

**McHenry County Department of Health
Veterinary Public Health Division**

POLICY NAME: Cruelty Investigations

POLICY #: 05

EFFECTIVE DATE: 01/01/2009

DATE LAST REVIEWED: 02/15/18

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SUBJECT: The responsibilities, documentation, and decision making process for Veterinary Public Health staff in investigating cruelty complaints received by the general public and/or observations made by Animal Control Officers while performing their daily job functions.

POLICY: The Veterinary Public Health Division (VPH) will respond to all animal cruelty complaints that are received by the Division.

STANDARDS: Article VI Sections 11.01 – 11.08; Humane Care for Animal Act (510 ILCS 70/1 et seq.); Animal Welfare Act (225 ILCS 605/1 et seq.); Nestle Purina Body Condition Chart; Tufts Animal Condition and Care (TACC)

APPLICABILITY: This applies to all staff in the Veterinary Public Health Division.

DEFINITIONS:

Cruel Treatment (510 ILCA 70/1): No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse an animal; No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

Owner's Duties: No person or owner shall fail to provide any animal in their charge, or custody as owner or otherwise, with the following:

1. Sufficient quantity of good quality, wholesome, food that is appropriate for the species to maintain good health and fresh, drinkable water;
2. Adequate shelter as all animals are to be kept in a clean, sanitary and healthy manner and are not confined so as to be forced to stand, sit or lie in its own excrement; and protection from the weather including quarters that are protected from excessive heat and cold;
3. Regular and sufficient veterinary care to prevent suffering and maintain health; provide the required rabies vaccination and if diseased or injured, or exhibiting symptoms of disease, provides proper veterinary care; and
4. humane care and treatment: pens, kennels and runs must be of sufficient size to permit the animal to exercise and move about freely.

Sheltering: When a person or owner chooses to keep a companion dog confined outside, it must be in accordance with Owner's Duties (as listed above). A person or owner shall provide the dog with constant access to fresh, drinkable water and appropriate shelter. The dog shelter shall allow the dog to remain dry and protected from elements. The shelter shall have 4 sides, a solid roof sloped away from the entrance, and a dry floor raised above the ground. The shelter shall be placed to provide shade from the sun and protection from the weather. During winter

months and any day when the temperature is at or below 20° F, the shelter must be just large enough for the dog to stand up and turn around when fully grown and allow retention of body heat, the entrance must be covered by a flexible wind-proof material, self-closing door or other form of wind block, and must contain clean, dry bedding, which must consist of an insulated material that does not retain moisture, such as straw or woodchips, of sufficient depth for the dog to burrow and nest. Any day when the temperature is at or above 90° F, the shelter must be shaded by trees, a tarp, or a tarp-like device to provide protection from weather related injuries.

Extreme Weather Conditions: No person or owner shall allow a companion dog shall to remain outdoors, tethered, or penned during a period of extreme weather including but not limited to extreme heat at or above 100° F or extreme cold at or below 0° F for more than a limited period of time. All dogs shall be provided access to a temperature controlled shelter in accordance with Sheltering (see above), during cases of extreme weather as indicated above. No dog shall remain outdoors, tethered, or penned where wind chill warnings, a heat advisory or tornado warning have been issued by local, state or federal authority. In no instance shall a dog remain outdoors, tethered, or penned at or under the age of 6 months or while sick, injured or in distress.

Tethering: No person or owner shall chain or leash an unsupervised dog outside for a period longer than 1 (one) hour unless the chain is at least 10 feet long so as to allow for adequate exercise and freedom of movement. No person or owner shall:

- tether a dog which is known to suffer from a condition that can be exacerbated by tethering;
- tether any animal by use of a choke, pinch or prong collar, or on any collar too small for the size and age of the dog, or by any rope, chain, or cord directly attached to the dog's neck, or of such unreasonable weight as to prevent the dog from moving about freely;
- tether a dog in such a manner as to cause injury, strangulation or entanglement;
- tether any dog in such a manner so as to allow it to reach or remain on public property or public right of way, such as sidewalks or streets;
- permit a tethered dog to bark, whine, howl or make excessive noises so as to cause a nuisance;
- tether a dog between the hours of 10:00 p.m. and 6:00 a.m.;
- tether an unsupervised dog in estrus;
- tether a dog at a vacant structure or premises for any purpose or time when it is not monitored by a competent adult who is present at the property for the duration of such tethering.

Transporting Animals: No person or owner driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage in a manner which will prevent the animal from falling, jumping or being thrown from the vehicle.

Confinement in Motor Vehicle: No person or owner shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold; In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any

reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.

Abandonment: No person or owner shall knowingly abandon any domestic animal on their own property without daily care or by abandonment off the owner's premises where it may suffer injury, hunger, or exposure, or become a public charge; No person or owner shall knowingly release any domestic rabbit, ferret, prairie dog, hedgehog or other mammal, reptile or avian not native to this area, expecting it to fend for itself for food, shelter and protection.

Poisoning: No person or owner shall knowingly or with malicious intent set out poison(s) or cause to be poisoned any dog, cat or domestic animal except by expressed permit from the Illinois Department of Agriculture.

Entertainment, Fighting or Baiting Animals: No person may own, operate, manage, maintain, charge admission to or be a patron at any place used for the purpose of fighting or baiting any bull, bear, dog, cock or other animal.

REPORTING: If an animal is in immediate distress, law enforcement should be notified immediately. Animal cruelties can be reported to McHenry County Animal Control via the main phone (815-459-6222 or via email (mcac@co.mchenry.il.us)).

PRIORITY: All animal cruelty complaints shall be investigated within 24 hours of the receipt of the complaint. If law enforcement is on scene an animal control officer will respond immediately if requested by law enforcement. After 4:30 p.m. calls are handled by an answering service and dispatched to officers based on the severity of the complaint. After 8:30 p.m. animal control officers are not onsite, emergency calls will be referred to law enforcement. All other cruelty complaints will be handled during regular business hours.

CRUELTY COMPLAINTS: In order to investigate a complaint of cruelty, the Veterinary Public Health Division (Animal Control) must be provided with the following information.

Complainant Information: While the Veterinary Public Health Division does take anonymous complaints of cruelty. It can be difficult to pursue some cases without credible witnesses willing to provide signed statements and testify in court. The following information may be needed to verify reported information and conduct a thorough investigation:

- Complainant's name
- Complainant's address
- Complainant's phone number(s)
- Name of animal owner if possible
- Address of alleged cruelty (must provide exact address)
 - Specific area at address (yard, barn, garage, residence, etc.)
- Date(s) and time(s) of the alleged cruelty
- Alleged cruelty from above
 - What is the alleged cruelty?
- Does the complainant have direct knowledge of the alleged cruelty?
- Description of the animal(s)
 - Species
 - Color or markings
 - Number of animals

- Witness information if applicable
 - Name
 - Address
 - Phone number(s)
 - A concise, written, factual statement of what you observed

Animal Control Officer Investigation Process: An Animal Control Officer (ACO) shall investigate the alleged cruelty. A cruelty checklist shall be used to note both unfounded cruelties, ordinance violations, and potential criminal misdemeanors.

If the owner is home, the ACO will:

- If on the owner's property, ACO shall take pictures documenting conditions if given permission by owner
- ACO shall take pictures from neighbor's property if given permission from neighbor
- If a violation is observed, ACO shall issue an ordinance violation notice and state what action is necessary to come into compliance with the Ordinance and that a maximum of 48 hours may be granted in which to take corrective action
- ACO shall document all conditions and the action necessary in the Chameleon data system. A detailed report will note all unfounded and found cruelties based off the cruelty checklist
- ACO will follow up 24 or 48 hours to ensure compliance and/or veterinary concerns are corrected
 - ACO can issue a ticket if concerns are not corrected
 - If owner doesn't respond within the requested time frame then the Veterinary Public Health Division Manager or designee should determine the appropriate action (pursue impoundment or notice to appear)

If owner is not home, the ACO will:

- ACO will leave a 24 hour ordinance violation notice requesting that the owner contact McHenry County Animal Control to set up an appointment to view animal(s)
 - If owner doesn't respond within the 24 hours then an ACO will issue a ticket
 - If owner doesn't respond within the requested time frame then the Veterinary Public Health Division Manager or designee should determine the appropriate action (pursue impoundment or notice to appear)

Tethering

- ACO will investigate the allegation
- ACO will educate the owner about the tethering laws
- ACO will issue an ordinance violation and state what action is necessary to come into compliance with the Ordinance and that a maximum of 48 hours may be granted in which to take corrective action
- ACO will follow up 24 or 48 hours to ensure concerns are corrected

Confinement in Motor Vehicle

- ACO will make a reasonable effort to locate the owner or other person responsible

- If Section 11.05 is being violated ACO has authority to enter such motor vehicle by any reasonable means

Abandonment Process

- ACO tapes all entrances to house and all other structures where animals may be housed. On the tape enter date and time and officer's initials.
- ACO leaves an ordinance violation notice asking owner to contact McHenry County Animal Control within 24 or 48 hours
- ACO takes pictures of all doors that have been taped
- ACO documents animal's condition if animal can be observed
- ACO checks with adjacent residence documenting any additional information
 - Name
 - Address
 - Phone number(s)
- ACO follows up in 24 or 48 hours to check if tape has been broken or the ordinance violation has been removed from the door
 - ACO contacts Police Department to do a well-being check
 - If owner doesn't respond within the requested time frame then the Veterinary Public Health Division Manager or designee should determine the appropriate action (pursue impoundment or notice to appear)
 - ACO will contact Veterinary Public Health Division Manager to get an Inspection Warrant through the State's Attorney's Office
 - ACO will contact Veterinary Public Health Division Manager to get an impoundment number from the Illinois Department of Agriculture for livestock
 - ACO will notify Kennel Staff if animals are going to be impounded
 - ACO will contact Veterinary Public Health Division Manager to make arrangements with a veterinarian as soon as practical after impoundment

Notice of Impoundment

- A notice of impoundment shall be given by the Veterinary Public Health Division Manager to the violator if known
 - ACO delivers impoundment letter to the owner's residence
 - The impoundment letter is mailed certified and regular mail
 - If impoundment letter cannot be served to the violator in person or by certified mail, the notice shall be given by publication in a newspaper of general circulation in the county in which the violator's last known address is located
- The notice of impoundment shall include the following:
 - Reason for impoundment
 - Description of the animal(s) involved
 - Date the animal(s) were impounded
 - Signature of the Veterinary Public Health Division Manager
 - Statement that the violator may request an appeal of the impoundment to the McHenry County Animal Control Administrator within seven (7) business days after the impoundment of the animals

Ordinance Violations and Charges: The Veterinary Public Health Division is a code enforcement agency. Depending on the details of the complaint, McHenry County Animal

Control, local law enforcement or the Illinois Department of Agriculture may have the authority to take action under applicable laws:

Humane Care for Animal Act (510 ILCS 70/1 et seq.); Animal Welfare Act (225 ILCS 605/1 et seq.);

The Animal Control Act (510 ILCS 5/)

Sec. 5. Duties and powers. (510 ILCS 5/5) (from Ch. 8, par. 355)

Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens, which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Act. The sheriff and all sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Act. The Administrator and animal control wardens shall aid in the enforcement of the Humane Care for Animals Act and have the ability to impound animals and apply for security posting for violation of that Act.

(Source: P.A. 98-725, eff. 1-1-15.)