 6 months and have current rabies shots (See Title 20, Chapter 193, Sections 3581 (a) and (d)). NOTE: *Cats must also have a current rabies vaccination under the definition of “domestic pet”.*

For additional, more specific information related to animal care, see Chapter 5, Animal Care Practices For Some Common Animals and Appendix IV, “How to Tell if a Cat or Dog May Need Veterinary Care”.

*NOTE: Be aware that when you are confronting people with the condition of their pet(s), they will tend to mislead you with regard to the care the pet has received. They will deny that they have neglected the animal and create excuses for its condition. These statements may be used as evidence against them at a later date, if a criminal case is pursued. See Chapter 2, “Common Excuses You Will Hear”.*

- **What to do**

The way you handle the situation depends on the circumstances of the animal and how the owner responds to your intervention.

- **If exigent circumstances exist, seize the animal**

1. If the circumstances of the pet are desperate – i.e. animals are severely emaciated and/or unable to rise - consider seizing the animal based on exigent circumstances.
3. Call the local humane agency or animal control to transport the animal to the veterinarian.
4. Take photographs of the animal and obtain a signed statement from the veterinarian as to the animal’s condition.
5. Interview the owner. Based on his behavior and responses, decide whether or not to bring charges.

- **Non-exigent circumstances**

For suggestions on how to approach the situation, see Chapter 2, Receiving and Investigating an Animal Cruelty Complaint.

**Example 1**  
**Neglected Pets: Lack of Shelter**

**The Complaint**

A complainant called a local humane agency during the summer and reported that a neighbor’s dog was outside constantly regardless of the weather. It had no shelter and was chained to a stake. The caller was afraid to sign a complaint.

The caller informed the investigator that another neighbor had called the dog control officer because of the dog’s barking at night.

### **The Response**

1. The investigator observed the dog in plain view from the complainant's yard and verified that the animal had no shelter.
2. The investigator then went to the residence and spoke to the owner's wife about the complaint and asked to see the dog. With the exception of the lack of shelter, the dog appeared to be in good health, although wild-acting because of being constantly tethered.
3. The investigator advised the woman about the negatives of keeping a dog outside constantly, but said that if the dog was going to be kept outside, it needed a proper dog house. He stated that he would return in a week to ensure that it had been obtained. He also told her to move the dog to a shadier area, and she did.
4. Within a week, the investigator returned. A dog house stood in the front yard, but it had not been moved to the backyard for the dog. The investigator told the woman that the dog house had to be in the backyard for use by the dog by the next day (with the entry way facing south); the investigator then asked to see the dog; the woman refused. The investigator said he would return the next day.
5. The investigator then viewed the dog from the complainant's lot and determined that the dog was in the shade and appeared to be in good condition, but still in need of a dog house.
6. When the investigator returned the next day, the husband was at home and stated that the dog house had been placed out back. The investigator accompanied the husband out back to ensure the dog house was in place and the dog had water available and was satisfied that the cause of the complaint had been corrected.

### **Charges Brought**

None, because the individuals involved had cooperated.

### **Example 2**

#### **Neglected Pets: Lack of Food and Shelter**

### **The Complaint**

A complainant called the local humane agency and reported that two dogs had been tied to a fence at a residence and not been fed for at least a week.

### **The Response**

1. The investigator went to the residence and found two emaciated dogs chained to a fence, with no food or water available. The chains were held with heavy padlocks.
2. The investigator took photographs which he would later use for evidence.
3. He applied for a search warrant in order to seize the dogs.
4. He returned to the property, used bolt cutters to cut the chains, seized the dogs, and removed them to the animal shelter. He left the search warrant at the residence.
5. The investigator returned to the residence later and issued the owner a citation for animal cruelty.

### **Charges Brought**

The individual involved was charged with 2 counts of violating Title 13, Section 352.

### **Example 3**

### **Neglected Pets: Starving Mother and Puppies**

#### **The Complaint**

A complainant called the local humane agency and reported that she had gone to a residence to buy a puppy. The complainant stated that she was shocked at the condition of the mother and four puppies at the residence and believed they were starving.

#### **The Response**

1. The investigator went to the residence and asked to see the mother dog and puppies. She then established that the persons answering the door were the owners.
2. The investigator determined that both the mother dog and her puppies were emaciated. The investigator asked the owners how the animals got that way. They stated that the “bitch was thin” when they acquired her and did not see anything wrong with the condition of the animals.
3. The investigator advised them that the animals appeared to be starving and that it was against the law to starve an animal. After discussing it with the investigator, they decided to surrender the animals to the humane agency.

4. The investigator removed the animals to the animal shelter and took photographs of them.

*NOTE: If the owners had not been cooperative, the investigator could have applied for a search warrant to seize the animals and charged the owners with a violation of Title 13, Section 352.*

### **Charges Brought**

None were brought because the owners agreed to surrender the animals, and the investigators felt the individuals acted from ignorance rather than intent.

## **Example 4** **Neglected Pets: Multiple Animals**

### **The Complaint**

A complainant called the State Police and reported that several animals (dogs and cats) were not being fed, watered or taken care of properly at a residence. The owner had moved away several months before and left the animals behind and periodically returned to the property. Since he moved, the condition of the property and animals had deteriorated and animals were dying. It was winter weather.

### **The Response**

1. Two officers investigated and corroborated the statements of the complainant.
2. Based on the complaint and their own knowledge, they obtained a search warrant to enter the premises.
3. In addition, the officers did the following:
  - a. Contacted the local animal control and humane agency to be present when the warrant was executed to remove and hold the animals.
  - b. Contacted a veterinarian to be present to examine the animals and provide a sworn statement as to their condition.
4. On the day the warrant was executed, the team entered the property, removed the animals, and took them to the local shelter. (A dead animal was also seized for evidence and a necropsy was conducted.)
5. The officers took photographs of the animals and their surroundings at the scene. They obtained signed statements from the veterinarian as to the state of each animal.

6. The officers then obtained an arrest warrant for the missing owner.

### **Charges Brought**

The individual involved was arrested and the DSA charged 6 counts of violating Title 13, Section 352.

## **NEGLECTED LARGE ANIMALS**

### **Overview**

Some of the most troublesome cases involve large animals and farm animals, such as horses, cows, goats, etc. because it is difficult to find places to keep large animals while a case proceeds through the court system.

You may receive complaints such as:

- animals appear emaciated
- animals are lying in a field and cannot stand up
- horse(s) have broken from a pasture and are very thin, eating trees and shrubs

There are various causes for the neglect of large animals, such as:

- The costs involved. When people are short of money, they often cut down on their animals' feed and veterinary care.
- Related to this, there are cases where owners have intentionally not spent money to take care of animals (especially horses) until they were ready to breed them.
- General ignorance. People are trying to run a farm or own horses, but do not know how to do it properly.
- Revenge. In some cases (involving divorce), one side may try to hurt the other by not caring for the animals left behind.
- **Things to be aware of when investigating:**
  - There is no food or grain in sight. Pasture land is chewed down.
  - Horse's stall is filled with manure build-up.

- Animals are infested with lice and scratching at themselves to bring relief; hair may be missing in spots.
- No clean, fresh water available.
- No shelter available.
- Horses' hooves may be long or turned up indicating a lack of exercise and other forms of severe neglect.
- Animals may have sores on their bodies.

See chapter 5, Animal Care Practices for Some Common Animals, "Horses" and "Cattle", for more information on indicators of neglect. See also Appendix IV, "Investigating Equine Cruelty."

## • **What to do**

1. Contact the Agency of Agriculture to see if the standards by which the animals are being cared for fall under "accepted agricultural practices." Humane officers are required by law to contact the Agency *before* taking any enforcement action involving livestock and poultry.  
  
*NOTE: Title 13, Section 354 (3) (a) states that "the commissioner of agriculture, food and markets shall be consulted prior to any enforcement action brought pursuant to this chapter which involves livestock or poultry."*
2. Talk to the local humane agency or large animal rescue organization to determine if they are able to care for large animals. If they are not, ask if they can assist by coordinating a group of farmers, horse owners, or stables that might board the animals while the case is in litigation.
3. Talk to the State's Attorney's office to see if it can assist with plans to care for the animals once they are secured.
4. Coordinate an effort with the local humane agency and a veterinarian for the day you plan to execute the search warrant.
5. Execute the search warrant and have the animal handling team enter the property.
6. Take photographs of the individual animals and their environment. Take detailed photographs of any sores or injuries. (See also Chapter 1, Be

Prepared, “Photographic Evidence” and Appendix IV, “Ten Top Tips for Good Photography, Videography”).

7. Have the veterinarian examine the animals and provide you with a signed statement as to the condition of the animals.
8. Have the local humane society remove the animals from the property.
9. Arrest the owner or issue him a citation.

*IMPORTANT NOTE: In some cases, especially where many animals are involved, some animals may appear more neglected than others. Nevertheless, all the animals should be seized, if possible, because the conditions in which the animals are being kept are causing the problem. And it is usually only a matter of time before the healthier ones will be in bad shape as well.*

### **Example 5** **Neglected Large Animals: Starving Horses**

#### **The Complaint**

A complainant called the local humane agency and reported that numerous horses on the property of a resident were not being fed and appeared to be starving.

The humane agency had been to the same property in the recent past to investigate a complaint that the horses were not being fed. The owners had been told to worm the horses and increase their feed. The owner had agreed to cooperate at that time.

#### **The Response**

1. Based on an interview of the complainant and the past knowledge of the cruelty investigator, the humane agency applied for a search warrant and contacted the sheriff’s department. A local veterinarian was contacted to be present when the warrant was executed.
2. The sheriff’s department entered the property to execute the warrant, along with the humane society and the veterinarian.
3. They found emaciated horses as well as two dead horses and a dead foal. There was no food or water available.
4. The humane agency and sheriff’s deputies took photographs of the animals and their surroundings.
5. The emaciated horses were seized and taken to the animal shelter.

6. The veterinarian examined the animals and provided a signed statement as to their condition.
7. The owner was ordered to bury the dead horses. NOTE: *in some cases a necropsy of dead animals may also be warranted before burial in order to determine the cause of death.*

### **Charges Brought**

The individual involved was charged with 5 counts of violating Title 13, Section 352.

## **ANIMAL IN HOT CAR**

### **Overview**

This is a common problem in the warm months and can happen with any animal, but generally involves dogs. People take their animal along for a ride. They go into a store and forget the time, leaving the animal in the hot sun with the car windows closed or opened just a crack. The animal soon is at the point of death from heat exhaustion. NOTE: *On a warm day, the temperature in a car can reach 120 degrees Fahrenheit in a matter of minutes—even with the windows partially open.*

- **Things to be aware of when investigating:**

Generally, the animal will be desperate, clawing at the window, trying to get out. It will be panting hard with its tongue hanging out — struggling to breathe. In some cases, the animal may be lying on the seat, exhausted, beyond fighting for its life.

- **What to do**

If in your judgment the animal will die if not removed immediately, consider doing the following:

1. If possible, have another police officer witness the situation. If not, have a competent adult be your witness and sign a statement describing what he observed. This is especially important if you are unable to take a photo of the scene.
2. Call in by radio and explain what you are about to do. Then open the car door (if unlocked) or break the window (if car is locked), and remove and secure the animal.

3. Get the animal into the shade. Have someone get wet towels and cool water. Have the animal taken to the veterinarian if it requires further medical assistance. NOTE: *When animals are removed from a motor vehicle under these circumstances, they must be delivered to “a humane society, veterinarian or town or municipal pound” (see Title 13, Section 386 (b)).*
4. If a car window has to be broken to remove the animal from the car, consider having the vehicle towed to a garage for security purposes afterwards. You are responsible for the security of the vehicle if the window is broken; however, the owner is responsible for the cost of repairs.
5. Determine who the owner is and interview him to determine if he should be charged with a violation of Title 13.( See also Appendix III, “Animal Removed from Hot Vehicle Notice”).

NOTE: *Title 13, Section 386 (a) specifically states that “a person shall not leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.” Section 386 (b) goes on to state (in part) that “any humane officer or member of a fire and rescue service may use reasonable force to remove any such animal from a motor vehicle . . .”*

## **Example 6** **Animal in Hot Car**

### **The Complaint**

A store employee called the local humane agency and reported that 2 dogs were in a car in a store parking lot in the hot sun. He said he had seen the car there several times before with the dogs in it.

### **The Response**

1. The investigator responded and found the car in the hot sun with 2 dogs inside. The windows were up, and the dogs were panting very heavily. Their behavior indicated that they were in immediate danger of dying (exigent circumstances).
2. He took photographs of the dogs in the car.
3. He tried the door and found it to be unlocked. With the store keeper as a witness, he secured the dogs using leashes and removed them from the car. (He would have broken the windows had the doors been locked.)
4. He moved them to a shaded area and had the store keeper bring water to cool the animals. He poured some of the water over the dogs and gave them some to drink.

5. The owners returned and expressed great concern for the dogs. They said that the family had lost their home and were currently living out of the car, but planned to get an apartment.

### **Charges Brought**

Because of the extenuating circumstances and the concern of the owners, the investigator chose not to charge them, but instead worked out an agreement whereby the owners agreed to leave the dogs in the care of the humane society until they found an apartment.

## **PHYSICAL ABUSE**

### **Overview**

The reasons that people beat animals vary.

- A person may be angry at a dog for displaying inappropriate behavior and begin beating him.
- A person may take his or her own frustrations or anger out on an animal by kicking it, shooting it, or hitting it with an object.
- In more sinister cases (sometimes involving drug dealers) the person may be beating a dog to “make it mean” because he thinks he can use the animal or sell it as a guard dog.

The abuse varies in degree and severity of results, but any kind of abuse is illegal.

- **Things to be aware of when investigating:**

If the person is still beating the animal when you arrive, the situation is obvious. In other cases, by the time you arrive, the beating may have stopped. The animal may have marks, welts, or blood on him. He may be limping or whimpering, or doing a combination of these things.

- **What to do**

1. If you see the beating still going on when you arrive, consider entering the property if you have appropriate law enforcement assistance with you, because a crime is being committed and exigent circumstances exist. (See also Chapter 1, Be Prepared Ahead of Time, “Key Concepts”).

- a) Seize the animal for evidence and seek medical treatment. Call the animal control officer or humane agency to take the animal to a veterinarian for treatment.
- b) Obtain a signed statement from the veterinarian as to the condition of the animal.
- c) After removing the animal, take photographs of the animal for evidence.
- d) Apply for a search warrant to seize any instrumentalities used in the beating and to photograph the scene of the crime.
- e) You can charge the person with cruelty under Title 13, Section 352.

OR

2. If, when you arrive, you do not see the animal or the person who was reportedly doing the beating, consider doing the following:
  - a. Obtain statements from any witnesses or neighbors who may have witnessed the beating.
  - b. Find the person who was reportedly doing the beating and examine the animal.
  - c. If the person does not allow you to see the animal, but you have a signed statement from a witness or you have seen some evidence that makes you believe the animal has been beaten, or both, you can apply for a search warrant to seize the animal.
  - d. If when you execute the search warrant, you find the animal has been beaten, call the humane society or animal control and have them take the animal to a veterinarian.
  - e. Take photographs of the animal at the scene and/or at the veterinarian's office. Obtain a signed statement from the veterinarian indicating that the animal has been beaten and the animal's condition. Take photographs of the scene and seize any objects used in the beating.
  - f. You can charge the person with cruelty under Title 13, Section 352.

*NOTE: With regard to dogs, exercise caution if you arrest the individual at the scene, as a dog may attack an officer who is arresting its owner.*

## **Example 7** **Physical Abuse**

### **The Complaint**

A complainant called the local humane agency and reported that an individual who lived nearby had kicked a neighborhood cat. The complainant added that this was not the first time this individual had kicked the cat.

### **The Response**

1. The investigator investigated the complaint and interviewed the complainant who stated that he saw the individual kick a cat from his (the individual's) front porch. The cat landed on the sidewalk. The complainant stated that he had told the individual not to do this. The individual responded by saying that the cat's owners should keep the cat at home and that the complainant could call someone if he wanted to. The complainant signed a statement relating these facts to the investigator.
2. Based on signed complaint, the investigator went to the individual's house and issued him a citation.

### **Charges Brought**

The individual involved was charged with a violation of Title 13, Section 352.

# **ABANDONED ANIMALS**

## **Overview**

Rather than take the time to find their animal a decent home or take it to the local animal shelter, some people abandon it when they move. This problem occurs in vacation rentals and college dorms as well.

You may receive a call from a concerned neighbor that people have moved away, but the neighbor hears an animal inside. You may receive a call from a landlord who discovers that an animal has been left after the tenants have moved.

- **Things to be aware of when investigating:**

If possible, look in the windows of the property to see if you can see the animal and determine its condition. Food or water dishes may not be available to the animal, or they may be overturned. Feces may cover the floor. The animal may be tied to a chair or table. There may be no furniture in the unit. Take photographs of these conditions if possible.

- **What to do**

See the discussion in Chapter 2, Receiving and Investigating an Animal Cruelty Complaint, “Abandonment”.

**Example 8**

**Abandoned Animals: Animal Abandoned in Apartment**

**The Complaint**

A landlord called the local humane society and reported that a tenant had moved away approximately a month before. The tenant had left her dog in the apartment, but had been coming back to feed it. Now, however, the tenant had not returned for ten days.

**The Response**

1. The investigator went to the premises and looked through a window and did not see any signs of food or water. In addition, the furnishings of the apartment were torn up and feces and urine were all over. It was clear that the dog had been left for some time.
2. Based on exigent circumstances, the investigator asked the landlord for permission to enter the apartment. It was granted, and the investigator and staff from the humane society entered the apartment and removed the dog.
3. The investigator took photographs of the dog and applied for a search warrant to document the conditions in the apartment.
4. A notice was left on the door informing the former tenant of the seizure and how to contact the humane society.
5. The dog was taken to the humane society and examined by a veterinarian.
6. The former tenant called the humane society about the dog and met with the investigator who issued her a citation to appear in court. After discussing the state of the animal, the tenant agreed to surrender the animal.

**Charges Brought**

The individual involved was charged with a violation of Title 13, Section 352.