



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT: ANIMAL CRUELTY ENFORCEMENT	GENERAL ORDER NO. 18-17
SUPERSEDES: G.O. 18-17 (Dated 11/02/18)	DATED: 07/11/22

I. PURPOSE

The purpose of this policy is to provide guidance to Newark Police Division members regarding their duty to respond, assess, and investigate allegations or complaints of animal cruelty.

II. POLICY

Newark Police Division members have a duty to protect all life including that of animals.

Division members are reminded that animals are living creatures that should be treated humanely.

It is the policy of the Division to ensure that all allegations or complaints of animal cruelty or neglect are documented and investigated thoroughly.

In collaboration with the Essex County Prosecutor's Office Special Prosecutions Unit, Division members shall strictly enforce all violations of New Jersey Animal Cruelty or Neglect Laws under N.J.S.A. Title 4, Chapter 22, which occur within the City of Newark.

III. DEFINITIONS

A. Animal or Creature as defined in N.J.S.A. Title 4, Chapter 22 includes the whole brute creation.

B. Animal Cruelty can be either deliberate abuse or simply the failure to take care of an animal.

Certain examples of cruelty can include but are not limited to:

1. Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature;
2. Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any of the acts described in this section to be done;
3. Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature; or



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4. Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.
5. Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature.
6. Cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal or creature;
7. Cause or procure an act described in this section to be done, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or
8. Use, or cause or procure the use of, an animal or creature in any kind of sexual manner or initiate any kind of sexual contact with the animal or creature, including, but not limited to, sodomizing the animal or creature. As used in this paragraph, "sexual contact" means any contact between a person and an animal by penetration of the penis or a foreign object into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other. This term does not include any medical procedure performed by a licensed veterinarian practicing veterinary medicine or an accepted animal husbandry practice.

C. Animal Neglect is the failure to provide basic care required for an animal to thrive. At first glance, such cases may seem less egregious than a single, brutal act of violent abuse, but severe neglect can mean extended periods of extreme suffering resulting in permanent injury or death.

D. Adverse Environmental Conditions refers to conditions where:

1. The ambient temperature is 32 degrees Fahrenheit or below in the immediate vicinity of a dog, domestic companion animal, or service animal, or there are other cold weather or precipitation-related environmental conditions.

Those conditions can include, but not be limited to wind, rain, snow, ice, sleet, or hail that a person should reasonably know would pose an adverse risk to the health or safety of a dog, domestic companion animal, or service animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur; or

2. The ambient temperature is 90 degrees Fahrenheit or above in the immediate vicinity of a dog, domestic companion animal, or service animal, or a dog, domestic companion animal, or service animal is exposed to direct sunlight or hot pavement or any other hot surfaces that a person should reasonably know would pose an adverse risk to the health or safety of the animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur.



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- E. Animal Rescue Organization** means an individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.
- F. Animal Rescue Organization Facility** means the home or other facility in which an animal rescue organization houses and cares for an animal.
- G. Bodily Injury** means physical pain, illness, or any impairment of physical condition.
- H. Cruel Conditions** is any treatment that is devoid of any human compassion and considered cruel to the point that may pose a danger to the life or wellbeing of an animal.

It is unlawful for any person to cruelly restrain a dog.

1. A person cruelly restrains a dog if the person tethers a dog:
 - a) Which is a nursing female, or which is less than four months old;
 - b) Outdoors between the hours of 11 p.m. and 5 a.m., but this paragraph shall not take effect until 18 months after the date on which this act takes effect;
 - c) In an unoccupied building or upon vacant property;
 - d) In a manner that does not permit the dog continuous access to water in a sanitary and liquid state whenever the dog is tethered for more than 30 minutes;
 - e) In a manner that exposes the dog to adverse environmental conditions for more than 30 minutes;
 - f) By means of a choke collar, prong collar, head harness, or any other type of collar, harness, or similar device other than a properly fitted body harness or buckle-type collar;
 - g) By using a chain with metal links that are more than one-quarter of an inch thick, or a tether, collar, or harness to which a weight is attached;
 - h) With a tether on which more than one dog is restrained;
 - i) With a tether that is less than 15 feet in length or which does not permit the dog to walk at least 15 feet in any one direction; or
 - j) With a tether that permits the dog to reach another dog or an object or location that poses a risk of entanglement, strangulation, drowning, or other harm to the health or safety of the dog, including, but not limited to, another dog's tether or a window sill, fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public road or highway.

NOTE: A common sense evaluation of some other obvious abusive condition not described in this directive can be considered animal cruelty.



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- I. Domestic Companion Animal** means any animal commonly referred to as a pet that was bought, bred, raised, or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. "Domestic companion animal" shall not include "domestic livestock".
- J. Imminent Harm/Danger** for the purposes of this policy, imminent harm/danger is any condition or practice where a danger exists which if not immediately remedied, could reasonably be expected to cause death or serious bodily harm to an animal.
- K. Municipal Humane Law Enforcement Officer (HLEO)** for the purposes of this policy means any Detective designated by the Public Safety Director, to investigate and sign complaints concerning any violation of the animal welfare or animal cruelty laws of the State of New Jersey and/or applicable City Ordinances.
- L. Necessary Care** means care sufficient to preserve the health and well-being of an animal, and includes, but is not limited to: food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; adequate access to water in sufficient quantity and quality to satisfy the animal's needs; access to adequate protection from the weather; and veterinary care to alleviate suffering and maintain health.
- M. Owner or Person** When applied to the proprietorship of a dog shall include every person having a right of property in that dog and every person who has that dog in his keeping, and when applied to the proprietorship of any other animal, including, but not limited to, a cat, shall include every person having a right of property in that animal and every person who has that animal in his keeping.
- It also includes a corporation, and the knowledge and acts of an agent or employee of a corporation in regard to animals transported, owned, employed, or in the custody of the corporation shall be imputed to the corporation.
- N. Pet Shop** means any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.
- O. Pound** means an establishment for the confinement of dogs or other animals seized either under the provisions of N.J.S.A Title 4, Chapter 22 otherwise.
- P. Proper Shelter** for a dog, domestic companion animal, or service animal shall be a structure or other type of protection that meets, at a minimum, the following standards and requirements:

1. It provides at all times:



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- a) Adequate ventilation to allow the dog, domestic companion animal, or service animal to remain dry and maintain a normal body temperature;
 - b) Access to water in a sanitary and liquid state;
 - c) Exposure to natural or artificial light according to a regular cycle of day and night;
 - d) Sufficient space so that the dog, domestic companion animal, or service animal can easily turn around in a full circle and lie down on the animal's side with limbs outstretched; and
 - e) When the animal is in a normal sitting position in the proper shelter, the top of the head of the animal cannot touch the ceiling of the proper shelter.
2. It is maintained in a manner to minimize the accumulation of any waste, other debris, precipitation, or other moisture inside, surrounding, and underneath any area or structure providing proper shelter, and to provide reasonable protection from flooding;
3. It is soundly constructed to prevent the sagging or collapse of any part of the structure or protection, and is maintained in good repair with no exposed sharp points or edges;
4. It remains in an upright position at all times;
5. It is an enclosed structure that has:
 - a) A solid roof, solid walls with a single opening no larger than necessary to allow the dog, domestic companion animal, or service animal to comfortably enter and exit the structure, and a floor that is not the ground; and
 - b) insulation, dry bedding, and a windbreak at the entrance that are sufficient to keep the dog, domestic companion animal, or service animal dry and maintain the animal's normal body temperature; and
6. In the event of adverse environmental conditions provides the dog, domestic companion animal, or service animal with adequate shade or other cooling area by natural or artificial means to allow the animal to maintain a normal body temperature.
7. Any part of the residence of an owner, or other person with custody or control, of a dog, domestic companion animal, or service animal shall be proper shelter for a dog, domestic companion animal, or service animal, provided that the part of the residence, and the use thereof, are in compliance with the requirements for proper shelter set forth in this section.

NOTE: Proper shelter for a dog, domestic companion animal, or service animal shall not include:



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- a) Crawl space under a building or a part of a building, such as under steps, a deck, or a stoop;
- b) The space under a vehicle;
- c) The inside of a vehicle if the dog, domestic companion animal, or service animal is kept in the vehicle in a manner or for a length of time that a person should reasonably know poses an adverse risk to the health or safety of the animal; or
- d) Any structure or protection made from pressure-treated wood which contains the chemicals arsenic or chromium, with a floor consisting of wire or chain-link or having openings through which the paw, hoof, or foot of a dog, domestic companion animal, or service animal, as applicable, can pass, or is located outdoors and is made from cardboard or other materials that are easily degraded by the elements.

Q. Serious Bodily Injury means bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

R. Service Animal shall mean a dog or dog in training, which has been or is being raised or trained to provide assistance to a blind or deaf person, including but not limited to a dog that has been or is being raised or trained by a volunteer puppy raiser or staff member of an organization generally recognized as being involved in the rehabilitation of the blind or deaf and reputable and competent to provide dogs with specialized training; or is fitted with a special harness so as to be suitable as an aid to the mobility of a blind person.

“Service Animal” shall have the same meaning as set forth in the federal “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et seq.) and any regulations under the act.

“Service Animal” can also refer to an animal used for any therapeutic purpose.

S. Tether means to fasten a dog with a cable, chain, rope, or other similar object to a stationary object, including, but not limited to, a doghouse, tree, stake, pole, fence, or wall, or to a device that is mobile including, but not limited to, a trolley or pulley, in order to restrict the dog's movement. “Tether” also means the cable, chain, rope, or other similar object used to fasten a dog, as applicable.

T. Unattended means that the dog, domestic companion animal, or service animal is outdoors and a person is not also outdoors with the animal, or that the dog, domestic companion animal, or service animal is indoors and a person is not also indoors with the animal.



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IV. RESPONSIBILITIES

Division members shall respond to all allegations or complaints of animal cruelty or neglect.

Violations of animal cruelty laws range from disorderly persons offenses to crimes of the 3rd or 4th degree under N.J.S.A. Title 4, Chapter 22.

A. Officer

The responding officer(s) shall at a minimum conduct the following:

1. Assess the incident and determine whether or not an offense has occurred.
2. If the animal has serious injuries requiring immediate attention, ensure that the Communications Division/911 Call Center notifies Animal Control to respond to transport the animal to the appropriate facility for treatment.
3. If it is determined that any violation of N.J.S.A. Title 4, Chapter 22 has occurred, complete an Incident Report (DP1: 802) documenting the incident.

In addition, the officer shall issue any appropriate summonses as per N.J.S.A. Title 4, Chapter 22, as well as complete an "NPD Animal Seizure Form" and provide a copy to the animal's owner.

4. Ensure notification to the Essex County Prosecutor's Office Special Prosecutions Unit (973-634-0050) to determine what charges, if any, are appropriate.
5. Where loss of life or serious bodily injury to an animal is verified, ensure notification is made to the Precinct Detective designated to investigate animal cruelty/neglect incidents.
6. If the animal is at risk of imminent harm, ensure that the Communications Division/911 Call Center notifies Animal Control to respond to remove and take custody of the animal.
7. If Animal Control Bureau personnel are not available, the Communications Division/911 Call Center shall contact the Associated Humane Society to respond to take custody of the animal.
8. If the owner of an animal cannot be identified, it shall be noted on the Incident Report, and on the "NPD Animal Seizure Form".



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9. If the owner is present, inform him/her that the costs of sheltering, caring for, or treating any animal that has been seized from a person arrested pursuant to the provisions of R.S. 4:22-47 by a municipal humane law enforcement officer, until the animal is adjudged forfeited or until the animal is returned to the owner, shall be borne by the owner of the animal.
10. If after consulting with the Special Prosecutions Unit, the field supervisor, or the Municipal HLEO, it is determined that no animal cruelty or neglect has taken place; however, there are apparent conditions that need to be rectified by the owner, the responding officer/s shall complete an "NPD Animal Owner Warning Form" and provide a copy with the necessary instructions to the animal owner. The original warning form shall be forwarded to the Municipal HLEO for follow up.

NOTE: Copies of all paperwork, including issued summonses, and seizure or warning forms, shall be forwarded to the Precinct Detective responsible for investigating animal cruelty/neglect incidents.

B. Field Supervisor

Field supervisors shall respond to incidents of animal cruelty or neglect resulting in serious bodily harm or death to an animal.

1. Upon response, shall assess the incident, and ensure that all necessary notifications are made (e.g. Prosecutor's Office, Precinct Detective).
2. In collaboration with the Essex County Prosecutor's Office Special Prosecutions Unit and Precinct Detective responsible for the investigations of animal cruelty/neglect (HLEO); determine if the Crime Scene Unit needs to respond to process the scene (e.g., photograph, collect material evidence).

C. Communications Division / 911 Call Center Commander

1. Ensure that all Communications Division/911 Call Center police personnel are familiar with and comply with the procedures for receiving, properly coding, and dispatching units to all calls for service regarding potential animal cruelty or neglect incidents as delineated on this General Order.
2. Ensure that an updated Municipal HLEO list is maintained and readily available to all police dispatchers during all shifts.



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D. Communications Division / 911 Call Center Floor Supervisor

1. Ensure that an event number is generated by the police dispatcher on all calls for service regarding potential animal cruelty or neglect incidents.
2. Ensure that a **404 code** is utilized to dispatch units to investigate potential incidents of animal cruelty or neglect.
3. Ensure that a police unit is dispatched to investigate each complaint of animal cruelty or neglect, **including but not limited to the following:**
 - a. Reports of animal fighting.
 - b. Reports of the abuse of or needless killing of a living animal or creature.
 - c. Reports of any animal left unattended in a vehicle or under inhumane conditions which would adversely affect the animal's health.
 - d. Reports of failing to provide an injured animal with necessary care.

E. Communications Division / 911 Call Center Police Dispatcher

1. Upon request from the responding officer, or field supervisor on the scene, ensure notification is made to the Essex County Prosecutor's Office Special Prosecutions Unit (973-634-0050) and the Precinct Detective (HLEO).
2. Ensure that the appropriate Precinct Municipal HLEO is notified of all animal cruelty or neglect complaints/allegations during his/her respective command between 0800 – 1700 hrs. Whenever an animal cruelty or neglect complaint/allegation is received after 1700 hrs, or at any other time when the Precinct Detectives assigned as Municipal HLEOs are not working, Robbery Squad personnel shall be notified by the police dispatcher.

V. INVESTIGATIVE RESPONSIBILITIES

A. General Crimes Division

The General Crimes Division shall be responsible for the investigation and tracking of all animal cruelty or neglect incidents.



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1. Commander

- a. The Commander of the General Crimes Division shall ensure that Precinct Detectives conduct complete and thorough investigations in consultation with the Essex County Prosecutor's Office Special Prosecutions Unit.
- b. The Commander of General Crimes shall prepare a current list containing the names, command, contact information, and work hours of all Municipal HLEOs and forward the same to the Communications Division/911 Center Commander and Executive Officer no later than the 1st day of every month.
- c. The Commander of the General Crimes Division shall ensure that all investigations conducted by the Precinct Detectives are reviewed and approved by the Precinct Detective Squad Supervisor.
- d. The Commander of the General Crimes Division shall prepare reports detailing the status of all animal cruelty investigations, and forward the same to the Office of the Public Safety Director in accordance with already established Division policies and procedures.
- e. The Commander of the General Crimes Division shall ensure that a report is forwarded to the Essex County Prosecutor's Office Special Prosecutions Unit by October 1st of each year, listing the number of complaints received for the most recently concluded state fiscal year for each offense under Title 4, Chapter 22; the number of complaints referred to the County Prosecutor; and any recommendation or concern identified by the Municipal Humane Law Enforcement Officers.

2. Precinct Detective Squad Supervisor

- a. The Precinct Detective Squad Supervisor shall be responsible for reviewing and approving all animal cruelty or neglect investigations submitted by the Precinct Detectives, and for ensuring that all submitted investigations are complete and thorough.
- b. The Precinct Detective Squad Supervisor shall be responsible for tracking all animal cruelty or neglect investigations in their command.
- c. The Precinct Detective Squad Supervisor shall include in the squad's weekly report the status of all animal cruelty or neglect investigations, and forward the same to the Commander of General Crimes Division for tracking purposes.



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- d. The Precinct Detective Squad Supervisor shall ensure that a report is forwarded to the General Crimes Division Commander by the 15th of September of each year, listing the number of complaints received for the most recently concluded state fiscal year for each offense under Title 4, Chapter 22; the number of complaints referred to the County Prosecutor; and any recommendation or concern identified by the Municipal Humane Law Enforcement Officers.

3. Precinct Detective

- a. The Precinct Detective designated as the 'Municipal Humane Law Enforcement Officer (HLEO)' in accordance with N.J.S.A. Title 4, Chapter 22, shall be responsible for leading the investigations of allegations or complaints of animal cruelty or neglect.
- b. The Precinct Detective (HLEO) shall lead and provide guidance to officers and supervisors at the scene of an animal cruelty or neglect incident.
- c. The Precinct Detective shall conduct complete and thorough investigations of incidents involving animal cruelty and/or neglect.
- d. In cases where an animal owner is not initially charged with animal cruelty/neglect; however, other circumstances on the scene warrant the issuance of an "NPD Animal Owner Warning Notice", the investigating detective shall follow up by responding to the location at a reasonable later date (no later than a month), to verify whether the identified conditions have been corrected by the animal owner.
- e. Any incident involving serious bodily harm or death to an animal shall require a response to the scene by the Precinct Detective (HLEO).
- f. Notify the Essex County Prosecutor's Office Special Prosecutions Unit within five (5) business days of receiving any complaint of a violation of N.J.S.A. 4:22, regardless of whether that violation has been referred to the prosecutor. At a minimum, notifications shall contain a brief description of the alleged offense.
- g. Upon receiving and reviewing an animal cruelty investigation involving serious bodily harm or death of an animal, the Precinct Detective shall confer with the Essex County Prosecutor's Special Prosecutions Unit (973-634-0050) for determination of appropriate charges.



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- h. The Precinct Detective (HLEO) shall draft and provide a report to the Precinct Detective Squad Supervisor by the 10th of September of each year, listing the number of complaints received for the most recently concluded state fiscal year for each offense under Title 4, Chapter 22; the number of complaints referred to the County Prosecutor; and any recommendation or concern identified by the Municipal Humane Law Enforcement Officers.

VI. TRAINING

Precinct Detectives designated to investigate animal cruelty or neglect incidents shall receive training as prescribed by the Police Training Commission (PTC) within one year of designation.

VII. CONTACT INFORMATION

In the event that an animal is being seized between 0800 – 1700 hrs, personnel from the Animal Control Bureau shall be contacted via the Central Communications Division/911 Call Center or by calling: (973) 733-6294, or (973) 733-8544.

In the event that an animal is being seized between 1700 – 0800 hrs, personnel from the Associated Humane Society, shall be contacted via the Central Communications Division/911 Call Center or by calling: (973) 824-7080.

Personnel from the Associated Humane Society are in service 24 hours a day, and will respond to transport the animal to the shelter located at 124 Evergreen Avenue, Newark.

VIII. COMPLIANCE

This General Order shall become effective immediately upon its issuance. All Division personnel shall become familiar with and comply with the tenets of this Order.

BY ORDER OF:

RAUL MALAVE III
PUBLIC SAFETY DIRECTOR

RM/CM/jg

cc: Lee Douglas, Chief of Police
Sharonda Morris, Deputy Director of Operations

Attachment: Newark Police Division Animal Seizure Form



Newark Police Division

Animal Seizure Form



Pursuant to NJ Statute 4:22-17.7 the Newark Police Division has taken physical custody of the below described animal due to concerns about its welfare. The animal will be placed in the following location/facility:

Name	Address	Telephone Number
<p>Event Number: _____ CC# _____</p> <p>Animal Type & Name: _____</p> <p>Description: _____</p> <p>Location Found: _____</p>		
<p style="text-align: center;"><u>Reason for Seizure (Please check one):</u></p> <p><input type="checkbox"/> Emergency Placement – the undersigned police officer has taken custody of the below animal due to the existence of the following emergency condition/s:</p> <p>Conditions: _____</p> <p><input type="checkbox"/> Voluntary Surrender – the owner agrees to surrender the below animal. The owner understands that surrendering the animal is not an admission of guilt and will not be used against him in court. As owner I, _____ do hereby release all right, title and interest and convey over to _____ the above listed animal. I understand I give up all future rights to said animal. I have fully read and understand this document. I certify that the above is true and understand that my signature below shall act as a full conveyance to all my rights to the above animal.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 60%; text-align: center;">_____ Owner's Signature</div><div style="width: 35%; text-align: center;">_____ Date</div></div>		
<p style="text-align: center;"><u>Owner of Animal (indicate if unknown)</u></p> <p>Name: _____</p> <p>Address: _____</p> <p>Phone: _____</p>		

Officer's Name, ID#

Date

Officer's Signature

A copy of this **original document shall be given to the animal owner, or left at the premises** if the owner is not present at the time the animal is seized. **A second copy shall be given to the Animal Control Officer who responds,** and a **third copy shall be forwarded to the Municipal Humane Law Enforcement Officer (HLEO).**



Newark Police Division Animal Seizure Form



NOTICE TO COMPLY

The Newark Police Division is investigating a possible violation of the NJ Animal Cruelty Law (NJS 4:22-17.7). As the owner of the below described animal you are hereby ordered to take any appropriate action which would bring you in compliance with the law. A failure to comply with the law may result in criminal charges being filed against you.

Please contact _____ from the Newark Police Division at
_____ within _____ hours in reference to the conditions described below.

Event Number: _____ CC# _____

Date of Suspected Violation: _____

Description of Animal:

Description of Conditions to be Corrected by Animal Owner:

Location of Suspected Violation:

Owner of Animal (if known)

Name: _____

Address: _____

Phone: _____ Date of Birth: _____

Officer's Name, ID#

Date

Officer's Signature

A copy of this **original document shall be given to the animal owner, or left at the premises** if the owner is not present at the time the animal is seized. **A second copy shall be given to the Animal Control Officer who responds,** and a **third copy shall be forwarded to the Municipal Humane Law Enforcement Officer (HLEO).**