



**MODEL
ANIMAL CRUELTY
POLICY**

**FOR
MINNESOTA
LAW ENFORCEMENT**

January 2021

ANIMAL CRUELTY: MINNESOTA

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Minnesota statutes cited are [hyperlinked](#) to Revisor of Statutes website.



PURPOSE

This model policy is designed to provide law enforcement in Minnesota with practical guidelines for responding to reports and incidents of animal cruelty.

Accordingly, the underlying broad features of the policy are:

- The recognition that all animals are sentient beings who can feel pain and distress and can experience other kinds of physical, mental, and emotional suffering.
- The understanding that animal cruelty is a violent crime and is often linked with other violent crimes against people and property.
- The realization that there is an indisputable need to protect animals from cruelty through law enforcement approaches that reasonably ensure their care and welfare.
- The proposition that, to foster the efficiency and effectiveness of law enforcement responses to instances of animal cruelty, it is necessary that there be useful guidelines for investigations and other actions, as well as for coordination among agencies and personnel charged with the duty of enforcing animal cruelty laws.

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POLICY

Minnesota law expressly protects all animals from animal cruelty, and provides law enforcement with both the authority and the duty to enforce state and local laws governing animal cruelty.

Duties and Actions

Among the mandated duties of law enforcement are:

- (1) the full and proper investigation of suspicions and complaints of animal cruelty, and
- (2) all actions that may be necessary to halt and prevent animal cruelty, as well as neglect and other omissions, that may threaten the life of the animal and/or place animals in immediate danger of harm.

These actions by law enforcement include, but are not limited to, taking physical possession of any animals who have been treated cruelly or whose lives are threatened and delivering them to persons and places authorized to provide safety and to care for them.

Investigation

The investigation of suspicions and complaints of animal cruelty is a critical stage in enforcing animal cruelty laws and will be effective only if it is reasonably focused and detailed.

Furthermore, no investigation can properly be concluded until law enforcement has achieved a resolution that reasonably ensures the safety and well-being of the animals who are the subjects of the investigation.

Training and Education

Law enforcement officers and agents are indispensable to the proper execution of animal cruelty laws and, to assist them in performing their duties, education and training are imperative.

Practical guidelines and tools are necessary and should include, but not be limited to:

- A thorough knowledge of all applicable animal cruelty laws and the authority and duties provided in those laws.
- A genuine understanding of the nature of animal cruelty and, in many instances, those characteristics that are unique and not likely to be noticed or comprehended by non-professionals.
- Guidelines for responding to suspicions and complaints of animal cruelty, including procedures for investigating; for assuming command of a suspected crime scene; for identifying, collecting, storing and preserving evidence; and for recording and documenting the details of the investigative process.
- A knowledge of when, where, and how to locate and access support resources, such as veterinary assistance and guidance. Because issues of animal health, safety, and care can often be complex, law enforcement needs to be aware of local and national experts and other specialists in the field of animal health and safety and to enlist their help when necessary.

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DEFINITIONS

Minnesota Statutes Chapter 343 is known as the Prevention of Cruelty to Animals law. Law enforcement should be familiar with this law, its definitions, and related terms.

- **Officer:** For purposes of this policy, an “officer” is a licensed peace officer, as defined in **Minn. Stat. § 626.84 subd. 1(c)**. Animal control officers, community service officers, and humane agents may assist efforts and vary by community.
- **Animal:** “Any living creature, except members of the human race” (**Minn. Stat. § 343.20 subd. 2**). Animals do not need to be owned to be protected by Minnesota Statutes Chapter 343.
- **Pet or Companion Animal:** “Pet or companion animal” includes “any animal owned, possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another as a pet or companion, or any stray pet or stray companion animal” (**Minn. Stat. § 343.20 subd. 6**).
- **Cruelty:** “Torture; cruelty” is defined as “every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death” (**Minn. Stat. § 343.20 subd. 3**).
- **Injuries:** Substantial and great bodily harm to animals have the same criteria as assaults to humans.
 1. “Substantial bodily harm” means “bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member to a service animal or a pet or companion animal” (**Minn. Stat. § 343.20 subd. 8**).
 2. “Great bodily harm” means “bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted or impairment of the function of any bodily member or organ,

or other serious bodily harm to a service animal or a pet or companion animal” (**Minn. Stat. § 343.20 subd. 9**).

- **Animal Response Team:** An Animal Response Team includes law enforcement and external resources to assist with animal in-take and examinations, veterinary care, evidence documentation, animal transport, temporary or permanent sheltering, re-homing, and other services. External resources may be national or local.
- **Qualified Veterinarian:** A qualified, licensed veterinarian is familiar with the species and will examine the animal to medically determine cause of injury or death and, if possible, assess the crime scene. While training in animal forensics is not a legal requirement, veterinarians with this knowledge are preferred; they will have additional skills to assist in the collection and documentation of evidence. Conflict of interest must be avoided when choosing a veterinarian (i.e., veterinarian should not be employed by suspect; suspect not employed by veterinarian).
- **Animal control officer:** Animal control officer means “an officer employed by or under contract with an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction” (**Minn. Stat. § 343.20 subd. 5**).
- **Federation; county or district society:** Chapter 343 gives the authority to form a nonprofit state federation of county and district societies for the prevention of cruelty to animals, such as the Minnesota Federated Humane Societies. Chapter 343 also allows the formation of nonprofit county and district societies for the prevention of cruelty to animals, such as the Animal Humane Society. Humane agents with these organizations are given authority under Chapter 343 to investigate crimes of animal cruelty and assist law enforcement in their efforts. (**Minn. Stat. § 343.01, subd. 1** and **Minn. Stat. § 343.10**.)

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UNIFIED COMMAND STRUCTURE

The investigation of animal cruelty is the responsibility of law enforcement in conjunction with qualified experts and resources.

- Law enforcement is in command of the crime scene and, when appropriate, must work collaboratively with other experts for the collection of evidence, documentation, interviews, and other actions pertaining to the case.
- Law enforcement must respond to violence-related calls directly and without delay. For authority, refer to **Minn. Stat. § 626.84**, and **Minn. Stat. §§ 343.12, 343.29, 343.22, and 343.31**.

PREPARATION

Protocols should be established prior to receiving complaints. Law enforcement agencies should confirm:

- Investigative procedures.
- Identification of qualified veterinarian; including costs, specialty, availability, and service agreement.
- Identification of qualified Animal Response Team (defined on page 7); including services provided with qualifications, estimated costs, hours available, and service agreement (if from external resources).
- Availability of animal cruelty processing toolkit with camera, video recorder, tape recorder, animal seizure forms, and crime scene processing materials.
- Command structure. Due to the range of species and types of cruelty, at least one officer, where feasible, should be assigned to specialize in this crime and obtain additional knowledge and expertise. Where appropriate, this officer may consult with other officers in the county on animal cruelty cases through a Mutual Aid Agreement.

All officers should have a working knowledge of (and access to) Minnesota animal cruelty laws and basic investigative procedures.

QUALIFIED ASSISTANCE

Law enforcement may request assistance from specialists in animal care, safety, welfare, or law.

- **Qualified Veterinarian**
The health and safety of the animal are the priorities in an animal cruelty case. Officers should consult with a qualified veterinarian. For a forensic necropsy, contact the University of Minnesota Veterinary Diagnostic Laboratory.
- **Animal Response Team**
Chapter 343 grants authority to humane agents and animal control officers (ACOs) to assist in the enforcement of laws relating to cruelty to animals. Agents and ACOs may provide additional personnel to assist. Local animal shelters, national animal welfare organizations, and other qualified resources may assist.
- **Issue-Specific Specialists**
Officers may contact other resources when needed, such as mental health providers, child and adult protective services, and domestic violence services.
- **Animal Law Specialists**
For legal questions, contact the city or county attorney. There are also local and national organizations and colleges that specialize in animal law and may provide assistance.
- **Government Agencies**
Local, state, or federal agencies may assist, depending on expertise.

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CHARGING STATUTES AND PENALTIES

To collect evidence that will support charges, law enforcement should be familiar with crimes and penalties cited in Chapter 343.

A. Types of crimes

Cruelty against animals includes, but is not limited to, animal neglect, organized animal abuse (e.g., dog- or cock-fighting), animal sexual abuse, and intentional animal abuse and torture. Other criminal acts can include, but are not limited to, animal hoarding, ritualistic abuse, and emotional abuse.

- Subdivision 1 (Torture) and subdivision 7 (Cruelty) of Minn. Stat. § 343.21 are the most commonly used statutes for charging; these subdivisions are enhanceable.
 - **Subdivision 1. Torture.** “No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, main, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.”
 - **Subdivision 7. Cruelty.** “No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.”
- Specific crimes, such as lack of nourishment and shelter (**Minn. Stat. § 343.21, subdivision 2**), animal abandonment (**Minn. Stat. § 343.21, subdivision 5**), and animal fighting (**Minn. Stat. § 343.31**) are listed separately in Chapter 343 but may also meet the broader definitions of torture or cruelty under subdivisions 1 and 7, depending on evidence collected.
- Other statutes provide additional standards and requirements for the treatment of animals and, if violated, are criminal, such as:
 - Pet and Companion Animal Welfare Act (**Minn. Stat. §§ 346.35-.44**)
 - Bestiality (**Minn. Stat. § 609.294**)
 - Killing or Harming Public Safety Dog (**Minn. Stat. § 609.596**)
 - Assaulting or Harming Police Horse (**Minn. Stat. § 609.597**)

- Cruelty to animals can also be linked to other crimes, such as illegal drugs, theft, fraud, arson, domestic violence, child abuse, and elder abuse. Officers must document related evidence for charging. The terms of an order for protection may cover the care and possession of a pet and companion animal, and protect the pet or companion animal from abuse. Refer to: **Minn. Stat. § 518B.01, subdivision 6(a)(14) and (15); and subdivision 7(a)(6) and (7)**

B. Penalties

Penalties (**subdivision 9**) for violation of section 343.21 can vary based on:

- severity of harm, such as substantial or great bodily harm or death;
- type of species or use of animal;
- frequency of violation; and
- if the cruelty was done to threaten, intimidate, or terrorize a person.

Factors above should be considered in an investigation and documented in the incident report for use in charging.

Violations of Chapter 343 include felony, gross misdemeanor, misdemeanor, and petty misdemeanor penalties. Felony penalties apply to animals who meet the definition of a pet or companion animal (**Minn. Stat. § 343.20, subd. 6**), service animal (**Minn. Stat. § 343.20, subd. 7**), and animals used in animal fighting as defined in **Minn. Stat. § 343.31**.

ENFORCEMENT PROCEDURES

Key considerations:

A. Response and investigation

The responding officer may be the first to arrive on the scene, followed by the investigator. A qualified veterinarian should be consulted. The Animal Response Team, including a humane agent or animal control officer (ACO) with support staff, may assist.

The officer or investigator must determine:

1. if exigent or non-exigent circumstances exist
2. if search warrant is needed; include live, dead, unborn animals

Evidence collection to include, at a minimum:

- Description of each animal and condition of animal(s), including inventory (number) and identification of each. Take photos of all animals (live and deceased); use video to show behavior.
- Description of care provided and conditions of property. Map area. Take photos and video. Be detailed: document food, water, shelter, weather, temperature; use senses (i.e., smells, noises, touch, sight).
- Veterinarian's medical determination and documentation.
- Suspect statement and prior history.
- Complainant and witness statements, and 911 call if any.
- Humane agent or ACO documentation, if assisting.
- Depending on crime and suspect, collect other evidence where appropriate, such as weapons used, social media posts, fingerprints, past veterinary reports, medical supplies, or cell phone records.

Injuries alone do not define cruelty. **Relevant evidence** of animal cruelty is anything that proves or has some tendency, however slight, to prove that it is more likely than not that animal cruelty has occurred or is occurring. This includes circumstantial evidence from which a reasonable conclusion of animal cruelty can be drawn. Officers should view evidence broadly in accordance with this definition.

B. Reports and case management

Officers shall prepare and submit detailed reports, including all investigative measures, identification of witnesses, animal profile, suspect information, photographs and video, veterinary medical report, and other items or documents used in the investigation or requested by the prosecutor. The final status of the animal (i.e., alive, euthanized, returned to owner, placed within shelter care) should also be noted in the final report. For security reasons, be cautious of including new location of animal in report.

C. Property and evidence processing

The investigator is responsible for ensuring that all property and evidence are securely stored and that a carefully documented chain-of-custody is maintained. For animals who have been seized or surrendered and delivered to a shelter or other care facility, officers must:

- Inform the facility that animals in their care are evidence.
- Instruct caretakers that any critical evidence that is removed from the animal or alters the animal must be photographed, documented, and securely stored with a documented chain-of-custody.
- Any changes in the condition of the animal(s), such as weight gain or loss, must be described in detail, noting the nature of and reason for the change.
- Photos (before and after) of each animal must be taken.

In certain situations (due to species or large number of animals), arrangements may be made for an impound on the defendant's premises with provisions for local authorities to provide for feeding, care, and medical attention until the legal disposition is determined. Discuss with prosecutor. Supervision and documentation of each animal are required.

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ANIMAL SEIZURE AND DISPOSITION

All animals, alive or dead, are evidence. Animals, if owned, are also considered property, which makes seizure and disposition of animals a civil matter. The criminal investigation and civil actions occur simultaneously; both are the responsibility of officers.

Live or dead animals may be seized 1) through a search warrant obtained through the normal course of an investigation, or 2) without a search warrant pursuant to **Minn. Stat. §§ 343.12, 343.29, and 343.31**.

A. Seizure of live animals

If the animal is seized or surrendered, a “Notice of Seizure” and “Request for Hearing” (**sample forms**) shall be used to transfer ownership of the animal(s) and provide notification of rights (**Minn. Stat. § 343.235**).

- **Voluntary** – The officer may encourage the suspect to voluntarily surrender the animal(s). “Surrender” form must be signed.
- **Seizure: Exigent circumstances** – Peace officers shall intervene when they observe animals in need of emergency aid.
- **Seizure: Cruelly treated** – **Minn. Stat. § 343.12** states: “Upon application of any agent appointed by the federation or a county or district society, it shall be the duty of”:
 - “any sheriff or the agent's deputy or any police officer to investigate any alleged violation of the law relative to **cruelty to animals**, and to arrest any person found violating those laws.”
 - “It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver the same to the proper officers of the county or district for custody and care.”
- **Seizure: Life threatened** – Peace officers “may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink in circumstances that threaten the life of the animal” (**Minn. Stat. § 343.29**).

An animal control officer or humane agent may also assume this function (**Minn. Stat. § 343.29**).

- **Seizure: Additional** – Further requirements for seizure of animals:
 - organized animal fighting (**Minn. Stat. § 343.31**)
 - animals raised for food or fiber (**Minn. Stat. § 343.235, subd. 1**)
 - animals remaining after conviction (**Minn. Stat. § 343.21, subd. 10**)
 - exotic animals (**Minn. Stat. § 346.155**)

B. Disposition of live animals

Animals taken into custody shall be held for ten days before being disposed of, provided that **subdivision 3 of Minn. Stat. § 343.235** is followed which allows the suspect to request a hearing to dispute the seizure. To prevent the animal(s) from being disposed, the person claiming an interest in the animal may post security but must do so within the 10-day period. If a hearing is held, the disposition cannot be authorized or proceed until the court decision is made. Disposition can include adoption, humane euthanasia (for cause), release to a natural habitat (wildlife), return to production agriculture or other means deemed appropriate for the species and condition of the animal.

C. Deceased animals

The death of an animal may provoke strong emotions. Officers should recognize this trauma while following incident procedures.

- **Death:** Officers must attempt to determine if the animal’s death is related to criminal activity, including obtaining a forensic necropsy.
- **Removal of body or body parts:** For removal of the dead body or body parts for a forensic necropsy, officers should coordinate with the Animal Response Team and/or contact the **University of Minnesota Veterinary Diagnostic Laboratory (UM-VDL)**.
- **Destruction of animal:** If a veterinarian determines that the animal is suffering and is beyond cure through reasonable care and treatment, the animal may be euthanized (**Minn. Stat. § 343.29**).

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ROLE OF THE SUPERVISOR

Supervisors may assist officers investigating incidents of animal cruelty when possible or if requested by an officer. Supervisors must review animal cruelty reports to ensure that necessary steps were taken during initial response and investigations.

EXPENSES AND RESTITUTION

Expenses will be incurred during an investigation, including sheltering, care, and disposal costs if animals are seized.

- **Found guilty:** If the person is found guilty of **§ 343.21**, the county shall have judgment against the guilty person to recover the expenses (**Minn. Stat. § 343.23**).
- **Investigation costs for section 22:** The expenses related to **§ 343.22** shall be paid by the county (**Minn. Stat. § 343.23**).
- **Security:** To prevent disposition of the animal, a person claiming an interest in the animal may post security (**Minn. Stat. § 343.235**). Officer is responsible for gathering costs and estimating the security amount.
- **Liable:** A person claiming an interest in the animal is liable for all actual costs of care, keeping, and disposal of the animal, unless the seizure is not justified by law (**Minn. Stat. § 343.235** and **§ 343.31**).
- **Discounts:** Local or national animal organizations or other specialists may assist with costs if involved in the investigation or related care. Include in service agreement.

ANIMAL CARE AND CONTROL SERVICES

Animal Care and Control services vary based on the jurisdiction.

- If responding to a call that is not criminal and is typically the responsibility of animal control services, law enforcement should evaluate the situation and follow [police department or sheriff office] procedures.
- Whenever possible, officers must use non-violent, humane means to remove the animal, including wildlife.
- Officers may transport mild-mannered animals to pre-approved holding facilities using approved transport procedures and animal disease protocols.
- When it is necessary to use a firearm to destroy an animal who is badly injured, officers must follow the [police department or sheriff's office] firearm policy. Whenever possible, consult with a qualified veterinarian to determine if the animal is beyond cure.
- Officers may request appropriate assistance from other resources and may act before the arrival of such assistance.
- Officers should also refer to local ordinances that apply to animal care and control services within their community.

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USAGE AND CONTACT

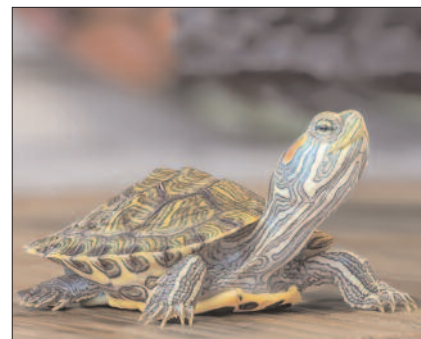
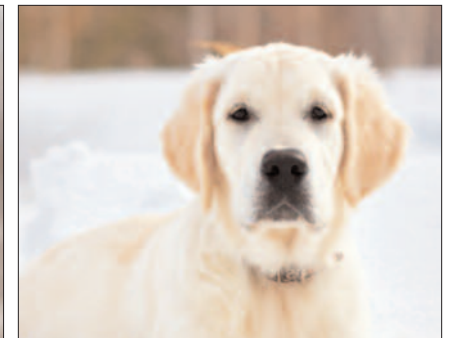
Permission is granted to Minnesota law enforcement agencies to use and/or disseminate all or part of this policy. We welcome your feedback. Contact Animal Folks at 651-222-2821 or ann@animalfolks.org. Additional materials about animal cruelty, animal law, and investigative procedures can be found at www.animalfolks.org.

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