

TENNESSEE DEPARTMENT  
OF AGRICULTURE

# Livestock Welfare Program

Samantha Beaty, DVM  
Staff Veterinarian  
Program Director

# Title 39 Criminal Offenses

## Chapter 14 Offenses Against Property

### Part 2 Animals

Tenn. Code Ann. § 39-14-211 (2016)

**39-14-211. Examination of livestock by commissioner of agriculture or other persons.**

(a) No entry onto the property of another, arrest, interference with usual and customary agricultural or veterinary practices, confiscation, or any other action authorized by this part or any other law shall be taken in response to an allegation that this part has been violated with regard to livestock unless, prior to or at the time of such action:

(1) The livestock in question has been examined by:

(A) The commissioner of agriculture or the commissioner's duly authorized agent trained to conduct livestock cruelty examinations;

(B) A graduate of an accredited college of veterinary medicine specializing in livestock practice; or

(C) A graduate of an accredited college of agriculture with a specialty in livestock; and

(2) Upon examination of the livestock, the commissioner, commissioner's agent, or graduate has probable cause to believe that a violation of this part has occurred with regard to the livestock.

(b) If a person authorized by this section to make a probable cause examination of livestock does not examine the livestock within twenty-four (24) hours of receiving the allegation, a licensed veterinarian may make the inspection, and the veterinarian's findings shall be afforded the same presumption and effect as an examination conducted by a person authorized pursuant to subsection (a).

**"Livestock" means all equine as well as animals that are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry.**

# TDA Protocol

-Livestock Cruelty Allegation/Complaint received into the livestock welfare website.

-TDA representative forwards allegation form to local law enforcement and makes itself available to assist with animal examination

*Anonymous complaints and 3<sup>rd</sup> Party complaints will NOT be pursued by the Tennessee Department of Agriculture and should be referred directly to local law enforcement*

- Limited number of staff we can dispatch
- Eliminates many spurious complaints



-If local law enforcement requests TDA assistance with animal examination, TDA field inspector will arrange ***to accompany*** the requesting authority for purpose of conducting animal examination



# Livestock owner must consent to examination of premises and/or animal

1- Livestock owner consents to examination of animal and/or premises

TDA inspector performs inspection

Determination completed by state veterinarian's office

2- Livestock owner does not consent to examination of animal/and or premises

TDA inspector follows direction of local law enforcement who may choose to:

-obtain search warrant

-close investigation



What are we looking for?

\*Body Condition Scores

1. - horses 1-9
2. - beef cattle 1-9
3. - dairy cattle 1-9
4. - sheep and goats 1-5
5. - swine 1-5

\*Proper shelter from the elements

\*Appropriate forage and feed sources and quantities

\*Clean water source

\*Appropriate and timely care

regular monitoring and feeding

veterinary care

-feet trimming, deworming, vaccination

## By the numbers:

- 149 complaints received
- 16 probable cause determinations
- 1 case is being prosecuted at this time

# Complaints per county 4/1/2016-8/26/2016

County	Complaints
BEDFORD	4
BLOUNT	2
BRADLEY	5
CANNON	1
CARTER	4
CHESTER	4
CROCKETT	3
CUMBERLAND	10
DEKALB	4
FRANKLIN	1
GIBSON	3
GILES	2
GRAINGER	1
GREENE	10
HAMBLÉN	1
HARDEMAN	2
HAYWOOD	1
HOUSTON	1
HUMPHREYS	1
JACKSON	1
JEFFERSON	2
KNOX	3
LAUDERDALE	4
LAWRENCE	1
LINCOLN	4
MACON	3
MARION	1
MARSHALL	2
MAURY	1
MCMINN	3
MCNAIRY	2
MEIGS	1
MONROE	2
MONTGOMERY	1
MORGAN	1
OVERTON	1
PICKETT	1
PUTNAM	2
ROANE	1
ROBERTSON	2
RUTHERFORD	4
SEQUATCHIE	1
SEVIER	15
SHELBY	1
SMITH	1
SULLIVAN	12

## **Complaints Per Species 4/1/2016 - 8/26/2016**

<b>Animal Type</b>	<b>Complaints</b>
Horse	110
Cattle	19
Poultry	10
Goat	11
Pig	11
Other Livestock	15
<b>Total</b>	<b>176</b>

# What happens once inspection is complete?

**No probable cause** - but there are some issues with condition and care  
Recommendations are made by state veterinarian  
-Re-inspection performed in 1 day to 1 week

**Probable cause**

Decision belongs to local law enforcement  
-Prosecution- Seizure / Feed in place  
-Surrender  
-Choose to give owner window of time to improve conditions  
and re-inspect

# Enforcement Through Education

## Benign Neglect / Ignorance

Owners with animals that are not in ideal body condition or environmental conditions are given recommendations to improve care

1. referred to licensed veterinarians for examinations and to address any health/medical issues
2. referred to extension for pasture management, husbandry education and refeeding plans

# Animal Seizure

Discretion of the county to seize animals

Most counties not adequately equipped financially to seize animals

- The seized animal must be held until the case is decided, this could take months...
- even after holding the animals, there is no guarantee of a win

# Feed in place

\*\*\*Rescues

- Accept *surrendered* animals
- Rescues must keep information confidential to protect integrity of pending legal cases  
(avoid use of animal photos/story on social media, etc.)





The horse in the 2 photos was diagnosed with EPM , and allowed to decline to a point that is considered unacceptable. There was no food or water available at the inspection.



This horse was euthanized the next day per our recommendations



Original exam

2 months later after being moved to new pasture, veterinary exam, dental care and deworming





# Original inspection







Re-inspection 14 days







Terry Anne and Woody 4/27/16





Terry Anne and Woody 5/31/16





Terry Anne

Primary Goal: Welfare of the Animals