



Alley Cat Allies

How-To Guide



KNOW YOUR RIGHTS: HOW TO TALK TO LOCAL AUTHORITIES

As a caregiver for outdoor cats, you may be approached by local authorities at some point. In some communities, animal-related ordinances are enforced by full-time animal control officers; in others, police officers, sheriffs, or code enforcement officers might be assigned to animal control duties or wear several hats, including animal control. In some situations, the Department of Health might respond to certain questions or concerns. Any one of these officials might at some point take an interest in outdoor cats.

Some animal control departments and other local authorities are wholeheartedly supportive of Trap-Neuter-Return (TNR) and can be excellent allies in your TNR work. Increasingly, animal control agencies and animal shelters are participating in TNR and Shelter-Neuter-Return (SNR), as they realize that doing so is best for the cats and the community.



Unfortunately, some authorities are stuck in an outdated mindset and aren't supportive of TNR, or are tasked with enforcing antiquated laws that prohibit TNR or create barriers for community cat caretakers. If you find yourself in conflict because you care for cats who live outdoors, it's important that you understand your rights under the law, and to remember that the officials, including law enforcement officers, are not allowed to violate those rights. They can't search your property, stop and question you, or cite you without a reason. However, caregivers often consent to these requests because they don't know they have the option to say "no."

These guidelines do not constitute specific legal advice. Additionally, these guidelines are not meant to assist in defending against citations or enforcement actions by government officials.

GET THE FACTS: AN OVERVIEW

What is Animal Control?

Local authorities, often in the form of an animal control agency are charged with enforcing laws related to the control and impoundment of animals—including laws that may affect the feeding, spaying and neutering, and care of outdoor cats.

The shape of animal control duties differs from community to community. Animal control officers may be employees of the city or work as contractors. Some animal control officers have the power to arrest or issue

citations, some do not. Some are licensed to carry firearms, some are not. In some communities, animal control is the responsibility of the police department or code enforcement, while other communities may contract with private businesses or shelters for animal control.

Do some research to find out about your local animal control. Call your city government or find our “Guide to Local Government” at www.alleycat.org/resources/guide-to-local-government-animal-control.

Animal Control Laws are Different Everywhere

Laws affecting Trap-Neuter-Return and outdoor cats are different in every city and state. The best way to protect yourself and your cats is by knowing your local laws.

You can find tips by referring to our factsheet “How to Find Laws that Relate to Cats” at www.alleycat.org/resources/how-to-find-laws-that-relate-to-cats.

Note: Pay special attention to the definition of “owner” in your local laws. Some definitions are so broad that they can be interpreted as including community cat caregivers—who we know, of course, do not own community cats. In recent years, some jurisdictions have expressly exempted caregivers from the definition of “owner” in order to avoid confusion.

WHAT YOU CAN DO PROACTIVELY, RIGHT NOW

- Post “No Trespassing” signs in your front yard and other areas you seek to keep private.
- Make sure to keep your attorney’s phone number and name handy.
- Keep all veterinary medical record files with vaccinations, spay/neuter certificates, etc., where they are easily accessible.
- Follow best practices for caregivers, and choose discreet locations for feeding stations and shelters. This helps minimize the chance that someone will call animal control in the first place. Find our best practices at www.alleycat.org/BestPractices.
- If you’re able, microchip community cats when you carry out TNR; this provides definitive proof that a particular cat matches your veterinary records and can save a cat’s life. Find more information on microchipping at www.alleycat.org/Microchipping.

WHEN ANIMAL CONTROL IS AT YOUR DOOR

Always be polite but firm when speaking to an animal control representative. You can use these scenarios to guide you in your interactions. And remember: less is often more. Anything you say in an interaction with the authorities could inadvertently reveal something unhelpful to your case or give them grounds for a more extensive search.

If the officer asks questions about the colony...

Ask if the officer believes that you are violating any laws. This will help you determine if the officer is trying to pursue a charge against you or just looking for information or clarification. (Remember: Your animal control officer may not be familiar with Trap-Neuter-Return.)

Be aware that anything you say can be used in court. If you are not comfortable answering questions, exercise your constitutional rights by politely telling the officer that you’d like to remain silent, and then do so. Or, politely request to speak to your attorney first.

In many instances, you may ask animal control to return at a future date or time so that you may first speak with your attorney. Only in emergency situations (called exigent circumstances) may an officer search your property without a warrant.

Here's an example:

Animal Control: *"Are those your cats?"*

You: "Do you think I am violating any laws?"

Animal Control: *"That depends on if the cats belong to you."*

You: "I'd like to speak with my attorney before I answer any questions." Or "I'd like to remain silent."

If the officer asks to search your property...

You are not required to give your consent to search.

Ask the officer to see a search warrant. If they don't have one, you do not have to let them inside the house or onto private property. Politely tell the officer that you do not consent to a search.

Step outside of the house and be sure to shut the door behind you! This is important because anything animal control can see may be used as cause to search or obtain a warrant.

Example:

Animal Control: *"We received a complaint about cats in the neighborhood. I'd like to look around."*

You: "May I see a search warrant?"

Animal Control: *"I just want to see if all the animals on your property are healthy."*

You: "I do not give you my consent to search my property."

If an officer asks to observe your colony care...

You aren't required to tell an animal control officer when and where you feed cats. You may exercise your right to remain silent like in the examples above.

If you feed the cats on your own private property, you do not have to allow animal control onto the property without a warrant. (See *"If the officer asks to search your property..."*)

If you feed cats on public property, people might see what you are doing. Some areas have laws restricting what activities are allowed on public property, so check your local ordinances to learn more. Always be considerate of the area, and inconspicuous in your actions. Follow good colony care practices including keeping the area clean and removing all food after 30 minutes.

If an officer asks you to sign something other than a court summons ...

Do not sign any document without consulting an attorney.

When animal control asks for your signature, they are probably seeking one of three things:

- An admission or denial of responsibility for the cats.
- Consent or permission to take action.
- A relinquishment of all rights to any animals on your property.

If an animal control officer asks you for written consent or permission, it usually means they need your permission to do something and they don't have it—for example, to search or trap cats on your property. Remember: You don't have to give permission just because they ask for it. Say that you'd like to consult an attorney before signing anything. Your attorney can help you look up your local laws and determine how to proceed.

Animal control officers are there to enforce the local animal control laws, so politely ask questions to find out more:

- “What will happen if I say no?”
- “Am I violating any laws?”
- “Under what basis?”
- “What ordinance is that under?” or “What is that code exactly? I would like a copy of it. Can you provide it for me?”

Example:

Animal Control: *“It’s illegal to feed cats here. Sign this form so we can trap them.”*

You: “May I ask which ordinance that’s under?”

Animal Control: *“Our local ordinance prohibits feeding animals on public property.”*

You: “What happens if I say no?”

Animal Control: *“You will receive a citation.”*

You: “I’m not refusing to sign, but I would like to consult an attorney before I sign anything.”

If an officer serves you a search warrant...

Make sure that the officer knocked and announced their presence. Officers are only allowed to enter without doing so in limited, emergency situations.

Step outside, close the door behind you, and politely ask the officer if you can read the search warrant. Take note of what the warrant says, and where it permits the officer to search.

Officers cannot search beyond what the warrant allows.

Example:

Animal Control: *“We have a search warrant for this home.”*

You: “Could I see the warrant, please?”

Animal Control: *“Don’t worry, we’ve got a warrant.”*

You: “Then you won’t mind showing it to me? It’ll just take a minute.”

A valid warrant will contain the address, date (within 14 days), and a judge’s signature. If there are any mistakes, do not consent to the officer entering your property.

Take careful notes of what the officer does and what is said while the search occurs. You want to have all the information so you can provide it to your attorney later.

If you are charged with a crime, consult an attorney right away.

If an officer asks you to trap or turn in cats you care for...

Politely ask the animal control officer what specific ordinance requires you to trap the cats. It is extremely rare that a caregiver is required by law to trap cats. More likely, the officer is just making a request.

If you are violating another ordinance, the officer may be trying to bargain with you. Ask, “What happens if I say no?”

If the officer threatens you with a citation, state that you’d like to contact your attorney.

Example:

Animal Control: “We’ve had complaints about cats that you feed. Trap them and bring them to the shelter.”

You: “What happens if I say no?”

Animal Control: “You’ll receive a citation.”

You: “Under what ordinance?”

Animal Control: “Violating our leash law.”

You: “I’d like to consult my attorney.”

In this case, leash laws may apply only to cat owners and not caregivers—a local attorney can advise you on the specific law in your area.

If you feel your rights are being violated...

Say that you’d like to remain silent, and consult an attorney right away to determine if an animal control officer is violating your rights.

Do NOT:

- Confront or obstruct the officer
- Threaten to file a complaint
- Physically resist

In doing so, you may violate other laws that will get you into trouble and prevent you from legally protecting cats.

Example:

Animal Control: “I’d like to search the property.”

You: “I do not give my consent to search my property.”

Animal Control: “I’m responding to a complaint, I do not need your consent.” The officer then proceeds to enter your house or yard.

You: “Please excuse me, I’d like to contact my attorney.”

Remember to follow best practices when caring for community cats.

If animal control visits you once, make sure that you are following best practices when caring for your outdoor cats in case animal control comes back a second time. You can find our guide for “Best Practices: Community Cat Colony Care” at www.alleycat.org/BestPractices.

FAST FACTS

- You are **not required** to **say anything** beyond identifying yourself and telling the officer you're exercising your right to remain silent.
- You are **not required** to allow police or animal control to search your home or property without a warrant.
- You are **not required** to **allow animal control or other law enforcement to observe your colony** or feeding times on private property.
- You are **not required** to **inform animal control if the cats are yours or not**.
- You are **not required** to **sign anything** (other than a court summons).
- You are **not required** to **trap cats**.
- You are **not required** to bring cats to a shelter.
- You are **not required** to give consent to trap or kill an animal.

Your responsibilities

- Stay calm and be polite.
- Get the name and badge number of the officer.
- Write down everything immediately after the encounter.
- Do not interfere with or obstruct the police.
- Do not touch or threaten officers or neighbors.
- Do not threaten to file a complaint.
- Do not lie to law enforcement.
- Follow best practices for colony care.

Quick questions to ask

- “What will happen if I say no?”
- “Am I violating any laws?”
- “Under what basis?”
- “What ordinance is that under?”

Resources

These resources can provide additional information on your rights.

- *Know Your Rights* by the National Lawyers Guild: www.nlg.org/know-your-rights
- *Know Your Rights: If You're Stopped by Police and Searches and Warrants* by the ACLU: www.aclu.org/know-your-rights

ABOUT ALLEY CAT ALLIES

Alley Cat Allies is the global engine of change for cats. We are the leading advocacy organization dedicated to protecting and improving cats' lives. We are seen around the world as a champion for the humane treatment of all cats. Founded in 1990, today Alley Cat Allies has more than 650,000 supporters and helps tens of thousands of individuals, communities, and organizations save and improve the lives of millions of cats and kittens worldwide. We work with lawmakers, shelters, and the public to change attitudes and advance lifesaving policies that best serve the interests of cats. Learn more about our work at alleycat.org.