

2008 Virginia State Crime Commission Report

Animal Control Officers

ANIMAL CONTROL OFFICERS

Background

House Joint Resolution 116, introduced by Delegate Terry G. Kilgore and passed during the 2006 Virginia General Assembly Session, directed the Virginia State Crime Commission to study the need for regulation, training and funding of animal control officers as well as their duties, responsibilities, and budgets.

The Animal Control Officer Committee was created in 2006 to address the study mandate and to develop recommendations for improving animal control in the Commonwealth. Representatives who serve on the Committee are from the following agencies:

- Crater Criminal Justice Training Academy;
- Virginia Animal Control Association;
- Virginia Association of Chiefs of Police;
- Virginia Association of Counties;
- Virginia Department of Agriculture and Consumer Services, Office of Veterinary Services (State Veterinarian);
- Virginia Department of Criminal Justice Services;
- Virginia Department of Game and Inland Fisheries;
- Virginia Department of Health;
- Virginia Department of Treasury, Office of Risk Management;
- Virginia Farm Bureau;
- Virginia Municipal League; and,
- Virginia Sheriff's Association.

Analysis

Chapter 65, Article 7, of Title 3.2 of the Code of Virginia governs animal control officers. Section 3.2-6555 of the Code of Virginia creates the position of animal control officer and states that the governing body of each county or city shall, or each town may, employ an officer to be known as the animal control officer, who shall have the power to enforce this chapter, all ordinances enacted pursuant to this chapter and all laws for the officers and deputy animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law-enforcement officer as defined in § 9.1-101, to any person found in the act of violating any such law or any ordinance enacted pursuant to such law of the locality where the animal control officer or deputy animal control officer is employed. Every locality employing an animal control officer shall submit to the State Veterinarian,

on a form provided by him, information concerning the employment and training status of the animal control officers employed by the locality. The State Veterinarian may require that the locality notify him of any change in such information.

Staff conducted a comprehensive analysis of animal control responsibilities and duties, as well as a review of training requirements and curriculum. Currently, the State Veterinarian is charged with the establishment of training criteria, as well as maintaining records of training compliance. Subsection A of the Code of Virginia § 3.2-6556 states that every locality employing animal control officers shall require that every animal control officer and deputy animal control officer complete the following training:

1. Within two years from the date of hire, a basic animal control course that has been approved by the State Veterinarian. The basic animal control course shall include training in recognizing suspected child abuse and neglect and information on how complaints may be filed and shall be approved and implemented; and
2. Every three years, additional training approved by the State Veterinarian, 15 hours of which shall be training in animal control and protection.

The State Veterinarian shall work to ensure the availability of these training courses through regional criminal justice training academies or other entities as approved by him. Based on information provided by authorized training entities, the State Veterinarian shall maintain the training records for all animal control officers for the purpose of documenting and ensuring that they are in compliance with this subsection. Subsection C states that any animal control officer that fails to complete the training required by subsection A shall be removed from office, unless the State Veterinarian has granted additional time as provided in subsection B.

Conclusion

During the past two years, Committee members have identified a number of problematic issues concerning animal control officers as follows:

- The State Veterinarian is not the proper oversight agency for animal control officers because of the increasing law enforcement duties of animal control officers;
- Public safety issues arise due to the dangerous situations animal control officers encounter, such as dog fighting, gangs, and drugs, without the necessary training and proper equipment for protection. This creates serious animal control officer safety issues and a potential liability for the locality, as well as the state;
- There is a two year time frame in which animal control officers must be trained, which allows for an animal control officer to be employed during this time without any minimum standards, requirements, and classroom or field training;
- A need exists for increasing the training standards from 84 to 120 hours, which Crater Regional Academy has done with no negative feedback from the localities;
- There is no statewide certification, licensing, or regulation of animal control officers;
- There are no standardized lesson plans;
- There is no standardized or accredited statewide training examination program that tests the knowledge and skills of animal control officers;
- There is no method in place to determine and ensure whether training standards are in compliance; and,
- There is no method in place to track or verify animal control officers statewide.

The Department of Criminal Justice Services ("DCJS") was identified as an appropriate agency to oversee animal control officers. Prior to 2004, DCJS was tasked with the oversight of animal control officers and is currently responsible for a wide variety of similar oversight and training duties of other professions as mandated in Virginia Code § 9.1-102, such as the establishment of:

- Compulsory minimum training standards;
- Qualifications for certification and recertification;

- Minimum curriculum requirements;
- Training courses;
- Minimum entry-level training standards, employment, and job-entry standards;
- Certification for training instructors; and,
- model policy and protocol guidelines.

Additionally, DCJS has oversight authority for the following similar entities:

- Law enforcement;
- School security officers;
- Campus safety officers;
- Bail bondsmen and bail enforcement agents; and,
- Locksmiths.

Legislation was introduced during the 2009 Session of the General Assembly to move the oversight and governance from the State Veterinarian to the Department of Criminal Justice Services

SUMMARY OF CRIME COMMISSION LEGISLATION

Animal Control Officers

HB 2263 (Delegate Kilgore)

Oversight of animal control officers.

Directs the Department of Criminal Justice Services to establish minimum standards for employment, job entry and in-service training curricula, and certification for animal control officers. In developing the training, the Department is to consult with the State Veterinarian on issues relevant to the duties and training of these officers. Left in House Agriculture, Chesapeake and Natural Resources Committee.

The complete 2008 Virginia State Crime Commission report can be viewed at:

[http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/RD1572009/\\$file/RD157.pdf](http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/RD1572009/$file/RD157.pdf)