

## Consulting with the Agency of Agriculture on Livestock Cruelty Investigations

### Authority

Because of the large number of complaints it receives, the Agency has found it necessary to clearly define its role and involvement in animal cruelty that is within the scope of its resources and authority. Humane officers\*<sup>1</sup>) need to recognize that the Agency of Agriculture has no statutory authority or resources appropriated for investigation and enforcement of the Cruelty to Animals law (13VSA Chapter 8). The Agency has no legal authority to enter private property, to apply for a warrant, to press criminal charges or to impound or seize animals for cruelty. The Agency does have regulatory authority, however, over agencies licensed as pet shops, animal shelters and rescue organizations, and limited inspection authority over pet dealers registered with local municipalities (20 VSA, Chapters 193 and 194).

### Accepted Livestock and Poultry Husbandry Practices<sup><4></sup>

The only reference to the Agency of Agriculture in the Cruelty to Animals law is the responsibility of humane officers to consult with the Agency prior to any enforcement action involving livestock and poultry\*<sup>2-3</sup>). Under this law, the Agency can advise a humane officer as to whether certain behaviors are considered accepted livestock and poultry husbandry practices\*<sup>4</sup>\* exempt from the definition of animal cruelty.

### Communication

The Agency is able to function most effectively in this respect and within the scope of its resources when it can liaison with a local humane officer who has taken responsibility for initiating the investigation and monitoring the progress of the case. The nature of the consultation will vary with the circumstances of the case but may involve verbal communication over the phone, written communication, or a site visit with the humane officer involved.

In order to facilitate the most effective use of the Agency's time and resources, complaints received by the Agency will be directed to a local humane officer\*<sup>1</sup>) for investigation. The humane officer should consult with the Agency of Agriculture prior to any enforcement action to ascertain if a case involving livestock\*<sup>2</sup>) constitutes an exempt livestock or poultry husbandry practice as defined by law. Before the Agency is consulted, local humane officers should have taken the following actions:

**Initiate the Investigation:** Gather information about who, what, how, when, where and why. Who is involved, where are they located and how can they be contacted? What kind and how many animals are involved? What is the nature of the complaint?

**Contact the Complainant/Owner:** Many complaints can be resolved at this level by either making the complainant/owner aware of the concern or by finding a satisfactory explanation or resolution of the problem.

**Assess the Urgency of the Complaint:** Many complaints turn out to be something less serious than what is originally alleged. The humane officer is not expected to take on the

role of a veterinarian. Their own impressions and sense of urgency is all that is expected. Are the animals in obvious distress? Are they bright and alert, eating and/or able to walk around? Is there feed and water available? Do the animals look thin or in poor condition? Does the original complaint seem valid? Is there a reasonable explanation for the situation?

If necessary...

**Make Recommendations for Corrective Actions:** Title 13 VSA, Chapter 8 states that it is the purpose of the subchapter "...to educate the public on requirements of the subchapter and, when appropriate, to seek voluntary resolution of violations." Does a local veterinarian need to be consulted to evaluate and treat the animal(s) or make recommendations? Does adequate feed, water and/or shelter need to be provided?

**Make Contact with Local Resources:** Establish relationships with local veterinarians who are willing and able to assist with evaluating and treating cases and making recommendations. Establish relationships with local law enforcement officials who can assist with investigation, enforcement and personal safety issues. Know how to contact the local State's Attorney to apply for warrants.

**Monitor Case Progress: periodic visits are often required to determine if the situation is improving or deteriorating.**

### **Definitions**

**(1) Humane Officer** - 13 VSA §351 (4) 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, 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.

**"Enforcement officers"** - 23 V.S.A § 4(11) shall include sheriffs, deputy sheriffs, constables, police officers, state's attorneys, motor vehicle inspectors, state game wardens and state police...

**(2)'Livestock'** means cattle, bison, horses, sheep, goats, swine, cervidae, ratites and camelids.

**(3)§ 354 Enforcement;** possession of abused animal; searches and seizures; forfeiture  
The Secretary of Agriculture, Food and Markets shall be consulted prior to any enforcement action brought pursuant to this chapter which involves livestock and poultry.

**(4) "Livestock and poultry husbandry practices"** VSA §351 (13) means the raising, management and using of animals to provide humans with food, fiber or transportation in a manner consistent with:(A) husbandry practices recommended for the species by agricultural colleges and the U.S. Department of Agriculture Extension Service; (B) husbandry practices modified for the species to conform to the Vermont environment and terrain; and (C) husbandry practices that minimize pain and suffering.