

# State of Connecticut



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June 3, 1986

Honorable Kenneth B. Andersen  
Commissioner  
Department of Agriculture  
165 Capitol Avenue  
Hartford, Connecticut 06106

Dear Commissioner Andersen:

On March 7, 1986 the Department of Agriculture Canine Control Division Chief wrote Chief State's Attorney John J. Kelly requesting his interpretation as to the jurisdiction of canine control officers based on two statutes (copy of letter attached). He made the request to the Chief State's Attorney rather than this office based on our advice that since the questions primarily concerned the powers of canine control officers with respect to the enforcement of criminal statutes relating to canine control matters, the State's Attorney's Office was the appropriate office to consider the questions. However, on March 12, 1986, Acting Chief State's Attorney Robert J. Sabo declined to answer this request and referred it to this office. On April 1, 1986, you requested this office to respond to Mr. Intino's letter to the Chief State's Attorney dated March 7, 1986. We will now endeavor to answer the questions raised in his letter to the Chief State's Attorney.

In that letter Mr. Intino questioned the interplay of Conn. Gen. Stat. § 22-328 and § 22-330 and asked whether or not Conn. Gen. Stat. § 22-330 permits canine control officers to make arrests or issue written complaints and summons for the violation of laws relating to dogs and domestic animals which laws are not contained in Chapters 435, 436, and 436a of the Conn. Gen. Stat. The answer to that question is yes.

Section 22-328 authorizes canine control officers to enforce "the provisions of this chapter [435] and chapters 436 and 436a and the enforcement of regulations made by the commissioner." That section of

the statutes gives the canine control officers the power to enforce both the criminal and non-criminal provisions contained in those chapters of the Connecticut General Statutes. For example, pursuant to Conn. Gen. Stat. § 22-328, the State's canine control officers may enforce the following provisions of Chapter 435 which, among others in that chapter, are criminal in nature: Section 22-329 Prevention of cruelty to dogs and other animals; Section 22-349 Unlicensed dogs; Section 22-351 Theft, killing or injury of dog; Section 22-363 Nuisance; Section 22-364 Dogs roaming at large.

However, by virtue of Conn. Gen. Stat. § 22-328, canine control officers are also given enforcement powers beyond the enforcement of the criminal statutes contained in Chapters 435, 436 and 436a of the Connecticut General Statutes. For example, pursuant to Conn. Gen. Stat. § 22-332, canine control officers are authorized to take into custody dogs roaming at large, injured, neglected, abandoned or cruelly treated and impound such dogs. Pursuant to Conn. Gen. Stat. § 22-342, canine control officers are authorized to inspect kennels to insure that they are sanitary and humane. Conn. Gen. Stat. § 22-358 authorizes canine control officers to quarantine dogs which have bitten a person, or issue orders concerning the restraint or disposal of such dogs.

From these examples, it is clear that Conn. Gen. Stat. § 22-328 allows canine control officers to enforce all of the provisions of Chapters 435, 436 and 436a of the Connecticut General Statutes as well as the regulations made by the Commissioner whether the provisions are criminal or non-criminal in nature.

Conn. Gen. Stat. § 22-330, on the other hand, is strictly criminal in nature, and states, in part that canine control officers

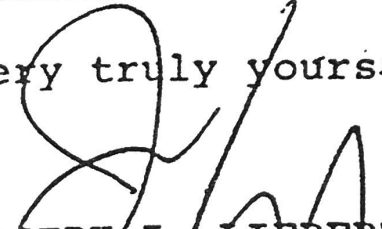
may exercise the same authority to arrest any person and may issue a written complaint and summons in furtherance thereof for any violation of any law relating to dogs or to any domestic animal as sheriffs, police officers or constables may exercise in their respective jurisdictions. (emphasis added)

Honorable Kenneth B. Andersen  
Page 3  
June 3, 1986

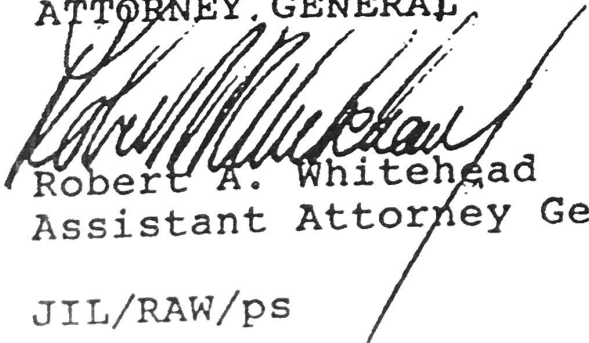
This allows canine control officers to enforce the criminal provisions relative to dogs or to any other domestic animal (those for which complaints and summons may be issued or arrests made) contained in any of the chapters of the General Statutes, including those other than Chapters 435, 436 and 436a. For example, canine control officers have the authority to make an arrest for a violation of Conn. Gen. Stat. § 53-247 (contained in Chapter 495 of the Connecticut General Statutes) for cruelty to any dog or other domestic animal. Similarly, a canine control officer can issue a criminal complaint and summons to a motor vehicle operator for the infraction of failure to report the injury or death of a dog, as required by Conn. Gen. Stat. § 14-226 (contained in Chapter 248 of the Connecticut General Statutes).

To summarize, reading Conn. Gen. Stats. §§ 22-328 and 22-330 together, the jurisdiction of canine control officers is as follows: canine control officers may enforce both the civil and criminal provisions contained in Chapters 435, 436, and 436a of the Connecticut General Statutes; in addition, canine control officers may issue complaints and summons or make arrests for the violations of any animal law relating to dogs or to any other domestic animals contained in any other chapter of the Connecticut General Statutes.

Very truly yours,



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