

ADOA's A Guide To Your Rights: Excerpts From How to Respond to Anti-Dog Enforcement

American Dog Owners Association, Inc.
adoamail@yahoo.com

How to Respond to Anti-Dog Enforcement

The following text outlines methods of inquiry and enforcement which may be used by local officials in attempts to enforce anti-dog ordinances in your community, and suggested techniques of response. These techniques are entirely legal and based upon the rights of citizens as stated by the U.S. Constitution.

PERSONAL INVESTIGATION:

If you are confronted with an official demanding to investigate your property, the following responses are recommended.

If the person presents a badge, you should ask for:

- His full name and phone number
- His supervisor's full name and phone number
- The agency he represents
- His badge number
- Why he is there to see you
- Is there any complaint involved
- Who made these complaints (he probably won't answer)
- Whether he has a warrant for a search
- Request a copy of that warrant (he probably won't have one)

You should answer no questions, but ask that he send or deliver all questions in writing. You should write down the answers to all these questions as the conversation proceeds. A simple notebook will do the job.

If you feel that a search of your home will lead to a threatened confiscation of a dog or a criminal complaint, you should refuse entry to your home unless the sheriff or police are present with a search warrant. If he says that he can get one easily, then tell him to do so. Remain cool and polite. Call your attorney as soon as possible.

Remember: You do not have to let anyone into your house or on your property without a proper search warrant.

ADOA has pursued and prevailed in lawsuits precluding inspectors or law enforcement agents from such intrusions without a search warrant.

You should not be threatened with seizure without a court hearing or a court order. Obtain the names of all persons involved, including police officers. This may prevent seizure. Seizure of property without the due process of law is unconstitutional, and due process of law should include a court hearing in every action relating to such seizure. If the animal control officials or police seize a dog, they may not destroy the animal or harm it in any way until a judge has ruled that you are in violation and this can only occur after a full hearing.

Call your attorney at the time of threatened seizure and ask for help. Do not answer any questions from the police without legal advice. Do not offer any explanations regardless of what they may be (police and enforcement officials have a bad habit of misinterpreting such explanations!) Remember, everything can and probably will be used against you. Do not volunteer any dogs or other property.

COOPERATION:

Cooperation will not usually avoid prosecution. Also remember that seizure of one of your dogs without court action, under protest, amounts to prosecution without trial. Anything you say or do in regard to the attempted seizure or inquiries may be used against you in a criminal or quasi-criminal action. Everything you say or do will probably be used against you. Write down everything that is said or done as it happens. These notes can be valuable evidence to defend yourself at a later time. Try to avoid anger and avoid violence at all cost. Try to obtain as much information as you can: the informers, enforcing officials, officers, etc...Require enforcing officials and officers to put everything into writing. They may not do it, but you can ask.

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