

Who is authorized to enforce Ohio's animal cruelty laws under ORC 959?

Humane Society Agents (previously referred to in ORC as humane agents)

Humane societies organized under ORC 1717.05 may, but are not required, to appoint humane society agents (HSA) to enforce Ohio's animal cruelty laws (ORC 959).

The process to appoint a Humane Society Agent (HAS) is as follows:

1. Humane Society leadership identifies HSA candidate(s).
2. HSA candidate completes required training (ORC 1717.061 & OAC 109:2-15-01).
3. HSA receives a document/certificate signed by the chief executive officer (or the CEO's designee) of the organization or entity that provided the training confirming successful completion of training.
4. Humane Society Board of Trustees/Directors votes to appoint the candidate as their HSA, which means they are appointing this person as an agent/representative of their humane society.
5. Humane Society Board or staff leadership submits all required supporting materials to the county probate judge and/or mayor of the municipal corporation for which the appointment is being made for approval of the HSA's appointment. This MUST include the signed document from Step 3.
6. The HSA is now authorized to enforce ORC 959 and will be doing so on behalf of the humane society that made the appointment. The humane society will be accountable for their appointed HSA's performance and conduct when the HSA is performing their duties enforcing ORC 959.

HSAs MUST be appointed by a humane society board of directors/trustees, however humane societies are not required to appoint/employ HSAs. Appointed HSAs have full authority to enforce ORC 959 on behalf of the humane society that made the appointment. There is no such thing as a HSA that has not been appointed by a humane society.

When a humane society employs and appoints a HSA, that humane society is fully responsible for paying the salary of and managing the conduct of their appointed agent(s). Under section 1717 of the ORC, a board of county commissioners shall pay \$150/month to one appointed HSA. There is no other cost to the county unless county commissioners make a grant to the humane society or the county commissioners and humane society enter into an agreement that provides additional financial support or other resources.

County dog wardens do not have the authority to enforce ORC 959. When there is no HSA in a given county, the county sheriff or local police will be solely responsible for enforcing ORC 959. See following sections for additional information.

County Sheriff / Local Police

County and local law enforcement officers already have full, independent authority to enforce ORC 959 and do NOT need to be appointed as HSAs to do so.

However, since humane law enforcement often involves impounding animals as evidence and/or to remove them from an environment that is causing suffering, the enforcing agency must have access to a suitable animal shelter to house the species impounded in a humane manner. If the county or local law enforcement agency does not have access to appropriate housing for impounded animals, other arrangements will need to be made in well in advance of impounding any animals. Options include:

- The county dog/animal shelter that is operated by the county dog warden (this may or may not be a suitable option in some counties).
- Entering into a “boarding” agreement with a humane society or other animal shelter that offers appropriate housing for the species of animals that are likely to be impounded. The agreement would need to cover the cost of providing humane housing and care to impounded animals for the duration of each case and include provisions for the disposition of animals after cases have been resolved. Humane societies and other private animal shelters are not obligated to accept animals impounded under ORC 959 by outside agencies or to enter into a contractual arrangement to do so.
- Being appointed as a HSA by the humane society’s board of directors/trustees for the express purpose of allowing the appointed agent to have access to humane society’s animal shelter for the housing of impounded animals. *However, as an agent of the humane society, the law enforcement officer/humane society agent would have to adhere to the humane society’s policies, protocols, practices, and capacity limits for impounding animals.*

County Dog Wardens (ONLY if one or both of the below scenarios apply)

- The county dog warden has been appointed as a HSA by the humane society board of directors/trustees. Depending on circumstances in each county, either the humane society’s or county dog warden’s animal shelter would be used to house impounded animals. *As an agent of the humane society, the dog warden/humane society agent would have to adhere to the humane society’s policies, protocols, practices, and capacity limits for impounding animals whether they are kept at the dog warden’s shelter or the humane society’s shelter.*
- The county dog warden also serves as the county sheriff or a deputy sheriff. Appointment as a HSA is not necessary. The authority to enforce ORC 959 already exists. The issue of appropriate housing for impounded animals will be the same as above.

NOTE: Under ORC 955.12, if a dog warden has reason to believe and can show probable cause that a dog is being treated inhumanely on the premises of its owner, keeper, or harbinger, the warden shall apply to the court of common pleas for a search warrant to enter the premises and impound the dog. However, the law is silent on next steps for filing charges and the disposition of the dog(s) that a dog warden has impounded a dog under this section.

Municipal / Township Animal Control Officers (ACOs) (ONLY if the below applies)

Municipal/Township ACOs may enforce ORC *ONLY* when their local ordinances expressly provide them with this authority. Otherwise, their animal cruelty/neglect authority is limited to the enforcement of their local animal protection ordinances.

Who CANNOT enforce Ohio’s animal cruelty laws under ORC 959?

County Dog Wardens who do not have other law enforcement authority (e.g., deputy or local police) or who have not been appointed as a HSA by a humane society board of trustees/directors.

Other individuals who have attended and successfully completed the HSA training course but do not fall into any category above. Completing the training course alone DOES NOT empower attendees to enforce ORC 959 or make them a HSA upon completion.