

attorney to review local laws that may be relevant and to answer your specific questions.

If you wish to donate to protect the rights of dog owners, sportsmen and breeders from overreaching and unconstitutional laws and actions by others, both the Pennsylvania Federation of Dog Clubs and the National Animal Interest Alliance Trust have established funds dedicated to support legislative and legal efforts to protect our rights under the law. You can donate to either group's efforts by going to the web sites or sending a check to the addresses below.

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Know Your Civil Rights in Dog Warden and Humane Society Investigations

What are your rights when the Dog Warden or a Humane Society arrives at your door?

Many of you are aware of the Murder Hollow Basset Case, where the Pennsylvania Society for Prevention of Cruelty to Animals seized 11 of the 23 hounds (including several elderly hounds) in the hunting pack, letting the pack master choose which hounds she would keep. They intimidated and pressured her until she tearfully and involuntarily signed the so-called, self-serving, "animal surrender agreements" allegedly giving up rights to the hounds. PSPCA's warrant said that they saw her clean up feces and smelled feces. Several weeks later they served her with multiple criminal summonses alleging cruelty based on lack of veterinary care and poor conditions, without any specific details. The case has dragged on for two months and will likely not have a resolution until early next year. In the meantime, PSPCA will not tell her where her hounds are or even if all of them are still alive.

What does this mean to dog owners, sportsmen and breeders? Since laws differ from place to place, you need to be aware of what local laws exist, how they apply to you and your rights under them. In PA, the state has the right to inspect licensed kennels and operations that are unlicensed, but should be.

The overriding legal right you have is provided by the Fourth Amendment to the U.S. Constitution which trumps all state laws:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or

affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

That means that with limited exceptions (e.g., hot pursuit of a fleeing felon) any government official needs a warrant to enter your house or come on your property. The warrant has to be supported by a factual statement justifying the search or seizure with enough specificity that a judge can evaluate whether the warrant is justified. In PA, the Dog Warden cannot get a warrant for a private kennel based solely on your refusal of an inspection. However, if you refuse the inspection, your kennel license may be revoked.

Some groups will try to get you to agree to let them in without a warrant, saying that things will go easier on you if you cooperate. Don't believe it. In most cases, if they don't have a warrant, you can tell them to leave until they get one. If you aren't home and someone is taking care of your dogs, they need to be aware of the need for a warrant before granting anyone entry.

If someone comes to your door, do not stand in the entryway talking to them. Close the door and go outside. Anything they see through an opened door is legally “in plain view” and can be used as the basis for seeking a search warrant from a court.

When they do come onto your property, you should demand to see identification for each person and to be given a copy of the warrant. Read the warrant and make sure that they and you have the same understanding of the purpose and limits of the search — and that your name and property are correct on the document. If something on the warrant is wrong, tell them. They can either get a new search warrant or risk having anything they find thrown out in court. Do this before granting them access to ANY part of the property. Be cooperative, but follow this procedure.

Make a written record of their names and badge numbers, the name and contact information of their organization, and all vehicle license numbers. Write down everything that they say and do. This record, made at the time the events occur, will keep your memory of events accurate and help you focus. It will provide better evidence of what happened than your memory alone. You should also keep a film or video camera close by to record what they do and see so you

do not have to rely on their evidence alone.

Once they are legally on your property, they frequently will have you stay in a specific place while they conduct the search, with someone watching you. Ask if you may leave. If you can't, this is evidence you are in custody. Since they suspect some violation of the law, they should not question you while in custody without giving you Miranda warnings (just like you have seen on TV). The only conversation you should have with them is to say: “I don't want to talk to you or sign anything without my lawyer present.” Anything you say, even things that seem innocent or irrelevant, can be used in a prosecution against you. The more you explain, the deeper the hole you may be digging. There is a reason that the Supreme Court said that suspects must be told they can remain silent and have the right to be represented by an attorney. Take that advice.

A favorite tactic of some groups is to get a search warrant on some pretext (too many dogs; barking dogs; dirty dogs that lack care) and then seize your dogs. If they do, they can hold the dogs, but they are still yours pending the outcome of the trial. They may tell you either that you have to sign the dogs over to them or that they won't prosecute you if you sign the dogs over. Sometimes they will pressure you until you sign the dogs over. They do this so they own the dogs and you can't complain later. Don't sign away the right to your dogs if you have done nothing wrong. Once you sign them over, it will be much harder to get them back or get any information about them. If you are not home, no one watching your dogs has the right to sign away your ownership rights.

If you take these precautions, you will be able to protect your dogs and yourself better from unconstitutional acts by others. Remember, it is easier to prevent these things from happening in the first place than to have to fight to get back your property after it is improperly taken.

Finally, to return to the opening question, what are your rights? The answer, as with most legal questions, is – it depends: on the circumstances – on the facts – on the laws of your state, county or town. These are complex questions that no general article can cover fully. The Pennsylvania Federation of Dog Clubs and the National Animal Interest Alliance recommend that your group consult with an