

## Animal Control Officers

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### Issue

This report provides an overview of the Connecticut statutory requirements for and responsibilities of animal control officers (ACOs). It also discusses whether they are police officers or peace officers under state law. (This report replaces OLR Report [2016-R-0111](#).)

The Office of Legislative Research is not authorized to provide legal opinions and this report should not be considered one.

### Summary

In Connecticut, there are generally three types of ACOs: state, municipal, and regional. By law, the state agriculture commissioner must appoint a chief state ACO, an assistant chief state ACO, up to 12 state ACOs, and as many regional ACOs and assistants as necessary to enforce relevant laws and regulations ([CGS § 22-328](#)).

Absent an interlocal or regional agreement, each municipality must have a municipal ACO who, for municipalities with more than 25,000 people, must be full-time. Municipalities may appoint as many assistants as necessary to administer and enforce the laws on dogs and other domestic animals ([CGS § 22-331](#)). A municipal ACO may be removed by his or her appointing authority or the agriculture commissioner ([CGS § 22-335](#)).

The law authorizes regional councils of governments and municipalities acting jointly to make appointments on a municipality's behalf for municipal functions that are subject to a shared services or regional services agreement, including ACO appointments ([CGS § 7-148rr](#)). A separate

law allows two or more towns, each with fewer than 50,000 people, to agree to be served by a regional ACO ([CGS § 22-331a](#)). Additionally, municipalities and regional animal control facilities may appoint a temporary ACO from another municipality or region for up to 90 days ([CGS § 22-331](#)).

Under existing law, no one may begin serving as a state, municipal, or regional ACO unless he or she (1) completes at least 80 hours of initial ACO training and receives a certificate of completion from the agriculture commissioner or (2) provides the commissioner an affidavit agreeing to complete the training within one year of starting as an ACO. The initial training requirement applies only to ACOs who begin serving in that role on or after July 1, 2012. People serving as ACOs before that date are not required to complete the initial ACO training. But by law, all ACOs (regardless of start date) must annually complete at least six hours of continuing education training ([CGS § 22-328](#)).

Among other things allowed by law, ACOs may act to prevent acts of cruelty against animals, take into custody neglected or cruelly treated animals, and arrest people for violating any law relating to domestic animals ([CGS §§ 22-329](#), [22-329a](#) & [22-330](#)). Table 1 below briefly summarizes ACOs' statutory responsibilities.

As explored in OLR Report [2021-R-0107](#), whether an ACO is considered a police officer or peace officer under a state law depends on an ACO's status and the specific language of the statute. While state law provides definitions for "police officer" and "peace officer" ([CGS §§ 7-294a\(9\)](#) & [53a-3\(9\)](#), respectively) that are commonly used in many statutes, there are also many other laws that use the terms without expressly defining them (see, e.g., [CGS §§ 7-294s](#) & [19a-406](#)). Neither of the statutory definitions expressly include ACOs. However, as stated in the above referenced report and based on past attorney general opinions, all ACO types seem to be "police officers" as defined in [CGS § 7-294a\(9\)](#) and municipal ACOs in police departments appear to be "peace officers" under [CGS § 53a-3\(9\)](#).

## ACO Training Requirements

The law requires the agriculture commissioner to prescribe the ACO training standards and curriculum, which must include the following topics:

1. animal identification;
2. state laws governing animal control, protection, and cruelty;
3. animal health and disease recognition, control, and prevention;

4. the humane care and treatment of animals;
5. animal care and control standards in an animal shelter;
6. animal transportation standards and procedures;
7. principles and procedures for capturing and handling stray domestic animals and wildlife, including how to deter an animal from biting;
8. first aid for injured animals;
9. documenting animal cruelty evidence and courtroom procedures;
10. animal shelter operations and administration;
11. animal spaying, neutering, microchipping, and adoption;
12. communications and public relations;
13. search warrants and affidavits;
14. ACO civil liability;
15. crisis intervention and officer safety; and
16. other topics related to animal control and animal shelter personnel ([CGS § 22-328\(d\)](#)).

Upon completing the training, a person must give the commissioner evidence of completing the program and the commissioner must issue the person a certificate of completion ([CGS § 22-328\(e\)](#)).

Additionally, the law requires the Department of Children and Families commissioner, within available appropriations, to make available to all ACOs training on accurately and promptly identifying and reporting child abuse and neglect ([CGS § 17a-100b](#)).

### ACOs’ Statutory Responsibilities

Table 1 below summarizes the responsibilities and authority granted to ACOs by state law.

Table 1: ACO Statutory Responsibilities

Citation (CGS §)	Brief Summary
<a href="#">20-204b</a>	Veterinarians must report to ACOs on suspected animal fighting.
<a href="#">22-329</a>	ACOs may act to prevent cruelty against animals.

**Table 1 (continued)**

Citation (CGS §)	Brief Summary
<a href="#">22-329a</a>	ACOs may take physical custody of any animal they have reasonable cause to believe is in imminent risk of harm and is neglected or cruelly treated in violation of state animal cruelty laws. If physical custody is not taken, but the ACO has reasonable cause to suspect neglect or cruel treatment, the ACO may petition the court for appropriate action for the animal's welfare, including physical removal and temporary care and custody or an order to require the animal's owner to provide necessary care for the animal.
<a href="#">22-329b</a>	ACOs with reasonable cause to suspect a harmed, neglected, or cruelly treated animal or who file a petition with the court about an animal's welfare must report to the agriculture commissioner within 48 hours.
<a href="#">22-330</a>	ACOs may arrest a person and issue a written complaint and summons for violating any law relating to dogs or other domestic animals in the same way that police officers or constables can in their jurisdictions.
<a href="#">22-332</a>	<p>ACOs are responsible for enforcing chapter 435 of the general statutes (the laws on companion animals, kennels, and pet shops) and diligently investigating violations.</p> <p>ACOs may impound roaming dogs, dogs without required tags, dogs not confined in accordance with rabies regulations, or any injured or mistreated dogs or other domestic animals. ACOs must notify the animal's owner or keeper, if known, or place information in public newspapers, websites, or with animal rescue organizations. If an animal is not claimed within seven days, an ACO may have a veterinarian spay or neuter the animal and the ACO may sell the unclaimed animal as a pet. An ACO must have animals that remain unclaimed humanely euthanized.</p> <p>ACOs will not be held civilly liable for these actions unless they are performed in a wanton, reckless, or malicious manner.</p>
<a href="#">22-332a(b)</a>	ACOs may not sell, give, or transfer an unclaimed impounded dog to an animal dealer.
<a href="#">22-332d</a>	An ACO for a municipality that has adopted an ordinance about feral cats may impound cats that are causing an unsanitary, dangerous, or unreasonably offensive condition. The ACO must notify the cat's owner or keeper, if known, of its impoundment or place information in a public newspaper. If a cat is not claimed by its owner within seven days, the ACO may have a veterinarian spay or neuter the cat and the ACO may sell the unclaimed cat as a pet. An ACO must have a cat that remains unclaimed mercifully killed.
<a href="#">22-333</a>	With respect to releasing impounded animals, no animal seized for causing damage to domestic animals or poultry under <a href="#">CGS § 22-355</a> may be released except upon written order by an ACO or the agriculture commissioner.
<a href="#">22-334</a>	Municipal ACOs must submit a monthly report on the performance of their duties to the agriculture commissioner and the chief administrative officer for the town or region they serve.
<a href="#">22-336</a>	The agriculture commissioner may have dog pounds and other facilities where impounded animals are housed inspected. Within 30 days after receiving an inspection report, an ACO must give a copy of the report to the municipality's chief elected official and the ACO's applicable police department or supervisor.
<a href="#">22-339b</a>	For dogs and cats that have bitten a person or another animal, veterinarians must provide to an ACO, upon request, a copy of the vaccination certificate and records.

**Table 1 (continued)**

Citation (CGS §)	Brief Summary
<a href="#">22-339c</a>	Dog and cat owners must provide an ACO an animal's rabies vaccination certificate upon request. ACOs may also receive a copy of these certificates from an anti-rabies clinic upon the ACO's request.
<a href="#">22-339d</a>	ACOs must provide information regarding the proper care and management of feral cats to registrants in a municipality that has adopted an ordinance about feral cats.
<a href="#">22-342(c)</a>	ACOs may inspect local kennel facilities within their jurisdiction annually or upon receipt of a complaint. If an ACO finds conditions exist at a kennel that may adversely affect the health, safety, or welfare of any dog, the ACO may issue orders necessary to correct the conditions. If the ACO suspects a communicable or infectious disease is present, the ACO may order the kennel licensee to consult a veterinarian at his or her own expense to address the suspected health condition.
<a href="#">22-349</a>	Municipal and regional ACOs must annually make a diligent search for unlicensed dogs.
<a href="#">22-358</a>	ACOs may kill dogs in the act of biting, attacking, or pursuing animals, poultry, or deer. An ACO who kills a dog under these circumstances must make a complaint about the circumstances of the attack to the municipal or regional ACO of the town where the attack occurred. The ACO who receives the complaint must investigate the attack and report to the chief state ACO. If the investigation shows a person or an animal was bitten or attacked, the ACO may order the dog's restraint or disposal as necessary, after considering certain factors detailed in the law, including the injury's severity.
<a href="#">22-359</a>	ACOs must quarantine any animal suspected of being rabid or bitten by or exposed to an animal expected to be rabid or any wild animal. When a person or animal has been bitten or attacked by a dog, cat, or ferret, ACOs must quarantine the biting or attacking animal for 10 days to observe it for signs of rabies. ACOs may immediately kill any wild animal that appears rabid.
<a href="#">22-359a</a>	By June 1 annually, municipalities may host a low-cost rabies vaccination clinic for dogs and cats in consultation with ACOs. The town clerk or municipal or regional ACO may also license dogs vaccinated at the clinic at the time of vaccination.
<a href="#">22-364</a>	The law prohibits owners or keepers of dogs or livestock from allowing their animals to roam at large on another's land or a public highway when not under their control. ACOs may seek an order enforcing the law, including an injunction, from the Superior Court in the judicial district in which an animal is found roaming.
<a href="#">22-367</a>	ACOs must diligently inquire after, and prosecute for, any violation of any provision of Chapter 435 of the general statutes (concerning dogs and other companion animals).
<a href="#">22-380j</a>	Veterinarians must surrender to an ACO any dog or cat who was submitted for spaying or neutering and was not retrieved by the person submitting the animal.

## Statutory Definitions of Police Officers and Peace Officers

Under [CGS § 7-294a\(9\)](#), “police officers” are sworn members of an organized local police department or the State Police; appointed constables who perform criminal law enforcement duties; special police officers appointed under law (e.g., public assistance fraud investigators); or any members of a law enforcement unit who perform police duties. A “law enforcement unit” is any state or municipal agency or department (or tribal agency or department created and governed

under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime ([CGS § 7-294a\(8\)](#)).

As detailed in OLR Report [2021-R-0107](#), the attorney general's office previously reviewed these definitions, noting that they do not define what "primary functions" or "police duties" are. However, the office has interpreted "primary functions" as including those which are objectively integral to the proper performance of the unit's overall duties and responsibilities. Additionally, the office has construed that "police duties" encompass one or more of the following activities: (1) enforcing criminal or traffic laws; (2) preserving public order; (3) protecting life or property; and (4) preventing, detecting, or investigating crime (i.e., bringing the examples listed in the "law enforcement unit" definition into the one for "police officer"). Based on this understanding, the attorney general's office seems to consider ACOs police officers and their departments law enforcement units under the above definitions ([Atty. Gen. Op. 1993-028](#); see also [Atty. Gen. Op. 2013-006](#)).

As for "peace officers," the statutory definition designates the following individuals:

1. state and local police,
2. Division of Criminal Justice inspectors,
3. state marshals exercising statutory powers,
4. judicial marshals performing their duties,
5. conservation or special conservation officers,
6. constables who perform criminal law enforcement duties,
7. appointed special police officers,
8. adult probation officers,
9. Department of Correction officials authorized to make arrests in a correctional institution or facility,
10. investigators in the State Treasurer's Office,
11. certified Department of Motor Vehicles inspectors,
12. U.S. marshals and deputy marshals,
13. U.S. special agents authorized to enforce federal food and drug laws, and

14. certified police officers of a law enforcement unit created and governed under a state-tribal memorandum ([CGS § 53a-3\(9\)](#)).

Since certain municipal ACOs are by law or practice members of their municipality's police department (see OLR Report [2021-R-0107](#)), it appears they are considered "peace officers" under the above definition.

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