



OFFICE OF THE PROSECUTOR

County of Atlantic

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Damon G. Tyner
Prosecutor

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April 29, 2019

Collene Wronko
opra+request-5148-66db0203@requests.opramachine.com

Re: Open Public Records Act Request #19-60

Dear Ms. Wronko:

This letter is in response to your request under the Open Public Records Act and common law, received by this agency via email on April 26, 2019, in which you request "Copies of all Law Enforcement Directives for the new Animal Cruelty Laws & Human Law Enforcement Officers. I would like all directives sent to the local municipalities, Chief of Police and/or Animal Control."

Enclosed are the documents responsive to your request.

Very truly yours,

Nicole L. Campellone
Assistant Prosecutor
Custodian of Records

ATLANTIC COUNTY PROSECUTOR'S OFFICE

PROSECUTOR'S DIRECTIVE

PD-01339-19

HUMANE LAW ENFORCEMENT OPERATIONS

BY ORDER OF: Damon G. Tyner, Atlantic County Prosecutor
DISTRIBUTION: Municipal, County and State Law Enforcement Executives
 All Employees Atlantic County Prosecutor's Office
ISSUE DATE: March 5, 2019

Revision History:

03/05/2019

[Created]

I. PURPOSE

This Directive is being issued to ensure that all Municipal, County and State Law Enforcement Agencies operating under the purview of this office are in compliance with the requirements of recently enacted Animal Cruelty Legislation.

II. POLICY

The Atlantic County Prosecutor's Office has designated personnel responsible for investigating and prosecuting all indictable animal cruelty crimes. Personnel assigned to these duties shall, upon request, make every reasonable effort to assist municipal investigations not rising to the level of an indictable crime.

III. PROCEDURE

A. Prosecutor's Office – Humane Law Enforcement Resources

1. The Atlantic County Prosecutor has designated an Animal Cruelty Prosecutor, Assistant Animal Cruelty Prosecutor(s), Chief County Humane Law Enforcement Officer and County Humane Law Enforcement Officer(s). For those assignments, refer to Assignment Directive AD-01334-19.
2. Humane Law Enforcement resources (legal and/or investigative) can be reached during normal business at (609) 909-7800 / after-hours and weekends through the Atlantic County Sheriff's Office at (609) 909-7200.
3. The Animal Cruelty Prosecutor will track and maintain all animal cruelty statistics related to complaints, prosecution, forfeiture of animals, return of animals and money collected by way of fines and shall report same to the Attorney General.
4. The Animal Cruelty Prosecutor shall be responsible for establishing and maintaining agreements with appropriate animal and/or livestock care facilities.

B. Municipal Law Enforcement Responsibilities

1. Each Municipality shall appoint and appropriately train at least one Municipal Humane Law Enforcement Officer, hereafter refer to as MHLEO, responsible for handling animal cruelty investigations. They are responsible for:
 - a. Completing the required training for Humane Law Enforcement Officers within one year of their appointment to the position.
 - b. Investigating, signing complaints, arresting violations, and acting as a human law enforcement officer for the detection, apprehension and arrest of offenders against animal welfare and cruelty laws and ordinances.
 - c. Contacting the Animal Cruelty Prosecutor regarding all potentially indictable animal cruelty investigations.
 - d. Whenever an arrest is made under N.J.S. 4:22-17c, the arresting officer shall notify the Animal Cruelty Prosecutor as soon as practicable, but no later than twenty-four (24) hours after the arrest. The Animal Cruelty Prosecutor shall determine whether the offense should be handled in the Superior Court or in municipal court.
 - e. Tracking all investigations conducted, complaints issued, as well as, convictions received and report same to the Animal Cruelty Prosecutor. Reports will be provided on or before October 1, 2018, and every year thereafter.
2. Each Municipality shall provide the Animal Cruelty Prosecutor with the name and contact information for their designated MHLEO(s) and update same if there is a change to the designee.
3. Each Municipality shall publicize a phone number for reporting alleged animal cruelty and neglect violations.

C. Placement and Forfeiture of Living Animals

1. Animal cruelty investigations often involve the recovery and seizure of live animals. Humane Law Enforcement Officers shall transport said animals, with the necessary assistance of municipal control officers, to an approved animal care facility.
2. While a case is pending, the animal care facilities are prohibited from adopting/fostering out a seized animal unless the owner has voluntary forfeited ownership. Therefore, upon seizure of an animal, Humane Law Enforcement Officers shall advise the owner of the right to voluntarily forfeit ownership of the animal(s). Should the owner be willing to do so, the Human Law Enforcement Officer shall complete a Voluntary Animal Forfeiture Form (Refer to FM-01341-19).

D. Necropsy Procedures

1. In cases that result in the death of an animal, Humane Law Enforcement Officers shall consult with the Animal Cruelty Prosecutor to determine whether a necropsy should be performed.
2. If it is determined that a necropsy shall take place, Humane Law Enforcement Officers shall transport the animal(s) to the New Jersey Animal Health Diagnostic Laboratory (AHDL), New Jersey State Police Headquarters, 3 Schwarzkopf Drive, Ewing, NJ 08628. Animal Control Officers are prohibited from transporting an animal to the AHDL, unless they are accompanied by a Humane Law Enforcement Officer.
3. Transporting personnel shall comply with current ADHL procedures for specimen submission.

E. Livestock Investigations

1. All investigations involving domestic livestock shall be immediately reported to the Animal Cruelty Prosecutor and the NJ Department of Agriculture – Division of Animal Health.
 - a. Reports can be made to the Division of Animal Health by telephone at (609) 671-6400, facsimile at (609) 671-6413, email to state.veterinarian@ag.nj.gov or complaint form https://www.nj.gov/agriculture/divisions/ah/news/complaintformonline_Feb2017.pdf
2. The Division of Animal Health trains Certified Livestock Investigators (CLI) to assist with investigations alleging the abuse of livestock. These investigations pose additional challenges necessitating the inclusion of CLIs in the response and investigative process.
3. Humane Law Enforcement Officers shall refrain from removing livestock from a premise prior to consulting with the Division of Animal Health. In emergent situations that may require the removal of livestock, Humane Law Enforcement Officers shall contact the Division of Health for assistance to ensure the proper biosecurity and quarantine procedures can be implemented.

F. Search and Seizure

1. Humane Law Enforcement Officers shall adhere to established New Jersey Search and Seizure laws when investigating animal cruelty cases. As such, all application for search warrants in these cases shall be based upon probable cause.

APPENDIX

AD-01334-19 **Humane Law Enforcement – Personnel Assignments**

AX-01340-19 **Animal Cruelty Legislation**

FM-01341-19 **Voluntary / Forfeiture Animal Form**

ATLANTIC COUNTY PROSECUTOR'S OFFICE

ASSIGNMENT DIRECTIVE

AD-01334-19

HUMANE LAW ENFORCEMENT – PERSONNEL ASSIGNMENTS

BY ORDER OF: Damon G. Tyner, Atlantic County Prosecutor
DISTRIBUTION: Municipal, County and State Law Enforcement Executives
 All Employees Atlantic County Prosecutor's Office
ISSUE DATE: February 8, 2019

Revision History:

02/08/19

[Created]

Effective 2/8/19, Assistant Prosecutor Lynn Heyer is designated as the Animal Cruelty Prosecutor. This is a collateral duty assignment.

Effective 2/8/19, Assistant Prosecutor Sevan Biramian is designated as an Assistant Animal Cruelty Prosecutor. This is a collateral duty assignment.

Effective 2/8/19, Captain Kevin Hincks is appointed to the position of Chief County Humane Law Enforcement Officer. This is a collateral duty assignment.

Effective 2/8/19, Detective Denise Manino is appointed to the position of County Humane Law Enforcement Officer. This is a collateral duty assignment.

Effective 2/8/19, Detective Caryn Campanelli is appointed to the position of County Humane Law Enforcement Officer. This is a collateral duty assignment.

NOTICE OF SEIZURE & RIGHT TO FORFEIT OWNERSHIP OF DOG, DOMESTIC COMPANION ANIMAL OR SERVICE ANIMAL, N.J.S.A. 4:22-17.7(d)

- (1) I, _____, a humane law enforcement officer with _____
(Officer's Name) (Police Dept. or SPCA)
- have taken physical custody of _____
(Description of Animal(s) and Name(s), if known)
- from _____
(Location of Seizure)
- (2) The animal was seized based on a reasonable suspicion to believe the animal was at risk of imminent harm due to a violation of N.J.S.A. 4:22-17 et seq.
- (3) The animal will be impounded at the _____, or at a licensed veterinary facility should, in its discretion, the _____ determine it is unable to care for the animal on site.
- (4) While in the custody and control of the seizing entity, the animal:
- (a) May be euthanized if a veterinarian determines that the animal is in intractable and extreme pain and beyond any reasonable hope of recovery with reasonable veterinary treatment; or
 - (b) May be placed in an animal rescue organization or a foster home. N.J.S.A. 4:22-17.1(e).
- (5) Should you be found guilty of a violation of N.J.S.A. 4:22-17 et seq., you will be responsible for **ALL COSTS** associated with the care and/or euthanizing of the animal while in the custody of the seizing entity. A court may also forfeit your ownership of the animal. N.J.S.A. 4:22-17(f); 4:22-17.7(j), (i).
- (6) You can voluntarily forfeit ownership of the animal to _____. If you do so, you will no longer have any rights to the animal. You will also not be responsible for any costs associated with caring for and/or euthanizing the animal as of the date you forfeit your rights. If you forfeit the animal, it may be made available for adoption.
- (7) Please select **one** option:

- ☐ I wish to voluntarily forfeit my ownership of this/these animal(s).
- ☐ I do not wish to voluntarily forfeit my ownership of this/these animal(s).

(Signature of Animal Owner)

(Date)

(Time)

(Signature of Witness)

(Date)

(Time)