

1. Be Prepared Ahead of Time

Overview

There are several elements critical to the success of your animal cruelty investigation. They include:

- Local Resources
- State's Attorney's Office
- Expert Witnesses
- Photographic Evidence
- Key Concepts: Exigent Circumstance and Plain View Doctrine
- Search Warrant Procedure

If you become familiar with these elements *before* you receive an animal-related complaint, your chances of presenting a good case will be enhanced.

LOCAL RESOURCES

Overview

One of the best ways to be prepared to investigate an animal-related complaint is to know the people in the area who deal with animals. Being proactive by networking and establishing communication and relationships with your local resources--before undertaking cruelty investigations--is worth the time and effort. When you receive an animal cruelty complaint, the following are people who can help you:

- **Humane Society Personnel; Animal Control Officers; Town Constables**

You will find it helpful and sometimes necessary to enlist the assistance of the local humane society, animal control officer or town constable. They are often familiar with the people in the community and are aware of animal-related complaints that may have occurred in the past. In addition, they have or know of facilities to which seized animals can be taken. More importantly, many of them have the legal authority to function as humane officers themselves.

It is important to find out the capacity and capabilities of the local shelter to determine if it is able to accommodate extra animals or farm animals on an emergency basis. Even if the local shelter cannot accommodate an influx of animals, it may be able to enlist the aid of other shelters or individuals who can.

- **Veterinarians**

One of the people essential to the successful outcome of any cruelty investigation is the veterinarian you engage on the case. The importance of the veterinarian cannot be stressed enough. Under certain circumstances, Vermont law requires that a veterinarian must be present or consulted when animals are to be seized (Title 13, Section 354 (b) 2) or during inspections under a kennel permit (Title 20, Chapter 193, Section 3682).

Thus, as part of your contact effort, locate a few local veterinarians who would be willing to assist you with animal cruelty cases and provide you with sworn statements. Ensure that they understand that they may be required to testify in court at a later date regarding the condition of the animals. They are testifying as expert witnesses; thus, it would be helpful if they have testified in previous proceedings.

Veterinarians are more likely to get involved if their role is clearly defined and the expectations from them are realistic. The veterinarian's role is to provide professional judgement in assessing the animal's condition, assess the need for or the lack of veterinary care, make recommendations for proper care and husbandry, make medical diagnoses and, if necessary, provide veterinary treatment. The veterinarian is providing a professional service. It should not be assumed that veterinarians have any obligation to provide this service free of charge, although some will. Nor should the veterinarian be expected to lead the investigation or any law enforcement actions. (See also page 196 in Chapter 7, Various Vermont Laws Dealing with Animals, "New Animal Laws Passed in 2003", for information on a recently passed law that provides veterinarians with immunity from civil liability resulting from their involvement in cruelty cases).

- **Local Riding Academies, Stables, Farmers**

Some cruelty complaints will involve large animals and farm animals. Humane officers are required by law to consult with the Vermont Department of Agriculture before taking any enforcement action involving livestock and poultry (Title 13, Section 354 (a)). Under this law, the

Department can advise a humane officer as to whether certain behaviors are considered “accepted livestock and poultry husbandry practices” which are exempt from the definition of animal cruelty (See also page 211 in Appendix II, Resource Agencies, “Consulting with the Department of Agriculture on Livestock Cruelty Investigations”).

In some cases a problem might arise in removing the animals from the circumstances because many shelters do not have facilities to accommodate them. To be prepared ahead of time, become familiar with the stables, riding academies, and farmers in your area who are sympathetic to the plight of animals involved in animal cruelty complaints. Ask if they would be receptive to boarding such animals if the need should arise.

You might also find out who is responsible for the local fair grounds. Most fair grounds generally contain barns or large buildings on the property. You might ask if they could be used on a temporary basis if the need arises.

Large animal rescue organizations may also be able to help. (See also Appendix I, “Animal Shelters and Rescue Organizations in Vermont”).

- **Local Law Enforcement**

Local law enforcement agencies, which may include but are not limited to: State Police, county sheriffs’ departments, and municipal police, not only have the legal authority to function as humane officers, but are well-trained and equipped to assist with the application and execution of search warrants. They can also provide safety and personal protection to humane officers who may sometimes find themselves in potentially dangerous situations.

STATE’S ATTORNEY’S OFFICE

Overview

Because animal cruelty cases are not the norm, it is important to establish contact with the State’s Attorney’s (SA’s) office early and maintain it throughout a case.

There are several elements the SA’s office considers in determining whether to prosecute an animal cruelty case: the strength of the evidence, the admissibility of the evidence, the background and history of the offender, the experience and training of the arresting officer, and the recommendations of the arresting officer.

To ensure that you are presenting a good case, inform the appropriate State's Attorney (SA) or Deputy State's Attorney (DSA) about the case as soon as possible. In addition, make your initial investigation solid; it is the foundation upon which the rest of the case is built.

• **What to do**

- If you are involved in a complicated case, and desire to apply for a search warrant, ask a DSA to review your application for the search warrant to ensure that it is in accordance with the United States and Vermont State Constitutions.
- Always contact the SA's office and your local police department on serious and complicated cases. You and the police officer will work closely in putting together the case, to include a search warrant, if necessary.
- Make the SA's office aware of the condition of the animals as soon as possible after they are seized. Ensure that the DSA assigned to the case has copies of all necessary paperwork (Affidavit, Statements, etc.), and copies of all photographs and video tapes.
- After presenting your paperwork to the SA's office and police department, continue working with them to obtain whatever additional evidence they request.
- Decisions as to how the case will be handled will be made by the SA's office, generally with input from law enforcement and the humane organization involved.

If the SA's office seems to lack interest in your case, find out why, if possible. Perhaps past cases they received were not well documented, the evidence was poor, and the case was not win-able. If your case is well prepared, and you are supportive and enthusiastic about its prosecution, the response may be different.

IMPORTANT - Occasionally, the SA's office and/or probation department send inquiries to the arresting officer and/or appropriate humane officer asking for opinions as to what should be done with regard to sentencing. Respond to them, especially for cases in local district courts. Your response is important to the final outcome of the case. If you fail to respond, your input cannot get factored into the sentence.

- Whether the case ends in a plea bargain or a conviction after trial, ask the DSA to recommend that as part of the sentencing, the person is instructed to:
 - surrender the animals to the local humane organization (See Title 13, Sections 353 (b) 1 and 353 (c))
 - pay restitution for the cost of care to all humane organizations involved in the case (See Title 13, Section 353 (b) 2)

The court may also require a convicted defendant to:

- forfeit any future rights to own, possess, or care for animals (See Title 13, Section 353 (b) 3)
- participate in available animal cruelty prevention programs, educational programs, or both, or obtain psychological counselling (See Title 13, Section 353 (b) 4 and page 253 of Appendix IV, Fact Sheets and Articles, “Making the Connection: What Humane Investigators Need to Know”)
- permit periodic unannounced visits for a period of up to one year by a humane officer (See Title 13, Section 353 (b) 5)

Regardless of the number of animals seized, it is important that the case be resolved as quickly as possible. It is a great burden for local shelters to house animals if cases drag on for months. The quality of your evidence and your witnesses may facilitate a speedy resolution to the case.

In Vermont, the DSA may file what is called a Motion for Forfeiture (see example on page 238 of Appendix III, Forms and Supplies List) with its local district court in conjunction with filing its criminal charges. If the motion is filed early enough, the court schedules the matter for a speedy hearing, and the state prevails at the hearing. This is important because the animal(s) may be forfeited immediately and thus freed up for adoption and permanency. Unless the offender is willing to post a security deposit (See Title 13, Section 354 (f)), the forfeiture order can become final even if the criminal case is still pending and regardless of whether the offender is ultimately convicted. You should contact the DSA and request that he/she file this motion once the case is sent to his/her office.

EXPERT WITNESSES

Overview

One of the best ways to build a strong animal cruelty case is to support your case with experts dedicated to animal welfare.

In most circumstances, your best expert witnesses are **veterinarians**. They have extensive knowledge of animals and can testify to the fact that an animal was malnourished, diseased, suffering, etc.

In addition to veterinarians, a person can testify as an expert witness if he knows more about a given subject than the average individual. Anyone can be qualified as an expert if the court finds that the person possesses knowledge, either through experience, training, or both, that would be helpful in determining the facts of the case. Be aware that sometimes the witness must have the judge's approval to be considered an expert witness in order to testify at trial as to certain opinions and facts.

The following are examples of expert witnesses:

Veterinary technicians
Reputable dog trainers or animal behaviorists
Reputable breeders
Farriers (blacksmith/horse shoer)
Reputable horse breeders or stable owners
Wildlife rehabilitators

• **What to do**

When you investigate the case, assemble your expert witnesses. A case of animal cruelty is very difficult to prove in a criminal trial without expert testimony.

You might use them at the actual scene when you are making initial observations, executing a search warrant, or you might use them after the animal has been seized. We recommend the following:

- Call a local veterinarian whom you know and request that he assist you by examining the animals and providing a sworn statement as to their condition (See example on page 232).
- Ask the veterinarian and the local humane society staff for the names of any additional expert witnesses.

- Call those witnesses and ask if they would assist and possibly be willing to sign a statement with regard to the condition of the animals.

NOTE: A “Veterinarian’s Statement” form can be used to document an animal’s condition and dispositions. (See page 216 of Appendix III, Forms & Supplies List, “Veterinarian’s Statement”) *Make photo copies and provide them to the veterinarian. They will make his job easier, especially if there are numerous animals involved, and will provide you with a consistent documentation format to give to the DSA.*

PHOTOGRAPHIC EVIDENCE

Overview

One of the best pieces of evidence that you can use to document animal cruelty/neglect is photographic evidence. The importance of photographs **cannot** be over-emphasized. Your objective is to show the judge and jury the neglect or cruelty that prompted the complaint and caused you to charge the owner (or person responsible for the care of the animal) with animal cruelty charges. (See also page 266 in Appendix IV, Fact Sheets and Articles, “Ten Top Tips for Good Photography, Videography”)

Animals cannot generally be brought into the court room, and even if they could, their physical condition always will have improved by the time the case goes to court. Thus, it is critical that you provide photographs to the judge and jury that show accurately the condition of the animals and the surroundings from which they were seized on the day that they were seized. No amount of verbal testimony can convey the suffering as well as photographs, which clearly depict emaciation, injuries, filthy conditions, etc. They validate all the written documents you have accumulated.

• What to do

Always take a still camera, and if possible, a camcorder, when you are investigating a complaint. Ideally, both should be capable of generating a date and time stamp on the film and video. Also, take a Polaroid as a backup. That way, if your 35mm pictures do not come out, you will still have the Polaroid photos.

CAUTION: *It is important to keep cameras warm in cold weather as their delicate parts may fail if exposed to the cold. In particular, batteries on 35mm cameras can fail; this is another reason to have a Polaroid on hand.*

Normally you would take photographs or video tape at the scene; however, if exigent circumstances were involved (and you had to remove the animal immediately to a veterinarian's office, for example) you would take photographs of the animal there. Have someone else stay behind to document the conditions in which you found the animal, or if warranted, immediately contact the police and S.A.'s office to obtain a warrant to return to the scene to take photographs and gather evidence.

IMPORTANT: Images of police and others helping at the scene will appear in photographs and video tapes. In cases involving large numbers of animals, many volunteers may be needed. Insist that they maintain a professional image at the scene. Assisting at a scene of animal cruelty is very stressful and people handle that stress in different ways - one of which is telling jokes to ease the stress. Images of people laughing and smiling in photos or video comes across as callousness. In court, the defense can contrast this with the crying face of the owner, and you could lose your case as a result.

Photo-taking Guidelines

We have found the following guidelines to be useful:

- Take pictures of the animal from various angles. If possible, take front, back, and both sides. Take a picture of the animal's surroundings. Be sure to note and photograph the food and water bowls (if any) and their location and condition, bedding, cages, animal waste, food bags, and restraints such as tie-outs and chains. This is very important in neglect cases. Many of these cases may take months to get to trial. When asked if there were food or water bowls present, a response of "none that I saw" is not very strong. A picture that documents the lack of food or water in the room or other conditions (like moldy food) is much more powerful and will also serve to strengthen your testimony and perhaps jog your memory.
- Certain details of the animal's appearance will demonstrate neglect; for example, overgrown toenails, overgrown hooves, skin infections, sores. Take a close-up photo of any such detail, and a full body shot to assist you in remembering how the close-ups fit together.
- Take photos of all animals, including any dead ones.

- If there are many animals or if some of them look alike, identify each of them with an ID number. This can be done in a simple manner by using a thick black marker to write a large identifying number on a sheet of paper and placing the numbered sheet in all pictures of that animal. (See also page 271 of Appendix IV, Fact Sheets and Articles, “Animal Hoarders Fact Sheet” and loose Shelter Sense reprint, May/June 1994).
- If you have access to a camcorder, you can use it to show any problems the animal may have in moving about. In addition, you can use it to record the entire scene relating to the condition of the animals.

IMPORTANT: Again, request that all persons on the scene maintain a professional image and manner of speaking. Everything will be recorded by the camcorder. Jokes and disparaging comments about the defendant should be avoided. You might also want to turn off the sound feature to avoid such mistakes.

• **What do you do with the evidence?**

Ensure that you retain your video and have two copies of the photos or video tape. Provide one to the State’s Attorney’s Office. The police officer will secure the other in his evidence file. Save all notes made by investigators, animal control officers, etc. and enter them into evidence.

NOTE: If the film is not developed by a police agency, we suggest that you identify all photo receipts (with your initials, the date, the time, the firm that developed the film) to maintain the chain of custody. Although this is not mandatory, and is usually not a problem (the only criteria for admission is that they “fairly and accurately” depict the item in question), this procedure demonstrates your professional approach.

EXAMPLES OF DETAIL PHOTOGRAPHS





KEY CONCEPTS: EXIGENT CIRCUMSTANCES AND PLAIN VIEW DOCTRINE

Overview

There are two concepts that are important to your investigation of animal cruelty:

- exigent circumstances
- the plain view doctrine

• **Exigent Circumstances**

Within the context of animal cruelty, exigent circumstances exist if you find an animal in circumstances that put its life in danger. Title 13, Section 354 (b) 3 states:

Seizure without a search warrant: “If the humane officer witnesses a situation in which the humane officer determines that an animal’s life is in jeopardy and immediate action is required to protect the animal’s health or safety, the officer may seize the animal without a warrant. The humane officer shall immediately take an animal seized under this subdivision to a licensed veterinarian for medical attention to stabilize the animal’s condition and to assess the health of the animal.” *(Note: It is always “safer”—on legal grounds—to obtain a search warrant. Be certain that this case warrants emergency seizure before intervening!)*

Examples of Exigent Circumstances:

- 1) You are investigating an animal complaint. As you approach the property, you see a cat that is emaciated and unable to get up lying on the porch. It appears to be in danger of dying. You can seize the animal and remove it, and charge the owner with a violation of Title 13, Section 352.
- 2) It is a hot day. You are called to a parking lot to investigate a complaint about a dog in a locked car with the windows rolled up. The dog is panting heavily and is in danger of death. You can enter the car and remove the dog and provide whatever assistance is needed (See also Title 13, Section 386 (b)). If possible, have someone witness the situation and sign a statement. You can charge the owner or person responsible for the dog's situation with a violation of Section 352 of Title 13. NOTE: *If you have to break a window to enter the car you are responsible for the security of the car afterwards. The owner of the car is responsible for the cost of repairs.*
- 3) You are sent on a complaint and see a dog chained with a collar imbedded in his neck, causing extreme suffering. You may seize the dog and call the animal control officer or humane agency personnel to take the animal to a veterinarian for treatment and charge the person responsible with a violation of Title 13, Section 352.
- 4) You are going about your duties and see a man beating a dog with a baseball bat. Arrest the man under Title 13, Section 352, seize the dog and call the animal control officer or humane agency personnel to take the animal for veterinary treatment.
- 5) You come upon two men fighting their pit bulls. Arrest the men under Title 13, Section 352 (5) and call the animal control officer or humane agency personnel to remove the animals and take them for veterinary treatment, if necessary. NOTE: *Animal fighting violations carry felony level penalties. See Title 13, Section 353 (a)(3).*

Plain View Doctrine

There are two aspects of the plain view doctrine that are important in animal-related cases:

1. Plain View Observation

When you are investigating an animal-related complaint, you can make observations to determine its validity from a place where you have a right to be while doing your job.

Examples:

- 1) You are driving up to a person's house to investigate a cruelty complaint, and you see an animal that appears to be extremely neglected in plain view. You can use that observation as evidence in your investigation.
- 2) An owner will not allow you on the property to see the animal; however, a neighbor, whose property adjoins the owner's property, allows you to observe the animal from there. If your observations confirm the complaint, you can use them to apply for a search warrant.

Based on your observations of the animal's situation - in plain view - you can do the following, depending on the animal's condition:

- Make contact with the owner to discuss the situation.
- Remove the animal if exigent circumstances exist.
- Apply for a search and seizure warrant.

2. Plain View Doctrine (during a search)

If while you are executing a search warrant during an animal-related investigation an object that is evidence of criminal activity is found, that object may be seized and used as evidence. Bear in mind that you must be in a place where you are authorized to be by the search warrant, and you must search within the scope of the search warrant. (The Plain View Doctrine during a search was established as a result of court cases, i.e. *Arizona v. Hicks*, 480 U.S. 321, 324-5 (1987).

Examples:

- 1) You are executing a search warrant relating to dog fighting. During the course of executing it, you come across some birds that appear to be fighting cocks. You can seize the birds and use them as evidence.
- 2) You are executing a search warrant to investigate a complaint about dogs barking in a vacant building. You come across objects in plain

view that indicate that dog fighting has been taking place there. You can seize the objects as evidence.

- 3) You are executing a search in a barn looking for an injured horse. During the course of your search, you open the drawer of a file cabinet and find a photo of the owner beating the horse. The photo could not be used in court because it was found outside the scope of the warrant — you would not look for an injured horse in a drawer.

SEARCH WARRANT PROCEDURE

Overview

In this section, we have outlined procedures that deal with applying for and executing a search warrant in an animal cruelty case, as well as examples of documents used in actual cases that you can use as models:

- Applying for a search warrant
- Executing a search warrant
- Completing the search and seizure receipt/inventory

A search warrant is needed anytime you wish to enter private property to investigate an animal-related complaint.** The Fourth Amendment to the United States Constitution specifically protects against entering a person's property without probable cause:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Probable cause does not require first-hand knowledge and may include reports made to the humane officer by other people. The information must be (1) timely, (2) state detailed facts to support any conclusions, and (3) if based on reports made by others, contain an explanation of how the person gained the information.

If you wish to seize animals, or if you need to enter the property for the purpose of gathering evidence, such as photographs, or a combination of both, you need to apply for a search warrant.

*** EXCEPTION: In cases involving exigent circumstances — when an animal is in a life-threatening situation and needs immediate medical attention if action is not taken — you may enter the property and remove the animal(s) without a search warrant. See “Key Concepts: Exigent Circumstances and Plain View Doctrine” on page 10 of this chapter.*

• **Applying for a Search Warrant**

Your application identifies in detail the property you are requesting to search, the law that is being violated, the animals and related elements you wish to search and seize, and facts that led you to this request. The way you craft the search warrant is key to your success in an animal-related case.

Ensure that your application for a search warrant is as comprehensive as you need it to be because items seized outside the confines of what is specified on the search warrant may not be allowed as evidence.

Consider the following questions when applying for a search warrant in an animal-related case:

Animal-Related Questions

- 1) Do you have any expertise with regard to animals that is relevant to the case? For example, the case involves horses and you are an experienced rider.
- 2) What is the **exact** location and description of the property that you wish to search? (Note that animal-related cases have been thrown out of court because the location of the property was not properly specified. Other cases have been invalidated because the

wrong houses have been searched.) Being as precise as possible is critical.

- What street/road is the property located on?
- What side of the street/road? North? etc.
- What is the closest street? (for example, Green Hollow Road is 1/4 mile south of Main Street.)
- What color is the house? What is it made of?
- Is it a multi-unit building or a single family house?
- If it's a multi-unit building, where is the entrance to the unit to be searched? How is it accessed? Is a unit number visible?
- Does it have a fence? Is it a corner lot?
- What other identifying characteristics make it clear that it is this property that you wish to search?
- Ensure that you provide a description of all buildings.
(If you have the time, list the lot and block numbers, according to the tax maps of the town/county.)

NOTE: Your description should be detailed enough that another person unfamiliar with the area would be able to determine the exact location to be searched simply by reading it.

- 3) What probable cause do you have to believe that a violation is being committed on the property? The reasons you cite here will determine whether or not the judge will issue a search warrant, so you must be specific. Enter your reasons, followed by those of your witnesses, based on their sworn statements, as follows:

IMPORTANT: Ensure that you and your witnesses state facts, not conclusions to make your case. For example, state "the cat had a yellow, foul smelling discharge running from its eye," rather than "the cat looked like it had a cold."

- What is the name, address, telephone number, and date of birth of the person who provided you with a sworn statement?
- What was the date of the sworn statement? Recap the statement, ensuring that times, dates, and instances of cruel behavior are carefully documented.

- Follow the same process with each sworn statement that you have.
 - Have all witnesses explain how they know what they know (i.e. did they see it or did someone tell them the information) and how recently did this occur? You must always include these facts in your affidavit to support a search warrant.
- 4) What are you specifically requesting to search? You must have probable cause for each area you wish to search.
- The house? All outbuildings? Storage areas? Specify all the areas you want to search and provide support or reasons as they relate to the case for each area.
 - What property and evidence are you asking the court to seize? Dogs, cats, carcasses? Records? You must include all elements you expect to encounter that you wish to seize.
 - Who should enter the property with you? What humane animal agencies? What veterinarians?
- 5) What are you asking that you and the agencies specified above be allowed to do while on the property? Remove the animals? Feed the animals? Provide them with veterinary care? Euthanize the animals that need to be euthanized? Impound the animals on the property?

IMPORTANT: For maximum effectiveness and cooperation, ask the Deputy State's Attorney assigned to the locality involved to review your search warrant before submitting it to a judge for signature.

Is there a time limit?

Once you ascertain that probable cause for a complaint exists, the time limit for which a warrant may be issued is dependant on the individual circumstances of the case. In general, the time frame depends on the length of time that the illegal activity has been occurring, the type of property being seized, and the type of location to be searched. A court will not count the number of days between the time of the occurrence of events and the time you ask for a search warrant; you only need to satisfy the court that the property you

described in your application, and are seeking to obtain, is still likely to be found at the designated location.

In general, to ensure that the conditions of the complaint have not changed, you would apply for the search warrant as soon as possible. (See sample on page 239 of Appendix III, Forms and Supplies List, “Application for Search Warrant with Affidavit”).

• **Executing the Search Warrant**

If a local judge agrees with your application, he will issue and sign a search warrant that directs the law enforcement or humane agency named on the warrant to legally enter and search the designated location and seize the property specified on the warrant in addition to performing other tasks designed to bring relief to the animals. (NOTE: *Vermont law also requires that a veterinarian licensed to practice in Vermont **must accompany** the humane officer during the execution of the warrant (Title 13, Section 354 (2)).*

Keep the original copy of the search warrant in your possession. Before you conduct the search, give a copy to whoever is on the property that appears to be in a position of responsibility. If no one is on the property, leave a copy of the search warrant in a prominent place.

You must execute the warrant within 10 days, between the hours of 6 am and 10 pm, unless the warrant expressly allows for a night time search. Also, you must knock and announce your presence - before you conduct the search - unless the warrant expressly allows for a “no-knock” search. NOTE: *If the judge turns down your application, the reason will generally be a lack of probable cause, in which case you will have to obtain more evidence and apply again.*

Staying on the Property

You can stay on the property for as long as it takes you to complete the search and render assistance to the animals. When you are on the property, you must maintain a chain of custody by your continuous presence.

Post an officer on the scene if you are forced to leave for a short period of time to get an updated warrant for a new area to search, bring animals for treatment, etc.

Once the search warrant is executed, and you turn the property over to the owner/occupant, you will need a **new warrant to re-enter**.

A copy of the search warrant should be served on the property owner, along with a copy of the search warrant inventory list of all that

was taken. The original search warrant and inventory list must both be filed with a return of service to the issuing court within 5 working days.

Is there a time limit?

According to Rule 41 of the VT Rules of Criminal Procedure dealing with search warrants, once the search warrant is issued it must be executed within ten days or it becomes invalid.

Completing the Search and Seizure Receipt and Inventory

Once you complete the execution of a search warrant and seize property, you must complete a receipt (See sample on page 244 of Appendix III, Forms and Supplies List, “Search Warrant Inventory”) in which you specify all property that you seized at an individual’s property. This includes animals (dead and alive) and any related elements that indicate that the animals were neglected or abused on the property.

How do I fill it out?

When you complete the document, be specific. Indicate the type of animal that was seized (dog, cat, pig, etc.), the sex of the animal, the breed (or if it is a mixed breed, indicate the mix), the color, how many of each were seized, and where it was located (bedroom, hallway, garage, etc). Veterinarians or other expert witnesses will be able to provide you with this information.

For property other than animals, describe the property in detail. Specify the size, the color, and the shape. If, and only if, you know what it is, list it as such. For example, if you are seizing evidence in a dog fighting case, and you come across an implement that is normally used to pry a dog’s mouth open during the fight (breaking stick), you would list it as “one breaking stick.”

What do I do with it?

Leave a copy with the individual whose property you searched. If the individual is not at home, leave a copy in a prominent place.

File the original inventory receipt with the court as soon as possible after you execute your search warrant and keep a copy for your records.

If available, provide the State's Attorney's Office with the veterinarian's sworn statement of the animals' condition as well as the documentation that indicates where the animals are being held. It is important that the humane society involved maintain records as to each animal's placement(s).