

Handling Visits From Non-Police Officers

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In New York, duly incorporated animal societies, principally the New York Society Preventing Animal Cruelty (“SPCA”), are able to obtain warrants as “peace officers” to search a farm upon showing reasonable cause to a magistrate there has been a violation to the New York animal cruelty law. It can be confusing for New York livestock producers to know to handle visits from non-police officers. Since “peace officers” can search and seize livestock with a valid warrant, New York livestock producers are encouraged to seek legal counsel and take the following steps to protect their constitutional rights when a non-police officer would like to visit the farm:

1. Ask for Identification. The New York SPCA has similar authority with the search and seizure of farm animals in New York as police officers. Members from other animal societies may not have this same authority.
2. Ask for the Warrant. If the visitors to your property do not have a warrant then you have the right to ask them to leave. If they do not cooperate then you may contact your local law enforcement.
3. Read the Warrant. If the visitors have a warrant then please take time to carefully read the warrant. Pay special attention to the scope of the warrant. For example, if the warrant is to investigate potentially abused dogs in the backyard then the peace officers should not investigate horses in your barn.
4. Ask if the Visitor Has Camera/Video Equipment. If you decide to let a visitor on your property without a warrant, ask if the visitors have camera/video equipment, including but not limited to, smartphones. Peace officers do have the ability to use camera/video equipment during their search. If the visitors do not have a warrant then you have a right to ask them to leave all cameras and phone equipment in their vehicle.
5. Take Notes During the Farm Inspection. Write down the date, time, names of the visitors, whether there was a warrant, what was inspected, and when the visitors left. Note whether there were any changes or damages made to the property (e.g., feed pans knocked over, livestock locked away from access to water) and the condition of the animals that were inspected (e.g., visual indicators of sickness, approximate body condition score, signs of heat or stress).

Furthermore, it is imperative that New York livestock producers have a relationship with an attorney that they know and trust. With the help of your attorney, memorialize a farm protocol for how to react to farm visitors—whether they are police officers, members of the New York SPCA, or from the general public. Said protocol should be incorporated in the farm’s employee handbook and employees should be trained accordingly. Your attorney will be the one who you call to defend you against farm animal cruelty charges so he/she must help you plan a defense strategy before an issue arises. To illustrate, livestock owners should have a working

relationship with a veterinarian and a Cornell University Extension Specialist. Compliance with their recommendations should be documented. In addition, it is prudent that livestock owners not only keep accurate feeding, breeding, and health records but also participate in voluntary livestock animal welfare programs (e.g., New York State Cattle Health Assurance Program). Let your attorney counsel you for the proper strategy for your specific situation.

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