

5. Special Cases

Overview

This section discusses complex situations you may encounter in the course of investigating animal cruelty complaints. The 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 case examples. Related documents (where available) can be found in Appendix III, Forms and Supplies List.

The situations included are:

- Animal Hoarder
- Dog Fighting
- Cock Fighting
- Animal Crimes Related to Satanic and Other Cults
- Irresponsible Breeders/Puppy Mills
- Pet Store Complaint
- Animal Sexual Abuse

ANIMAL HOARDER

Overview

Animal hoarders (also called “animal collectors”) are defined as “people who accumulate large numbers of animals, fail to provide minimal standards of nutrition, sanitation and veterinary care, and fail to act on the deteriorating condition of the animals or the environment or the negative impact of the collection on their own health and well-being.” Animal hoarding cases are complicated and require cooperation and coordination among police officers, veterinarians, animal shelter personnel, health department officials and social service agents.

Normally, this type of case will come to your attention when you receive complaints from persons seeing starving animals and smelling bad odors coming from an individual’s property.

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

When investigating the complaint, you may find large numbers of animals in extremely bad physical condition. In some cases, they may be lacking food, water, and shelter. In other cases, though they may receive some food, they are denied medical care, and as a result, are suffering intensely. Sometimes, all these conditions are present. In general, the conditions will be filthy and the animals overcrowded.

- **What to do**

When you investigate this situation and it appears that you have an animal hoarder, consider this approach:

- Enlist the aid of the local humane society and veterinarians and coordinate a rescue operation to render aid to the animals - humanely euthanize those that need it (see Title 13, Section 354(c)), and then depending on the number of animals remaining, remove the salvageable animals to selected shelters until the case is adjudicated.

- **Planning the rescue effort**

Cases involving large numbers of animals, particularly farm animals, involve a lot of planning. Prior to the rescue effort, we recommend the following procedures:

1. Contact the Department of Agriculture before taking any enforcement action involving livestock or poultry. This is required by law under Title 13, Section 354 (3) (a).
2. Contact a local reputable humane society to determine its capacity for holding animals. Given the limited capacity of any shelter, it may be necessary to contact shelters outside the area to allow for enough housing for the seized animals. Ask the humane society if it can coordinate the effort.
3. Contact the appropriate people (e.g., veterinarian, animal control officer, humane society staff) to form a rescue team. Be sure to instruct all people involved in the rescue effort not to discuss the case beforehand. In addition, consider contacting other expert witnesses who might be helpful to your case (such as wildlife experts, reptile

experts, or exotic bird experts) when non-domestic animals are involved.

If it appears that any air or water pollution is taking place or wildlife is involved, consider contacting the Department of Fish and Game.

4. Ask the humane society to bring collars, tags, animal carriers, white cards, black markers, and any other items necessary to perform animal identification, to the scene. (See also pg 219 in Appendix III, Forms and Supplies List, “Equipment and Supplies for Animal Rescue Operations”).
5. Photocopy an adequate number of “Veterinarian’s Statement” forms and “Agreement Between Lead Organization” forms to take to the scene. A complete list of equipment and supplies for animal rescue operations is also available. (See pgs 216 and 217 in Appendix III, “Forms and Supplies List” for masters of these documents.)
6. Arrange a date for proceeding with the rescue. Keep this very confidential; animal hoarders have a network which will spring into action if talk of a rescue effort gets out. And the animals you hope to rescue will be gone from the premises - into the hands of another hoarder.
7. Apply for a search warrant; specify all the buildings on the property you wish to enter and the treatment procedures you wish to use on the animals.
8. Advise the Deputy State’s Attorney (DSA) or State’s Attorney (SA) who is assigned to the town where the case is occurring of your plans. Have the DSA or SA review your search warrant for completeness. Also, ensure that he or she is willing to prosecute the case.

· **Executing the Search Warrant in an Animal Hoarding Case**

When the police execute a search warrant, it is permissible for non-police personnel to assist them. This type of assistance is almost always necessary when large numbers of animals are involved. We recommend the following procedures:

1. On the day you plan to execute the warrant, alert all people assisting in the case (including humane society personnel, veterinarians, volunteers, health department officials, etc.) and arrange for them to

meet you prior to the time of the animal rescue in an area where you will not attract attention and a good distance away from the property where the animals are kept.

2. People should be formed into teams and assigned duties before entering the property. Persons should be designated to handle the animals, ID them, and assist the veterinarians. One or two police officers should collect any additional evidence, photograph the scene, etc.
3. If an arrest warrant was issued, only the police should enter the property initially for the purposes of executing it. Volunteers and others should be secured away from the scene until the police inform you to enter the premises.
4. Next, secure the scene, and allow shelter personnel, veterinarians, etc. to tend to the animals.
5. In general, perform tasks in the following order, so the animals can be processed, and use a video camera to capture each animal's condition (but bear in mind that the circumstances at the time will govern how you carry out the operation; for example, if the weather is bad, you may have to remove the animals to wherever you are taking them and identify and photograph them there).
 - a) Persons responsible for handling the animals must assign each animal an ID number, and place the number on a "Veterinarian Statement" form. Different types of animals can be identified and numbered as separate groups; for example, the first cat to be identified could be 1C, the second cat 2C, etc.; the first dog could be 1D, the second dog 2D, etc..
 - b) Using a thick, black felt-tip marker, write the ID number that has been assigned, on a large white card or sheet of paper. Place the card in front of the animal without obscuring the body, and photograph the animal.
 - c) Place a collar on each animal. Specify the animal's ID on a small paper/plastic tag, and attach the tag to the animal's collar. With kittens and puppies and other tiny animals, secure them in carriers and mark the carriers clearly with the IDs of the animals within.
 - d) Have a veterinarian examine the animal and fill in its "Veterinarian Statement" form. Specify the physical problems with the animal and

its disposition on the form, e.g., euthanized (specify reason), etc. The veterinarian should sign each form. To save time, the veterinarian can dictate information to a clerical assistant as the animals are being examined. Then at the end of the rescue effort, he or she can personally sign all the forms.

- e) If animals are being transported to various shelters, complete the “Agreement From Organization or Individual” form to keep track of the whereabouts of the animals.

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 poor condition as well.*

6. Process the defendant at the police station. The owner may be in violation of Title 13, Section 352, as well as other sections of the law.

After reading the defendant his or her constitutional rights, attempt to obtain a statement by asking the following types of questions:

- When was the last time the animals were fed and watered?
- When was the last time the cage, stall, barn, etc. was cleaned?
- When was the last time they were seen by a veterinarian?
- Who is their veterinarian?
- In the case of horses, sheep and goats, when was the last time they were seen by a farrier?

Keep in mind that a lack of sufficient funds is no excuse for neglecting an animal, and neglect constitutes cruelty.

7. After the rescue operation is completed, ensure that the defendant receives a copy of the search warrant as well as a copy of the inventory receipt for any animals or property seized.
8. Deliver original copies of both the executed search warrant and inventory receipt to the issuing court within 5 working days.

CONDITIONS YOU MIGHT FIND IN A HOARDING CASE



Example 9

Animal Hoarder

The Complaint

A complainant called the State Police and stated that the animals at a private shelter were suffering from health problems and were being denied medical care. In addition, the shelter operator would not allow volunteers or employees to take animals who needed to be euthanized to a veterinarian.

The complaint was corroborated by a veterinarian who had visited the shelter and noticed that the animals were suffering from various maladies and in need of medical care.

The Response

1. An officer visited the premises and verified the statements of the two complainants.
2. The officer discussed the situation with the State's Attorney's office and applied for a search warrant to enter the premises. In addition, he did the following:
 - Contacted several veterinarians in the area to assist at the scene when the search warrant was executed.
 - Contacted various humane societies in the area and arranged for them to be present with vans to remove the salvageable animals.
3. On the day the warrant was executed, the officers assembled the various humane societies at the edge of the property for a briefing and assignments.
4. The officer presented the owner of the shelter with the search warrant.
5. The animals were identified and treated.

6. The animals who were deemed not saveable were euthanized by a veterinarian; the others were removed to the humane societies involved in the effort. The destination of each animal was documented.

Charges Brought

The owner was charged with 100 counts of violating Title 13, Section 352.

DOG FIGHTING

Overview

There are several aspects of dog fighting about which you may receive complaints:

- **Pit bull “hotels”** - between fights, dogs used for fighting are sometimes harbored in abandoned buildings. You may receive a complaint about dogs barking in an abandoned building or shed, or you may receive a tip from a former member of the ring who feels that he has been cheated.
- **Organized dog fighting ring** - you may receive a complaint that dog fighting is going on in a certain location. Often these complaints may come from a former participant who got “burned” by the ring and became an informant.
- **Unorganized fighting** - you may receive complaints from neighbors about an injured dog, or a complaint from a veterinarian that a dog has come in with an ear chewed off and numerous scars, or you may receive a complaint that states, “Every Friday night I hear dogs fighting down in the alley behind my house.”

The Humane Society of the United States (HSUS) has worked extensively with law enforcement agencies to break up illegal dog fighting rings. The HSUS can be used as a resource for law enforcement agencies investigating dogfighting. (See pg 273 in Appendix IV, Fact Sheets and Articles, “Dogfighting Questions and Answers, and pg 208 in Appendix II, Resource Agencies, “The HSUS”.

Investigating Pit Bull “Hotels”

These may have fighting dogs chained to walls in separate rooms of an abandoned building; they may also be kept chained to the walls of a shed or garage. (In rural areas, fighting dogs may be kept chained to dog houses, next to the person's house.)

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

CAUTION: *When you investigate a complaint about dogs in an abandoned building, handle such investigations with great care. **BE AWARE OF BOOBY TRAPS**, such as cut-away stairs, cut-away floors, razor blades imbedded in stair banisters, etc. Also, be aware that an attack dog may be roaming the premises. The dog may have had his voice box and nails removed, and thus not be heard. When you come through the door, he may lunge.*

- The condition of the dogs
 - Normally missing pieces of their ears, an eye, toes; current bite marks or scars around necks, shoulders, and legs. Ears and tails may be cut down or cut off.
- Generally you will find pit bulls, sometimes Akitas and Rottweilers.
- Presence of paraphernalia
 - Pry bars/bite sticks/breaking sticks - pieces of plastic or wood of varying length, thin at one end and wider at the other. Used to pry open the jaws of a dog that has a death grip upon another dog.
 - Chains, ropes, or spring-poles hanging from beams with various items attached to them (such as tires, or live/dead cats or puppies in burlap bags). The dog "locks on" to the items with his jaws and hangs there for long periods, which builds strength in the jaw and neck muscles.
- Cats and puppies that are injured or dead from having been used as bait and mauled by dogs.
- Various sized weights attached to dog's collar or heavy chains and padlocks around the neck, worn to develop strength in neck muscles.
- Large bottles of various vitamins, such as Vitamin K, or steroids. The bottles may say "For Cattle Use Only".
- Saline solutions in plastic bags. These are used to rehydrate dogs' bodies after strenuous activities.

- Various vials, may contain medications and Vitamin E solution, etc. Short needles and syringes.
- Surgical needles shaped like fish hooks to suture the wounds after a fight.
- Treadmills (similar to those in a gym) to build strength and stamina in a dog.

• **What to do**

When investigating the complaint, and with the assistance of a law enforcement officer, consider doing the following:

1. If the door to the abandoned building is loosely chained, and you can see dogs in immediate need of medical attention, call the animal control officer or local humane society for assistance. Based on exigent circumstances (See also pg 10 in Chapter 1, Be Prepared Ahead of Time, “Key Concepts: Exigent Circumstances and Plain View Doctrine”), break the chain, and have the dogs removed.
2. If the door is locked, and the property appears to be abandoned, contact the owner about a key to the building, if possible. In a large city, you can call the housing authority. Ask the owner or housing authority to accompany you to the building, along with the animal control officer or local humane society. Unlock the door and have the dogs removed.
3. If the door is locked, and you are unable to obtain a key, obtain a search warrant based on your evidence, call the animal control officer or local humane society to accompany you. Enter the property and have the dogs removed. Seize related paraphernalia.

NOTE: If you believe that there are dogs in the building, and you have to leave to find the owner or obtain a search warrant, ensure that you leave an officer there to guard the building so the animals are not removed while you are gone.

4. In all cases, take photos (and if possible, video) of the dogs and the conditions in which they were kept (see also pg 7, Chapter 1, Be Prepared, “Photographic Evidence” and pg 266, Appendix IV, Fact Sheets and Articles, “Ten Top Tips for Good Photography, Videography”).

5. Have the dogs examined by a veterinarian and obtain a sworn statement from him indicating that the dogs were used for fighting. Take photographs of any injuries.
6. If the dogs do not need to be euthanized, have the animal shelter hold them as “dangerous dogs” until you complete your investigation.
NOTE: *Extreme security measures should be in place to house these animals, since they are in danger of being stolen. Staff should also be aware that fighting animals can be dangerous to house and handle, and extreme caution should always be used.*
7. The shelter is not to release the animals, but ask the staff to obtain as much information as possible about any individuals who attempt to claim the dogs, such as their license plate number, name of their veterinarian, etc.

Investigating Organized Dog Fighting Ring

Information on this type of activity generally comes from disgruntled participants.

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

Investigating this type of dog fighting requires undercover work, which can be lengthy. It is extremely difficult to go undercover and get involved in an organized, dog fighting ring - it is very tightly knit.

- **What to do**

Be sure your informant is reliable. Based on the information provided, consider the following approach:

1. Do surveillance and determine the night of the fight.
2. Obtain a search warrant and coordinate your effort with the local humane agency.
3. Cover all exits, enter the premises, and arrest the participants and bystanders.
4. Be sure **all** parties who are involved in the raid wear either uniforms, hats, or jackets to separate themselves from the participants, in case

weapons must be used. Ensure that everyone knows who the undercover person is.

5. Take photos of the scene and record it with a video camera, if possible. A video camera will capture the suffering involved in the event.
6. Have the animals removed to a secure animal shelter.
7. Have a veterinarian examine the dogs and obtain a signed statement indicating that the dogs were used for fighting.
8. Take photographs of the dogs and detailed photos of any wounds.
9. If possible, have the animals held as “dangerous dogs” until your investigation is completed.
10. The shelter is not to release the animals, but ask the staff to obtain as much information as possible about any individuals who attempt to claim the dogs, such as their license plate number, name of their veterinarian, etc.

CAUTION: Ensure that you have support and assistance. Be aware that the organizers may turn the dogs on you and attempt to flee. Be prepared for this.

Investigating Unorganized Dog Fighting — “Street Fighting”

This involves individuals “street fighting” their dogs in back alleys or make-shift dog rings. The majority of complaints you will receive will be of the “street fighting” variety.

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

IMPORTANT: The defendants will most likely tell you that they were engaged in a conversation, and their two dogs got into a fight. If that were the case, the defendants should have been trying to break it up. Your report must state that the dogs were engaged in fighting, and the defendants were not trying to break it up. The arrest may be based entirely on your observations, so it is important to make this point.

- **What to do**

When investigating the complaint, consider the following approaches:

1. Interview neighbors or known informants to determine when and where the street fights are normally held. Conduct surveillance to verify the place and time.
2. On the specified night, arrange to be there in adequate force, along with the dog control officer and humane society.

Prepare for the possibility that the dogs may be fighting and will need to be tranquilized.

3. Arrest the persons involved and have the dogs removed to a veterinarian or the shelter.

CAUTION: Be aware that the participants may turn the dogs on you and flee. Be prepared for this.

4. Take photos of the scene and record it with a video camera, if possible. A video camera will capture the suffering involved in the event.
5. Have the animals removed to a secure animal shelter.
6. Have a veterinarian examine the dogs and obtain a signed statement indicating that the dogs were used for fighting.
7. Take photographs of the dogs and detailed photos of any wounds.
8. If possible, have the animals held as “dangerous dogs” until your investigation is completed.

DOG FIGHTING EXAMPLES



Ears cut back



Facial Scars

Example 10

Unorganized Dog Fighting (Street Fighting)

The Complaint

A humane agent encountered two individuals fighting their dogs on a city street.

The Response

1. With the assistance of a law enforcement officer, the investigator had the two people arrested and taken to the police station.
2. The investigator carefully documented that the dogs were fighting and the owners were making no effort to break up the fight.
3. The investigator took the seized dogs to the animal shelter and had them examined by a veterinarian. The veterinarian provided a signed statement indicating that the wounds on the dogs indicated that they had been fighting.
4. He took photographs of the two dogs indicating the wounds they had sustained.

Charges Brought

An offense committed under subdivisions 352(5) and (6) of Title 13 can be prosecuted as a felony (up to 5 years of imprisonment or a fine of up to \$5,000 or both) if the person (5) “owns, possesses, keeps or trains an animal engaged in an exhibition of fighting, or possesses, keeps or trains any animal with the intent that it be engaged in an exhibition of fighting, or permits any such act to be on premises under his or her charge or control; or (6) “acts as a judge or spectator at events of animal fighting or bets or wagers on the outcome of such fight.”

Example 11

Training Dogs for Fighting

The Complaint

A complainant called the state police and reported that she saw six pit bulls chained to dog houses on the property across from her residence. At various times, she also saw the dogs hanging by their teeth from a rope tied to a tree. Other reports from neighbors verified what the complainant had said.

The Response

1. Based on the information contained in the complaints, a state police investigator was sent undercover to investigate the situation. His observations confirmed that dogs were being training for dog fighting.
2. The state police applied for a search warrant.
3. They contacted humane agencies to see which could house dangerous fighting dogs for them.
4. The state police, along with the humane agencies, went to the property.
5. The state police executed the search warrant. They seized the animals, videotaped and took photographs of the scene and the individual animals, and arrested the individuals involved.
6. The humane agencies removed the animals from the premises.
7. They were later examined by a veterinarian who provided a signed statement as to their condition.

Charges Brought

The individuals involved were charged with a violation of Title 13, Section 352.

COCK FIGHTING

Overview

There are two aspects of cock fighting about which you may receive complaints:

- **Cock fighter “hotels”** - similar to dog fighting, birds used for fighting may be housed in abandoned buildings or sheds. (In rural areas, fighting cocks may be kept in barns or outbuildings.)
- **Organized cock fights** - these generally take place in cellars and alleys; in rural areas, they take place in barns. The birds are transported to and from the fights in decorated sacks about the size of pillow cases and are kept in cages until their turn to fight.

Big money is involved in cock fighting; as a result, investigating it can be dangerous; however, in general, a cock fighting ring is easier to infiltrate than a dog fighting ring. The Humane Society of the United States (HSUS) has worked extensively with law enforcement agencies to break up illegal cock fighting rings. The HSUS can be used as a resource for a law enforcement agency investigating cock fighting (See pg 275 in Appendix IV, Fact Sheets and Articles, “Cockfighting Questions and Answers”, and pg 208 in Appendix II, Resource Agencies, “The HSUS”.)

Investigating “Cock Fighter Hotels”

In a city environment, you may receive a complaint about a rooster crowing in a backyard or in a building. In a rural environment, you may receive complaints about someone keeping large numbers of roosters.

• Things to be aware of when investigating:

*CAUTION: When you investigate a complaint of fighting cocks being kept in a building, handle such investigations with great care. **BE AWARE OF BOOBY TRAPS**, such as cut-away stairs, cut-away floors, razor blades imbedded in stair banisters, etc. Also, an attack dog may be roaming around loose. The dog may have his voice box and nails removed, and thus will not be heard. When you come through the door, he may lunge.*

- The condition of the birds
 - Kept in single cages, stacked in double and triple layers
 - Combs and wattles (red growths on head and under chin) cut off
 - Bodies may be shaved: from half way down the chest to the bottom of their bodies or their entire back may be shaved (This is done to keep them cooler while fighting; it is also done to determine the winner - the loser has more wounds on his body)
- Presence of paraphernalia
 - Teasers - small stick with 8 - 10 strips of cloth attached to it, used to taunt the bird and make him aggressive

- Various types of sharp spurs (made of bone/plastic) which attach to the cock's dew claws to enable him to gash and hurt the other bird
- Sparring "gloves" - little leather booties that are temporarily placed over the spurs
- Glue stick to attach the spurs; candles to heat the glue
- Knives to cut the glue stick
- Nail files/toe clippers (like veterinarians use) to cut the claws
- Weight scales and cock holding bags (look like pillow cases)
- Syringes, antibiotics, alcohol

• **What to do**

When you investigate a complaint about a large number of birds being harbored at a location, consider doing the following:

1. Exigent Circumstances - If the door to the abandoned building is loosely chained, and you can see birds in immediate need of medical attention:
 - a. Call the local humane agency for assistance.
 - b. Based on exigent circumstances, break the chain, and have the birds removed and provided with medical attention.
 - c. Take photographs of the animals at the veterinarian's.
 - d. Find the owner of the building, if possible, to determine if he was aware that birds were housed there.

2. Non-exigent Circumstances
 - a. If the door is locked, and the property appears to be abandoned, contact the owner about a key to the building, if possible. In a large city, you can call the housing authority. Ask the owner or housing authority to accompany you to the building, along with the local humane society.

OR

- b. If the door is locked, and you are unable to obtain a key, apply for a search warrant based on your evidence. Arrange for the humane society to meet you there.

NOTE: If you believe that there are birds in the building, and you have to leave to find the owner or obtain a search warrant, ensure that you leave an officer to guard the building so the animals are not removed.

- c. In either case, enter the property once you have found owners or obtained a search warrant and take photographs of the animals and the conditions in which they were kept. Seize any related paraphernalia on the property.
 - d. Have the birds examined by a veterinarian and obtain a sworn statement indicating that the birds were used for fighting. Take photographs of any injuries.
3. If the birds do not need to be euthanized, have them kept at the humane agency or other shelter as evidence until you complete your investigation. Ask the local humane society to obtain as much information as possible about any individuals who come to claim the bird(s), such as their license plate number, name of their veterinarian, etc.

Investigating a Cock Fighting Ring

You might receive complaints about cock fighting going on in an alley or a cellar; in a rural area, it may be a barn.

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

Refer to pg 65 of this chapter, “Investigating Cock Fighter Hotels - Things to Be Aware of When Investigating.” The conditions of the birds and the paraphernalia will be the same.

- **What to do**

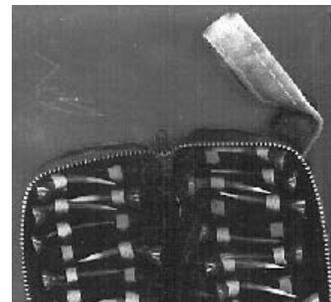
Consider doing the following:

1. Attempt to develop an informant to provide you with information about the participants and times of the fights.
2. If you do not have an informant, do surveillance of the area to determine where and when fights are being held. Try to get someone in undercover.
3. If you become aware of when a fight is to occur, (e.g., from personal observations at a fight), apply for a search warrant to conduct a raid of the premises.

IMPORTANT: Apply for a NO KNOCK search warrant and ensure that it specifies searching for all paraphernalia and searching above the ceiling as well - things often get hidden there.

4. Arrange to have the local humane agency present to remove the birds. Humane agencies handling birds should be equipped with gloves and carrying bags.
5. Be sure **all** parties who are involved in the raid wear either uniforms, hats, or jackets to separate themselves from the participants, in case weapons must be used. If there is an undercover person, ensure that everyone knows who it is.
6. Ensure there is police coverage of all exits and entrances.
7. Arrest lookouts and persons charging admission - for acting "in concert" with the organizers - which means they could be charged with a felony as well, depending on the circumstances (See Title 13, Section 352 (6)).
8. Take photos of the birds and the conditions at the ring. If possible, use a video camera which can better capture the suffering involved in the event.
9. Have the birds examined by a veterinarian and obtain a statement from him indicating their condition (eyes missing, puncture wounds, etc.) to indicate that they were used for fighting.
10. Ask the local humane society to obtain as much information as possible about any individuals who come to claim the bird(s), such as their license plate number, name of their veterinarian, etc.

COCK FIGHTING EXAMPLES



Weight scale

Needles, glue, files
used in fighting

Pouch with
fighting spurs



Cock fighter hotel – wire mesh
(wooden)

Fighting cock

Cock fighter hotel



Assorted Paraphernalia

“Boxing gloves” for birds

ANIMAL CRIMES RELATED TO SATANIC AND OTHER CULTS

Overview

This type of case may come to your attention when you receive complaints about a mutilated animal(s) being found with symbols of cult activity around the body such as satanic symbols, bones, and candles.

The following information was provided by the Animal Rescue League (ARL) of Boston and the Northeast Ritual Crime Intelligence Association (Boston), both of which have vast experience with investigating animal-related crimes resulting from cult activity. Both agencies, as well as the Rutgers University Animal Rights Law Center, can be used as a resource for law enforcement agencies investigating cult activity. (See pg 208 of Appendix II, Resource Agencies, “Animal Rescue League of Boston”).

According to the ARL, satanic and other non-traditional cults are on the rise in the US, particularly in large cities where large numbers of immigrants come together to practice the cultural beliefs of their homeland, be it Voodoo, Santeria, Palo Mayombe, Condomble or Brujeria. In addition, there has been an increase in cults in the American prison system as well as in the general population.

This section of the manual concerns itself only with cult ceremonial activity involving cruelty to animals. It may take place in wooded areas, cemeteries, commercial or residential buildings or abandoned buildings.

There has been some confusion with regard to these cults and their practices and freedom of religion. Individuals have the freedom to practice their religion as they define it; however, they are not permitted to commit criminal acts, or interfere with the rights of others, while in the process. Thus, harming, killing, or mutilating an animal is not permitted because it is a criminal act. If they engage in this behavior, they are subject to prosecution.

NOTE: In 1987, the city of Hialeah, Florida enacted an ordinance that banned Lukumi Babalu Aye practitioners from performing animal sacrifice as part of their religious ceremonies. The practitioners appealed the decision, and it went to the US Supreme Court. In the Lukumi Babalu Aye v. City of Hialeah (113 S. Ct. 2217 (1993), the Supreme Court overturned the Hialeah ordinance. The important thing to note, however, is that anti-cruelty laws were not affected by the decision. In fact, the Supreme Court unanimously held that governments have the right to enforce prohibitions on animal cruelty, the keeping of livestock, and zoning violations.

According to the Rutgers University’s Animal Rights Law Center, the ordinances enacted in Hialeah were deemed unconstitutional only because they targeted the ritualistic animal sacrifice of one group of practitioners, rather than outlawing animal sacrifice in general. It was important to

understand that this does not mean that animal sacrifices cannot be regulated or banned. In fact, if Hialeah had used the existing Florida anti-cruelty statute in prosecuting the ritualistic killings, the lawyers at Rutgers University believe that it is unlikely that the case would have reached the Supreme Court at all.

In Vermont, any ritualistic animal sacrifice, such as nailing an animal to a tree, would be a violation of Section 352 of Title 13.

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

You may have complaints resulting from an animal-sacrifice-related crime that occurred in a cemetery, park, wooded area, etc. When investigating such a crime, the presence of the following elements at the scene may indicate the presence of a cult and indicate that the animal died as the result of a cult-related sacrifice.

- Mutilation of the animal, including removal of specific body parts (anus, heart, tongue, ears, front teeth and front legs, genitals, etc.).
- Cages for animals, limbs, lumber, etc. from which animals may have been hung. Look for any ligatures (ropes or leather ties) that may have been used to secure the animal.
- Bones or animal parts (such as finger and arm bones, human or animal skulls, feathers, eyes, tongues).
- Absence of blood in the animal.
- Mockery of Christian symbols (inverted cross, vandalized Christian artifacts).
- Use of stolen or vandalized Christian artifacts.
- Unusual drawings or symbols on walls or floors (baphomet - an upside down pentagram often with the head of a goat within, hexagram, pentagram, etc.).
- Non-discernible alphabet.
- Altars, chalices, wands, biblical passages, ceremonial type knives.
- Candles and candle drippings (candles may be in the shape of genitals, or colored black or white.)
- Oils, powders, wax, herbs, incense.

- Dolls (a child's doll burned or tied to a cross, also what is commonly known as a voodoo doll).
- Bowls of powder or colored salt.
- Skulls with or without candles.
- Robes, especially black, white, or scarlet.
- Rooms draped in black or red.
- Books on Satanism, magic rituals, etc.
- Crystal balls or other crude crystals, usually found in unusual forms.
- Pyramids.
- Sea shells.
- Necklaces made of beads, bells or gongs.
- There may be a circle which may or may not contain a pentagram.
- Look for a trail leading from the circle towards water. Search for stakes, etc., used to place victims in a spread-eagle position (head towards the water).

CAUTION: Never investigate these cases alone. Wear surgical gloves when handling evidence. Some cult practitioners are avid herbalists and use poisons as booby traps. Be aware that poisonous snakes may have been placed in cabinets and drawers to attack those who might be looking for evidence. Other booby traps include: fish hooks hung at eye level, shotguns tied to trip wires, falling bricks and other such setups.

• **What to do**

If your investigation of the scene indicates that the animal's death may be the result of cult-related animal sacrifice, consider doing the following:

1. Interview the people who live in the area where the animal sacrifice was found to determine if they have any information on any occult activity in the area.
2. Run a check to see if there were any criminal activities in the area such as:
 - Church burglaries

- Satanic, cult graffiti in the area
 - Any missing animals within a three-mile radius (check with animal control officers and humane agencies)
3. Attempt to develop informants. You may find people who became disenchanted with cult practices and are willing to talk to you. Maintain **strict confidentiality** at all times.
 4. Try to find persons in the area who practice “white magic” or are witches. Many of these people may be able to provide you with information on cult activities or people who practice “black magic.”
 5. Locate stores (called Botanicas) that sell cult-related paraphernalia. Do surveillance to see who enters and leaves. See if there is a connection between those persons and any names you might have been given.
 6. If the suspects are teenagers, go to the high school and find someone who knows the students and what they are doing, perhaps a teacher or coach.
 7. Once you have suspects, develop an intelligence file.
 8. If the information you have gathered is sufficient to indicate that animal sacrifice is taking place at a specific location, consider applying for a search warrant to seize all animals and paraphernalia relating to animal cruelty.
 9. Execute the warrant and arrest the persons involved and charge them with cruelty to animals under Title 13, Section 352.
 10. Take photos of the animals and conditions at the scene. In addition, use a video camera to record the conditions of the animals and the surroundings. (See also pg 7, Chapter 1, Be Prepared, “Photographic Evidence” and pg 266 in Appendix IV, Fact Sheets and Articles, “Ten Top Tips for Good Photography, Videography”).
 11. Arrange to have the local humane agency present for the purpose of removing the animals.
 12. Have any dead and live animals examined by a veterinarian (and euthanize any animals that are not saveable) and obtain a statement from him describing their condition: eyes missing, puncture wounds, cuts, etc. to indicate that they were used for animal sacrifice.

- **Preparing the search warrant in cult-related investigations**

According to the ARL of Boston, if you have enough evidence to request a search warrant involving animal sacrifice, prepare the warrant to include the residence, property, and curtileges. While executing the search warrant, the ARL suggests looking for the following types of items, any of which may contain evidence of animal remains or documentation relating to an animal sacrifice:

- Hypodermic needles/vials/bottles (may contain blood)
- Animal body parts in freezers/refrigerators
- Ashes from fire pits including fireplaces, wood stoves
- Wooden stand for alter, marble slab, crosses
- Heavy wooden staff, sword, knives
- Bull whip, cat of nine tails, ligatures
- Human or animals bones, flesh, blood (especially skull or long bones, finger bones)
- Animal carcasses
- Ritual books, books on satanism, diaries
- Small animals in cages, and empty cages
- If adolescents are suspects, school composition books should be examined.
- Computers and computer diskettes
- Occult books, etc. may be found under mattresses, etc.

IRRESPONSIBLE BREEDERS/PUPPY MILLS

Overview

Many breeders of dogs or other animals take good care of the animals they raise because they make their money based on their reputation for producing healthy, purebred animals. However, you may periodically receive a complaint that the animals being raised by a breeder (also referred to as a “backyard breeder”) are not being fed properly or given adequate shelter.

“Puppy Mills” are operated by irresponsible breeders, with the focus on mass production of puppies, keeping the females constantly breeding with no concern for their health. The puppies may be shipped via air freight to various locations around the country and often die in transit. The conditions at a puppy mill are generally deplorable.

In most of these cases, because of the number of animals involved, you will have to coordinate your rescue effort with both a local veterinarian and the local animal shelter.

According to Title 20, Chapter 194, Section 3901 (7), a pet “dealer” means “any person who sells, exchanges, or donates, or offers to sell, exchange, or donate animals, but shall not include a person who makes disposition only of offspring from animals maintained by him only as household pets”. Since the Department of Agriculture has enforcement authority over pet dealers, they should be contacted before a cruelty investigation proceeds to verify the breeder’s licensing status (or lack thereof) and to check for any previous violations.

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

Environmental conditions:

- Lack of fresh water and insufficient food
- Overcrowding, cages often stacked on top of one another
- Cages not cleaned, feces piled up
- Little or no protection from the elements
- Lack of sufficient/adequate shelter (animal carriers serving as housing in lieu of proper shelter)
- No floors on cages, only mesh wire; feces falls through on top of animal below
- Improper manure storage and disposal
- Improper ventilation

- Weak caging, protruding wires/nails

Animals' physical appearance/behavior:

- body sores/poor coats
- bloated stomachs
- missing hair, excessive itching - may indicate mange
- animal attempts to hide, crouches down, pulls head back if you put your hand near the dog - all signs that may indicate abuse
- aggressive behavior - may indicate abuse
- lethargic behavior
- lameness
- holding a leg up
- ear mites
- aural (ear) hematoma
- cloudy eyes (could be fighting or injury from cage wires, etc.)

• **What to do**

If you receive a complaint that sounds as though someone is running an irresponsible breeding operation, consider doing the following:

1. First contact the Department of Agriculture to check on their licensing status and possible previous violations.
2. Obtain a signed statement from the complainant, if possible.
3. When investigating the complaint, look for the conditions mentioned above. If they are present, apply for a search warrant to enter the property. Then have the State's Attorney's office review your application.
4. Contact a veterinarian and the local humane agency to accompany you to the scene. The humane agency can help remove and house the animals.
5. Arrest the owner and remove him from the scene.

6. Charge the owner or person responsible for the care of the animals with the appropriate number of cruelty charges.
7. Notify the United States Department of Agriculture, which is in charge of licensing and standards of care for animal breeders. (See pg 209 of Appendix II, Resource Agencies, “The USDA”).
8. If the person is convicted of the charges or negotiates a plea bargain, notify the registering agency responsible for granting registration status to the particular species of animal, or ask the humane society that assisted you on the case to do so.

For example, in the case of dogs, the American Kennel Club should be notified. (See pg 208 in Appendix II, Resource Agencies, “The American Kennel Club”). Upon receipt of this information, the registering agency will normally revoke the person’s registered breeder status, thus discouraging him from engaging in this type of behavior again.

Example 12 **Irresponsible Breeders**

The Complaint

A complainant wrote a detailed letter to a local humane society stating that 13 purebred dogs kept on a neighbor’s property were not being fed or watered properly. The dog owner/breeder no longer lived on the property and only periodically returned.

Because it was winter, it was critical that the dogs be given proper food and water. In addition, some of the dogs were chained to plastic dog carriers which provided inadequate shelter.

The Response

1. The investigator had the complainant complete a statement stating exactly what he had seen and when.
2. The investigator then observed the dogs and their conditions from the roadway. In addition, the investigator observed the conditions of the dogs from the window of the complainant’s home which was adjacent to the breeder’s property.
3. Based on his observations and the signed statement of the complainant, the investigator applied for a search warrant.

4. The investigator coordinated the rescue effort with the state police responsible for the area.
5. He also secured the services of a local veterinarian to assist in the rescue effort.
6. On the day of the rescue, the state police executed the search warrant and entered the property along with staff of the humane society. Photographs were taken of each dog and its living conditions.
7. The dogs were transported to the shelter.
8. The state police found the breeder and issued him a citation.
9. The veterinarian examined each dog and completed a “Veterinarian’s Statement” form, specifying the condition of each animal (see sample on pg 216 in Appendix III, Forms and Supplies List).

Charges Brought

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

Example 13 **Puppy Mills**

The Complaint

A complainant called a local humane society and reported that she went to a breeder to buy a puppy. The person was appalled by the conditions that she witnessed at the premises and described them in a signed affidavit to the humane society.

The Response

1. The humane society sent an investigator to the property on the premise of looking to buy a puppy.
2. She was not allowed into the kennel areas; instead the puppies were brought out to the porch of the house. In addition to looking lethargic, the puppies had a foul smell.
3. She asked to see the parents of the puppies and the owner refused.
4. Based on the condition of the animals, the owner’s behavior, and the original complaint, the investigator applied for a search warrant to enter the premises.

5. The investigator contacted other area shelters to assist in a rescue effort. She also contacted a local veterinarian and volunteers from other humane agencies.
6. On an agreed upon date, the Sheriff's Department executed the search warrant and entered the property along with the humane society and the veterinarian.
7. The owner and caretaker of the kennels were issued citations.
8. The team entered the property. Each animal was photographed and given an identification number. In addition to numerous dogs, 4 cats, 1 goose, 1 duck, and 5 doves in poor condition were also on the premises. Animals were assigned to the various shelters and removed. Their locations were documented.
9. The situation was complicated by the fact that there were two individuals involved, each of whom technically owned several of the animals. Thus, the investigator had to determine which animals technically belonged to whom, identify them, and specify the information accordingly.
10. The humane society kept an accounting of the paperwork and presented it to the State's Attorney's office.

Charges Brought

The owner of the kennels was charged with 86 violations of Title 13, Section 352. The caretaker of the kennels was charged with 47 violations of Title 13, Section 352.

PET STORE COMPLAINT

Overview

People may call and complain about the conditions that exist at a local pet store. The complaints may range from overcrowded cages to outright animal abuse.

Because the animals in pet stores are all generally visible to the public, in one sense the case is easier to address; on the other hand, because the pet store is a business and someone's livelihood, it must be treated very carefully.

Title 20, Chapter 199 (Sale of Dogs and Cats), Section 4301 (3) defines a “pet dealer” as “any person, firm, partnership or corporation, or a representative or agent, who engages in the sale of more than one litter of animals per year or two or more animals over six months of age to consumers for monetary consideration. Breeders of animals who sell animals to the public are included in this definition; except that duly incorporated humane societies or animal shelters which make animals available for adoption are exempt.”

The Department of Agriculture has enforcement authority over pet stores, and should be contacted for licensing status (or lack thereof) and for any information on possible previous violations of Title 20.

The USDA regulates wholesalers of animals (those supplying pets to retail stores for resale) and should be contacted as well. They also regulate the possession and sale of “pocket pets” like sugar gliders, hedge hogs, prairie dogs, etc.

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

- Overcrowding, too many puppies or kittens to a cage
- Cages not clean, feces piled up
- Lack of clean water and food
- Animals with hair loss, body sores
- Animals are lethargic
- Birds have overgrown beaks because they have nothing to gnaw on.

- **What to do**

1. Contact the Department of Agriculture to check on licensing status and for information on any previous violations.
2. Investigate the complaint. Examine the conditions that appear in plain view.
3. If an animal appears to be suffering to a point where you believe exigent circumstances exist, contact an appropriate law enforcement agency for assistance.
 - Issue the person responsible with a citation.
 - Contact the local humane agency, seize the animal and have the humane agency take it to a veterinarian.

- Obtain a signed statement from the veterinarian regarding the condition of the animal and photograph the animal.
4. If the animals you see in plain view appear to be neglected, but they are not in danger of dying, discuss the situation with the owner or employees. Ask him how the animals got in this state.
 - Inform the owner what needs to be done to correct the situation and provide him with a written list.
 - Tell him you will return in a day or so to see if the situation has been corrected.
 5. If the situation has not improved on the day you return:
 - Obtain a search warrant.
 - Call the local humane society, law enforcement agency and a veterinarian to assist you.
 - Return to the pet store and have the humane society remove the animals.
 - Issue the person(s) responsible with a citation.
 - Take photographs at the scene of the animals, their cages, food/water bowls, etc. (See also pg 7 in Chapter 1, Be Prepared, “Photographic Evidence and pg 266 in Appendix IV, Fact Sheets and Articles, “Ten Top Tips for Photography, Videography”).
 - Have the veterinarian sign a statement as to the condition of the animal(s) and take photographs of the animals at the veterinarian’s office.

NOTE: If the pet store has a bad reputation with regard to treatment of animals, but you do not see evidence in plain view that would substantiate the complaint, consider sending someone undercover to work in the pet store to gather evidence.

SPECIAL NOTE: Standards relating to the investigation of pet stores under the criminal animal cruelty statute fall under Title 13. Standards for pet stores as they relate to licensing and inspection fall under Title 20, Chapter 194, and the Animal Welfare Regulations beginning on pg 169 of Chapter 7, “Various Vermont Laws Dealing with Animals”).

Example 14

Pet Store Complaint

The Complaint

A landlord contacted the animal control officer and reported that foul smells were emanating from a pet store which recently had rented space in his building, but had not yet opened for business. The landlord reported that in addition to regular pet store animals, wildlife, such as baby foxes and a raccoon, were also housed in the pet store. The landlord stated that the pet store owner had not been at the premises in days and the rent was in arrears. Because of the foul smell, the landlord was worried about the fate of the animals and the state of his property.

The animal control officer notified the police. The landlord was willing to sign a statement.

The Response

1. Based on the information provided by the landlord, the police applied for a search warrant to enter the property.
2. The police called the animal control officer as well as the Fish and Game Department because of the wildlife involved, a veterinarian, and the humane agency to form a team to deal with the situation.
3. The veterinarian and the humane society informed the police that there had been past complaints against the pet store when it was located at other sites. The Fish and Game Department informed the police that the pet store owner had a license to keep specific wildlife for educational purposes, but the animals had to be kept in prescribed conditions.
4. The search warrant was granted, and the police and the team entered the property.
5. All the animals were examined and individually identified. The animals and conditions were photographed.
6. The Fish and Game Department called a wildlife rehabilitator to the scene to remove the foxes, flying squirrel, etc. to his facility.

7. The balance of the animals were removed to the veterinarian's office and the animal shelter.
8. Records were created to document the location of the animals and the persons responsible for their care.

Charges Brought

The police charged each of the three partners (owners) of the pet shop with 153 counts of violating Title 13, Section 352.

ANIMAL SEXUAL ABUSE

Overview

Animal sexual abuse (also referred to as zoophilia, bestiality, zoerasty or sodomy) is the sexual molestation of an animal by a human, or the coercion of another to do the same. This kind of animal abuse includes a wide range of behaviors such as vaginal, anal, or oral penetration; fondling; oral-genital contact; penetration using an object; and killing or injuring an animal for sexual gratification. Animal sexual abuse may or may not include physical violence other than the sexual violation, and may or may not result in physical injury to the animal. Animal sexual abuse, like rape, is the eroticisation of violence, control, and exploitation. The sexual abuse of animals is often linked to the sexual abuse of women and children (Kowal, 1998). A child's sexual abuse of an animal may be a warning sign that the child is a victim or witness of physical, sexual or emotional abuse themselves (see also pg 256 in Appendix IV, Fact Sheets and Articles, "Animal Sexual Abuse Fact Sheet").

Keep these correlations in mind when investigating domestic disturbances or sexual assaults where there are/have been animals in the home.

- **Things to be aware of when investigating:**
 - The animal may appear fearful by cowering or crawling into a hiding place.
 - Physical symptoms may include traumatic injury to the anus, rectum, or vulvar/vaginal areas.
- **What to do**

1. When investigating sexual or domestic assault, consider the possibility that animals in the home are being used in sex acts, either by the primary aggressor or by the victims, who may be coerced by the perpetrator.
2. Not all states have laws specifically prohibiting bestiality, including Vermont. Check with your State's Attorney and pursue these incidents under the animal cruelty statute.
3. When appropriate, request a search warrant for videotapes depicting sexual acts between humans and animals.
4. If there is a computer in the home, request a warrant for the contents of the hard drive, computer disks, and any other computer media to search for evidence of browsing or downloading of images depicting bestiality. This can help corroborate an animal cruelty/bestiality case.
5. If you have probable cause for animal cruelty and/or bestiality, secure the residence, then apply for a warrant to take the animals from the home. Coordinate these efforts with your State's Attorney's office and your animal control officer or humane society. Make arrangements for animal control or the humane society to transport the animals from the scene after the warrant is executed.
6. When writing your affidavit for animal cruelty or bestiality, be certain to articulate the animal's reaction to what was occurring (i.e. the dog was yelping and trying to get away).
7. When relevant, take photos of the physical condition of the animal and their surroundings, and include this as evidence in your case.
8. Have the animal(s) examined by a veterinarian and obtain a sworn statement regarding the health of the animal. Document any acute or chronic illness or injury. Care should be taken to collect human or animal sperm, semen, seminal fluid, vaginal fluids, epithelial cells, pubic hairs, and any other existing evidence. A standard human rape kit can be used to collect this evidence.
9. Interview the family, friends and neighbors of the accused. They may have heard or witnessed some of the incidents.
10. Offenders may travel out of the state or country, and pay money to see animals having sex with humans. Determine whether the offender has bragged to friends about seeing this sort of thing.

Example 15

Animal Sexual Abuse

The Complaint

A juvenile female victim disclosed to her guidance counselor that her uncle sexually assaulted her over the period of approximately one year.

The Response

1. A police investigation into this allegation resulted in the arrest of the accused uncle. Subsequently, a search warrant for the residence was executed for the purposes of corroborating the victim's statement (i.e. her knowledge of the accused's bedroom, pornographic videos, and other sexual paraphernalia).
2. A dog that was in the home during the execution of the warrant was behaving strangely and hiding under the bed.
3. Several pornographic videotapes were taken into evidence, at which time several homemade videotapes were found, which depicted the accused and his wife engaging in sex acts with two dogs, one of which was the dog witnessed during the initial execution of the search warrant.
4. A warrant was obtained and the dog was taken to the humane society. The dog was subsequently euthanized after it was determined he had parvo virus, a highly contagious and often fatal disease. The other dog had been given away prior to the investigation.

Charges Brought

In addition to the charge of sexual assault on a minor, the accused was charged with two counts of misdemeanor animal cruelty. His wife was charged with the same.