



Wisconsin Department of Agriculture, Trade and Consumer Protection

*Division of Animal Health*

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GUIDANCE DOCUMENT

## Humane Complaints

*This guidance document is based on Wis. Stat. chs. 93 and 95. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.*

Policy regarding humane complaints.

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Dr. Darlene Konkle - Administrator Division of Animal Health	DATE

Contributors:

<b>Policy Number:</b>	<b>HUM-001</b>
<b>Date:</b>	<b>07/29/2008</b>
<b>Staff Affected:</b>	<b>All Staff</b>
<b>Subject:</b>	<b>Humane Complaints</b>
<b>Replaces:</b>	<b>Policy 90-04</b>

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## **BACKGROUND**

There are three animal welfare functions served by the department. The first is to provide education to the public, agribusiness and animal industry, veterinarians, law enforcement and public health on animal related issues, particularly those with animal welfare and/ or public health implications.

The second is to act in an advisory capacity to assist in the peaceful resolution, if possible, or prosecution when necessary, of humane complaints at the local level. This includes a liaison function to refer complaints erroneously addressed to the Animal Health Division to other regulatory authorities including law enforcement, USDA, Public Health, Agricultural Resource Management, Food Safety Division, Consumer Protection, the Department of natural resources and occasionally other agencies.

Third is to cooperate in investigations directly, on a referral basis only, upon the specific request of local law enforcement authorities that the department providing veterinary expertise. The Department does not initiate or conduct local humane investigation on its own. Humane complaints brought to the department orally or in writing by private citizens should be referred to local authorities. The complainant should be encouraged to contact local law enforcement directly.

## **POLICY**

As one of the department's duties, we have statutory authority under 93.07 (11), Humane Activities, "to cooperate with humane societies and assist duly appointed humane officers in the enforcement of laws relating to humane education and the prevention of cruelty to animals." This statute restricts the authority of the Department to that of cooperating with those agencies charged with the duty to enforce laws within their jurisdictions.

Local governments have the responsibility and authority to investigate humane cases. Local authorities should be encouraged to develop relationships and work with local practitioners.

In extra ordinary circumstances a DAH veterinarian may do an initial investigation with the approval of the State Humane Officer, Assistant State Veterinarian or State Veterinarian.

### **Case Development**

In developing a humane case, it is important to rule out disease to prove the case for neglect, abuse, or starvation. Reports of 95.50 violations, dead animal disposal, should be pursued as dead animal disposal problems until there is sufficient evidence to suggest violation(s) of Chapter 951, Crimes against Animals. Where questions arise, a veterinarian should be consulted and where it is judged appropriate, necropsy and/or other diagnostic testing performed. Humane cases are more easily developed and proven from living proof than long dead evidence.

### **Case Documentation**

Documentation of humane complaints takes several forms: investigative reports, documenting who, what, when, where, and why; warning letters sent as a result of humane investigations where the department is involved; and informational memos to file. Memos to file should be written for humane complaints that cannot be pursued because of missing information or stale evidence to provide background information for future reference. They should also be written for cases in which the department played an advisory role but no direct role. For the latter, copies of incident reports and court document should be included.

Approved by:

  
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State Veterinarian  
Robert G. Ehlenfeldt, DVM

Date:

  
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7/30/08