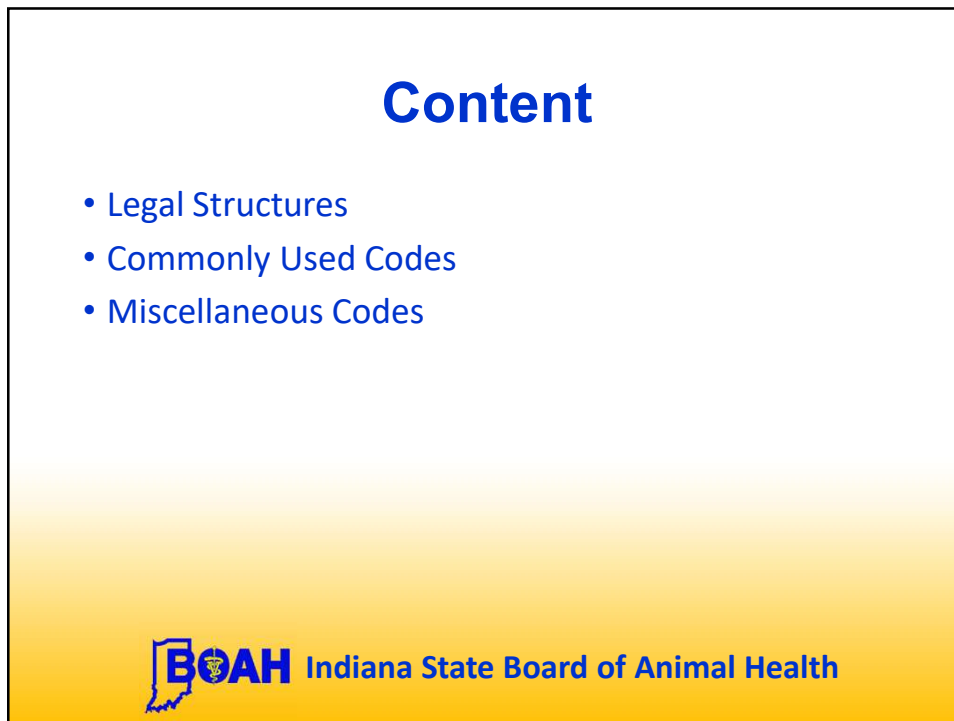




1



2



3



4

Build relationships with...

- ...other officers/deputies within your department
- ...law enforcement officers
- ...prosecutors



5

Levels of Offenses

Infractions: Non-criminal, Monetary fines, Repeat offenses can be enhanced to criminal offense

Misdemeanor: Criminal offense (A-C), Up to one year imprisonment

Felony: Criminal offense (1-6), More than one year imprisonment




6


★ TACS

•	T	A	C	S
	Title	Article	Chapter	Section

- Title: "Crim Law & Procedure"
- Article: "Miscellaneous Offenses"
- Chapter: "Offenses Relating to Animals"
- Section: Specific offense/definition




- i.e.: 35 – 46 – 3 – 1



7

Mens Rea

- Mental status of wrongdoing that constitutes part of a crime, as opposed to the action or conduct
- Recklessly
 - Conscious disregard/deviation from normal
- Intentionally
 - Choosing to act, may not know outcome
- Knowingly
 - Choosing to act, wants specific outcome
- (Negligence)



8

Absolute Words

- and/or
- may/shall
- always/never



9

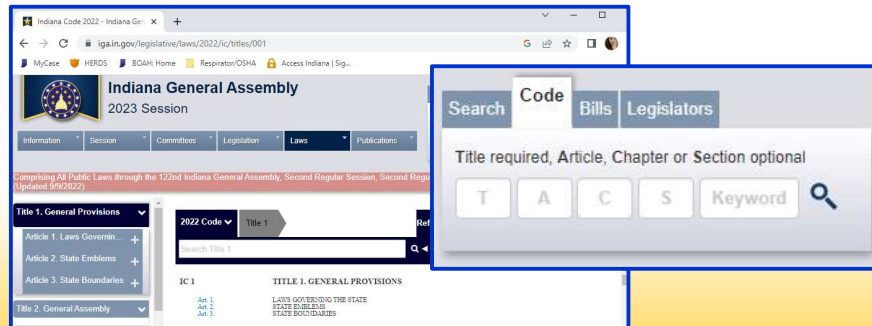
Commonly Used Codes



10

Where to Find the Codes

- <https://iga.in.gov/legislative/laws/2022/ic/titles/001>



11

35-31.5-2-253: Property

- (a) Except as provided in subsection (c), "property" means anything of value. The term includes:
 - (12) captured or domestic animals, birds, and fish;
- Animals being labeled as property is relevant for:
 - "Custody" disputes
 - Theft reports
 - Damage to property reports
 - Pre-conviction forfeiture



12

15-17-2-3: Animal

- “a member of the animal kingdom, except humans”



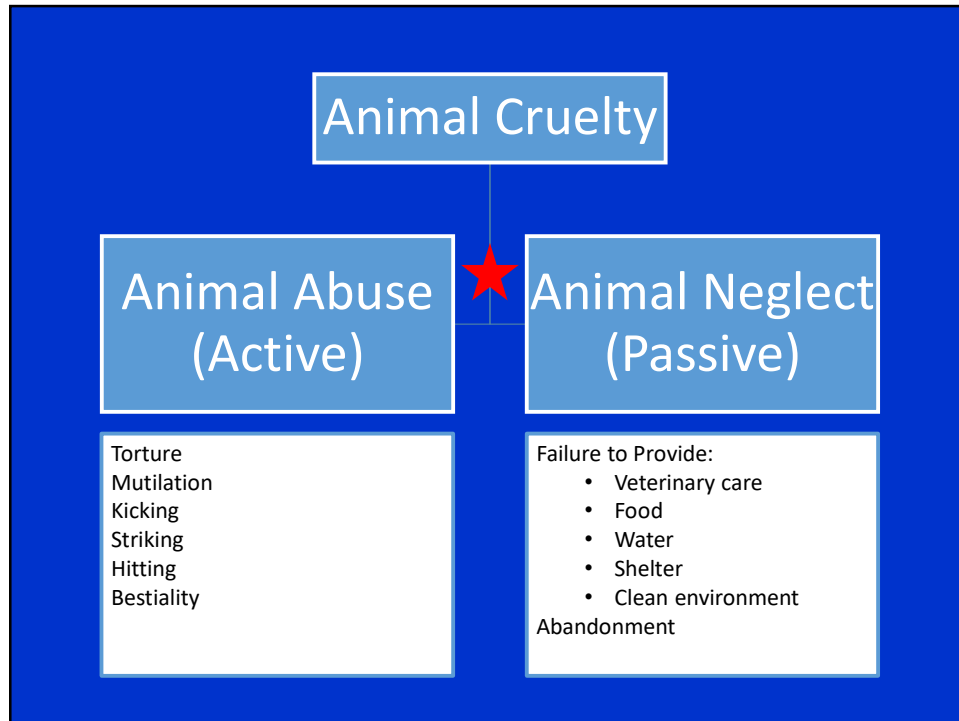
13

15-17-2-26: Domestic Animal

- (a) “Domestic animal” means an animal that is not wild.
- (b) The term is limited to:
 - (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus, or other birds;
 - (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or
 - (3) an aquatic animal that may be the subject of aquaculture (as defined in IC 15-11-7-1).




14



15

35-46-3-0.5: Definitions

- *Abandon*: “...without making provision for adequate long term care of the animal”
- *Abuse*: “beat, torment, injure, or otherwise harm an animal”
- *Mutilate*: “wound, injure, maim, or disfigure an animal by damaging the animal's body parts or to render any part of the animal's body useless”



16

35-46-3-0.5, *cont.*

- *Neglect:*
- “endangering an animal's health by failing to provide or arrange to provide the animal with food or drink”
- “restraining an animal for more than a brief period in a manner that endangers the animal's life or health by use of rope, chain or tether”
 - ★ • less than three (3) times the length of the animal
 - too heavy to permit the animal to move freely
 - causes the animal to choke



17

35-46-3-0.5, *cont.*

- *Neglect:*
- “restraining an animal in a manner that seriously endangers the animal's life or health”
- “failing to provide reasonable care for or seek veterinary care for an injury or illness to a dog or cat that seriously endangers the life or health”
 - ★
- “leaving a dog or cat outside and exposed to excessive heat or excessive cold...”



18

35-46-3-0.5, *cont.*

- *Torture:*
- “inflict extreme physical pain or injury...with the intent of increasing or prolonging the animal's pain”
- “administer poison to a domestic animal...or expose a domestic animal to a poisonous substance with the intent that the domestic animal ingest the substance;
- “destroy an animal by electrocution”
- “intentionally freeze or heat an animal to death”



19

35-46-3-1: Non-Immunized

- Applies to dogs 6 months and older
 - Be sure to indicate how you know the dog to be 6 months or older
- Rabies vaccination
- Class C Infraction
 - Bite resulting in bodily injury: Class B Misdemeanor



20

35-46-3-5: Exceptions

- Fishing, hunting, farming etc.
- Veterinary practices
- Research facilities
- Pest control
- Destruction of an animal that is:
 - Endangering, harassing, threatening livestock
 - Destroying a person's property
- ★ • Humane destruction of an animal a person owns



21

35-46-3-7: Abandonment/Neglect

- “recklessly, knowingly, or intentionally”
- Class A Misdemeanor
 - Level 6 Felony for prior unrelated conviction
- Defense: “reasonably believed that the vertebrate animal was capable of surviving on its own”



22



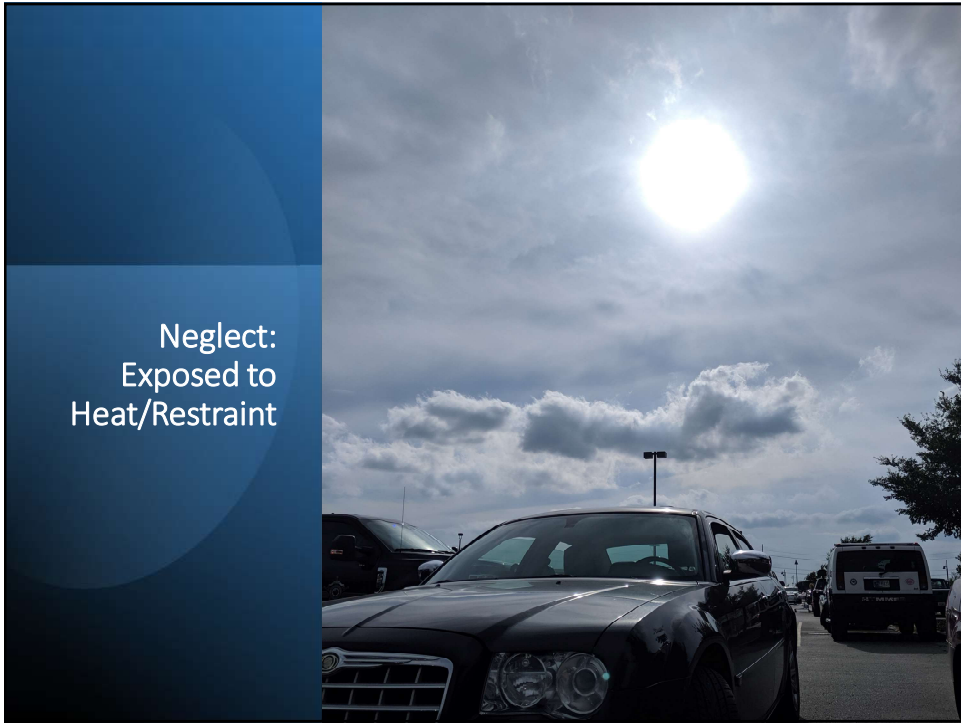
23

Neglect: Restraining



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24



25



26



27



28



29



30



Neglect: Failure to
Seek Veterinary Care

31

Let's talk about
"Parvo Outbreaks"

32

35-46-3-4: Fighting Contest

- “conflict between two or more animals”
- “does not include a conflict that is unorganized or accidental”
- **This definition is used in 35-46-3-8, 8.5, 9, and 9.5*



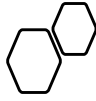
33

35-46-3-4.3: Fighting Paraphernalia

- “equipment used to train or condition animals for participation in an animal fighting contest”
- **This definition is used in 35-46-3-8.5*



34



**35-46-3-8:
Purchase/
Possess
Animal for
Fighting**

- Level 6 Felony



35



**35-46-3-8.5:
Possess
Paraphernalia**

- Class B Misdemeanor
- Class A Misdemeanor for prior unrelated conviction



36

35-46-3-9/9.5/10: Promote Fight/Use Animal/Attend Fight

- Level 6 Felony



37

35-46-3-11: Cruelty to Law Enforcement Animal

35-46-3-11.5: Cruelty to Service Animal

35-46-3-11.3: Cruelty to Search & Rescue Animal

- Class A Misdemeanor
- Level 6 Felony Enhancements



38

What is a Service Animal?

Q: What is a service animal?

A: Under the ADA, a service animal is a **dog*** that has been individually trained to do work or perform tasks for an individual with a disability.

The tasks performed by the dog must be directly related to the person's disability. A person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. A person with epilepsy may have a dog trained to detect the onset of a seizure and then help the person remain safe during the seizure.



Service dogs can be trained to bring medications.

* In 2010, ADA regulations were revised to include miniature horses as service animals.

Q: Are emotional support, therapy, comfort or companion animals considered service animals under the ADA?

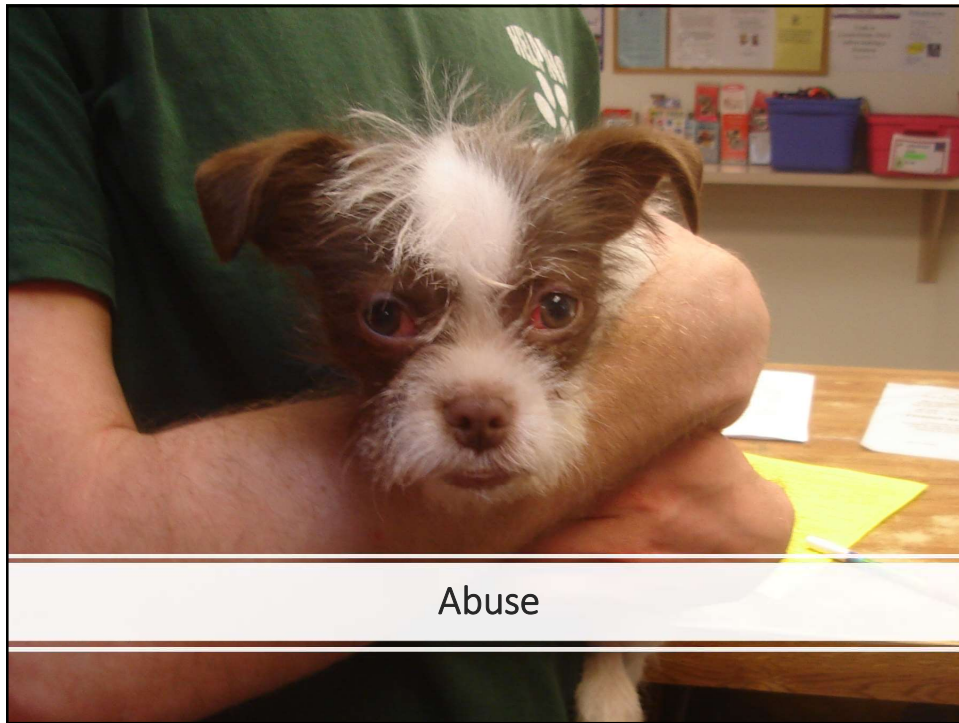
A: No. These terms are used to describe animals that provide comfort. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA.

https://www.in.gov/localhealth/harrisoncounty/food-protection/files/Brochure_Service_Animals.pdf

35-46-3-12: Abuse, Torture, Mutilate, Kill

- Abuse, Torture, or Mutilate
 - Class A Misdemeanor
 - Enhancements up to Level 6 felony
- Kill
 - Species restrictions
 - (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, and emus; and
 - (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, camelid, cervidae, or bison species.
 - Level 6 Felony





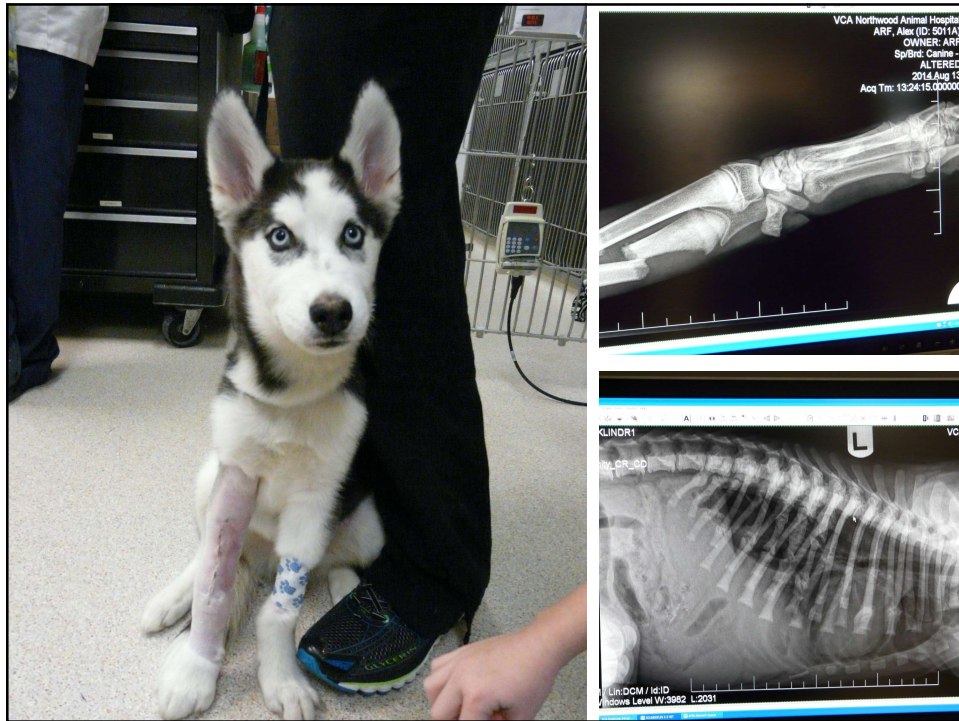
41



42



43



44

35-46-3-12.5: Domestic Violence

- “knowingly or intentionally kills a vertebrate animal with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member”

- ★ • Level 6 Felony



45

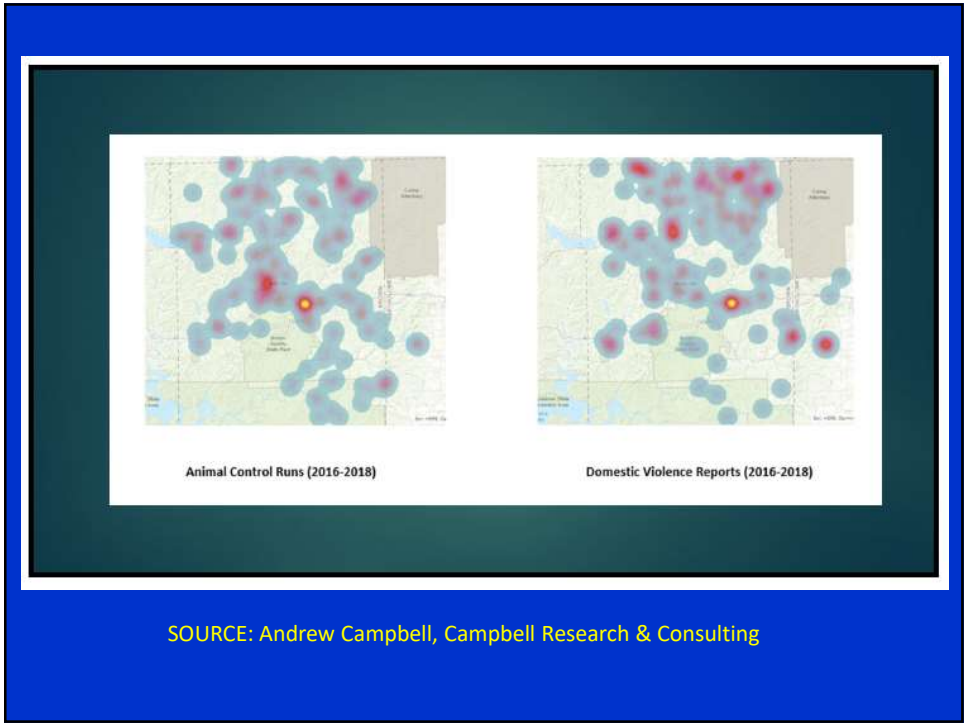
35-46-3-12.5,
cont.



46

The Link

47




48

Offense(s)	Involved Role	Date
1531 35-46-3-12(b) : Cruelty to an Animal - def. knowingly beats a vertebrate animal; first offense : A : M	Suspect / Offender	03/15/2019
5902 35-42-4-8(a)(1)(A) : Sexual Battery - Victim compelled to submit by force or imminent threat of force : 6 : F	Suspect / Offender	11/01/2018
6700 35-42-2-1.3(a)(1) : Domestic Battery - : A : M	Suspect / Offender	06/23/2018
	Interviewed	03/07/2018
1982 20-33-2-27(a) : Compulsory School Attendance Violation - parent fails to ensure that child is in school (note the notice requirements before filing charges) : B : M	Victim	03/17/2017
31-37-2-4 JUVENILE/FAMILY- INCORRIGABLE CHILD/HABITUAL DISOBEDIENCE	Suspect / Offender	02/28/2017
35-45-2-2 COMMUNICATION- HARASSMENT	Witness	01/25/2016
35-42-4-4C SEX CRIME- POSSESS CHILD PORNOGRAPHY	Suspect / Offender	04/01/2015
35-45-4-1 PUBLIC INDECENCY- INDECENT EXPOSURE	Witness	05/05/2014
35-42-4-3 SEX CRIME- CHILD MOLEST	Other Contact Person	04/13/2014

49

So what gets us in the door?

- Child pornography → Bestiality
- Civil papers → Animal neglect
- Traffic offenses/warrants → Animals in the vehicle
- Bite investigation → Child neglect



BOAH Indiana State Board of Animal Health

50

Who should be communicating?

- Animal control
- Law enforcement
- Child protective services
- Adult protective services
- Health department
- Code enforcement
- Utility companies
- Schools
- Childcare
- Churches
- Veterinary clinics
- Employers



51


35-46-3-13: Removal of attack dog's vocal cords

- Class A Misdemeanor



52

35-46-3-14: Bestiality

- Human
 - Mouth
 - Anus
 - Sex organ
 - Level 6 Felony
- 
- Animal
 - Mouth
 - Anus
 - Sex organ

What about...

fingers *sex toys/foreign objects* *frottage*
crush films *masturbation* *etc.*



53



35-46-3-14,
cont.

54

35-46-3-15: Decompression of animals

- Class B Misdemeanor
- Exceptions:
 - Livestock slaughtering facility
 - Disease diagnostic laboratory
 - Educational facility
 - Research facility



55

15-20-1-4 (a-b): Dog Bite Liability

- “recklessly, knowingly, or intentionally”
 - Fails to take reasonable steps to restrain dog
 - Dog enters another’s property
- AND
- Bites/attacks without provocation
- Class C Misdemeanor
 - Enhancements up to Level 5 felony



56

★ 15-20-1-4(c): Running at large

- “...allows the dog to stray beyond the owner's premises, unless the dog is under the reasonable control of an individual”
- Class D Infraction
- Exceptions:
 - “nonaggressive dog that goes beyond the owner's premises onto agricultural or forested land”
 - “lawful hunting”



57

15-20-2-2: Authority to Kill Dog

- “A person who observes a dog in the act of killing or injuring livestock may kill the dog if the person has the consent of the person in possession of the real estate on which the dog is found.”



58

Miscellaneous Codes



59

★ **35-43-1-2: Criminal Mischief**

- “A person who recklessly, knowingly, or intentionally damages or defaces **property** of another person without the other person's consent commits criminal mischief”
- Class B misdemeanor
- Enhancements based on value of property



35-31.5-2-253



60

35-43-1-2: Criminal Mischief, *cont.*

- Killing a domestic animal not covered in 35-46-3-12
- “Hit skips” (car v. animal)



61

35-43-1-1: Arson

- “A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of another person without the other person's consent so that the resulting pecuniary loss is at least two hundred fifty dollars (\$250) but less than five thousand dollars (\$5,000) commits arson, a Level 6 felony.”
- Could be used in conjunction with torture/mutilate/abuse offense code(s)



62

15-17-11-20: Disposal

- “A person who owns or cares for an animal that has died from any cause shall dispose of the animal's body not later than twenty-four (24) hours after knowledge of death so as not to produce a nuisance”
- Does NOT apply to “any bodies of dead fish, reptiles, or small animals of any kind, including dogs, cats, and small game”
- Level 6 felony



63

15-19-4-1: Pigeons

- “traps, detains, injures, or kills a pigeon, knowing that the pigeon is a racing pigeon, homer, racing homer, or homing pigeon”
- Class C Infraction
- *Consider 35-46-3-12 Abuse, Torture, Mutilate, Kill*



64

15-17-18-11: Sale of Birds/Rabbits

- Bird under 3 weeks
- Rabbit under 2 months
- Class B Misdemeanor



65

15-17-18-11: Altering Color

- Dyes, stains, or alters the natural coloring of a bird or rabbit
- Class B Misdemeanor



66

14-22-1-1: Wildlife Ownership

- (a) All wild animals, except those that are:
 - (1) legally owned under a license or permit as required by this article; or
 - (2) otherwise excepted in this article;are the property of the people of Indiana.



67

25-38.1-4-5.5: Vet Records

- ★ • “(e) An animal's veterinary medical records and medical condition must be furnished within five (5) business days without written client authorization under the following circumstances:
 - (5) As a part of an animal cruelty report and associated applicable records that are part of an abuse investigation by law enforcement or a governmental agency.”



68

15-20-4-3: Spay/Neuter Required

- “Sec. 3. Beginning July 1, 2021, except as provided in section 4 of this chapter, a companion animal shall be spayed or neutered before adoption from an animal care facility.”
- Several exemptions
- “Unfunded mandate”
- No enforcement consequences



69

15-17-18-8: Livestock at Large

- “a person responsible for livestock or poultry who knowingly or intentionally permits the livestock or poultry to run at large commits a Class B misdemeanor”



70

36-8-3-18: Humane Officer

- “A humane officer shall be appointed in every city from among the members of the police department. The humane officer shall detect and arrest persons violating humane statutes. The humane officer is entitled to the same pay as other police officers of the city and is subject to the control and discipline of the police department.”
- Unfunded mandate



71

31-9-2-42: Domestic Violence Animal Cruelty

- “Domestic or family violence” means, except for an act of self-defense, the occurrence of one (1) or more of the following acts committed by a family or household member:
 - (4) Abusing (as described in IC 35-46-3-0.5), torturing (as described in IC 35-46-3-0.5), mutilating (as described in IC 35-46-3-0.5), or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.”



72

14-22-34-12: Endangered Animals

- “Except as otherwise provided in this chapter, a person may not take, possess, transport, export, process, sell or offer for sale, or ship, and a common or contract carrier may not knowingly transport or receive for shipment a species or subspecies of wildlife appearing on any of the following:



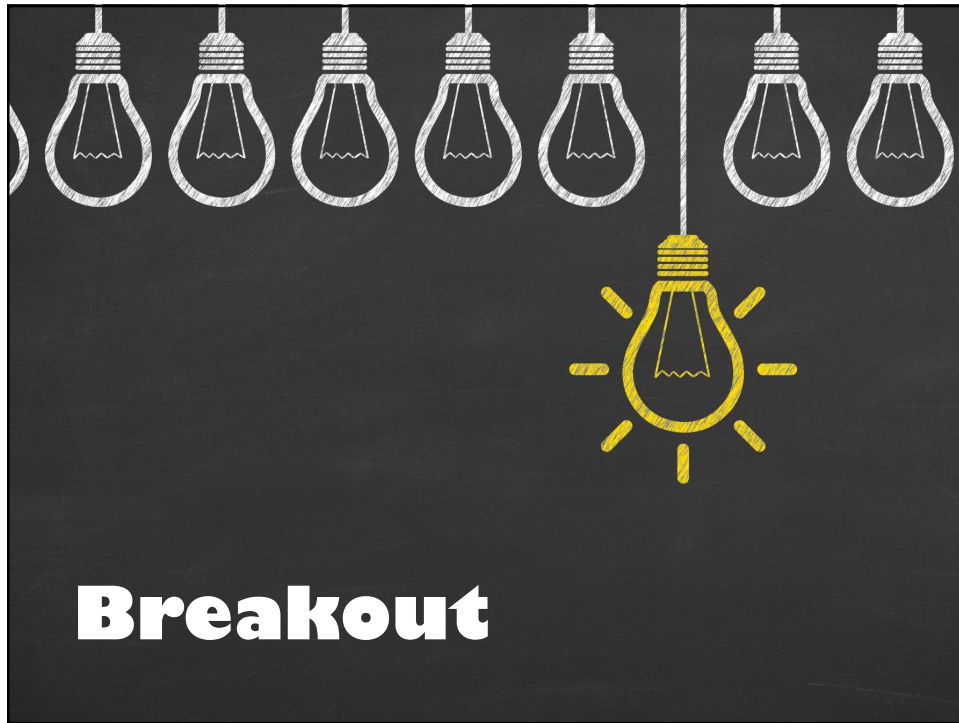
73

34-30-30: Hot Vehicle Immunity

- Allows “Good Samaritans” to “rescue” dogs, cats, or other domestic animals from a hot vehicle
- Five steps in order to be immune from liability:
 - Domestic animal reasonably believed to be in imminent danger
 - Determine vehicle is locked
 - Call 911 or nonemergency Dispatch
 - No force than reasonably necessary
 - Remain with animal until emergency responders arrive



74



75

Discuss amongst yourself the pros and cons of having set temperature/environmental restrictions/requirements...

76

For each of the following, list as many codes as you can that could be applicable to the scenario described.

77

In the middle of the night, a driver strikes and kills a cow that is in the middle of the paved road. When he gets out of the vehicle, the farmer's dog comes towards the driver, bites him on the ankle, and proceeds to chew on the vehicle's tires.

78

You get called to the local park for a dog v. dog. The instigating dog had slipped its collar, ran across the public parking lot, and attacked the other dog. The attacked dog had very minor injuries. Neither dog had a current rabies vaccination, but the attacked dog had overgrown nails, fleas, and eye discharge.

79

A 2 year old dog leaves its yard, chases the mailman, and begins biting him aggressively and repeatedly. The mailman discharges a firearm twice; the first bullet grazes the dog's ear. The second bullet penetrates the dog's head and kills it immediately.

80

On a 93 degree F day at around 1 pm, an owner goes into the grocery store, leaving their 25 lb. dog inside of their dark blue sedan. Another shopper sees the dog, breaks the window, and removes the dog at 1:42 pm.

81

You get called by a subject who observed her neighbor shoot and kill another neighbor's ferret.

82