



What Every Animal Owner Needs to Know When the Pet Police Knock On Your Door!



***Don't be intimidated when local animal control, humane societies,
law enforcement or state inspectors knock on your door.
Be prepared! Know your constitutional rights.***

Post "No Trespassing" signs on your property – front, back and at all gates. Just as a family should have a rehearsed plan to escape a house fire, all animal owners should have a plan when confronted by Pet Police. In addition, make sure that your family, babysitter, dog-sitter, housekeeper and others know that they should not let the Pet Police into your home or on your property (i.e. back yard, garage, etc.). Share the following information with them:

- If someone knocks on your door, you are not obligated to answer it unless they identify themselves and state they have a search warrant.
- Never assume that you have "nothing to hide." In some circumstances animal control officers, unable to find a legitimate reason to make an arrest, have reported minor building or zoning violations.
- If you have purchased special permits [Breeder, Rescuer, Intact Pets, Animal Owner] stipulating that local or state governments have permission to enter your premises at any time, refusal to allow them entrance may result in revocation of your permit. If you have signed such a permit they still cannot enter against your wishes since you can revoke the permission at any time. You must weigh the consequences.
- If you decide to open the door, have your cell phone in your pocket. Call the police and report trespassing. Before you step outside, call your neighbor, friend, lawyer to come immediately. The more witnesses, photographs, video and tapes recorded the better.
- Keep your hands in plain sight. People have been shot by police when common objects were mistaken for a gun.
- If your cell phone doesn't have photographing capabilities, keep a camera (with fresh batteries) near your door for just such emergencies. Keep a pen and paper readily available at the door.
- After answering the door, step outside and close the door behind you. Anything seen through an open door is "plain sight" and may be misused as the basis for an arrest, or probable cause for a search warrant.
- Do not answer any questions. Ask them to submit questions to you in writing. Be polite but firm.
- Ask the following questions: (1) their full name, title and phone number; (2) agency's full name and address; (3) supervisor's full name and telephone number; (4) ask why they are there; (5) if a complaint, ask for name of complainant and a copy of the complaint. (6) Note the names of anyone else present.
- Call their offices to verify because scams have been reported in the news where imposters pretended to be utility workers, gained entry, then robbed the owners. Make them wait outside until verification is completed.
- If they have no search warrant and demand to enter your home or other areas of your property, tell them politely, but firmly, to leave. If they try to intimidate you to let them in the house by telling you they can obtain a search warrant, advise them confidently, that they are not coming in without one.
- If they do not leave, open the door slightly and back up into your house. If you turn around to go back inside, it may be interpreted as an invitation to follow. Once inside, close the door, call 911. Tell the operator you are being harassed by trespassers who refuse to leave. Inform the operator if they have weapons and you fear for your safety.
- If you turn Animal Control or other government officials away, assume they will be back. Use the time available to move as many animals off the property as possible and make sure everything is clean and presentable.

SEARCH WARRANT

- **If they have a Search Warrant, read it closely.** This permission does not allow more than one person to enter. Keep them in sight at all times. If anyone other than true law enforcement officials are there, ask the officers to remind those other people of criminal trespassing laws. They should leave.
- **After reading the Search Warrant closely:** Make sure you know the areas they are authorized to search. If they stray to an unauthorized area, remind them they are not allowed there. Demand a receipt for everything removed, including all animals.
- **Do not answer any questions other than identifying yourself.** They may try to trick you with questions. Do not answer them. You cannot win, except by remaining silent and calm. Cooperation will not usually avoid prosecution.
- **If you have an attorney and are able to make a call, let him know** there is an execution of a search warrant occurring.
- **If your rights are violated,** file a complaint with the appropriate body.

TEXAS DOG AND CAT BREEDER LAW

Without a Search Warrant, state inspectors do not have the right to come on the property of any breeder unless the breeder has obtained or applied for a license. Inspections can only occur under one of two circumstances: 1) pre-license inspection and 2) compliance inspection. Licensed breeders are subject to unannounced inspections anytime. As of September 1, 2012, dog and cat breeders possessing 11 or more adult [over 6 months of age] intact females and engaged in the business of breeding those animals for sale or exchange for consideration and sells or offers to sell not fewer than 20 animals annually are required to be licensed by the state.

THINGS TO REMEMBER

- **Do not argue, bad-mouth, curse, touch, threaten or try to intimidate the officer.** Avoid anger and violence at all costs. Do not physically resist an officer, no matter how unlawful his or her actions. Do not try to tell your side of the story nor “explain” anything. You will have time for explanations after you talk to the lawyer. If the questioning persists, demand to speak to a lawyer first. Repeat as necessary.
- **IF ARRESTED:** Exercise your right to remain silent. Answer no questions until you have consulted with a lawyer. Under the Fifth Amendment, you do not have to incriminate yourself.
- **Within a reasonable time they must allow you to make a phone call** to contact a lawyer and arrange bail. They are not allowed to listen to your phone call to your attorney but they may “monitor” the rooms “for your protection.” Do not say anything you do not want them to overhear; save that for your attorney until after you are out on bail.
- **If you are physically injured by any persons,** take photographs of the injuries immediately. Do not forego proper medical treatment.
- **Write down all of the information,** as well as the date and time of the incident immediately, while details are fresh in your mind. Keep notes as they can be valuable evidence to defend yourself at a later time.

DISCLAIMER!

Due to the potentially complex nature of varying city and county ordinances combined with state law and regulation, this information is neither intended to be, nor should it be relied upon as, legal advice or as a substitute for personal consultation with a licensed attorney. This is provided for information purposes only. No liability can be assumed in connection with any use of the information contained herein. Texas Penal Code Criminal Trespass Statute:
<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.30.htm>