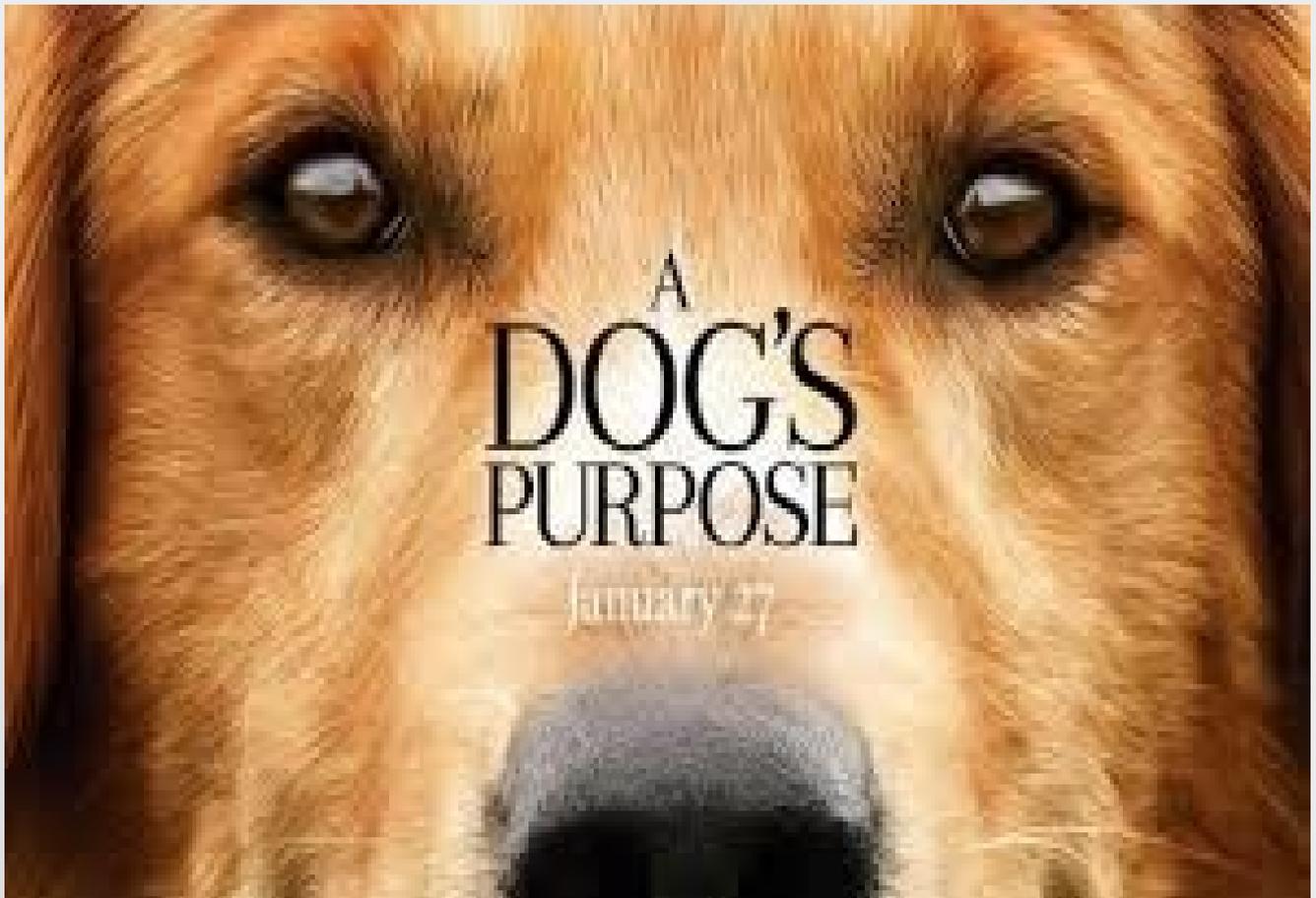


# Brazilian Laws against Animal Abuse



# Animal Abuse

## Brazilian Laws against Animal Abuse

ethos\_psicologia\_animal\_contra\_maus\_tratos\_animais\_mental\_adestramento\_caes\_cachorros\_helena\_truksa-212x300 DECRETO LAW n ° 24,645 of 1934 - Establishes measures of Protection to the Animals.

Art. 1 - All animals in the country are protected by the State.

Article 3 - Ill-treatment is considered:

I - To practice an act of abuse or cruelty in any animal.

II - Keep animals in unhygienic places or that prevent their breathing, movement or rest, or deprive them of air or light [...]

Art. 16 - The federal, state and municipal authorities will provide the members of animal protection societies with the necessary cooperation to enforce this Law.

Art. 17 - The animal world, of the present Law, includes every irrational being, quadruped or biped, domestic or wild, except the harmful ones.

See the Law in full:  
[www6.senado.gov.br/legislacao/ListaPublicacoes.action?id=39567](http://www6.senado.gov.br/legislacao/ListaPublicacoes.action?id=39567)

CONSTITUTION OF THE FEDERATIVE REPUBLIC OF BRAZIL, 1988

Art. 225. [...] § 1 [...] it is incumbent upon the public authority: VII - protect fauna and flora, prohibited by law, practices that jeopardize their ecological function, cause extinction of species or subject animals to cruelty.

Art. 225 -  
[www.senado.gov.br/legislacao/const/con1988/CON1988\\_5\\_.shtm](http://www.senado.gov.br/legislacao/const/con1988/CON1988_5_.shtm)

Constitution in full -  
[www.planalto.gov.br/ccivil\\_03/constituicao/constitui%C3%A7ao.htm](http://www.planalto.gov.br/ccivil_03/constituicao/constitui%C3%A7ao.htm)

Law No. 9,605 of 1998 - FEDERAL LAW OF ENVIRONMENTAL CRIMES

Art. 32 - Practicing an act of abuse, ill-treatment, injuring or maiming wild, domestic or domesticated animals, native or exotic: Penalty - detention, from three months to one year, and fine. § 1 It is incumbent on the same penalties whoever performs painful or cruel experience in a living animal, even if for educational or scientific purposes, when there are alternative resources. Paragraph 2. The penalty is increased from one sixth to one third if the animal's death occurs.

See the Law in full:  
[www.planalto.gov.br/ccivil\\_03/Leis/L9605.htm](http://www.planalto.gov.br/ccivil_03/Leis/L9605.htm)

LAW No. 5,197 of 1967 - FEDERAL LAW OF WILDLIFE PROTECTION

Art. - Animals of any species, at any stage of their development and living naturally out of captivity, constituting wildlife, as well as their nests, natural shelters and breeding grounds, are the property of the State, prohibited from being used, harassed, destroyed, hunting or gathering.

See the Law in its entirety:  
[http://www.planalto.gov.br/ccivil\\_03/Leis/L5197.htm](http://www.planalto.gov.br/ccivil_03/Leis/L5197.htm)

HOW TO REPORT MAJOR TRAFFIC "Take sides. Neutrality helps the oppressor, never the victim." (Elie Wiesel)

# Animal Abuse

To report a malefactor does not guarantee that the animal has the respect and care it deserves. To do this, you have to act properly.

BEFORE DENOUNCING, ATTEMPT: 1 - talk to the animal's guardian 2 - convince you to treat better 3 - If he does not want it any more, persuade him to seek an adopter 4 - If you can not, be prepared to take the animal for treatment. 5 - If it is a dog or cat and is abandoned in an empty house, rescue it, take it to a veterinarian, vermifugue, castrate, vacine and get a new owner for it through posters, newspaper ads, websites or fairs of adoption. See the List of Veterinarians

See guidelines at the end of this page of Dr. Daniel Braga Lourenço on "How to report abandoned animals in the home"

Therefore, try all possibilities of saving the life of the animal and REPORT IN A DELEGACY if all the possibilities are already exhausted.

THERE IS NO SITE WHERE YOU CAN TAKE DOGS OR ABUSE.

If the animal's suffering touched his heart, if he is on his way, it is his precious opportunity to act for his sake.

ABANDONED OR MISTREATED DOGS AND CATS NEED A NEW SAFE LARGE AND A RESPONSIBLE AND CARINFUL GUARDIAN.

If you can remove the animal from the place where it is abused or are abandoned and uncared for, take it to a veterinarian and collect it at your home or look for a Transitional Home (a friend's or a neighbor's house).

He needs to be in the right place while he recovers and receives the deworming, vaccinating, and castration procedures until he can be referred for adoption.

There are many veterinarians who help people who set out to help dogs and cats.

Look up the local list of veterinarians.

Maltreatment and neglect happen because of lack of information and education about the "Responsible Pet Guard" and because dogs and cats are overpopulated.

It is necessary to charge the Public Power with measures that solve the problem and that must be taken by the responsible authorities through efficient public policies and with adequate public funds: - Castration Campaigns - Educational Campaigns on the "Responsible Pet Guard" - Inspection of illegal trade in dogs and cats (Law 14483/2007) - Punishment of those who mistreat and abandon "What worries me is not the scream of the violent, is the silence of the good. " - Martin Luther King

HOW AND WHERE TO REPORT HOW TO REPORT? Anyone can and should report maltreatment to animals in a Police Station. Read the data of the offender: name and address. witnessed an abandonment made by vehicle, take the car plate number and a copy of the Laws that protect the animals (below).

WHERE TO REPORT? - At any Police Station. See the addresses of the São Paulo Police Districts <http://www.itaimpta.com.br/portal/seguranca/dp.php> or call 190.

# Animal Abuse

PRINT THE FACTS OF THESE LAWS AND SHOW THE FEDERAL LAW DELEGATE 9.605, 1998 - Law of Environmental Crimes .... 32. Practicing an act of abuse, ill-treatment, injuring or maiming wild, domestic or domesticated animals, native or exotic: Penalty - detention, from three months to one year, and fine. cruelty in a living animal, even if for educational or scientific purposes, when there are alternative resources. § 2º The penalty is increased from one sixth to one third, if the animal's death occurs ...

To see the Law in full go to [www.arcabrasil.org.br](http://www.arcabrasil.org.br)  
---DECREE LAW 24.645, of 1934 - Law that defines the mistreatment against animals. The head of the Provisional Government of the Republic of the United States of Brazil, using the powers conferred by Article 1 of Decree no. 19,398, of November 11, 1930, decrees:

Art. 1. - All animals in the country are protected by the State. 2. Anyone who, in a public or private place, applies or causes to be mistreated, shall incur a fine of Cr \$ .. and a prison sentence of 2 to 15 days, whether the offender is the owner or not , without prejudice to the civil action that may fit. Parágr. 1. - At the discretion of the authority that verifies the infraction of the present law, any of the above penalties will be imposed, or both. Parágr. 2. - The penalty to be applied will depend on the seriousness of the offense, in the judgment of the authority. Parágr. 3. - The animals will be assisted in court by the representatives of the Public Prosecutor's Office, their legal substitutes and by the members of the animal protection societies. It is considered maltreatment: I - PRACTICE AN ACT OF ABUSE OR CRUELTY IN ANY ANIMAL; II - Keep animals in unhygienic places or that prevent their breathing, movement or rest, or deprive them of air or light III - Forcing animals to excessive or superior to their forces work and any act that results in suffering for them to get efforts reasonably not you may require but with castigoIV - strike, injure

or voluntarily maim any organ or tissue of the economy, except for castration, only for domestic animals, or other operations practiced for the exclusive benefit of the animal and those required for the defense of man, or in the interest of science, V - Abandon sick animal, wounded, exhausted or mutilated, and to provide him with everything he can provide, including veterinary assistance. ----- CONSTITUTION OF THE FEDERATIVE REPUBLIC OF BRAZIL, 1988 Article 225 - VII - protect fauna and flora, prohibited by law, practices that endanger their ecological function, cause extinction of species or animals to cruelty. --

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# Animal Abuse

IF YOU ARE NOT READY IN THE DELEGACY, PLEASE WRITE THE NAMES OF THE DELEGATE AND YOUR TEAM AND REPORT THE PUBLIC MINISTRY PROMOTING JUSTICE OF THE ENVIRONMENT In. sp.gov.br/Informações on the prosecution www.redegoverno.gov.br

\_\_\_\_\_ ADDRESSES, TELEPHONES, SITES BO - OCCURRENCE OF INTERNET BULLETIN is in the air in the great São Paulo the "Electronic Duty," by which it can be made the hit record, such as lost documents or even car theft etc. By means of this procedure, it is not necessary to go to a police station to register the "Occurrence Bulletin". Just go to <http://www.seguranca.sp.gov.br>, fill in the B.O. on the computer screen and, within 30 minutes, the Police will contact for confirmation of the information provided.

From there, the B.O. available for copying via the printer. SÃO PAULO CITY HALL SP Prefecture have a website where people can make requests of the service, including complaints against ill-treatment of animals: <http://sac.prodam.sp.gov.br/>  
[http://www. \(11\) 3214.6553 POLICE CIVILRua da Consolação, 233311-SP. Phone: \(11\) 3214.6553 POLICE CIVILRua da Consolação, 233311-SP. Phone: \(503\) 3258.4711 - 3231.5536 - 3231.1775- Central São Paulo - 181 POLICE MILITARDisque 190 to find phone numbers and addresses of Policiaisou Districts go <http://www.itaimpta.com.br/portal/seguranca/dp.php>  
AMBIENTAL0800.05.55.190 POLICE POLICE FLORESTALSão Paulo - \(11\) - 221.8699 IBAMALinha Verde - 0800.618080 ELECTRONIC CRIMES - DIG-DEIC4ª Computer Crime Repression Office of São PauloDelegacy specialized in electronic crimes. Presents face-to-face service, by telephone and via the Web.Address: Av. Zack Narchi, 152, Carandiru - São Paulo \(SP\) Phone: 11- 6221.7011 e 6221.7030E-mail: \[4dp.dig.deic@policiacivilSEM-SPAM.sp.gov.br\]\(mailto:4dp.dig.deic@policiacivilSEM-SPAM.sp.gov.br\) CRMV-SP Regional Council of Veterinary Medicine of the State of São PauloRua São Samuel, 193 - CEP 0420-030 \(11\) 5574.7447 Fax \(11\) 5572.9549www.crmv.sp.gov.br \[br.crmv.sp@vipsite.com.br\]\(mailto:br.crmv.sp@vipsite.com.br\) COMPLAINT OF TRAFFICKING OF WILD ANIMALS11- 3066.2633 and 3066](http://www.113214.6553.police.civil.rua.da.consolacao.sp.gov.br/)

2632 Green line - 0800 61 80 80 ENVIRONMENTAL MILITARY POLICE11- 3030.6625 and 3030.7090 SOS FAUNAwww.sosfauna.org RENTAS<http://www.renctas.org>

[//www.renctas.org](http://www.renctas.org)

# Animal Abuse

## DENUNCIATION OF ENVIRONMENTAL CRIMES

### ENVIRONMENTAL MILITARY POLICE -

0800.132060 Hair, Animal Trafficking, Deforestation and requests for assistance for security in rural areas. (11) 5897.2473 - Odete or Cláudia biologists SOS MATA ATLÂNTICA <http://www.sosmatatlantica.org.br/?Seco> = denounce

IBAMA - LINE GREEN - 0800 61 80

80 [www.ibama.gov](http://www.ibama.gov)

### DENUNCIATION OF EVIL

TREATMENT TO SPANISH SP - Angel Horse Project -

coordinated by a volunteer from San Francisco

Yard and SOZED, Cynthia Fonseca takes care of

horses that are seized by the CCZ and seeks

Faithful Keepers. [www.anjosdoscavalos.org.br](http://www.anjosdoscavalos.org.br)

RIO DE JANEIRO Police station specializing in animal mistreatment DEMA - Environmental Protection Office Rua S. Luiz Gonzaga 265 - São Cristóvão Delegado: Rafael Carvalho de Menezes Tels.: (21) 3399.3290 - 3399.3298 - (21) 2589.3133 Fax (21) 3860.9030 - 3860.3293 E-mail: [rafaelcarvalho@pcerj.rj.gov](mailto:rafaelcarvalho@pcerj.rj.gov) Call Sepda's Ombudsman and ask for research on animal maltreatment. (21) 3402.5417 This generates a protocol and they mand am a local representative ... RIO GRANDE DO SUL If there is an emergency or flagrant, call 190. In Porto Alegre, call the Environmental Battalion: (51) 3288.5146 / 3339.4219 / 3339.4568 Maltreatment against CAVALOS - call EPTC: 118 If not flagrant, record the occurrence at the Civil Police Station or at the Military Brigade Unit closest to the scene of the crime. Campinas DELEGACIA DOS ANIMAIS (new address) Rua Odila Maia Rocha Brito, 08 - Bairro Nova Campinas (behind the Labor Court) Telephone (19) 3254.2633

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## HOW TO PROCEED A DENUNCIATION.

Maria Cristina Azevedo Urquiola - advocate <http://www.familiaanimal.siteonline.com.br/interna.jsp?Lnk=18708> A brief study of how to treat in the police station to report maltreatment to animals and obtain the T.C. or B.O. \* T.C. => TERM CIRCUNSTANCIADO - crimes whose sentences are less than 1 year, according to Law 9095/95. \*\* B.O. =>

# Animal Abuse

BULLETIN OF OCCURRENCE - crimes with a penalty above 1 year If you see or know of animal misconduct such as: - keeping animal locked in small places or keeping it permanently in chains - animal poisoning - keeping animal in an unhygienic place - striking, mutilating an animal - using animals at shows that may cause panic or stress - physical aggression of a defenseless animal - abandonment of animals - not seeking a veterinarian if the animal becomes ill. [...] => see art. 3º of Federal Decree 24.645 / 34, which typifies maltreatment DO NOT THINK TWICE, GO TO THE NEAREST DELEGACY TO LAVRATE

BULLETIN OF OCCURRENCE. The denunciation of ill-treatment is legitimized by Art. 32 of Federal Law No. 9,605 of 1998 (Law of Environmental Crimes). (\*) LAW No. 9605 of 12/02/1998 - Environmental Crimes Law CHAPTER V - CRIMES AGAINST THE ENVIRONMENT Art. 32 - To commit acts of abuse, mistreatment, injury or mutilation of domestic, domesticated or domesticated wild animals or exotic: Penalty - detention, from three months to a year, and fine. § 1º It is incumbent on the same penalties who performs painful or cruel experience in living animal, even if for educational or scientific purposes, when there are alternative resources. is increased from one sixth to one third if animal death occurs.

Pay attention to this tip: take with you the number of Federal Law 9605/98, art. 32, because the police authority may not know the Law, or download via the Internet the whole of the law to hand it to the police station. As soon as the Registrar listens to his account of the crime, he must initiate a police investigation or draw up a Circumstantiated Term. If he refuses to do so, under any pretext, remind him that he may be held liable for a crime of prevarication, provided for in art. 319 of the Criminal Code (delaying or failing to improperly perform an official act, or practicing it against an express provision of law, to satisfy personal interest or feeling). Take that article also in writing on that same piece of paper. (\*\*) Perhaps the Registrar will try to bar your access to the Delegate. Claim your rights: ask to speak with the Delegate! He has a duty to serve you and the duty to do comply with the law. Remember that you are the one who pays the salary of these employees with their taxes. Say that in Brazil, animals are "subjects of rights", since they are represented in court by the Public Prosecution Service or by representatives of animal protection societies (§3, article 2 of Decree 24.645 / 34) and that, if the federal norm provided that they are subjects of rights, it is the obligation of the local authority to enforce federal law (No. 9605, Article 32) that protects domestic, domesticated, native and exotic animals. If you are poorly served by the police station, ask them to draw up a statement that you were at that police station to request a record of mistreatment of the animal and say that you will complain to the Public Prosecutor's Office and the Civil Police Department. - the name and the patent of the person who answered the request, - the address of the police station, - the time and date of bad service. Ministry of Public Security (11) 6955.4352 - medioamb@mp.sp.gov.br Civil Police Corregidor (11) 3258.4711 - 3231.5536 - 3231.1775 Consolation Road, 2333 Also state that you will file a complaint with the Secretary of Public Security ([www.ssp.sp.gov.br](http://www.ssp.sp.gov.br)) (It is good to walk with these phones in your wallet.) If you are accompanied, this person will be your witness testimony to forward the complaint to the public agency

# Animal Abuse

If you have photographs, the license plate

number of the car that has left the animal, the veterinary report or certificate, any evidence, light to assist both the Police Station and the MP.

KNOW THAT YOU WILL NOT BE THE AUTHOR OF THE JUDICIAL PROCESS WHEN OPEN WHEN OPEN THE DELEGATE'S REQUEST. Decree 24.645 / 34 states in its Article 1 that: "All animals in the country are protected by the State", and in its article 2 - paragraph 3, that: "The animals will be assisted in court the representatives of the Public Prosecutor's Office, their legal substitutes and the members of the Animal Protection Societies. " Therefore, once the investigation for the investigation of the crime has been completed, or the \* Circumstantial Term has been drawn up, the Delegate will refer him to the Court for the opening of the competent action, where the Action Author will be the State. - - -

THE SP HUNTER has a website where you can make requests for their services, including complaints against animal abuse. But, such a procedure is time consuming and the assistance may come too late. The site is: <http://InternetBULLETIN-OCCURRENCEBULLETIN> - in Greater São PauloOB can be done through the internet through the website <http://www.seguranca.sp.gov.br> Only fill the B.O. on the computer screen, and after a period of time, the Police will contact for confirmation of the information provided. Thereafter, B.O. available for copying via the printer.

This procedure is also very time-consuming for certain cases requiring urgency. CampinasDELEGACIA DOS ANIMAIS (new address) Rua Odila Maia Rocha Brito, 08 - Bairro Nova Campinas (behind the Labor Court) Telephone (19) 3254.2633- - - IF CRIME AGAINST WILDLIFE (animals belonging to native species, migratory species and any other, aquatic or terrestrial, which have their life or part of it occurring naturally within the limits of the Brazilian Territory and its jurisdictional waters) may also inform the military police authorities, in particular the Forest Police or IBAMA (Tel: 0800-618080 - "Green Line").

TO REPORT MAUS-TREATMENTS WHEN SEEING HORSES OR ILLNESS AND SKINNY BONES Ask the Animal Protection Societies for guidance, or better inform yourself by accessing the Brazilian sites totally dedicated to the Protection and Defense of Equines: <http://geocities.yahoo.com> Call to Zoonoses Control Center of SP - (11) 6224.5500 COMPLAINTS, COMPLAINTS AND SUGGESTIONS ABOUT POLICY ACTIVITY [www.ouvidoria.edu/index.html](http://www.ouvidoria.edu/index.html) - policia.sp.gov.brDISQUE - POLICE HEARING: 0800.177070 - from Monday to Friday from 9:00 a.m. to

5:00 p.m. PERSONAL ATTENDANCE: from 9:00 a.m. to 3:00 p.m. - Libero Badaró Street, 600 - Centro / SP - - - Works and articles consulted: 1. Law of Animals, by Laerte Fernando Levai2. Animal Rights, by Diomar Ackel Filho3. Federal Constitution / 884. Criminal Code Sites consulted: <http://www.familiaanimal.siteonline.com.br/interna.jsp?Lnk=18708> [www.arcabrasil.org.br](http://www.arcabrasil.org.br) [www.aprodan.hpg.ig.com.br/](http://www.aprodan.hpg.ig.com.br/) [legisla.htm](http://legisla.htm) [www.ibama.gov.br](http://www.ibama.gov.br) <http://www.airnet.com.br/~falabicho/> <http://br.geocities.com/AnimaisSOS/entidades.html> <http://geocities.yahoo.com.br/equinosbrasil> [www.renctas.org](http://www.renctas.org)

# Animal Abuse

To denounce abandoned animals inside the house  
Guidance from Dr. Daniel Braga Lourenço, lawyer  
From: Daniel Braga Lourenço - Posted on:  
Thursday, July 29, 2010 10:50 AM -

Subject: URGENT Dear, This situation of abandonment of animals inside houses / apartments is unfortunately very common and, at the same time, same time, regrettable. Ideally, in terms of practical solution of the problem, it is to try to go to the place and talk with condominium officials and neighbors in order to obtain the telephone number of the residents to explain the emergency situation resulting from the abandonment of the animals and, consensual solution. The consent of the resident, authorizing the entry into the residence is the best solution, since it breaks any possibility of characterization of the crime of invasion of domicile. In this case, the ideal would be to record this written home authorization and enter in the presence of condominium / neighbor / witness officials to avoid any future allegations of property damage.

However, most of the time, unfortunately this is not viable either by not getting the contact, or by the residents' disregard. FOUNDATION OF ABANDONMENT AS PERMANENT CRIME: The abandonment of animals is evidently a typical fact punishable by art. 32 of Law no. 9.605 / 98, as it constitutes an act of abuse, which is the private animal (or animals) of access to food and other care. Abandonment is considered a crime when those who practice it leave without assistance or protection (helpless), the animal to whom it is duty, before the law, to protect. When an animal that is under its care, guard, surveillance or authority is abandoned, and for whatever reason, the situation leaves it unable to defend itself from the risks of abandonment, the typical fact is fully configured in the abusive mode. In the specific case of the State of Rio de Janeiro, we have the State Law n. 4,808 / 06 which corroborates the fact that abandonment is an unlawful act due to

noncompliance with the duties of care arising from the guarding of animals, in terms of its art. 16: "In the maintenance and accommodation of animals shall be responsible for: I - Ensuring adequate conditions of well-being, health, hygiene, air circulation and sunshine, guaranteeing comfort, protection against excessive weather and noise and housing with dimensions appropriate to their size and number, so as to allow them free movement; II - To assure them feeding and water in the frequency, quantity and quality adapted to their species, as well as the necessary rest; III - Keep the place where the animals stay clean, providing for the daily removal and proper disposal of waste and residues from them; IV - Provide medical and veterinary assistance; V - Prevent them from being enclosed with other animals that terrify or disturb them; VI - Prevent females from breeding uninterruptedly and without rest between pregnancies, in order to prevent damages to the health of the animal. "CHARACTERIZATION OF THE FLAGRANCIAL SITUATION: In this sense, as long as the situation of abandonment continues, crime is ongoing as a permanent crime - the abuse is being committed with the situation of abandonment and it follows), allowing the characterization of flagrante delicto. According to art. 302 of the Code of Criminal Procedure, "it is considered in flagrante delicto who: I - is committing the criminal offense; II - just made it; III - is persecuted, soon after, by the authority, by the offended person or by any person, in a situation that makes presume to be the author of the infraction; IV - is found, soon after, with instruments, weapons, objects or papers that presume to be the author of the infraction.

# Animal Abuse

The art. 303, also of the Code of Criminal Procedure clearly states that "in permanent offenses, the offender is in the act of committing an offense until he has ceased to be present," such as the abandonment of animals with deprivation of minimum conditions of subsistence, the residents who abandon the animals incur the situation described in art. 302, item I of the Code of Criminal Procedure, in conjunction with art. 303 of the same law. At the same time, the Federal Constitution of 1988, in its art. 5, item XI, establishes that "the house is inviolable asylum of the individual, nobody in it can enter without the consent of the resident, except in case of flagrante delicto or disaster, or to provide relief, or, during the day, by judicial

determination."

In the same sense, art. 150, § 3º, II, of the Penal Code states that it is not a crime to "enter or stay in another's house or on their premises: II - at any hour of the day or night, when any crime is being committed there or at the the being. According to Paragraphs 4 and 5 of the same provision, "the term" house "includes: I - any inhabited compartment; II - occupied room of collective housing; III - compartment not open to the public, where someone has a profession or activity. I do not understand the expression "house": I - inn, inn or any other collective dwelling, while open, except for the restriction of paragraph II of the previous paragraph; II - tavern, gambling house and others of the same kind ".

**PRACTICAL SOLUTIONS:** Based on the rationale above, we would have 4 basic alternatives to help animals and emergency situations (exposed in ordin preference): (a) Consensual solution above; (b) Requiring the judicial authority to issue a warrant for search and seizure of abandoned animals based on the fact that it constitutes abandonment, a typical fact punishable by art. 32 of Law no. 9.605 / 98 (in the request for the issuance of the warrant, explain who will remain the faithful custodian of the animals - usually the applicant, individual or NGO); According to art. 243 of the Criminal Procedure Code, the search warrant must: I - indicate, as precisely as possible, the house where the diligence will be carried out and the name of the respective owner or resident; II - mention the purpose and purpose of the proceedings, III - be subscribed by the registrar and signed by the issuing authority. (c) Contact the Public Prosecutor's Office and / or the police authority for the purpose of requesting emergency action to stop the crime in progress. This alternative, as is well known, will depend on the awareness of the member of the Public Ministry and / or the police authority. The police authority, based on the flagrante delicto, may enter the residence, fulfilling its legal duty to interrupt the typical fact (article 23, item III, of the Penal Code).

The ideal is that break-in should be done by locksmith in the presence of the police authority so that no damage to the property of others is characterized. At the end of the investigation, make a record of the occurrence report or the criminal investigation that may have been set up, the narration of the fact and who remained as the custodian of the animals seized.

# Animal Abuse

The presence of witnesses is always recommended. (d) The third alternative, less recommendable, but viable, would be the citizen, based on the occurrence of the crime, and the characterization of the flagrancial situation, arrange for the door to break open (always ideal by means of a locksmith) and enter the residence for save animals in a situation of abandonment. This situation will be supported by the state of necessity, which is an exclusion of unlawfulness, provided for in article 23 of the Criminal Code ("there is no crime when the agent practices the fact: I - in a state of necessity II - in self-defense II - in strict compliance with legal duty or in the regular exercise of law). It is clear that in this situation who enters is more "vulnerable".

Therefore, it is always good to document the entry as widely as possible in the presence of witnesses. I hope I have collaborated to elucidate the possible measures in this delicate and sad situation.

Sincerely, Daniel Lourenço.

daniel@lourenco.adv.br  
Rio de Janeiro - Brazil

[A simple hyperlink.](#)

**"A Dog's Purpose"**  
**Download/read ebook here:**

[A simple hyperlink.](#)

**DECRETO Nº 24.645, DE 10 DE  
JULHO DE 1934**

[A simple hyperlink.](#)