

Animal Crimes Investigation Training



COPYRIGHT © 2016 CHERIE TRAVIS

Instructor:



Cherie Travis, Attorney at Law

Fmr. Asst. General Counsel, Cook County Sheriff's Office

Fmr. Executive Director, Chicago Animal Care and Control

Past Chair, Chicago Bar Association's Animal Law Committee

Adjunct Professor of Law at DePaul, Northwestern

cherietravis@msn.com

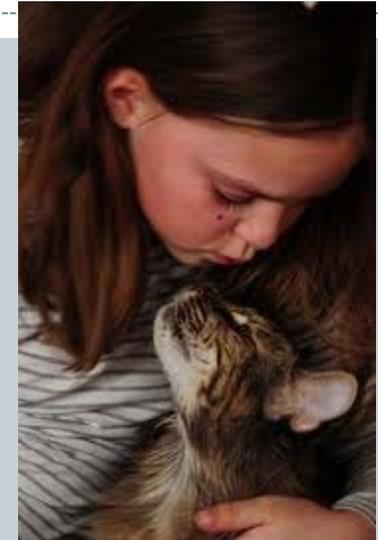
630-667-5085-cell



Orders of Protection

725 ILCS 5/112A-14 (11.5) Protection of animals.

Grant the petitioner the exclusive care, custody, or control of **any animal** owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.



28 states now include pets in orders of protection.

(50 ILCS 705/) Illinois Police Training Act.

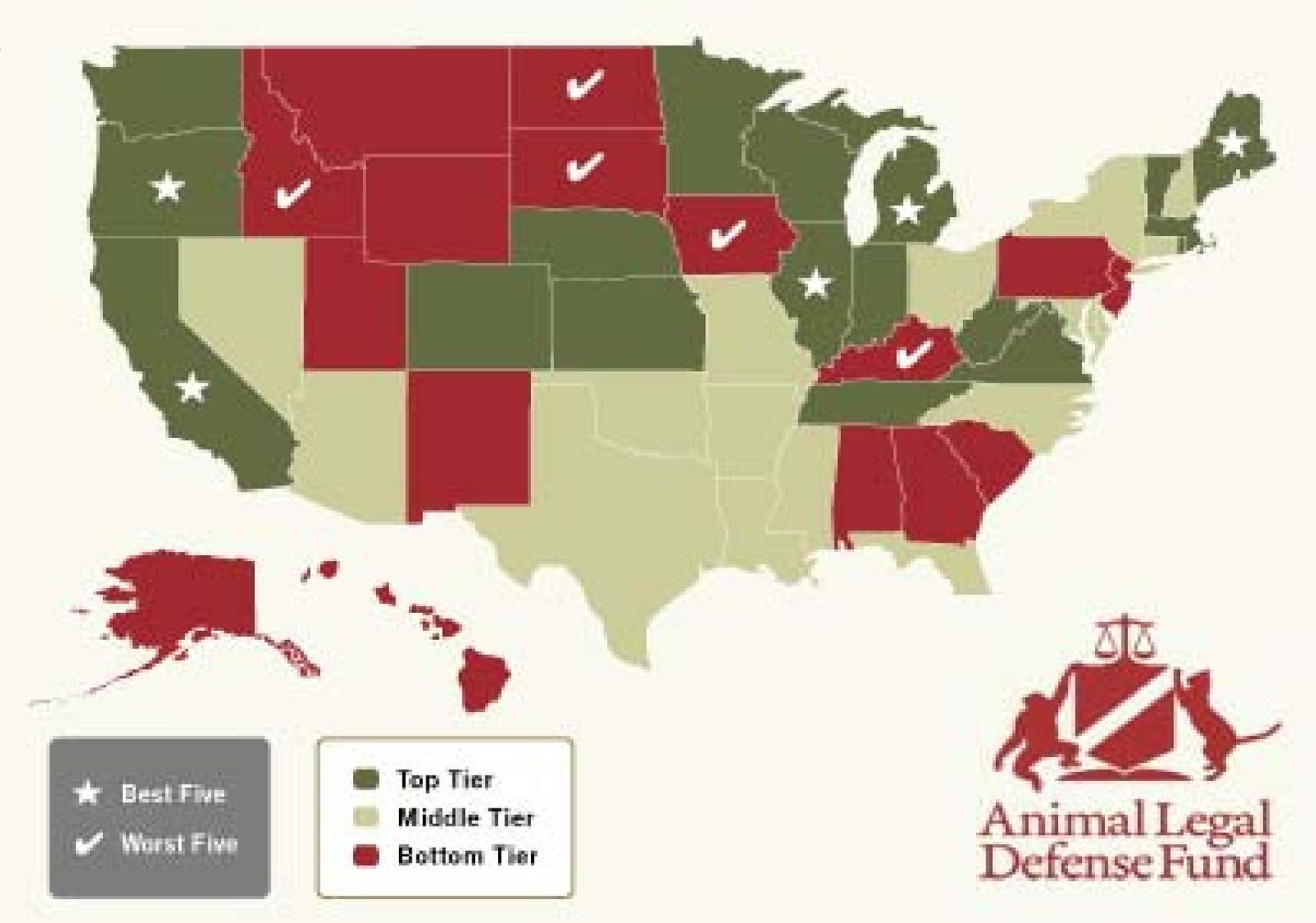


(50 ILCS 705/10.14)

Sec. 10.14. Training; animal fighting awareness and humane response. The Illinois Law Enforcement Training Standards Board shall conduct or approve a training program in animal fighting awareness and humane response for law enforcement officers of local government agencies. The purpose of that training shall be to equip law enforcement officers of local government agencies to identify animal fighting operations and respond appropriately. This training shall also include a humane response component that will provide guidelines for appropriate law enforcement response to animal abuse, cruelty, and neglect, or similar condition, as well as training on canine behavior and nonlethal ways to subdue a canine.

(Source: P.A. 98-311, eff. 1-1-14; 98-756, eff. 7-16-14.)

Illinois among best states for animals



Isn't this an Animal Control issue?



(510 ILCS 5/) Animal Control Act.
Sec. 5. Duties and powers.

- sterilization
- humane education
- rabies inoculation
- stray control
- impoundment
- quarantine, control, prevent the spread of rabies



NO ARREST OR SEIZURE POWERS

Illinois Humane Care for Animals Act



510 ILCS 70



Owner's Duties

510 ILCS 70/3



a) Each **owner** shall provide for each of his animals:

- 1) sufficient quantity of good quality, wholesome food and water;
- 2) adequate shelter and protection from the weather;
- 3) veterinary care when needed to prevent suffering; and
- 4) humane care and treatment.

Definition:



- **Sec. 2.06. "Owner" means any person who:**
 - (a) has a right of property in an animal,**
 - (b) keeps or harbors an animal,**
 - (c) has an animal in his care, or**
 - (d) acts as custodian of an animal.**

Owner's Duties (brand new section)



Tethering:

“Tether” means to restrain by tying to an object or structure, including a house, tree, fence... by any means including a chain, rope, cord, leash or running line.

Tether must be at least 10 feet long, with a properly fitting harness or collar—not a pinch, prong or choke-type collar. Can't tether with a lead that exceeds 1/8th of the dog's body weight or is a tow chain.

Can't reach within the property of another person, a public walkway or a road.

PA 98-101, eff. 1-1-14.

Violation of Owner's Duties



Violating Section (a) is Class B misdemeanor and

Second or subsequent violation is a **Class 4 felony** with every day that a violation continues constituting a separate offense.

In addition to any other penalty provided by law, the court **may** order the convicted person to undergo a psychological evaluation and undergo treatment.

If the convicted person is **juvenile** or **companion animal hoarder**, the court **must** order a psychological or psychiatric evaluation and treatment.

Violating Section (b) is a Class B misdemeanor.

Cruel treatment

510 ILCS 70/3.01



- a) No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.
- b) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
- c) No owner of a dog or cat that is a companion animal may place the dog or cat in a life-threatening situation for a prolonged period of time in extreme heat or cold that results in injury to or death of the animal.

Violations



- **Class A misdemeanor.**
- A 2nd or subsequent conviction for a violation is a **Class 4 felony**.
- In addition to any other penalty, the court **may** order a psychological or psychiatric evaluation and treatment.
- If the convicted person is a **juvenile or a companion animal hoarder**, the court **must** order a psychological or psychiatric evaluation and treatment.
- In addition to any other penalty provided by law, a person who is convicted of violating subsection (a) upon a companion animal **in the presence of a child**, as defined in Section 12-0.1 of the Criminal Code of 2012, shall pay a fine of \$250 and perform > 100 hours community service.
- Can't get supervision for Cruel Treatment or animal cruelty felony, 730 ILCS 5/5-6-1.

Aggravated Cruelty

510 ILCS 70/3.02

No person may **intentionally** commit an act that causes a **companion animal** to suffer **serious injury or death.**

Definition:



Sec. 2.01a. "Companion animal" means an animal that:

- **is commonly considered to be**
- **or is considered by the owner to be, a pet.**
- **Includes, but is not limited to, canines, felines, and equines.**

Violations



- **Class 4 felony**
- 2nd or subsequent violation is a **Class 3 felony**.
- In addition to any other penalty, the court **may** order a psychological evaluation and treatment.
- If the convicted person is a **juvenile** or a **companion animal hoarder**, the court **must** order a psychological or psychiatric evaluation and treatment.

Animal Torture

510 ILCS 70/3.03

A person commits animal torture when that person without legal justification knowingly or intentionally tortures an animal.

For purposes of this Section, "torture" means infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the animal.

Violations



- **Class 3 felony**

- ✦ As a condition of the sentence, the court **shall** order a psychological or psychiatric evaluation and treatment.

Companion Animal Hoarder

510 ILCS 70/2.10

"Companion animal hoarder" means a person who:

- (i) possesses a large number of companion animals;
- (ii) fails to or is unable to provide what he or she is required to provide under Section 3 of this Act;
- (iii) keeps the companion animals in a severely overcrowded environment; and
- (iv) displays an inability to recognize or has reckless disregard for the conditions the animals are living and the deleterious impact they have on the companion animals' and owner's health and well-being.

HOARDING IS A FINDING, NOT A CHARGE

Typical Profile of a Hoarder



- **Generally female**
- **Generally unmarried**
- **Often educated,
some with college**

Interdisciplinary Approach



- **Law enforcement**
- **Social services**
- **Animal Control**
- **Humane organizations**
- **Public Health**

Reducing Recidivism



- **Psychological evaluation and treatment**
- **Long term probation with threat of incarceration**
- **No contact with animals**
- **Unannounced visits, monitoring**

Arrests and seizures

(510 ILCS 70/3.04)

(a) Any law enforcement officer making an arrest for an offense involving one or more companion animals under

Section 3.01 (Class A—Cruel Treatment)

Section 3.02 (Class 4—Aggravated Cruelty) or

Section 3.03 (Class 3—Torture)

may lawfully take possession of
some or all of the companion animals
in the possession of the person arrested.

Arrests and seizures

continued...



- He must deliver an **inventory** of the animals taken to the court.
- The officer must place the animals in the **custody of an animal control or animal shelter**.
- The agency must retain custody of the animals subject to an order of the court adjudicating the charges on the merits.
- The State's Attorney may, within 14 days after the seizure, file a "**petition for forfeiture prior to trial**", asking for permanent forfeiture of the companion animals seized.

Arrests and seizures

continued...



b) An owner whose companion animals are removed by a law enforcement officer must be given written notice of the circumstances of the removal and of any legal remedies available to him or her.

The notice must be

- posted at the place of seizure, or
- delivered to a person residing at the place of seizure or,
- if the address of the owner is different from the address of the person from whom the companion animals were seized, delivered by registered mail to his or her last known address.

Forfeiture of Animal



- **Owner may relinquish**
 - Case proceeds
- **Arrest for 3.01, 3.02, 3.03**
State's Attorney files Petition for Forfeiture
 - Must be filed within 14 days after arrest
 - Case proceeds
- **Animal shelter/control may file Petition for Security**
 - Amount to cover reasonable expenses for animals for 30 days
 - If court orders, must be posted by Def. within 5 business days
 - Can file petition upon the expiration of the 30-day period requesting the posting of additional security
- **Case goes to Trial**
 - If convicted -> animal is forfeited, if not previously
 - If acquitted -> animal must be returned, if not already forfeited or euthanized

Cherie Travis

contact info:

- **cherietravis@msn.com**
- **630-667-5085**

