

HOW TO IDENTIFY AND REPORT ANIMAL CRUELTY IN GEORGIA

Incidents of animal fighting or animal cruelty may go unreported because of a lack of understanding of what constitutes animal cruelty and the agency that should be notified when it is witnessed. This paper explains the legal parameters surrounding animal cruelty charges and the various governmental agencies involved by animal species or activity. These guidelines should help direct you to the proper authority and allow more prompt and effective investigation of incidents. Use of these guidelines will enable the current enforcement manpower to concentrate on investigating, prosecuting and monitoring reported cases.

What Is the Legal Definition of Animal Cruelty in Georgia?

Animal Cruelty (misdemeanor charge): A person commits the offense of cruelty to animals when he/she causes death or unjustifiable physical pain or suffering to any animal by an act, an omission, or willful neglect. Willful neglect means the intentional withholding of food and water required by an animal to prevent starvation or dehydration. O.C.G.A. 16-12-4

- Adequate food and water means food and water that is sufficient in an amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal's health from a lack of food or water. O.C.G.A. 4-11-2, 4-13-2
- Humane care of animals means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed. O.C.G.A. 4-11-2, 4-13-2

Animal Cruelty (felony charge): A person commits the offense of aggravated cruelty to animals when he or she knowingly and maliciously causes death or physical harm to an animal by rendering a part of such animal's body useless or by seriously disfiguring such animal...(paraphrased) except for conduct otherwise permitted under state or federal law. O.C.G.A. 16-12-4

Dog Fighting: A person commits the offense of dog fighting when he/she causes or allows a dog to fight another dog for sport or gaming purposes or maintains or operates any event at which dogs are allowed or encouraged to fight one another. O.C.G.A. 16-12-37

Cock Fighting (not legally defined): A person commits the offense of chicken fighting when he/she causes or allows a chicken to fight another chicken for sport or gaming purposes or maintains or operates any event at which chickens are allowed or encouraged to fight one another.

What Documentation Must I Collect Before Reporting an Alleged Animal Cruelty Incident?

- **Witness:** The name, address and telephone number of the person who witnessed the alleged incident. Such information may be kept confidential, depending on the particular agency; however, it is helpful for investigators to have a point of contact in the event of misdirection or miscommunication. Remember, the burden of proof falls upon the accuser.
- **Who:** An accurate identity of the alleged perpetrator, if known, including name, address and telephone number, if possible; other helpful identifying information may include physical description, place of employment, description of vehicles (including tag numbers) and known associates or co-participants in the alleged criminal activity.
- **What and How:** An accurate and exact description of the incident witnessed. The investigator must receive sufficient details and be able to verify substantial portions of the information as true before being used to establish probable cause. Document complete descriptions of the animals and associated conditions and include:
 - Pertinent conversations with the alleged perpetrator
 - Eyewitness accounts to reconstruct the exact happenings of what and how the incident occurred (written notes and PHOTOGRAPHS are very valuable--a picture is worth a THOUSAND words)
 - Written documents or reports that verify conditions (e.g., veterinary examination findings)
- **When:** The date(s) and time(s) of the incident(s)
- **Where:** The specific location where the incident was witnessed (physical address and city, community, or county), including directions.

Who Do I Call to Report an Alleged Animal Cruelty Incident?

- **For Companion Animals (e.g., dogs, cats, exotic birds, pet rabbits, pot-bellied pigs)**

- Report those persons holding an Animal Protection License issued by the Georgia Department of Agriculture (or those that should be licensed) to the Animal Protection Section at 1-800-282-5852, ext. 4914 or 404-656-4914, Monday-Friday, 8:00 a.m.-4:30 p.m. Animal shelters, rescue groups and humane societies that house animals, pet breeders, pet dealers, pet shops, pet groomers, kennels, aviaries all require an Animal Protection License which must be prominently displayed at each licensed place of business.
- Report all other persons to the local law enforcement agency and the animal control office, if one exists in the area. Report to the municipal or county police department or county sheriff's department using the non-emergency number, unless the alleged perpetrator is actively involved in an act that threatens an animal's life. If you suspect that other crimes (e.g., illegal drug activity or gambling) are involved, be sure to report this as a part of the call.
- **For equine (e.g., horses, mules, donkeys, zebras)**
 - Report persons to Georgia Department of Agriculture Equine Health Section at 1-800-282-5852, ext. 3713 or 404-656-3713, Monday-Friday, 8:00 a.m.-4:30 p.m. or to the local law enforcement agency and the animal control office, if one exists in the area.
- **For other livestock (e.g., cattle, swine, goats, sheep, poultry, llamas)**
 - Report persons to your local municipal or county police department or county sheriff's department.
- **For captive wildlife or exotic animals (e.g., whitetail deer, raptors, large cats)**
 - Report persons to the Georgia Department of Natural Resources Wildlife Resources Division at 770-761-3044, Monday-Friday, 8:00 a.m.-4:30 p.m.
- **For circus or zoo animals (e.g., elephants, primates, circus dogs)**
 - Report to the U. S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Care, Regional Office, Raleigh, N.C. at 919-716-5532, Monday-Friday, 8:00 a.m.-4:30 p.m.

How Do I Find More Information about These Agencies?

Georgia Department of Agriculture, Animal Protection Section licenses operators of animal shelters, rescue groups and humane societies that house animals, pet breeders, pet dealers, pet shops, pet groomers, boarding and training kennels, and aviaries and enforces the Georgia Animal Protection Act, O.C.G.A. 4-11-1. www.agr.state.ga.us

Georgia Department of Agriculture, Equine Health Section licenses operators of stables and enforces specific sections of the Georgia Animal Protection Act, O.C.G.A. 4-11-1, pertinent to equine. They also have jurisdiction over the care and treatment of equine under the authority of the Georgia Humane Care for Equine Act, O.C.G.A. 4-13-1. www.agr.state.ga.us

Local law enforcement (municipal or county police department or county sheriff's department) enforces the criminal provisions of Cruelty to Animals, O.C.G.A. 16-12-4. An **animal control officer** is an individual authorized by local law or by the governing authority of a county or municipality to carry out the duties imposed by local ordinance and certain articles contained within the Georgia Animal Protection Act, O.C.G.A. 4-11-2.

Georgia Department of Natural Resources, Wildlife Resources Division licenses individuals and companies engaged in the exhibition of wildlife and exotic animals (not normally domesticated) and enforces the Standards for Humane Handling and Care, O.C.G.A. 27-5-6. www.dnr.state.ga.us/dnr/wild/

U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Animal Care requires that minimum standards of care and treatment be provided for most warm-blooded animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. They license animal dealers (pet wholesalers, animal brokers, laboratory animal breeders and dealers, exotic and wild animal dealers), animal transporters (commercial airlines), animal exhibitors (circuses, zoos, promotional animal exhibits), and research facilities. They enforce the federal Animal Welfare Act and the Code of Federal Regulations, Title 9, Chapter 1, Subchapter A. www.aphis.usda.gov/ac/

This paper is a work in process to help eliminate frivolous calls as well as provides reporting guidelines. We anticipate adding "Frequently Asked Questions," "What Is NOT Cruelty," and "What to Do If Authorities Do Not Respond." Thanks to the Georgia Department of Agriculture, Georgia Animal Control Association, Georgia Veterinary Medical Association, and the Georgia Coalition of Dog Fanciers, Inc. for their help.

Please send any edits or suggestions to the Humane Association of Georgia, Inc., 1317 Hearst Drive, Atlanta GA 30319.