

If a person complains that a person's dog has violated an ordinance, shall the identity of the complainant be given to the dog owner?

Certainly in criminal matters a person accused (the dog owner) has a constitutional right to “demand the cause and nature of the accusation [and] to be confronted with the witnesses.” Vt. Constitution Ch. I, art. 10.

While ordinances are civil and not criminal, we would not want to try to prove to a bunch of Vermonters that they did not have a right to confront their (or their dog's) accuser.

Instead, we recommend that a selectboard or constable investigate a complaint to see if there is a serious problem and, if the investigation shows such a problem and independent evidence of a threat to public safety, the town could proceed on the basis of that. But to come to conclusions or impose any sanctions based only on an anonymous complaint would be very difficult, if not impossible, to defend.

Under the Vermont Constitution Ch. I Art. 9, citizens have “a right to be protected in the enjoyment of life, liberty and property” which, to most people, probably includes owning a dog.

So, the short answer is that the selectboard can take note of the complaint and take preliminary steps or emergency steps if needed. But, when a hearing or sanction is going to happen, the complainant should be identified.

It should also be noted that keeping the identity of the complainant secret may also violate the Vermont public records law. 1 V.S.A. § 317.

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