

## Cruelty to Animals: Reporting, Fact Finding, Investigations, and Response

Source: In Defense of Animals, Inc.

The following information is intended to aid in the basics of addressing reports of, or witness to acts of cruelty to animals, or practices that are intrinsically cruel to animals.

In receiving reports of incidents of cruelty, neglect, or other abuses of animals it is important to collect as much viable information as possible. The reliability of information can sometimes be affected by the source. Feuding parties may falsify complaints. The reliability of a witness' account, memory, and character may effect acting on a report. Documenting all information legibly and accurately while it is still fresh is critical. The following basic information should always be collected, as well as other information applicable to the case:

- Names, addresses, phone numbers, and other contact information for all parties involved.
- Complaint in detail.
  - In terms of inherent cruelty—
    - Is this the practice of an institution, company, or agency?
  - In terms of an individual or individuals acting together—
    - Is this an isolated incident, or are their priors which could affect their credibility and sentencing, if prosecuted?
- Photographs of the physical state of the animal.
  - Physical wounds from several angles.
  - If emaciated or in unkempt condition, take pictures that clearly identify the deficiencies.
  - Conditions animals are living in, such as inadequate shelter, none or inadequate shade, no water or degraded water quality, condition of food or lack of, chains, etc.
- Photographs of equipment if dog fighting is suspected.
- Location and jurisdiction of act.
- Are there organizations or individuals that may enhance this investigation, or are better equipped to address it?

### **Example:**

Some humane organizations may have expertise in areas of cruelty and some government agencies with authority and a traditionally respected role may gain access to information, witnesses, sites, and cooperation that is imperative to the case. (Be alert if there is a chance that you may be shut out by an acting party or that actions taken may not be what you expect.)

**Acting on a report of or witness to cruelty must be thoroughly considered. Acts of violence towards animals evoke a wide range of emotions and different personalities may react differently ranging from rage to despair. It is critical to direct all**

**emotions to the best outcome for resolving and bringing justice for the victims. Acting on knowledge, not emotions, is best for a successful outcome.**

**A calm and respectful attitude is important, as is body language, voice pitch, choice of vocabulary, and other communicative elements.**

Depreciating the value of someone will never help them to appreciate the right of animals to be free from suffering and exploitation. It is our goal to extend compassion to all, so that all may understand, and reciprocate in compassion.

It is essential to present credible and viable information, and documentation to end, or seek justice for cruelty. How and for whom this presentation is directed may widely differ. What may be considered an act of cruelty in one region or consumer market may vary from another. Acts of violence perpetrated by individuals or groups may be more readily recognized as social taboos, and are more likely to be accountable under penalty of law or regulation.

**Investigators familiarize themselves with the ordinances, statutes, and regulations of the region they operate in, and the field of, or type of cruelty that they address. This preparation is invaluable to building a case for prosecution or arbitration. Each case of cruelty can hold elements that differ enough to require a tailored approach.**

**Examples:**

Pupymills and breeding facilities that inherently neglect or practice inhumane procedures in breeding dogs and their pups, may fall under varied jurisdictions and regulations. USDA licensed breeders are regulated by the USDA under the Federal Animal Welfare Act and the minimal standards/regulations established by the agency. However, this does not exempt them from local ordinances, or state statutes/laws, or state regulatory enforcement.

Unlicensed pupymills that sell from their operation, flea markets, and public places other than pet shops, may not fall under USDA jurisdiction.

Bird dealers are likely to be licensed and regulated by a division of a state health agency that protects the poultry industry from communicable and threatening diseases. This does not mean that they address acts of cruelty or neglect by such dealers.

Individuals that abuse wildlife may be prosecuted by state or federal protective agencies, depending on the species and its status as native, endangered, or “game” animal. Coyotes and other species deemed as “nuisance,” nonnative, and environmentally disadvantageous or threatening, may have no regulatory protection, but may be protected from socially unacceptable torture or torment through state, or local law.

In Defense of Animals does not promote the treatment or classification of animals as “property.” However, in some instances of cruelty, civil law can best serve for the punishment of acts of cruelty to animals.

**Examples:**

In cases of reckless harm or death to animals by law enforcement, individual, or agent/agency acting “under color of law,” the 14<sup>th</sup> Amendment to the U. S. Constitution has given cause for, and settlement for such acts. In Richmond, CA, a dog shot and killed by police officers who entered his yard in pursuit of a fleeing suspect cost the officers, their department, and city nearly \$150,000.00. Other elements of their violation of the rights of his guardians mounted to a \$240,000.00 judgment in Federal court.

In regions of the country where animal cruelty carries lax penalties, guardians sometimes use the “value” of their animal to punish the person(s) who have harmed or killed them. In civil court the offender often is forced to pay “restitution” that is greater than the fine that is imposed in criminal court. Both actions can sting the perpetrator. While this in no way compensates for the pain and suffering of the animal or their guardian, there is a sense that one has done everything lawful on behalf of their animal. Case law has been established that allows for punitive damage for the loss of an animal.

Change to procedures of institutions or companies that employ inherently inhumane practices in their use of animals, or eliminating products that cause harm or death to animals, may, at the time of your investigation, not be within the letter of the law. Examine the spirit of the law and gather and use the elements of your documentation to expose the cruelty so as to gain not just an enlightened public, but also authorities ready to join in legislation, or consumer choices that end such acts. \*For specific areas of interest you may request IDA Fact Sheets on circuses, the fur industry, puppy mills, dissection, animal-based experimentation, and other subjects of institutionalized or commercial cruelty.

For other information or contacts to aid in investigation, or involvement in stopping cruelty and exploitation of animals, please contact IDA’s national office. You may be directed to one of our regional offices, an organization with particular expertise in an area of animal protection, or be directed to a government or institutional resource to aid you.

Because IDA is involved in promoting the welfare, and rights of animals internationally, the following fact sheet is an aid that must be supplemented with the study of regional laws/statutes/ordinances, and applicable regulations. Also, join with regional and other national and international organizations for the promotion of your mission. Remember, familiarize and equip yourself to professionally act now for the best results for Animals.

## **Advice for Investigators**

Thoroughly gather and document facts and elements that affect your work. Maintain ethical and legal behavior to prevent being discredited and dismissed. Again, remember that there is no substitute for credibility, and respectability.

Respect may not gain respect, but it stands on its own.

It's not about credit; it's about the animals. Join and share in all means of addressing cruelty.

Familiarize yourself with ordinances/laws/statutes/regulations, agencies, groups, enforcement, jurisdiction, and professionals of authoritative or positive influence.

Familiarize yourself with the health, welfare, care, behavior, and other life- (not existence) sustaining elements pertaining to the species you may be involved with.

When possible, attend conferences, classes, and meetings that enhance your knowledge and connections. There is nothing like experience and you may meet associates that have tremendous information to share with you.

Subscribe to publications and seek information that adds to your knowledge.

Be dedicated and steadfast, but give yourself relief time.

Establish a relationship and knowledge of your work with applicable media.

Even if you are a seasoned investigator, if you are new to a region find a successful and respected mentor or organization to educate you about the particulars to this region.

Never risk your credibility, motives, or actions by failing to bring in law or regulatory enforcement when appropriate.

## Cruelty Reported, or Witnessed?

Gather and document all vital information. Evidence must be gathered lawfully. Familiarize yourself with applicable laws/rules of gathering and documenting such.

When laws or regulations are transgressed join applicable law or enforcement agencies in your investigation as soon as you gain credible knowledge of the transgression(s). In rare cases it may mean seeking aid from agencies beyond the recognized jurisdiction to prevent or thwart the rare instances in which authorities or an official may, or has, compromised your case.

If there is no enforcement code applicable to what you perceive as cruelty, act to expose the offense and gain applicable laws or regulations to prevent further suffering.

If you represent an organization that may gain temporary custody or clear guardianship of an animal(s) make certain that you have prepared housing, care, medical documentation and treatment, and other elements of sustenance for said animals before taking on such responsibilities. This may require assistance, therefore it is important you get to know shelters, clubs, enthusiasts, veterinarians, and other qualified friends equipped to aid you. (Be prepared to provide humane transport.)

Enlist media when it will enhance your efforts. However, be careful not to step on toes when you need them.

Depending on the region, and jurisdiction that you operate in, it may be you that initiates criminal charges when appropriate. Learn the procedures of justice in your area.

When more than one law applies to a crime seek prosecution under the most stringent one if it fits the elements of the crime. However, if you know you can get a conviction under a misdemeanor and you think a grand jury will turn down a felony, go for the misdemeanor. If there is more than one animal involved in the crime, seek prosecution for each victim. (When humans are victimized each one is recognized with a count for each violation per victim).

In some cases evidence of some crimes must be presented to the prosecuting attorney before charges or affidavits can be filed.

If you are preparing for court, be detailed, and you will be confident. Meet with the prosecuting attorney to familiarize them with the case, and prepare yourself. If they have a heavy case load, seek aid for them, and respectfully offer it. In states where municipal or county (Justice Court) courts do not use a prosecuting attorney, you will be required to present, question, and argue your case.

Due to the various circumstances that you may be addressing, and how they may be addressed in your region, or because of the elements of the case and the species involved, you may need more detailed information than can be supplied here.

For training in the area of investigation that you are interested or involved in, seek regional resources. If they are not available, contact national organizations such as the Humane Society of the United States for information on the availability of such training.