

Clearinghouse Rule 99-085

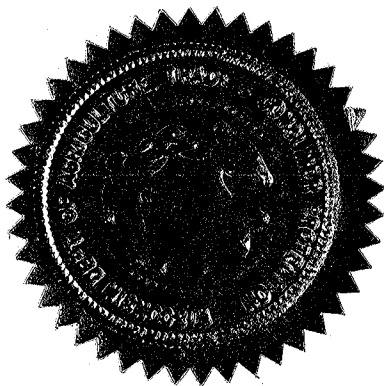
STATE OF WISCONSIN )  
DEPARTMENT OF AGRICULTURE, ) Docket No. 98-R-8  
TRADE AND CONSUMER PROTECTION )

CERTIFICATION:

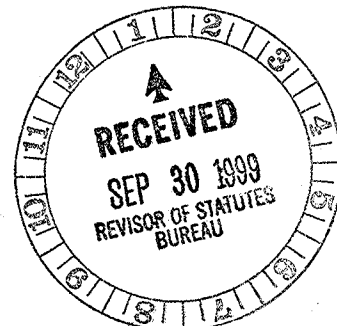
I, Ben Brancel, Secretary of the Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of the department, hereby certify that the attached rulemaking order relating to humane officer training and certification was signed and adopted by the department on September 28, 1999.

I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

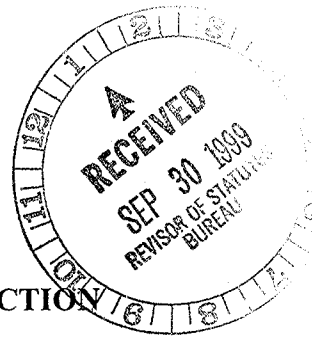
Signed and sealed at Madison, Wisconsin this 29th day of September, 1999.



By Ben Brancel  
Ben Brancel, Secretary



12-7-99



**ORDER OF THE STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
ADOPTING RULES**

- 1 The Wisconsin department of agriculture, trade and consumer protection adopts the
- 2 following order to create ch. ATCP 15, relating to humane officer training and
- 3 certification.

---

**Analysis Prepared by the Department of Agriculture,  
Trade and Consumer Protection**

Statutory authority: s. 173.27, Wis. Stats.

Statutes interpreted: ss. 173.03(1), 173.05, and 173.27, Wis. Stats.

This rule establishes minimum training and certification requirements for humane officers, as required by s. 173.27, Stats. The department developed this rule in consultation with an advisory committee that included representatives of the livestock industry, the equine industry, dog interests, law enforcement agencies, current humane officers, public health agencies, humane societies, veterinarians, and livestock truckers.

**Humane Officer Certification**

1997 Wis. Act 192 modernized the administration of Wisconsin's animal welfare laws. The legislation clarified the authority of humane officers, provided a wider range of options for dealing with animal welfare problems, and assured "due process" for affected animal owners. The legislation also required the department to certify humane officers. To be certified, humane officers must complete an examination and meet training requirements established by the department.

This rule requires a humane officer to be certified within one year after the humane officer is appointed, or by December 1, 2000, whichever is later. A humane officer must satisfy applicable training requirements and pass an examination before the humane officer is initially certified. A certified humane officer must satisfy continuing education requirements and must renew his or her certification every 2 years. No examination is required to renew a certification.

## **Initial Certification**

A person wishing to be certified as a humane officer must do all the following:

- Complete an initial training program sponsored or approved by the department. (There are some exceptions.)
- Pass an examination.
- Submit an application that includes all the following:
  - \* The applicant's name, address and telephone number.
  - \* The identity of the applicant's employer if the applicant is currently employed as a humane officer.
  - \* The date on which the applicant passed the examination required for initial certification.
  - \* A fee of \$25.

The department must grant or deny a certification application within 30 days after the department receives a complete application form.

## **Certification Renewal**

A certification expires on December 31 of each odd-numbered year. A humane officer wishing to renew his or her certification must submit a renewal application on a form provided by the department. The renewal application must include all the following:

- The applicant's name, address and telephone number.
- The identity of the applicant's employer if the applicant is currently employed as a humane officer.
- A renewal fee of \$25.
- Information showing that the applicant has satisfied applicable continuing education requirements. The information must identify and describe the continuing education programs attended.

A humane officer must complete 32 hours of continuing education during each biennium for which the humane officer is certified. (This requirement does not apply during the biennium for which the person is initially certified.) The department does not pre-

approve continuing education programs. However, the department may refuse to accept a continuing education program that is unrelated to a humane officer's duties.

### **Examination**

Under this rule, a person who wishes to be certified as a humane officer must pass an examination administered by the department. (No examination is required for certification renewal.) The examination will test applicants on animal husbandry and care practices, as well as applicable laws and investigative procedures. To pass the examination, an applicant must achieve a passing score on each part of the examination.

A person wishing to take the examination must provide his or her name, address and telephone number, pay a \$25 examination fee, and show that he or she is eligible to take the examination. A person is eligible to take the examination if one of the following applies:

- The person has completed an initial training program (see below). The applicant must identify the training program attended, including the program title, sponsor and dates.
- The person is exempt from initial training (see below).

A person who is exempt from initial training, but who fails the examination, must complete the initial training program before retaking the exam. A person who twice fails the examination may not retake it.

### **Initial Training**

A person must complete an initial training program before taking the humane officer examination, except that the following persons are exempt if they pass the examination on the first attempt:

- A person employed as a humane officer in Wisconsin before December 1, 1999.
- A veterinarian.
- A person who has served as a humane officer in another state.

An initial training program must be sponsored or pre-approved by the department. The department will charge a fee to cover the cost of the initial training program which it sponsors. Other sponsors may apply for approval of their training programs (see below). An initial training program must provide at least 40 hours of training in the following areas:

- At least 16 hours of training in animal husbandry and care practices including the following:
  - \* At least 10 hours of training related to farm animals. A portion of this training must be practical on-site training at a farm location.
  - \* At least 4 hours of training related to domestic non-farm animals.
  - \* At least 2 hours of training related to exotic animals, pet stores, animal collectors or other relevant animal care issues.
  
- At least 24 hours of legal and investigative training including:
  - \* At least 4 hours of training related to the legal system, the role of the animal cruelty investigator, Wisconsin laws related to animals, and other applicable laws.
  - \* At least 4 hours of training related to the rules of evidence, and the collection and preservation of evidence.
  - \* At least 4 hours of training related to interview and interrogation techniques, stages of the investigation and courtroom testimony.
  - \* At least 4 hours of training on search and seizure law, and on photographing, video taping or sketching the scene of the investigation.
  - \* At least 4 hours of training related to report writing.
  - \* At least 4 hours of training related to crisis intervention, humane officer safety and civil liability.

### **Initial Training Programs; Approval**

The sponsor of an initial training program may apply to the department for approval of that training program. The application must include the following information:

- A detailed outline showing the topics covered, the number of hours devoted to each topic, and the content of each topic.
- The identity and credentials of program instructors.
- The training location, including the location of any on-site farm training.

- A copy of the certificate that the sponsor will provide to persons who successfully complete the course, and the identity of each person authorized to sign certificates for the sponsor.

The department must approve or disapprove a training program within 30 days after the department receives a complete application from the program sponsor.

### **Humane Officer Appointments; Reporting**

Under s. 173.27(4), Stats., the department must keep a current registry of all persons serving as humane officers. Under s. 173.03(1), Stats., a county, city, village or town must report to the department whenever that local entity appoints or terminates a humane officer. This rule requires the local entity to file the report in writing within 30 days after it appoints or terminates the humane officer. The report must include all the following.

- The identity of the local entity.
- The name and address of the humane officer.
- The humane officer's certification number if the humane officer is currently certified by the department.
- The date of the humane officer's appointment or termination.

---

1

2 **SECTION 1.** Chapter ATCP 15 is created to read:

3

#### **CHAPTER ATCP 15**

4

#### **HUMANE OFFICER TRAINING AND CERTIFICATION**

5

**ATCP 15.01 Definitions.** In this chapter:

6

(1) "Department" means the Wisconsin department of agriculture, trade and

7

consumer protection.

8

(2) "Humane officer" means a person appointed under s. 173.03, Stats., to

9

exercise powers or carry out duties identified under s. 173.07, Stats.

10

(3) "Law enforcement officer" has the meaning given in s. 165.85(2)(c), Stats.

11

(4) "Political subdivision" has the meaning given in s. 173.01(3), Stats.

12

(5) "Veterinarian" means a person licensed under ch. 453, Stats.

1           **ATCP 15.02 Initial certification.** (1) CERTIFICATION REQUIRED. No person  
2 may serve as a humane officer unless the department certifies that person within one year  
3 after the person is appointed or by December 1, 2000, whichever is later.

4           **NOTE:** Subsection (1) does not require a law enforcement officer to be appointed  
5 or certified as a humane officer in order to enforce laws related to animals.  
6 But if a law enforcement officer or other person is appointed as a humane  
7 officer under s. 173.03, Stats., he or she must be certified as a humane  
8 officer.

9  
10           (2) CERTIFICATION STEPS. A person who wishes to be certified as a humane  
11 officer shall do all the following:

- 12           (a) Complete the initial training program under s. ATCP 15.06, if required.
- 13           (b) Pass the examination required under s. ATCP 15.08.
- 14           (c) Submit an application as provided in sub. (3).

15           (3) APPLICATION FORM. A person applying for certification under sub. (1) shall  
16 submit an application on a form provided by the department. The application shall  
17 include all the following:

- 18           (a) The applicant's name, address and telephone number.
- 19           (b) The identity of the applicant's employer if the applicant is currently employed  
20 as a humane officer.
- 21           (c) The date on which the applicant passed the examination required under s.  
22 ATCP 15.08.
- 23           (d) A fee of \$25.

24           **NOTE:** You may obtain a certification application form from the department at  
25 the following address:

26  
27           Wisconsin Department of Agriculture, Trade and Consumer Protection  
28           Animal Health Division

1 P. O. Box 8911  
2 Madison, WI 53708-8911  
3 Phone (608) 224-4872

4 (4) ACTION ON CERTIFICATION APPLICATION. The department shall grant or deny  
5 a certification application within 30 days after the department receives a complete  
6 application under sub. (3).

7 **ATCP 15.04 Continuing certification.** (1) CERTIFICATION EXPIRATION. A  
8 humane officer's certification expires on December 31 of each odd-numbered year. A  
9 humane officer who fails to renew his or her certification may not continue to serve as a  
10 humane officer.

11 (2) CERTIFICATION RENEWAL. A humane officer may apply to renew his or her  
12 certification using a form provided by the department. A renewal application shall  
13 include all the following:

14 (a) The applicant's name, address and telephone number.

15 (b) The identity of the applicant's employer, if the applicant is currently  
16 employed as a humane officer.

17 (c) A renewal fee of \$25.

18 (d) Information showing that the applicant has satisfied the continuing education  
19 requirement under sub. (3). The application shall include the following information  
20 related to each continuing education program attended:

21 1. The program title and sponsor.

22 2. The program dates.

23 3. The program instructors.

24 4. The number of hours of instruction time attended.



1           5. A program description provided by the program sponsor. Alternatively, the  
2 applicant may describe the program and explain why it is relevant to his or her duties as a  
3 humane officer.

4           **NOTE:** You may obtain a renewal application form from the department at the  
5 following address:

6  
7           Wisconsin Department of Agriculture, Trade and Consumer Protection  
8           Animal Health Division  
9           P. O. Box 8911  
10          Madison, WI 53708-8911  
11          Phone (608) 224-4872

12          (3) CONTINUING EDUCATION REQUIRED. (a) A humane officer shall complete 32  
13 hours of continuing education during each biennium for which the humane officer is  
14 certified. This requirement does not apply during the biennium for which the humane  
15 officer is initially certified.

16          (b) Continuing education programs need not be pre-approved by the department.  
17 The department may refuse to accept a continuing education program in fulfillment of the  
18 requirement under par. (a) if the department finds that the program is unrelated to humane  
19 officer duties.

20          **ATCP 15.06 Initial training.** (1) TRAINING REQUIRED. Except as provided in  
21 sub. (2), a person shall complete an initial training program before taking the examination  
22 under s. ATCP 15.08.

23          (2) TRAINING EXEMPTIONS. Subsection (1) does not apply to any of the following  
24 persons, unless that person has previously failed an examination under s. ATCP 15.08:

25          (a) A person employed as a humane officer in Wisconsin before December 1,  
26 1999.

1 (b) A veterinarian.

2 (c) A person who has served as a humane officer in another state.

3 (3) TRAINING PROGRAM; GENERAL. The department shall sponsor the initial  
4 training program under sub. (1) or shall pre-approve that training program in accordance  
5 with sub. (6). The training program shall include animal husbandry and care training  
6 under sub. (4) and legal and investigative training under sub. (5). The department may  
7 charge a fee to cover the cost of a training program which it sponsors.

8 (4) ANIMAL HUSBANDRY AND CARE TRAINING. (a) An initial training program  
9 shall include at least 16 hours of animal husbandry and care training. This shall include  
10 all the following:

11 1. At least 10 hours of training related to farm animals. A portion of the training  
12 shall be on-site practical training at a farm location.

13 2. At least 4 hours of training related to domestic non-farm animals.

14 3. At least 2 hours of training related to exotic animals, pet stores, animal  
15 collectors or other relevant animal care issues.

16 (b) The training required under par. (a) shall include topics such as the following:

17 1. Common animal husbandry practices.

18 2. Nutrition and health basics, including body conditioning scoring.

19 3. Facilities and biosecurity.

20 4. Animal behavior, personal and animal safety, and animal handling and related  
21 equipment.

22

1 (5) LEGAL AND INVESTIGATIVE TRAINING. An initial training program shall  
2 include at least 24 hours of legal and investigative training, including all the following:

3 (a) At least 4 hours of training related to the legal system, the role of the animal  
4 cruelty investigator, Wisconsin laws related to animals, and other applicable laws.

5 (b) At least 4 hours of training related to the rules of evidence, and the collection  
6 and preservation of evidence.

7 (c) At least 4 hours of training related to interview and interrogation techniques,  
8 investigative stages and courtroom testimony.

9 (d) At least 4 hours of training related to search and seizure, and photographing,  
10 video taping or sketching the investigation scene.

11 (e) At least 4 hours of training related to report writing.

12 (f) At least 4 hours of training related to crisis intervention, humane officer safety  
13 and civil liability.

14 (6) TRAINING PROGRAMS; APPROVAL. (a) The department may approve an initial  
15 training program at the request of the program sponsor. The sponsor shall submit the  
16 request in writing and shall include all the following:

17 1. A detailed program outline showing the topics covered, the number of hours  
18 devoted to each topic, and the content of each topic.

19 2. The identity and credentials of the program instructors.

20 3. The training locations, including the location of any on-site farm training.

21 4. A copy of the certificate the sponsor will present to persons who successfully  
22 complete the course, and the name of each person authorized to sign the certificate on  
23 behalf of the sponsor.

1 (b) The department shall approve or disapprove an initial training program within  
2 30 days after it receives all of the information under par. (a). The department shall  
3 disapprove a training program that fails to comply with applicable requirements under  
4 this section.

5 **ATCP 15.08 Initial examination.** (1) EXAM REQUIRED. The department may  
6 not certify any person as a humane officer unless that person passes an examination  
7 administered by the department. No examination is required for the timely renewal of an  
8 existing certification.

9 (2) APPLYING TO TAKE EXAM. A person may apply to the department to take an  
10 examination under sub. (1). The person shall apply on a form provided by the department  
11 and shall include all the following:

- 12 (a) The person's name, address and telephone number.
- 13 (b) A \$25 examination fee.
- 14 (c) The dates, if any, on which the person has previously taken the examination.
- 15 (c) Documentation required under sub. (3).

16 **NOTE:** You may obtain an exam application form from the department at  
17 the following address:

18  
19 Wisconsin Department of Agriculture, Trade and Consumer Protection  
20 Animal Health Division  
21 P. O. Box 8911  
22 Madison, WI 53708-8911  
23 Phone (608) 224-4872

24 (3) EXAM ELIGIBILITY. A person applying to take an examination under sub. (2)  
25 shall document in writing one of the following:

1 (a) That the person has completed the initial training required under s. ATCP  
2 15.06(1). The person shall include the title and sponsor of the initial training program  
3 and the dates on which the person attended the initial training program.

4 (b) That the person qualifies for the training exemption under s. ATCP 15.06(2).

5 (4) EXAM CONTENTS. An examination under sub. (1) shall test knowledge in all  
6 the following areas:

7 (a) Animal husbandry and care practices.

8 (b) Applicable laws and investigative procedures.

9 (5) PASSING SCORE. To pass an examination under sub. (1), a person shall  
10 achieve a passing score on each exam portion identified in sub. (4).

11 (6) RETAKING EXAMINATION. (a) A person initially exempt from training under  
12 s. ATCP 15.06(2) may not retake an examination under sub. (1) unless that person first  
13 completes the initial training program under s. ATCP 15.06.

14 (b) A person who twice fails an examination under sub. (1) may not retake it.

15 **ATCP 15.10 Humane officer appointment or termination; report.** A political  
16 subdivision shall notify the department in writing whenever the political subdivision  
17 appoints or terminates a humane officer. The political subdivision shall give the notice  
18 within 30 days after the appointment or termination occurs. The notice shall include all  
19 the following:

20 (1) The identity of the political subdivision.

21 (2) The name and address of the humane officer.

22 (3) The humane officer's certification number if the humane officer is currently  
23 certified under this chapter.

1 (4) The date of the appointment or termination.

2 **EFFECTIVE DATE:** This rule shall take effect on the first day of the month

3 following publication in the Wisconsin administrative register as provided in s.

4 227.22(2)(intro.), Stats.

Dated this 28<sup>th</sup> day of September, 1999.

**STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE  
AND CONSUMER PROTECTION**

By: 

Ben Brancel, Secretary