

**Animal Law Summer School:**

# **WHAT TO DO WHEN YOU WITNESS ANIMAL CRUELTY**

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See Something, Say Something.

You don't have to **KNOW** for sure that a criminal violation occurred



# What to include?

- Address/location
- Species and number of animals
- What you observe (Act of cruelty? Lack of shelter?)
- Any signs of animal suffering (yelping, emaciation, visible injury, listlessness)
- **Take photos and video if possible**



# To whom do you report?



NATIONAL LINK COALITION

*Working together to stop violence  
against people and animals*



## PAGES

- Home
- What is the Link
  - The Link in the News
  - Veterinary Medicine and The Link
  - Law Enforcement and The Link
  - Domestic Violence and The Link
  - Child Protection and The Link
  - Adult Protection and The Link
- About Us
  - Leadership
- Link Coalitions
  - Foreign Coalitions
  - Start a Coalition
- Get Involved
- Resources
  - Resource Materials

## How Do I Report Suspected Abuse?



The National Directory of Abuse Investigation Agencies

Emergency: 911

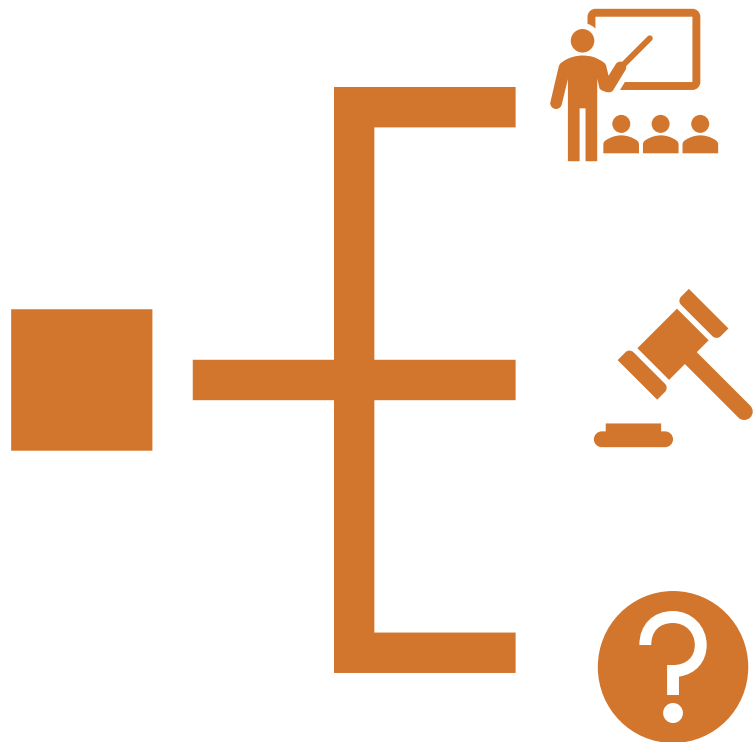
Non-emergency: local  
law enforcement

Get the exact  
agency/dept.

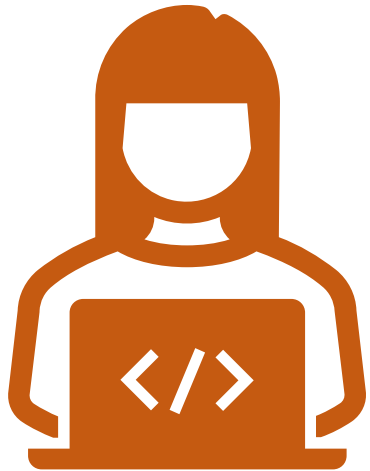
<https://nationallinkcoalition.org/how-do-i-report-suspected-abuse>



# What to expect?



# What not to do\*



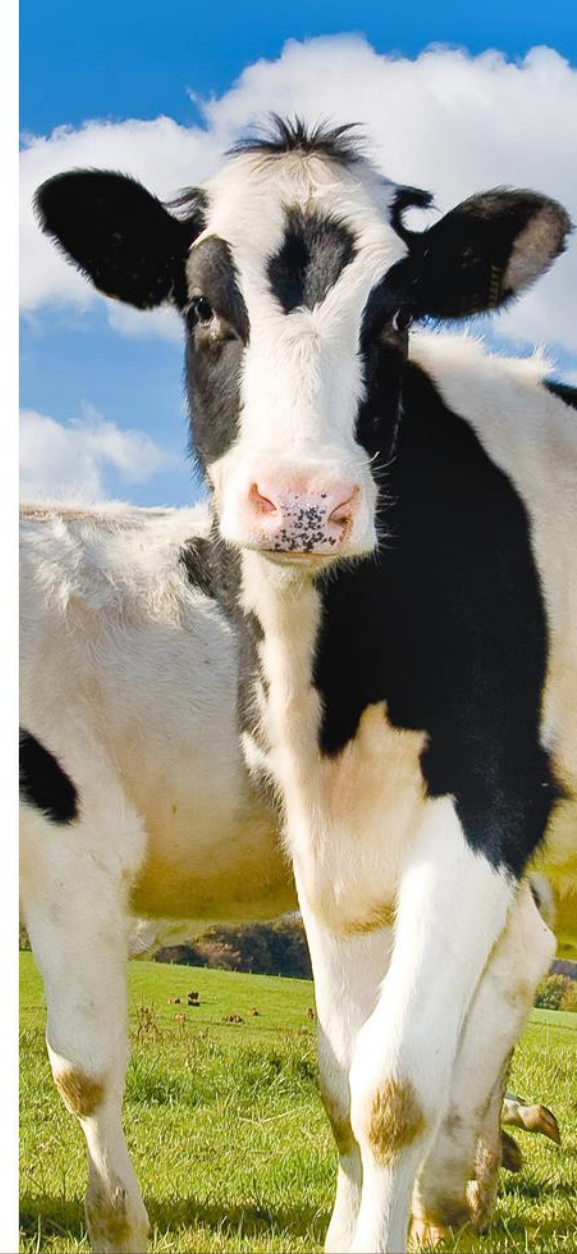
# Know Your Animal Laws

- Why Are We Talking About This?
  - Knowing means...
    - ...sussing out when something might be unlawful cruelty.
    - ...being able to provide useful information.
    - ...identifying situations where you want better laws.
- Why Are We Not Talking About This?
  - To condense a legal education into 45 minutes.
  - To ensure you know *everything* about animal cruelty law.
  - To provide legal advice.



# Key Issue: Disambiguating Conduct

- Conduct
  - Acts of commission
  - Acts of omission  
(if responsible for animal)
- Cruelty
  - Unlawful Cruelty
  - Lawful Cruelty
- Non-Cruel Conduct



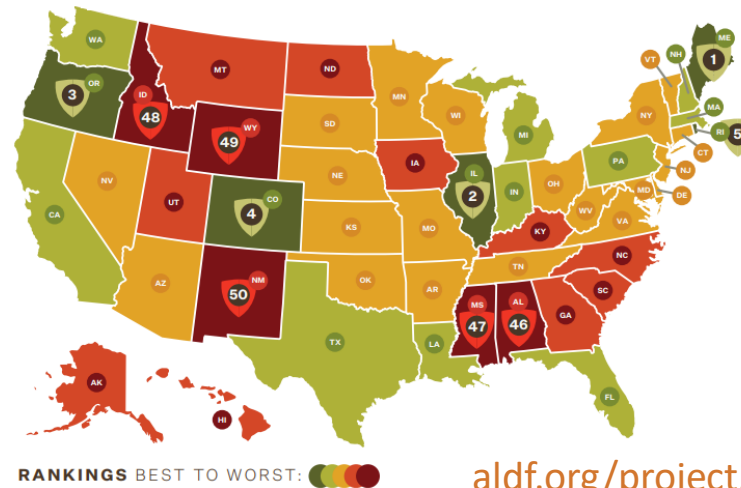


# Cruelty Law: An Overview

- What Constitutes Unlawful Cruelty?
  - Neglect
  - Abuse
    - Animal Fighting
    - Animal Sexual Exploitation



- What Jurisdiction?
  - Local
  - State
  - Tribal
  - Federal



# Knowing your law: Tethering

<https://www.animallaw.info/topic/table-state-dog-tether-laws>

MICHIGAN STATE UNIVERSITY

ANIMAL LEGAL & HISTORICAL CENTER

College of Law

Legal Topics + Donations | Search Materials + | Articles + | Frequently Asked Questions (FAQs)

## Table of State Dog Tether Laws

- **Author:** Rebecca F. Wisch
- **Publish Year:** 2021
- **Place of Publication:** Michigan State University College of Law
- **Primary Citation:** Animal Legal & Historical Center

**Summary:** This brief overview describes state laws (23 states and D.C.) that concern the tethering or chaining of dogs. It also includes a table of those state laws dealing with tethering with links to the text of the laws.

### “In which states is it illegal to chain or tether your dog?”

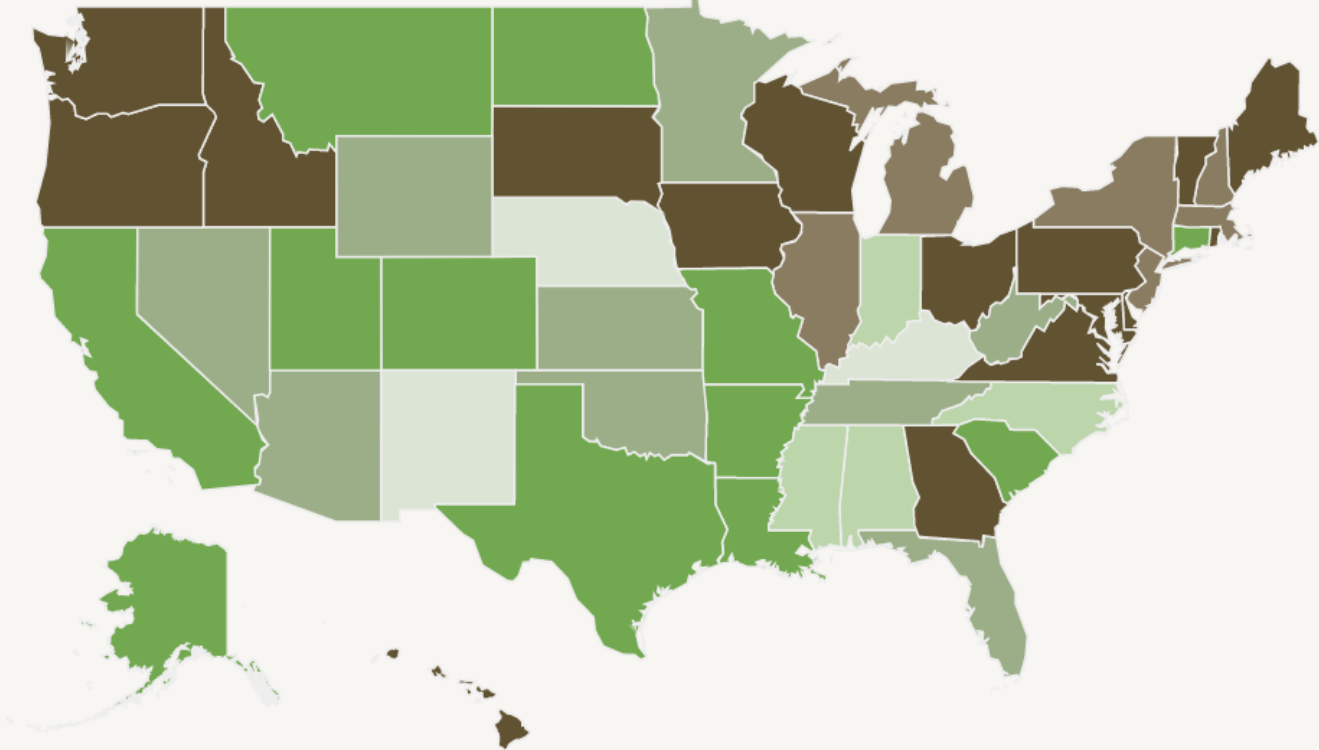
Tethering or chaining a dog simply means that a person ties a dog with a rope, line, or chain to a stationary object. As of 2021, 23 states and the District of Columbia have laws on dog tethering/chaining. While the laws themselves vary from state to state, they do have several consistent features. Some state laws allow a dog to be tethered for a reasonable period of time. California prohibits tethering a dog to a stationary object, but allows a dog to be tethered “no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.” More recent laws restrict the number of hours a dog can be tethered within a 24-hour period.



# Entertainment, Exhibitions, & Exemptions

- Scope of Cruelty Law Often Depends Upon...
  - Animal's relationship with humans.
  - Who the animal is (e.g. species).
- Narrows Ability of Cruelty Law to Shield Certain Animals
- For Example...
- What to Do About This?

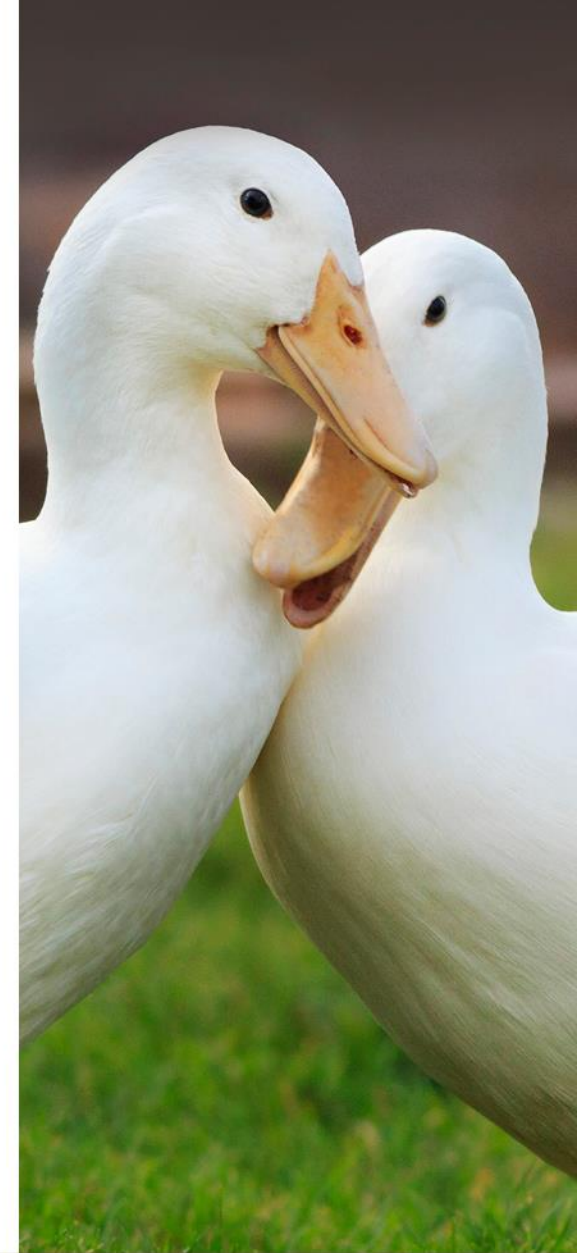




**SHELTER REQUIREMENTS FOR ANIMALS**

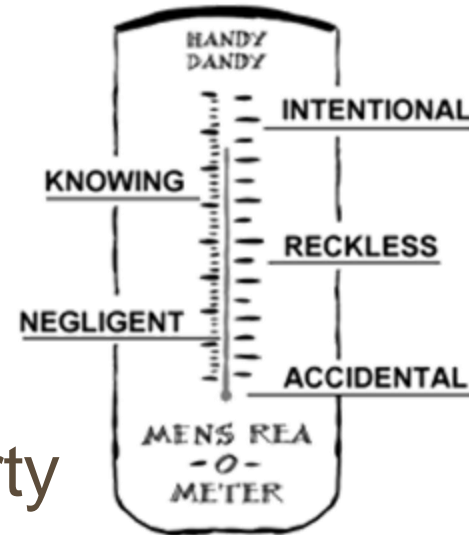
- NOTHING
- SHELTER DOGS AND CATS
- NECESSARY / PROPER SHELTER
- NECESSARY TO MAINTAIN ANIMAL'S HEALTH
- SHELTER & DETAILED REQUIREMENT FOR DOGS
- DETAILED REQUIREMENTS FOR MOST ANIMALS

# Heat and Lack of Shelter



# Extreme Weather Events

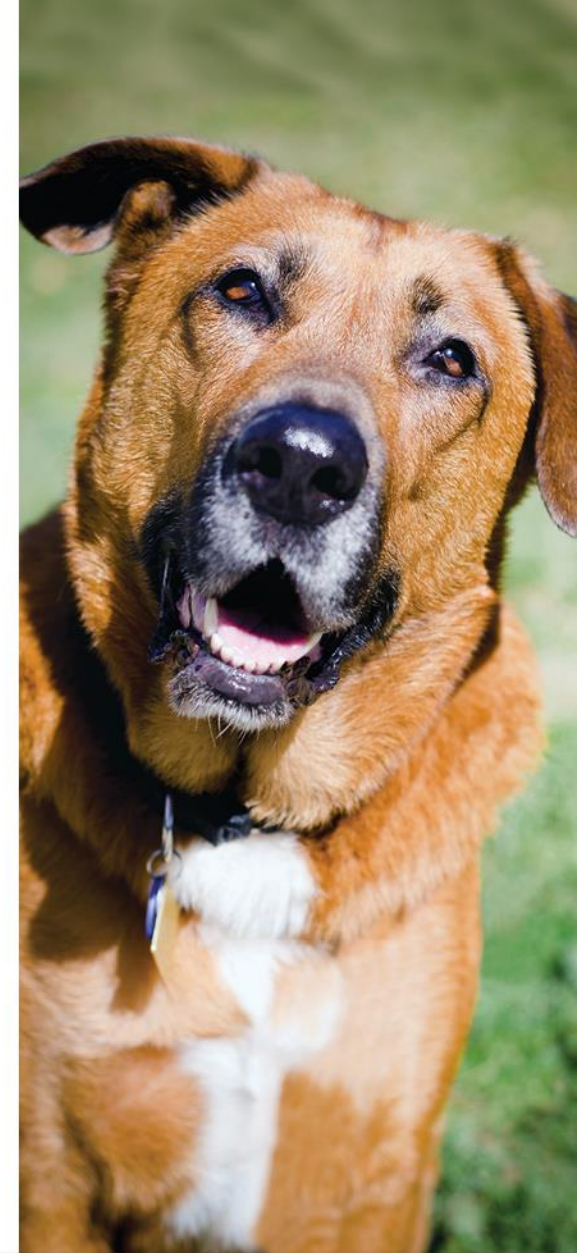
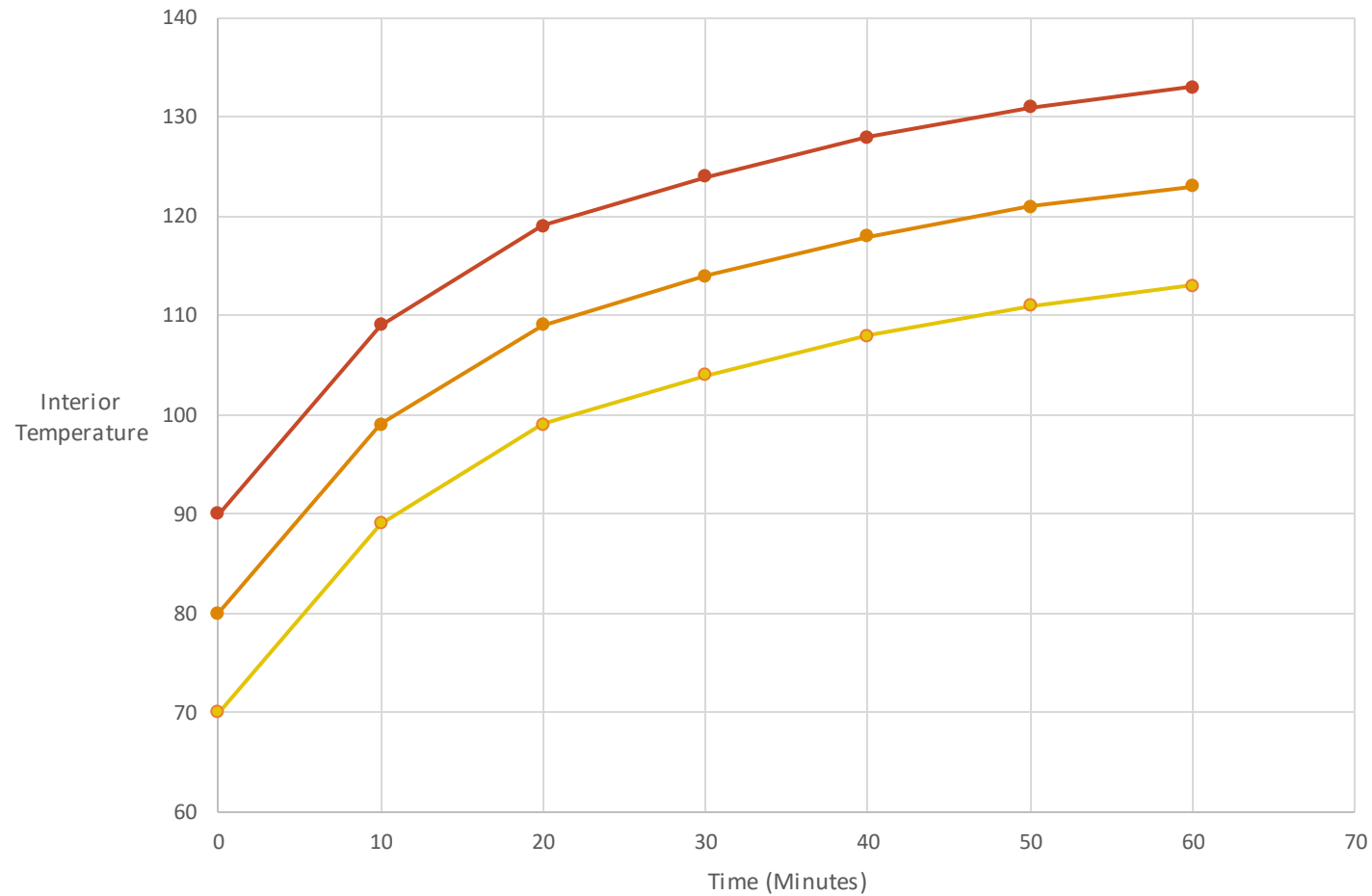
- Is Cruelty Law Implicated?
- An Aside Regarding Elements of Crime
  - ‘Guilty Act’ + ‘Guilty Mind’ → Guilty Party
  - i.e. Actus Resus + Mens Rea → Crime
- What Does ‘Extreme’ Mean?
  - Severe?
  - Unanticipatable?



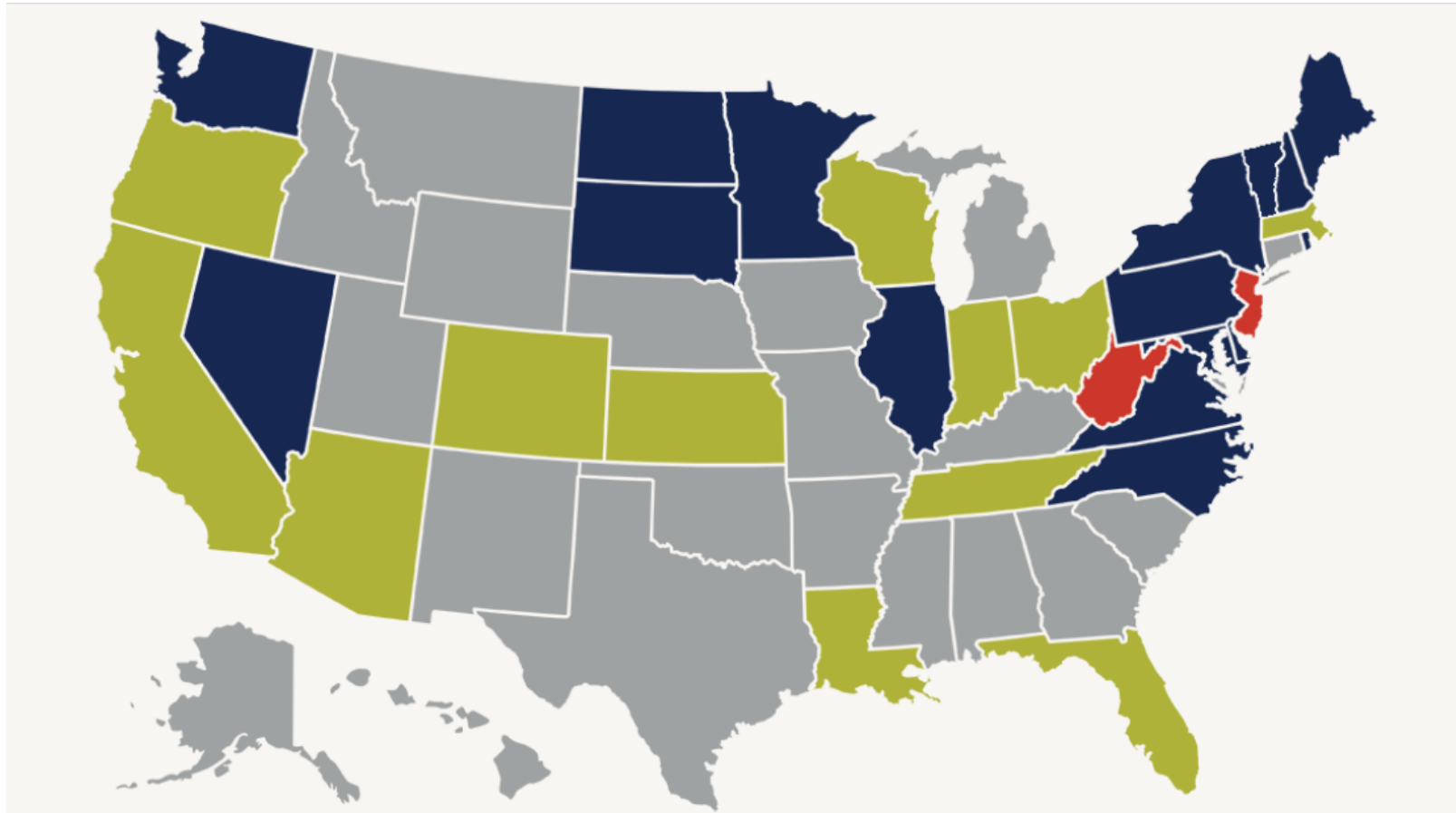
☉ 42°C



# Good Samaritans: Dogs in Hot Cars



# Good Samaritans: Dogs in Hot cars



## DOGS IN HOT CARS

- CRIME TO LEAVE AN ANIMAL UNATTENDED IF RISK OF SERIOUS INJURY/DEATH, BUT NO ONE CAN RESCUE
- LAW ENFORCEMENT CAN BREAK IN TO RESCUE AN ANIMAL
- STATES WITH "GOOD SAMARITAN" LAWS



# Good Samaritans: Dogs in Hot cars



Criminal, civil immunity

Typical requirements:

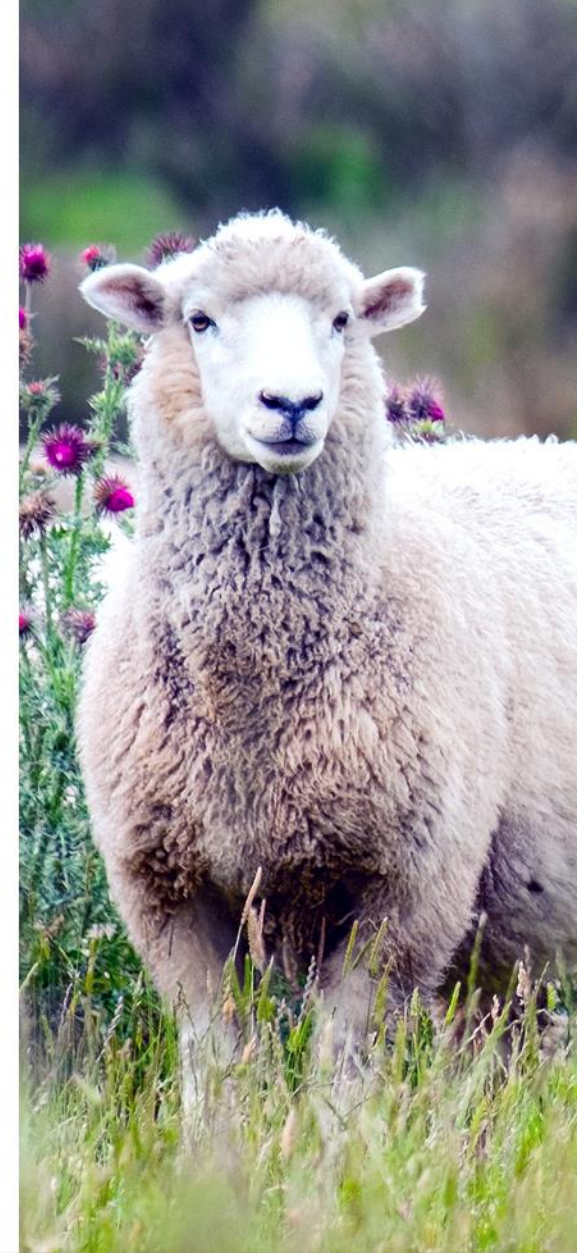
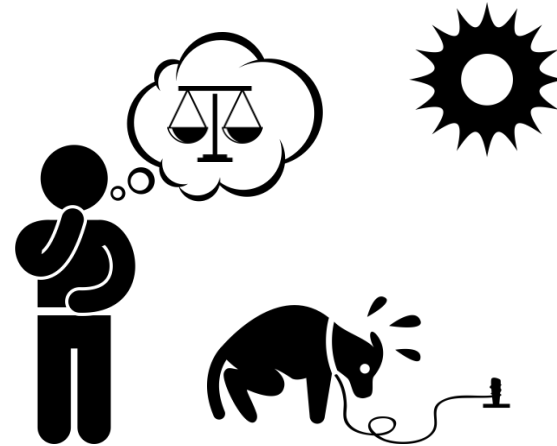
- Have reasonable, good faith belief the animal is in imminent danger
- Call law enforcement
- Use no more force than necessary
- Remain with animal in safe location until law enforcement arrives





# Good Samaritans: Entry & Intervention

- Do Not Assume Your Statutes Authorize
- If Statutes Do Cover, Typically Similar to Hot Car Laws:
  - Reasonable, good faith belief that animal faces unlawful harm;
  - Specific actions authorized by law
    - E.g. enter to provide food/water



# Q & A

