

Reporting Animal Cruelty

THE ROLE OF THE VETERINARIAN: ESTABLISHING PROTOCOLS TO IDENTIFY AND REPORT ANIMAL CRUELTY IN MINNESOTA



Fundamentals

Role & Responsibilities

Standard Operating Procedures

Legal Actions

Other Considerations

Resources

Credits & References



**Establishing Protocols to Identify and Report
Suspected Animal Cruelty in Minnesota**

The Role of the Veterinarian

Foreword

On the Front Line

Veterinarians and the veterinary team are on the front line of animal cruelty.

In the veterinary profession, you may be introduced to situations in your practice where animals have been mistreated. This maltreatment may also suggest violence within the home toward humans.

All staff, from the receptionist and office manager to veterinary technicians and fellow veterinarians, need to know:

- how to identify and document animal cruelty
- how to report animal cruelty
- the role each person can play in the prevention of animal cruelty and breaking the cycle of violence

Purpose of Manual

The purpose of this manual is to provide explanations of law and supporting materials so, as a veterinarian, you can develop protocols for your clinic or practice which can guide your actions should you or others face a suspected or known case of animal neglect, cruelty, or abuse.

In addition to establishing protocols, information within the manual can also be used by veterinarians when assisting law enforcement in the investigation of animal cruelty cases.

This manual is slanted more to smaller companion animals, though many of the principles and procedures described are applicable to horses, farmed animals, exotic animals, and wildlife.

The term “animal maltreatment” is used throughout this manual and is meant to encompass any type of cruelty, neglect, torture, abuse, or other crime against an animal.

NOTE: *Information provided in this manual should not be considered legal or medical advice.*

The State of Minnesota

The *Reporting Animal Cruelty: The Role of the Veterinarian* manual for Minnesota was developed by Animal Folks, which is based in Minnesota, with the assistance of local and national experts in the areas of animal law and animal welfare.

Credits are provided on various pages. A list of acknowledgments and references can be found on pages 162-70.

This manual is written for veterinarians licensed in Minnesota and veterinary technicians. Animal Folks has received requests to adapt the data for use by veterinarians in other states. We are proud to work with foundations and organizations in other states to adapt the manual for their use.

All legal content and contacts in this manual reflect the laws or agencies in Minnesota. As laws may change, please check the state website below for updates of laws cited.

The Office of the Revisor of Statutes
www.revisor.mn.gov/statutes/

This manual was first written and published in 2016. Various updates have been made. The latest update was January 2020. A PDF version is available at www.animalfolks.org.

We welcome your input. If you have feedback or suggestions, please contact:

Animal Folks at
info@animalfolks.org

We will incorporate constructive ideas in future editions.

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The Importance of Reporting

Animal dies; boy protected

It's a story worth telling and re-telling because it explains how reporting suspected animal abuse can save lives.

The story begins with a Good Samaritan — a contractor who was at a house for remodeling work. While there, he heard a dog crying out loudly next door.

The contractor left the house to see what was happening and found an elderly dog in a garage, dragging his back legs. Next to the dog was a woman.

The man asked what had happened and the woman explained that the dog was old and needed to be euthanized. The man offered to pay for the euthanasia and asked to bring the dog to his veterinarian. The woman agreed, and both went to the veterinarian's clinic.

While at the clinic, the veterinarian examined the animal. She found blunt-force trauma along the inside of the back legs and a recent untreated laceration. The veterinarian also concluded that the dog was in severe pain and that the animal needed to be euthanized, and she performed the euthanasia.

Continued next page (source: Melinda Merck, DVM).

“The veterinarian knew that something was not right. The fact that the animal was old did not explain the fresh bruises or the degree of pain this dog had experienced.”

Continued from previous page.

Something was not right

The veterinarian, however, knew that something was not right. The fact that the animal was old did not explain the fresh bruises or the degree of pain this dog had experienced.

The veterinarian suspected that the dog had been beaten, and contacted local law enforcement to investigate. She didn't have all the answers, but she knew something was wrong. This veterinarian also chose not to dispose of the body and instead submitted the animal for a necropsy.

The necropsy showed acute blunt-force trauma from the head down the entire spine, as well as on the chest. Contusions of the kidney were also found. The dog had been beaten, and suffered pain from this act.

Investigation conducted; boy also abused

These medical findings provided evidence for the investigators to arrest the woman.

When law enforcement visited the home, they also found a small child with bruising. Both the man and the woman present in the home were arrested for child abuse and animal abuse.

Source: Thanks to Melinda Merck, DVM, for the story above, as told in a phone conversation; Dr. Merck performed the forensic necropsy.

Protecting animals — and humans

One of the most important reasons for a veterinarian to report suspected animal cruelty is that he or she may not know the full story.

A veterinarian may examine an animal and suspect that cruelty occurred but may not know all the details — and reporting may uncover other examples of violence against animals and/or humans.

Animal cruelty is a legal, not a medical, determination.

Once law enforcement receives a complaint, they can then conduct an investigation and, with the city or county attorney's office, determine whether the evidence collected supports a criminal prosecution. This is a multi-disciplinary team effort.

By reporting suspicions to law enforcement, the veterinarian has the ability to stop potential violence and suffering and protect both animals and humans.

Veterinary Forensic Sciences

Definition

“The word ‘forensic’ comes from the Latin adjective ‘forensis’ meaning *of or before the forum*. In modern use, *the forum* is a court of law,” says Robert Reisman, DVM, director of the ASPCA Animal Hospital in New York City (Reisman, ASPCA, 2009).

“Any information presented by an expert witness in a court of law is forensic information. Whether or not the veterinarian routinely works with animal cruelty cases, a veterinarian who evaluates a suspected animal victim of cruelty is collecting forensic medical evidence that may be presented in a court of law.”

Veterinary Forensic Sciences

Veterinary Forensic Sciences is defined as the “application of a broad spectrum of sciences, including veterinary medicine, to answer questions of interest to a court of law” (Touroo, ASPCA, 2014).

Clinical Veterinary Forensic Medicine

Clinical Veterinary Forensic Medicine is defined as the “branch of veterinary medicine that deals specifically with cases involving both legal and medical aspects of patient care” (Touroo, ASPCA, 2014).

Emerging field

Veterinary forensics is an emerging field.

While veterinarians are trained in veterinary medicine, veterinary forensics requires new skills. Because aspects of animal cruelty deal with law, veterinarians must have a working knowledge of these laws and what is required of them.

Some considerations (Touroo, ASPCA, 2014):

- Just because a veterinarian feels that an act qualifies as abuse, does not mean that the law recognizes it as such.
- The veterinarian needs to be aware of the applicable laws in order to make an informed opinion.
- Veterinarians must be aware of their limitations and the gaps in veterinary forensic knowledge.

**“As veterinarians, we have the opportunity to lead
— to use our position and expertise to
protect animals and humans, help relieve suffering,
and work to build a safer community.”**

– Julia Wilson, DVM, executive director, Minnesota Board of Veterinary Medicine

Fundamentals

A Unique Position

Much as the role of the pediatrician includes preventing crimes against children, the role of the veterinarian is to prevent crimes against animals. Veterinarians can be the key witness, caretaker, and advocate for the health of an animal.

Multiple surveys have been conducted over the years in the United States, Canada, Australia, and other countries, asking veterinarians about their involvement and role in suspected cases of cruelty against animals.

Replies have been consistent:

- Many veterinarians have suspected or seen animal neglect, cruelty or abuse.
- Many veterinarians believe they have a professional and moral responsibility to intervene.
- Many veterinarians feel that learning how to identify and report animal maltreatment should be part of their curriculum.



Five Key Considerations

Remember: Animal cruelty is a legal, not a medical, determination. As you move forward in developing protocols for reporting animal cruelty, keep the following considerations in mind:

1. Safety first

Never compromise the safety of humans or animals.

If you are concerned and there is a feeling of risk or harm, call 911.

2. Treat the animal

If the animal is neglected or abused, you need to collect and document the evidence — but do not compromise the timely treatment of the animal (Balkin, 2007).

3. You are not the judge or jury

Veterinarians are health professionals, and what is required of you (professionally, ethically, and legally) is to report suspected or known animal maltreatment. *Do not determine if a case is neglect, cruelty, or abuse* — that is for law enforcement to investigate, the prosecutor to prove, and the jury or judge to decide. Reporting does not mean the person is going to be thrown in jail or even charged. Reporting allows other authorities to investigate the incident further to make sure the animal in question — and other animals and humans — are not at risk of harm.

4. Avoid bias; be impartial

It is the veterinarian's responsibility to make an accurate and truthful determination of the animal's health (Reisman, 2012). Avoid any bias, and document the medical facts. Industry standards, or a client's economic status, age, ignorance, or other factors may be used by the defendant as excuses for his or her behavior, but these factors should not be used by a veterinarian in assessing an animal's health.

5. This is not an exact science

Identifying and recognizing animal cruelty may not be an exact science, but it is a science. This is why a veterinarian's medical expertise is critical. A standard approach of "what to do and look for" in all cases is helpful, but each case will be unique.



Separate cases. Top left: Five-month-old cat, battered. Bottom left: Two-year-old female pit bull dog, starvation. Right: Examination of a dog.
Source: Robert Reisman, DVM, ASPCA. Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.

Societal Changes

More attention to animal cruelty

Cruelty against animals has happened for centuries.

In recent years, more and more information about animal cruelty and how best to identify these types of crimes is being provided by the legal and veterinary professions.

From diagnostic books, treatment guidelines, and training webinars and courses to professional organizations and associations, ideas are being shared, and systems, processes and tools are being created.

Animals as sentient beings

Increased public pressure has renewed legislative attention on animal abuse and those who commit it. Animal abuse is recognized as a potential indicator and predictor of violence against people, and though animals are legally considered property, there is an increased recognition that animals are sentient beings.

This new perspective is being acknowledged through:

- scientific studies of animal emotion
- scientific documentation of animal pain and suffering and development of pain scales and protocols
- recently passed legislation prohibiting certain acts against animals (such as horse tripping) or disapproval of procedures (such as devocalization of dogs)
- regulation to improve treatment of animals, such as those involved in the mass breeding of dogs and cats

“The greatness of a nation and its moral progress can be judged by the way its animals are treated.”

– Mahatma Gandhi

Changing Attitudes

Attitudes about how animals are viewed and treated are shifting.

Chart below is from Investigating & Prosecuting Animal Abuse (National District Attorneys Association), by Allie Phillips, J.D. and Randall Lockwood, Ph.D., ASPCA (2013).

| The Past | Today |
|--|--|
| It's just an animal. | Studies have proven that most species of animals are sentient beings and companion animals, in particular, feel emotions and pain similar to humans. |
| Animals have no rights. | Every state in the United States has passed laws, many felony laws, against cruelty to animals. |
| This is how we've always treated animals. | Laws and society are evolving to what we instinctively know to be ethically and morally right in the treatment of animals. As society and laws change, so must behavior. Just because cockfighting was a cultural tradition in the past does not mean that it is tolerated or legal today. |
| It's only a misdemeanor. | Every state now has felony laws for the most serious forms of animal cruelty. And while some incidents are misdemeanor crimes, animal abuse should not be treated dismissively due to its connection to a host of other crimes. |
| I have more important cases to deal with. | When you hold animal abusers accountable, you can prevent other crime and begin to change a community in regard to safety. |

The Link

Violence against animals and humans

“I used to tie two cats together and throw them over a clothesline and watch them rip each other apart,” said serial killer Richard Kuklinski, “the Iceman,” when explaining how deadly he was toward animals (Video, 2013).

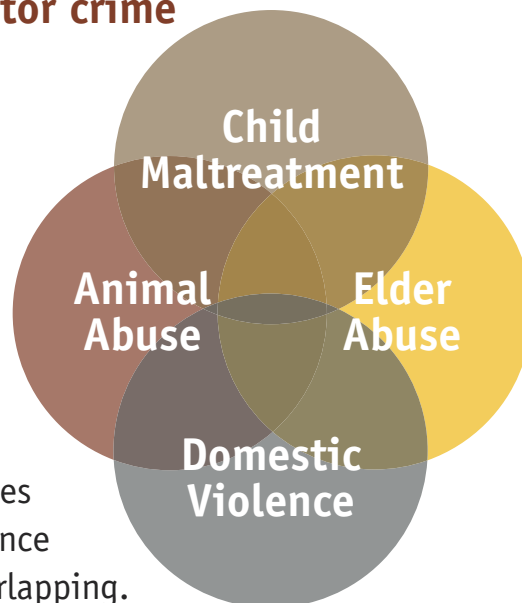
Other serial killers have described their obsession with torturing animals prior to moving on to human victims. In a study of 36 convicted multiple murderers, 46 percent admitted committing acts of animal torture as adolescents.*

An indicator and predictor crime

Not only serial killers commit crimes against animals.

Violence against animals is considered a potential indicator and predictor of concurrent or future child maltreatment, domestic violence, and elder abuse, also known as “The Link.”

The schematic at right describes how four forms of family violence are often intertwined and overlapping.



Animals are easy targets

Animals, like children and the elderly, are more vulnerable and therefore seen as easy targets for abuse.

Research proves the cycle of violence

- In child-abusing households, the incidence of dog bites in violent homes was reportedly eleven times greater than that in the normal population (DeViney, Dickert and Lockwood, 1983).
- Over 71 percent of battered women with pets affirmed that the batterers had threatened, hurt, or killed their companion animals (Ascione et al., 2007), and “32 percent of battered women reported that their children had hurt or killed their pets” (Ascione, 2008).
- More than a dozen surveys have reported that between 18% to 48% of battered women have delayed their decision to leave a batterer, or have returned to their batterer, out of fear for the welfare of their pets or livestock (Ascione, 2007).
- In a 2001-4 study by the Chicago Police Department, 65 percent of those arrested for animal crimes had also been arrested for battery against another person.

**2001-4 study, Chicago Police Department, 2001-4 study*

The “Power and Control Wheel” of Animal Abuse and Domestic Violence

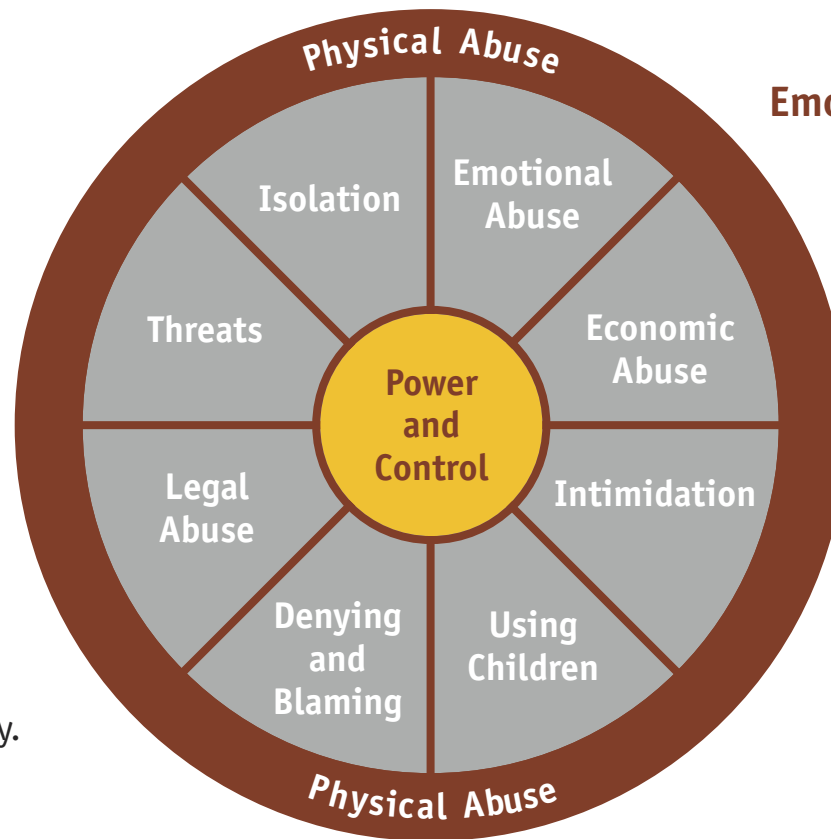
The diagram below is from the National Link Coalition, adapted from Domestic Violence Intervention Network.

Isolation: Refusing to allow the partner to take a pet to the vet. Prohibiting the partner from allowing a dog to socialize with other dogs.

Threats: To harm or kill a pet if the partner leaves or asserts any independence.

Legal Abuse: Custody battles over pets. Filing theft charges if the partner leaves with a pet.

Denying and Blaming: Blaming the partner or the pet for the cruelty. Killing the pet and saying it didn't matter because the pet was old.



Emotional Abuse: Disappearing, giving away, or killing pets to take away the source of unconditional love. Forced participation in animal sexual abuse.

Economic Abuse: Refusing to allow the partner to spend money on pet food or pet care.

Intimidation: Harming or killing a pet: “Next time it’ll be you...”
Targeting pets or targeting family/friends who aid the escape of the partner.

Using Children: Harming/killing children’s pets to intimidate them. Blaming the “disappearance” of the family pet on the partner to create a wedge between the partner and the children.

Why People Are Cruel to Animals

“There are many reasons why adults and children are cruel to animals. It should not always be seen as a result of uncontrolled anger” (Phillips and Lockwood, 2013).

Reprinted from Investigating & Prosecuting Animal Abuse (2013), NDAA, by Allie Phillips, J.D. and Randall Lockwood, Ph.D., citing Eleanora Gullone, Conceptualizing Animal Abuse with an Antisocial Behavior Framework (2011), and Keller and Flethous (1985).

Some reasons why animals are abused

- harming the animal to control people or the animal
- retaliation against the animal and others through extreme punishment
- prejudice against a breed as not worthy of life
- aggression through the animal, such as animal fighting
- acting out aggression, such as target shooting
- shock for amusement
- displacement of aggression (sometimes from children acting out their own abuse)
- sadism, which involves inflicting suffering through power and control

Reasons why children are abusive to animals

- curiosity or exploration
- peer pressure
- to threaten or intimidate others to gain power and control
- sexual gratification
- to prevent someone else from harming their pet
- acting out the abuse they have suffered
- rehearsing their own suicide
- seeking to shock or offend others to draw attention to themselves
- as a way of producing injury to themselves, analogous to “cutting”

What can you do to stop the violence?

Minnesota has comprehensive statutes covering animal maltreatment. In addition, animal-welfare concerns are addressed in Minnesota domestic-violence statutes, allowing courts to include pets or companion animals when issuing a domestic-violence Order for Protection.

1. **Know Minnesota statutes** — Familiarize yourself with related family-violence issues and statutes. Animals are included in the Minnesota Domestic Abuse Act:

Minn. Stat. sec. 518B.01 Subd. 6 (a):

“(14) direct the care, possession, or control of a pet or companion animal owned, possessed, or kept by the petitioner or respondent or a child of the petitioner or respondent; and

(15) direct the respondent to refrain from physically abusing or injuring any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person.”

2. **Ensure the safety of the animal** — If an incident of domestic violence is disclosed, advise the client to take steps to ensure the well-being of the animals, such as:
 - relocation to a safer environment
 - client’s reporting the domestic violence to authorities

3. **Provide contacts** — In Minnesota, there are humane societies and local women’s refuges that have programs to assist victims (and will arrange for the care of animals). Provide literature about these services.
4. **Offer a safe haven** — Consider offering space at your clinic as a “temporary safe haven” for pets, if safety permits.
5. **Take each case seriously** — Difficult as it is to admit that a child would intentionally hurt an animal, the signs must be acknowledged and action must be taken. The old adage that “boys will be boys” or “kids are just being kids” can represent or lead to deeper issues if left unaddressed. If possible, communicate your concerns to the child’s parent or guardian. Be prepared for the parent or guardian to minimize or deny the existence of a problem (Balkin, 2007).

“One of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it.”

– Anthropologist Margaret Mead

The Index of Suspicion

Child and animal abuse are similar

In 1962, a landmark paper called “The Battered Child Syndrome” was published, by Dr. C. Henry Kempe and his colleagues, that identified and recognized child abuse.

This paper was “regarded as the single most significant event in creating awareness and exposing the reality of child abuse. It gave doctors a way to understand and identify child abuse and neglect, along with information about how to report suspected abuse.” (The Kempe Foundation)

“Physicians have great difficulty both in believing that parents could have attacked their children and undertaking the essential questioning of parents on this subject. Many physicians find it hard to believe that such an attack could have occurred and they attempt to obliterate such suspicions from their minds, even in the face of obvious circumstantial evidence.”

– The Kempe Foundation, 1962



The Battered-Pet Syndrome

In 2001, veterinary pathologist Helen Munro and veterinary epidemiologist M. V. Thrusfield conducted a study, known as the “Battered-Pet Syndrome,” documenting veterinarians’ experiences of physical abuse with companion animals (primarily dogs and cats).

The study “revealed a wide range of injuries in dogs and cats ... which showed remarkable similarities to non-accidental injuries (NAI) in children” (Munro and Thrusfield, 2001).

Munro and Thrusfield presented four basic “cruelty” types, which are applicable to both children and animals: physical abuse, neglect, sexual abuse, and emotional abuse.

This study has helped the veterinary community and law enforcement to identify and document animal abuse.

Classifications of abuse

In 2016, the Federal Bureau of Investigation began implementing a national program that includes four types of animal abuse in the Uniform Crime Reports used by thousands of local law enforcement agencies:

1. **Simple or Gross Neglect**
2. **Intentional Abuse and Torture** (physical abuse)
3. **Organized Animal Abuse** (dog fighting and cock-fighting)
4. **Animal Sexual Abuse** (also known as bestiality or zoophilia)

In addition to the four classifications above, two other abuse types are included in this manual for consideration and documentation:

5. **Ritualistic Abuse**
6. **Emotional Abuse**

NOTE: *The field of veterinary forensics and the scientific study of animal well-being are evolving; the classifications listed above may also change and evolve.*

Terms

Lack of common definitions

What is well-being? What is welfare? What is quality of life? Does “health” include mental health as well as physical? Does it apply to animals? When is an animal in pain? Or suffering? What constitutes cruelty? Neglect? Abuse?

Some of the terms above are defined in Minnesota law; some are not. Almost all terms and definitions vary among states and among federal and state laws, causing confusion.



Why this is important

When it comes to animal health, veterinarians are seen as the experts and law enforcement will turn to veterinarians to articulate what, if anything, is wrong with an animal and why an animal should be seized for his or her protection.

How a veterinarian chooses to interpret a term or decide what medically constitutes pain or suffering based on the evidence is an enormous responsibility that can provide protection for animals — or allow further harm.



A reasonable person

If a term is not defined in a statute, it is common practice to look to other statutes, case law, or dictionary definitions that a “reasonable” person might understand. A few definitions are below.

- **Health:** The World Health Organization defines health as “a complete state of physical, mental, and social well-being, and not merely the absence of disease or infirmity.”
- **Animal welfare:** The American Veterinary Medical Association defines “animal welfare” as “the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment. Protecting an animal’s welfare means providing for its physical and mental needs.” “Improvements in animal welfare,” explains Dawkins, in *The Science of Animal Suffering*, “can be based on the answers to two questions: Q1: Will it improve animal health? and Q2: Will it give the animals something they want?” (Dawkins, 2008)
- **Stress and distress:** Carstens and Moberg (ILAR, 2000) define stress “as the biological responses an animal exhibits in an attempt to cope with a threat to its homeostasis. When stressors are mild and/or of short duration, the animal may regain homeostasis without any lasting effects. However, stress results in distress to the animal when the stressor results in disruption of biological functions which are critical to the animal’s well being. When normal function is disrupted, pathology may occur, threatening the animal’s welfare, and the animal experiences distress.”
- **Pain and suffering:** See pages 106-111.
- **Well-being:** Per the Oxford Dictionary, well-being is defined as “the state of being comfortable, healthy, happy.” David Fraser, research scientist, states: “The scientific assessment of the well-being of an animal involves finding indicators of three broad criteria: 1) a high level of biological functioning; 2) freedom from suffering the sense of prolonged fear, pain, and other negative experiences; and 3) positive experiences such as comfort and contentment” (Fraser, 1993). Frank McMillan, DVM, Director of Well-being Studies at Best Friends Animal Society, states: “Well-being may be regarded to be the balance of pleasant versus unpleasant feelings in life....The more wants and needs fulfilled, the higher the well-being, and the fewer wants and needs fulfilled, the lower the well-being” (McMillan, 2004). Examples of negative feelings: anxiety, fear, boredom, helplessness, and loneliness. Examples of positive feelings: vitality, reward, contentment, curiosity, and playfulness (Green and Mellor, 2011).
- **Maltreatment:** Animal maltreatment is “intended to encompass any type of cruelty, abuse, torture, abandonment, or neglect, regardless of the degree of underlying motivation or intent (or lack thereof) on the part of the offender. This is consistent with the broadening of the term ‘child abuse’ to ‘child maltreatment’” (Levitt, Patronek, Grisso, 2015).

The Five Freedoms

The Five Freedoms (next page) were created as a report to the government of the United Kingdom. They addressed animal standards in agricultural settings and were later formalized by the U.K. Farm Animal Welfare Council.

The Five Freedoms are now widely accepted as guidelines for the welfare of all animals.

Evolving concepts of animal welfare

“The ‘Five Freedoms’ are similar to Maslow’s hierarchy of needs,” say Gary Patronek and Jane Nathanson in *Animal Maltreatment* (Patronek and Nathanson, 2016), “in that they progress from defining basic physical necessities to more subjective but equally important components of welfare such as freedom from fear and emotional distress and the affirmative need to express normal, species-specific behavior.”

“Although some of these concepts may not have been specifically articulated when maltreatment statutes were written, they may legitimately be covered under the umbrella of commonly used terms such as ‘needless suffering.’ This could potentially provide a mechanism for ensuring that interpretation of laws remains aligned with evolving concepts of animal welfare.”

The Five Freedoms adopted by multiple groups

The Association of Shelter Veterinarians (ASV, 2010) used the Five Freedoms in the development of the *Guidelines for Standards of Care in Animal Shelters*, stating: “As performance standards, rather than engineering standards, the Five Freedoms define outcomes and imply criteria for assessment, but do not prescribe the methods by which to achieve those outcomes.”

The ASV provides a synopsis of other organizations that have acknowledged the Five Freedoms as a model to identify best animal-care standards and practices:

- a survey of large-animal faculty at veterinary schools in the U.S. indicated strong support (Heleski, 2005)
- recommended as a useful framework for zoo-animal welfare (Wielebnoski, 2003)
- form the basis for minimum standards for dogs, cats, and animals in boarding facilities, as promulgated by the New Zealand Ministry of Agriculture (New Zealand, 1998, 2007)
- embraced by the laboratory animal community (Bayne, 1998; CACC, 1993; ILAR, 1996; SCAW, 2001)

Some corporations in food production in the United States have also adopted the Five Freedoms as guiding principles for their selection and assessment of suppliers.

The Five Freedoms

The welfare of an animal includes its physical and mental state and we consider that good animal welfare implies both fitness and a sense of well-being. Any animal kept by man must, at least, be protected from unnecessary suffering.

1. Freedom from hunger and thirst

by ready access to fresh water and diet to maintain health and vigor

2. Freedom from discomfort

by providing an appropriate environment including shelter and a comfortable resting area

3. Freedom from pain, injury or disease

by prevention or rapid diagnosis and treatment

4. Freedom to express normal behavior

by providing sufficient space, proper facilities and company of the animal's own kind

5. Freedom from fear and distress

by ensuring conditions and treatment which avoid mental suffering

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“Cruelty to animals can, of course, be viewed as something we should disapprove of.

But the issue is far deeper than that.

When we mistreat and abuse animals, we actually diminish our humanity, rejecting our capacity for compassion and condoning actions that spring from the darkest regions of our nature.

Animal cruelty shrouds the best we can be.”

– Hon. Gordon Shumaker, retired judge, Minnesota Court of Appeals, Minnesota District Court

Role & Responsibilities

**Role &
Responsibilities**

Role: Health Care Professional

First and foremost, a veterinarian is a health care professional.

Former U.S. Surgeon General Antonia C. Novello stated: “Physicians and *other health professionals** are firsthand witnesses to the consequences of violence. We see, diagnose, treat, mend, patch, console, and care for the victims of violence and their families thousands of times each day.”

In addition to providing for the health care of animals and treating injuries and illnesses, a veterinarian may act in three capacities in regard to animal cruelty:

- **Reporters** of suspected or known animal neglect, cruelty, and abuse
- **Medical Examiners** of an animal (in practice or as part of an investigation)
- **Witnesses** during hearings or at trial, providing testimony and expertise

* *Italics added for emphasis.*



Prevention of Animal Cruelty

3 P's: Prevent, protect, promote

Reporting animal cruelty accomplishes three main goals:

- prevention of animal suffering
- protection of animals and humans
- promotion of public health

Reporting triggers an investigation

Reporting a suspicion of animal cruelty is important because, as the American Animal Hospital Association cited in its 2015 position statement about animal abuse, reporting suspicions “will trigger an investigation”— which ultimately allows for the prevention of cruelty and protection of animals and humans.

See pages 39-40 for the AAHA and AVMA position statements.

When in doubt, report

While reporting suspected or known animal cruelty may feel difficult to do at first, it is the ethical and correct action to take — whether or not it is required by law.

Reporting Role

Ethical and professional obligation

As a licensed veterinarian in Minnesota, it is an ethical obligation and part of professional conduct to report inhumane treatment of animals, if you have direct knowledge. This is a Rule under the Veterinary Practice Act; see page 32.

Mandated reporting

Minnesota-licensed veterinarians are also mandated reporters of *known or suspected* neglect, cruelty, or abuse as it pertains to pet and companion animals.

Pet and Companion Animal Welfare Act

Minn. Stat. sec. 346.37 General Provisions.

Subd. 6. Reports of abuse, cruelty, or neglect.

A veterinarian must report known or suspected cases of abuse, cruelty or neglect to peace officers and humane agents as provided in 343.12 and 343.29.

See page 54 for definitions of pet and companion animal and animal abuse, cruelty, and neglect, and page 63 for Minn. Stat. sections 343.12 and 343.29.

What to Say:

Listed below are possible responses to clients when explaining your role as a reporter of known or suspected cases of animal cruelty. Responses may vary based on species and the law. In some circumstances, it may be safer and easier for the animal and all involved if the person is not told and the reporting is made outside the presence of the owner/custodian. In other situations, you may feel it is appropriate to inform the owner/custodian.

- “I am required by law to report injuries I see that could have been caused by cruelty.”
- “I am required by law to report situations where animals are in pain or suffering because of possible neglect or abuse.”
- “If I do not report, I could potentially lose my license to practice.”
- “My reporting this incident does not necessarily mean you are guilty of a crime. I am just required to report things like this that I come across.”
- “I took an oath to serve as your animal’s advocate, and my veterinary license may be in jeopardy if I didn’t record this and report it.”
- “I don’t doubt your concern and care for your animal(s) — but I am concerned that your capacity to provide adequate care has been exceeded, and that sets up a potential for neglect of their basic needs.”
- “This may have been an accidental injury, but I am required by law to report this type of injury for investigation.”
- “I must file a report about your animal with the authorities. We will continue to work together to develop a treatment plan for your animal that you can be successful with.”
- “The law is specific about my obligation to report injuries that may have been caused by cruelty or neglect. This does not automatically mean you will be charged with a crime. We just need to report it.”

Source: Roberts, DVM, 2016.

Minnesota Laws: Licensure and Conduct

Failure to report inhumane treatment of animals is considered unprofessional conduct and may result in suspension or revocation of your license to practice medicine, and/or limitations may be placed on your license for future practice.

Minnesota Administrative Rules Veterinarians' Licensure and Practice 9100.0700 Unprofessional Conduct

Subpart 1. Prohibited acts. The following acts by a licensed veterinarian are unprofessional conduct and constitute grounds for disciplinary action against the licensee:

S. failing to report to law enforcement or humane officers inhumane treatment to animals, including staged animal fights or training for fights, of which the veterinarian has direct knowledge...

NOTE: *The Rule above must meet the definition of "animal" under the Veterinary Practice Act (Minn. Stat. sec. 156.001, subd. 3). Under this act, "animal" does not include poultry. However, poultry that provide companionship or enjoyment would be included in the definition of "pet and companion animal" and, therefore, would be a part of mandated reporting under Minn. Stat. sec. 346.36 subd. 6.*

Minnesota Statutes: Veterinary Practice Act Chapter 156. Veterinarians 156.081 Revocation; Suspension

Subd. 2. Causes. The board may revoke, suspend, or impose limitations upon a license for any of the following causes:

- (9) conviction on a charge of cruelty to animals;
- (12) engaging in unprofessional conduct as defined in rules adopted by the board....

"Veterinarians are expected to recognize, treat, and prevent animal cruelty. Veterinarians in Minnesota are also obligated to report animal cruelty; that is our professional responsibility and ethical duty."

– Julia Wilson, DVM, executive director, Board of Veterinary Medicine

Other Minnesota Laws: Veterinarians

Refer to the Minnesota Veterinary Practice Act for further definitions and requirements for veterinary medicine, such as:

Minn. Stat. sec. 156.12 - Practice of Veterinary Medicine.

Subd. 1. Practice. The practice of veterinary medicine, as used in this chapter, shall mean the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions... *See statute for full language and other sections and subdivisions.*



Photo: Animal Folks, Sarah Beth Photography.

The Pet and Companion Animal Welfare Act (Minn. Stat. sec. 346.35-44; see pages 54-55) provides further clarification of a veterinarian's authority as it applies *specifically* to this law.

Minn. Stat. sec. 346.37 - General Provisions

Subd. 5. Interpretation of terms. A dispute as to the meaning of 'abuse,' 'cruelty,' or 'neglect' shall be resolved by an expert opinion.

Minn. Stat. sec. 346.36 - Definitions

Subd. 4. Expert opinion. 'Expert opinion' means the opinion of at least one licensed Minnesota veterinarian selected by an investigating officer.

NOTE: *While law enforcement has the authority to select a veterinarian to assist in a case, it is important that veterinarians who assume this role have the necessary skills in veterinary forensics to identify and document animal maltreatment.*

Other Minnesota Laws: Veterinarians

There are additional Minnesota laws and rules that specify the role or requirements of a veterinarian. Examples are below.

NOTE: Language is specific to statute or rule cited.

Minn. Stat. sec. 514.93 and 94 - Unclaimed Animals

Explains what a veterinarian may do with an unclaimed animal held by a veterinarian for more than ten days.

NOTE: Also refer to Minn. Stat. sec. 346.37 Subd. 1 (Abandoned Animals). See statutes.

Minn. Stat. sec. 343.235 - Disposition of Seized Animals

Explains role of veterinarian when animals are seized; this applies only to animals raised for food or fiber.

Subdivision 1 of this section states: "...An animal raised for food or fiber products may not be seized or disposed of without prior examination by a licensed veterinarian pursuant to a warrant..."

Minn. Stat. sec. 343.31 - Animal fighting

This is the Minnesota law pertaining to animal fighting.

Subdivision 7 of this section details the creation and submittal of a veterinary investigative report:

"A satisfactorily identified veterinary investigative report is as admissible in evidence as the animal itself."

See statute and pages 50, 92-93.

Minn. Stat. sec. 343.22 - Investigation of Cruelty Complaints

NOTE: This particular section of the law allows any person to file a complaint directly with the courts. See statute.

Subd. 1. Reporting. ...The order may command that a doctor of veterinary medicine accompany the officer.

Subd. 2. Police investigation. The peace officer shall search the place designated in the warrant and, together with the veterinary doctor, shall conduct an investigation...

Subd. 3. Disposal of animals. Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to this section may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment....

Minn. Stat. sec. 325F.79-792 - Regulating Sale of Dogs and Cats (known as the "Pet Lemon Law")

Includes role of veterinarian in the examination of the animal prior and/or after sale. See statute.

Minn. Stat. sec. 346.155 - Possessing Regulating Animals

This is the MN law pertaining to members of the Felidae family, bears, and all nonhuman primates. Subdivision 6 describes the veterinarian's role in the disposal of animals. See statute.

Other Minnesota Rules (continued)

Minn. Administrative Rules: 4638.0200 - Pet Animals in Health Care Facilities

Requires development of policies in consultation with a veterinarian and a physician. *See rules and statute.*

Minn. Administrative Rules: 1721.0520 - Kennels

These rules apply to kennels as defined in Minn. Stat. sec. 347.31. Subpart 3 explains veterinary care required, and role of veterinarian. *See rules and statute.*

Minn. Administrative Rules: 1721 - Animal Health

These are rules for Minn. Statutes 35 - Animal Health. Includes numerous species, such as pigs, horses, cattle and bison, poultry, sheep and goats, deer and elk, and dogs, cats, and ferrets. Includes topics such as disease control, certificates of veterinary inspection, importation, slaughtering, and carcass disposal. *See rules and statute.*

Minn. Administrative Rules: 6244 - Captive Wildlife

The purpose of Chapter 6244 is “to establish reasonable standards for the rehabilitation of orphaned, sick, and injured wild animals, and to establish a permit system and other criteria for such rehabilitation pursuant to Minnesota Statutes, sections 91A.401 and 97A.418.” Section 6244.0500 explains the Role Of Veterinarian, specific to this Chapter with six subparts.



Photo: Animal Folks, Sarah Beth Photography

Factors That Inhibit Reporting

Myths and misconceptions

Sometimes veterinarians do not report suspected or known animal cruelty. At one time, physicians in human medicine were reluctant to report abuse.

Some reasons for not reporting:

- a misconception that the veterinarian must be positive that an animal has been the victim of cruelty before reporting it to the authorities
- fear of offending, alienating, or stigmatizing clients, and fear of losing clients if a veterinarian becomes known for reporting such cases

NOTE: *The opposite can occur. Those who report suspected cruelty against animals are respected by community members.*

- not believing that a client would “bring in” an abused pet for treatment

NOTE: *A 2001 study by veterinary pathologist Helen Munro and veterinary epidemiologist M. V. Thrusfield showed that perpetrators do present abused animals for treatment.*

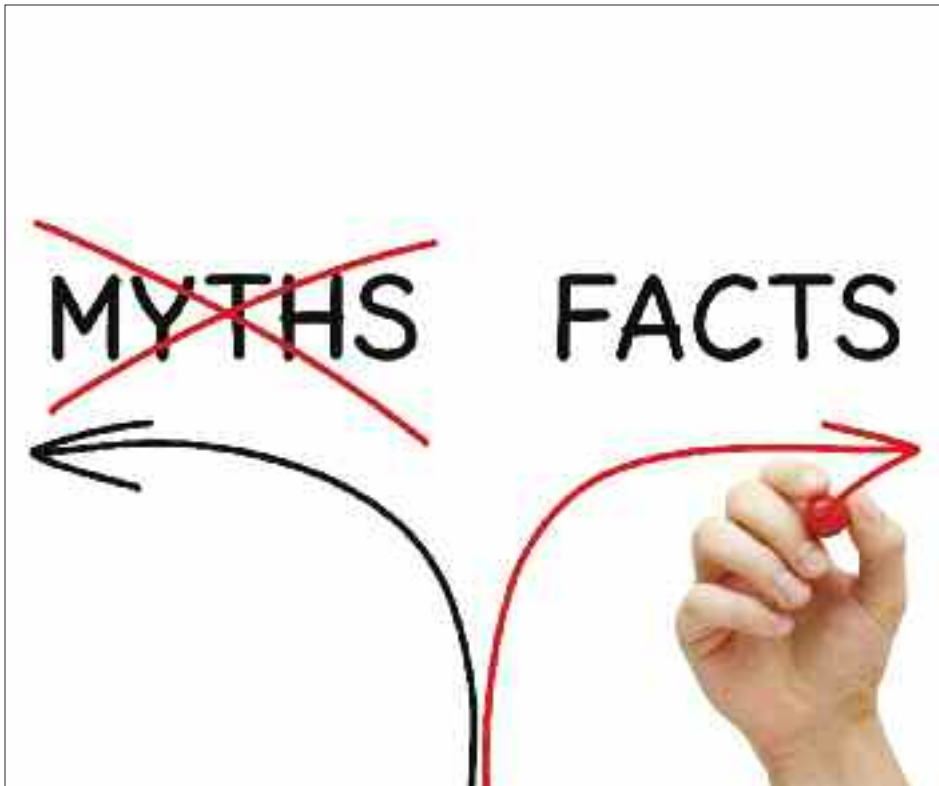
- close association to client (conflict of interest)
 - wanting to remain anonymous
 - lack of training and knowledge of the law and not knowing to whom to report
 - lack of confidence in local officials or frustration about not knowing the outcomes
 - wanting to educate only
- NOTE:** *Legal intervention can impose conditions, including supervision or mandatory re-examinations of the animal.*
- a mistaken belief that the veterinarian must have evidence that the neglect or cruelty was deliberate or intentional
 - time constraints

Reasons to Be Involved

Early intervention

There are many reasons for being involved in the prevention of animal cruelty and the reporting of cruelty. One of the top reasons to report: **early intervention**.

Early intervention may prevent further maltreatment.



Why report

- **For the animals** – The animal is the patient; animals are vulnerable and may have no other person who offers protection.
- **Legal** – Required by the rules and the laws in Minnesota.
- **Ethical** – It's part of the profession's code of ethics.
- **Health** – Failure to intervene perpetuates public health problems and puts patients and others at risk.
- **Expertise** – Veterinarians are well-trained to identify and correct substandard care.
- **Leadership** – Veterinarians should be at the forefront of setting the highest standards for animal welfare.
- **Humans** – Participation in family-violence prevention programs is an opportunity to build bridges between veterinary medicine and other professions.
- **Professional** – It elevates the status of the profession and the status and well-being of animals.

Source: Data adapted from Arkow and Munro, 2010. Material appears courtesy of the publisher, Purdue University Press. All rights reserved.

Oath and Ethics

The veterinary profession

The veterinary medical profession is guided by ethical and moral obligations to the patient, the client, the profession, veterinarians themselves, their peers, and society. This obligation is framed in the Veterinarian's Oath, and lays the foundation for reporting of cruelty.

Major support for reporting

Major veterinary professional associations in the United States and around the world support the reporting of animal cruelty. Look to these organizations for their positions:

- American Animal Hospital Association
- American Veterinary Medical Association
- Canadian Veterinary Medical Association
- Royal College of Veterinary Surgeons (RCVS) (U.K.)
- American Association of Equine Practitioners
- New Zealand Veterinary Association

NOTE: *The renewed interest in the prevention of animal abuse caused the AVMA to amend the Veterinarian's Oath in 2012 to include "the protection of animal health and welfare" and "the prevention and relief of animal suffering," as noted at right.*

Veterinarian's Oath

"Being admitted to the profession of veterinary medicine, I solemnly swear to use my scientific knowledge and skills for the benefit of society through the protection of animal health and welfare, the prevention and relief of animal suffering, the conservation of animal resources, the promotion of public health, and the advancement of medical knowledge."

American Animal Hospital Association

Position Statement: Animal Abuse Reporting

Veterinary professionals are likely to encounter many forms of animal abuse ranging from minor neglect to malicious harm.

The American Animal Hospital Association supports the reporting of suspicions of animal abuse to the appropriate authorities. The Association encourages the adoption of laws mandating veterinary professionals to report suspicions of animal abuse and providing immunity from legal liability when filing such reports in good faith. Veterinary professionals should be familiar with animal cruelty laws and their veterinary practice act, including any mandatory reporting requirements.

Studies have shown there is a link between animal abuse and other forms of violence, including child, spousal, and elder abuse. Reporting suspicions of animal abuse is important as it will trigger an investigation that may ultimately protect both animals and humans. It upholds the veterinary oath to prevent animal suffering and promote public health.

Veterinarians should seek education about animal cruelty and the profession should provide training on the recognition, documentation, and reporting of animal abuse and the

development of forensic models. Collaboration with animal and human welfare groups, law enforcement and other professionals within communities is crucial to improve response and reduce the incidence of animal abuse.

Veterinarians are referred to the American Veterinary Medical Association and the Canadian Veterinary Medical Association for information and resources on the signs, recognition, and reporting of animal abuse.

Adopted by the American Animal Hospital Association board of directors in November 1995. Revised in October 2009. Last revised in November 2015.



American Veterinary Medical Association

AVMA Animal Welfare Principles

The AVMA, as a medical authority for the health and welfare of animals, offers the following eight integrated principles for developing and evaluating animal welfare policies, resolutions, and actions.

- The responsible use of animals for human purposes, such as companionship, food, fiber, recreation, work, education, exhibition, and research conducted for the benefit of both humans and animals, is consistent with the Veterinarian's Oath.
- Decisions regarding animal care, use, and welfare shall be made by balancing scientific knowledge and professional judgment with consideration of ethical and societal values.
- Animals must be provided water, food, proper handling, health care, and an environment appropriate to their care and use, with thoughtful consideration for their species-typical biology and behavior.
- Animals should be cared for in ways that minimize fear, pain, stress, and suffering.
- Procedures related to animal housing, management, care, and use should be continuously evaluated, and when indicated, refined or replaced.

- Conservation and management of animal populations should be humane, socially responsible, and scientifically prudent.
- Animals shall be treated with respect and dignity throughout their lives and, when necessary, provided a humane death.
- The veterinary profession shall continually strive to improve animal health and welfare through scientific research, education, collaboration, advocacy, and the development of legislation and regulations.



Photo: Animal Folks, Roberts.

“Due to the direct correlation animal cruelty has with other crimes of violence, animal cruelty can no longer be viewed as a petty offense. It is incumbent for law enforcement, working closely with veterinarians, prosecutors, and other authorities, to treat animal cruelty cases seriously before the abusive behavior manifests itself into other assaultive actions.”

– Mike Goldstein, police chief, Plymouth, Minnesota

Standard Operating Procedures

Standard Operating
Procedures

How to Start

Create standard operating procedures

Recognizing animal cruelty and knowing how to report it require standard operating procedures so people know what is expected of them — what to look for, what to say, whom to tell, when to act, where to go, and why.

Principles and steps

Use the principles and steps at right and on the following pages as a guide for developing procedures and training within your practice.

Right: Reprinted from “Colorado Veterinary Medical Association Protocol for Mandatory Reporting of Animal Cruelty and Animal Fighting,” by Diane Balkin, Esq. (2007).

Guiding Principles

1. Dial 911 if you are concerned about safety.
2. Triage patient, if necessary.
3. Remember that everything you do, write, and say is likely to be disclosed to law enforcement authorities and to the accused (who may be your client).
4. If possible, have another veterinarian (or witness) document his or her observations and assessments. He or she may support or contradict your findings — either way, it is beneficial and will lead to a well-documented conclusion.
5. Document everything that the client tells you when explaining the animal’s condition, including different versions of the explanation.
6. Conduct a thorough examination of the animal.
7. Report your suspicions to law enforcement or an agency with jurisdiction to handle these types of crimes. Document to whom you reported and when.
8. Follow procedures after reporting, such as not talking with media, completing written statement of findings, adhering to chain of custody of evidence, etc.

Five Key Steps: Establishing Standard Operating Procedures (SOP) for the Reporting of Suspected or Known Animal Maltreatment

When suspecting or witnessing animal maltreatment, such as neglect, cruelty, or abuse, at a clinic or practice, the veterinarian has access to the client, his or her history, possibly the animal's history, and other factors that must be included in the veterinarian's assessment. This situation is slightly different from a cruelty case in which the veterinarian has been asked to assist law enforcement at a crime scene. It's important to set up and follow an approach so everyone in the practice understands what is expected of them.

Be prepared to report the incident (and gain help from law enforcement) at any time during the client visit.

PREPARATION
for reporting

CONVERSATION
and
OBSERVATION

MEDICAL
EVALUATION
and
TREATMENT

DOCUMENTATION
and
PACKAGING

CONSULTATION
and
REPORTING

Section Headings: The points below are further explained in this section. Use or adapt, based on your practice.

S.O.P.: Preparation

- 1. Be familiar with Minnesota laws**
Know the basics of Minnesota law, such as definitions.
- 2. Know where to report**
Obtain contact information for local law enforcement.
- 3. Define roles and train staff**
Train all staff in the protocols. Get their feedback.

S.O.P.: Conversation and Observation

- 4. Create client profile**
Collect past and current information.
- 5. Know what to ask the client**
Have the client tell the story. Ask the hard questions.
Watch for red flags — discrepancies and inconsistencies.

S.O.P.: Medical Evaluation and Treatment

- 6. Examine the animal**
Conduct a complete examination of the animal. Consider:
 - Questions to ask self
 - Evidence collection and examination record
 - Classifications of abuse (six categories)
 - Case examples (four cases)
 - Patterns of maltreatment: what to look for

- 7. Conduct pain assessment**
Assess animal's well-being; assess pain and suffering.
- 8. Take tests, radiographs, photographs**
Conduct additional tests and procedures, if needed.
- 9. Diagnose, treat, and monitor**
Determine the problem and cause, and provide treatment.
- 10. Holding the animal**
Be cautious when considering detaining an animal.
Follow procedures for a forensic necropsy, if needed.

S.O.P.: Documentation and Packaging

- 11. Collect, record, and package evidence**
All evidence must be documented, tagged, and secured.

S.O.P.: Consultation and Reporting

- 12. Consult with others; report**
Discuss your concerns. Call for assistance; report.
- 13. Write forensic report**
Prepare a forensic medical report of your findings.

Legal actions and follow-through

If the case progresses, be prepared for other legal actions, as explained in this book.

1. Be Familiar with MN Laws

Animal cruelty is a crime

Minnesota laws and rules dictate how a veterinarian can or must be involved in crimes against animals and what is required from a legal and ethical standpoint.

Become familiar with the statutory language:

- **Minnesota reporting**
(see page 30)
- **Minnesota Veterinary Practice Act and Rules**
(see page 32)
- **Minnesota Statutes and related laws**
(see pages 33-35, 47-56)

Specific Minnesota statutes are listed and briefly described on the following pages, with the definitions of animal and animal cruelty.

TIP: Update your cruelty files on a yearly basis, in case laws and/or rules have changed. Minnesota statutes can be found at the state website: www.revisor.mn.gov/statutes/



Minnesota Statutes:

Animal Cruelty

When reporting suspected or known animal cruelty, you are dealing with possible criminal behavior. Become familiar with the animal anti-cruelty statute in Minnesota known as:

Minnesota Statutes Chapter 343 - Prevention of Cruelty to Animals

To begin, pay close attention to “Definitions” within the law. Definitions for “animal” and what constitutes cruelty can vary widely from state to state. Nine definitions are listed within this statute; two key definitions are provided on the right.



Tethered dog; multiple deceased dogs on property. Source: Kanabec County Sheriff's Office.

DEFINITIONS: Minn. Statutes Chapter 343

The definitions of “animal” and “torture; cruelty” within Chapter 343 are below. See the statute for other definitions.

Minn. Stat. sec. 343.20

Subd. 2. Animal. “Animal” means every living creature except members of the human race.

NOTE: *This means every animal in Minnesota is protected from cruelty.*

Minn. Stat. sec. 343.20

Subd. 3. Torture; cruelty. “Torture; cruelty” means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

NOTE: *Minnesota does not just define cruelty and torture in terms of an “act” — lack of action (omission) and neglect are also included in this definition. Poverty, mental illness, old age, cultural traditions, ignorance, and commercial interests may be raised as defenses to a charge of cruelty, but there are no excuses for committing cruelty to an animal. When examining an animal, documenting findings, or reporting conclusions, keep your assessment to a statement of the medical facts.*

Minnesota Statutes

Chapter 343

343.21 Overworking or Mistreating Animals

This section of the law is what prosecutors in Minnesota typically use when charging an individual for a crime of animal cruelty.

It includes ten subdivisions. In addition to definitions of crimes, this section lists penalties and restrictions. Often, prosecutors will cite subdivisions 1 or 7 (see right), though other subdivisions may be included. It's helpful to understand this section as you examine an animal and collect evidence.



Kittens with severe eye infection; lack of veterinary care. Source: Animal Humane Society.

Minn. Stat. sec. 343.21

Subd. 1. Torture. No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

NOTE: *Don't be confused by the term "torture;" as shown above, the definition contains a long list of crimes and includes neglect.*

Minn. Stat. sec. 343.21

Subd. 7. Cruelty. No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.

NOTE: *Only this subdivision uses the word "willfully." The definition is typically interpreted as "knowingly" or "intentionally." In regard to commercial enterprises, willfulness (intent) may be established through standard operating procedures that evidence a conscious disregard for the health or well-being of the animals, or any pain or suffering experienced as a result of chronic inadequate living conditions.*



Top left (matted dog) Source: Animal Humane Society, MN. Bottom left (dog with embedded collar) Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved. Right (horse with untreated wound) Source: Animal Humane Society, MN.

Other Specific Minnesota Crimes in Chapter 343

In Chapter 343, some crimes and types of animals are cited specifically. A few examples are below. Brief summations are provided.

343.21 Subdivision 2. Nourishment; shelter

An animal shall not be deprived of “necessary food, water or shelter.” *See statute.*

343.21 Subd. 3. Enclosure

Any animal in any enclosure must have “wholesome exercise and change of air.” *See statute.*

343.21 Subd. 5 and 6 - Abandonment

It is against the law to abandon an animal, such as leaving a dog or cat in an apartment or on the road. *See statute.*

343.21 Subd. 8. Caging.

This details specific requirements for the caging of animals; also cites exceptions. *See statute.*

343.21 Subdivision 8a - Harming a service animal

A person cannot harm a service animal. *See statute.*

343.25 - Docking horses

It is against the law to cut the bony part of a horse’s tail for the purpose of docking it. *See statute.*

343.27 - Poisoning animals

It is against the law to poison an animal. *See statute.*

Minn. Stat. sec. 343.31 -

Animal Fights and Possession of Fighting Animals

In Minnesota, it is against the law to promote, be engaged in, or be employed in the activity of cock-fighting, dogfighting, or violent pitting of one pet or companion animal against another of the same or a different kind. It is also against the law to attend an animal fight. *See statute for complete language.*

343.32 - Artificially colored animals; sale

Certain animals who have been dyed or colored artificially are provided protections. *See statute.*

343.37 - Decompression chambers prohibited

Decompression chambers may not be used to destroy an animal. *See statute.*

343.38 - Animal with infectious disease

An animal with any infectious or contagious disease cannot be sold or bartered to a person without their knowledge and permission. *See statute.*

343.40 - Dog houses

There are standards for dogs kept outdoors in dog houses. *See statute.*



Examination of animal from cock-fighting case. Source: Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.

Minnesota Statutes Chapter 346: Animals

Chapter 346 is another statute in Minnesota that provides standards and requirements for the care, control, or use of animals. Some general sections are listed below. This statute also includes neglect, cruelty, and abuse as defined on page 54.

Minn. Stat. Chapter 346

- **346.01-07 - Estrays**

Applies to estrays, including the keeping, sale, and removal of estrays. *See statute.*

- **346.08-15 - Animal Doing Damage**

Applies to animals who do damage, including restraint, impoundment, and amount of damages. *See statute.*

NOTE: Also refer to Code 609.226 - Harm caused by a dog.

- **346.155 - Possessing Regulated Animals**

Applies to certain animals, such as members of the Felidae family, bears, and all nonhuman primates, Prohibits a person from possessing a regulated animal (cites exceptions). Includes penalties for violations of bodily, substantial, or great bodily harm. *See statute.*

- **346.16-34 - Animal At Large**

Applies to animals running at large. *See statute.*

- **346.35-44 - Pet and Companion Animal Welfare Act**

See pages 54 and 55.

- **346.47 - Seized Animals**

Provides requirements for animals who are impounded, such as stray animals without a known owner. Subdivision 3 also prohibits a person from releasing “an animal seized and held under this section for research or product testing...” *See statute.*

NOTE: *This process is different from seizure of animals as defined in Minn. Stat. Chapter 343, Minn. Stat. sec. 346.155, or other seizures legally allowed.*

- **346.50-58 - Dogs; Cats; Animal Shelters; Research Animals**

Provides requirements for certain animals, such as identification of dogs, creation of local programs for rabies control, and notification of owner by animal shelters for animals received.

NOTE: *Section 57 (Minn. Stat. sec. 346.57) also prohibits a person from leaving a dog or cat unattended in a motor vehicle in a manner that endangers the dog’s or cat’s health or safety. See statute.*



Leaving a dog or cat unattended in a motor vehicle in a manner that endangers the dog's or cat's health or safety is prohibited by law (Minn. Stat. sec. 346.57). This law applies to both hot and cold temperatures, and is one of the most reported crimes in Minnesota. Medically document the condition and treatment of the dog or cat, if brought to you. Source: FOIA, Oklahoma.

Minn. Stat. 346.35-44: Pet and Companion Animal Welfare Act

These sections (35 - 44) of Chapter 346 are targeted specifically to the welfare of pet and companion animals. The scope of this act is limited and applies only to veterinarians, animal boarding facilities, and commercial animal facilities.

Minn. Stat. sec. 346.35-44 - Pet and Companion Animal Welfare Act

This law also includes definitions of abuse, cruelty, and neglect; see statute for other definitions.

Minn. Stat. sec. 346.36 - Definitions

Subd. 2. Abuse. "Abuse" means intentionally causing unnecessary pain, injury, suffering, or harassment to a pet or companion animal.

Subd. 3. Cruelty. "Cruelty" means causing or allowing unnecessary pain, suffering, or unjustifiable injury or death to a pet or companion animal.

Subd. 5. Neglect. "Neglect" means failure to provide the minimum care required for the health and well-being of a pet or companion animal.

Subd. 6. Pet or companion animal. "Pet" or "companion animal" means a nonhuman mammal, bird, or reptile impounded or held for breeding, or possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another.

Unique to this act are provisions noted below.

Minn. Stat. sec. 346.37 - General Provisions

Subd. 1. Abandoned animals. Provides requirements for what a veterinarian may do with an unclaimed animal, including time period and notice. A veterinarian is also required to warn his/her patrons of the provisions of this subdivision by a posted notice or written document.

Subd. 2. Good Samaritan. "A person is not liable for rendering humane assistance to an injured pet or companion animal."

Subd. 3. Cruel training or handling. "A person may not inflict cruelty on a pet or companion animal by the use of a cruelty training or handling device or method."

Subd. 4. Health care. "Adequate health care, including parasite and pest control, must be provided to each pet or companion animal."

Subd. 5. Interpretation of terms. See page 33.

Subd. 6. Reports of abuse, cruelty, or neglect. Mandated reporting by veterinarians. See page 30.

Minn. Stat. 346.35-44: Pet and Companion Animal Welfare Act

Care standards

Sections 38-42 provide specific standards for care of animals and protection of animals from abuse, cruelty, and neglect.

These standards include specifics in regard to food, water, shelter, exercise, temperature, ventilation, sanitation, and transportation. These requirements are in addition to and may be different from Chapter 343 - The Prevention of Cruelty to Animals. Sections in this specific law include:

- **Equines** (section 38)
- **Dogs and Cats** (section 39)
- **Pet Birds** (section 40)
- **Rodents** (section 41)
- **Other Animals** (section 42)

IMPORTANT: As noted earlier, the scope of this act pertains to veterinarians — and animal boarding facilities and commercial animal facilities. It's important for veterinarians to be aware of these standards. To read this statute, go to: www.revisor.mn.gov/statutes/?id=346 (and scroll down to sections 346.35-346.33).

NOTE: *Farmed animals are excluded from this law (section 43); however, the standards still apply if a farmed animal fits the definition of a pet or companion animal.*



Other Minnesota Statutes

There are other laws and rules pertaining to animals in Minnesota. A few laws are listed below with summations. Also refer to pages 30-35 and pages 47-55 or go to the state website for a full list of statutes: www.revisor.mn.gov/statutes/

Minn. Code 609.294 - Bestiality

In Minnesota, it is against the law to “carnally know” (sexually abuse) a dead or live animal. *See statute.*

Minn. Stat. sec. 347.01-23 - Dogs

Pertains to dogs, such as public nuisance. *See statute.*

Minn. Stat. sec. 347.31-40 - Kennels and Dealers

Applies to animal shelters and dealers, specifically defined. *See statute. See rules MN Rules 1721.0520.*

Minn. Stat. sec. 347.50-565 - Regulation of Dangerous Dogs

Requirements for dogs defined as dangerous. *See statute. See Code 609.227 for dangerous animal destroyed.*

Minn. Stat. sec. 347.57-64 - Commercial Breeders Licensing and Enforcement

Provides licensing and standards for dogs and cats in commercial dog- and cat-breeding facilities. *See statute.*

Minn. Code 609.596 - Killing or Harming A Public Safety Dog

Provides protections for public safety dogs. *See statute.*

Minn. Code 609.597 - Assaulting or Harming Police Horse

Provides protections for police horses. *See statute.*

Minn. Stat. Chapter 35 - Animal Health

Includes disease control, transportation of animals, carcass disposal, etc.. *See statute and MN Rules: 1721.*

Minn. Stat. Chapters 97A, 97B, 97C

These chapters are cited as the “game and fish laws;” includes hunting and trapping requirements. *See statutes.*

Minn. Stat. Chapter 29 - Poultry, Eggs

Includes production and selling of poultry and eggs. *See statute.*

Minn. Stat. 6100, 6230, 6234, 6270, 6244 - Wildlife

Many issues pertaining to wildlife are handled by the Department of Natural Resources (DNR). Depending on the incident, other authorities may also be involved.

NOTE: Veterinarians may be actively involved with some of the activities cited in these laws, including treating the animal if harmed or guiding welfare efforts to prevent harm.



All species are protected from cruelty in Minnesota. See page 47 for definition of animal. The role of the veterinarian is critical in determining animal health and well-being.

2. Know Where to Report

Depending on your jurisdiction (city and county), the investigation of animal cruelty complaints are handled by:

- **the county sheriff's office;** or
- **the city police department**

Animal cruelty is a crime. Get to know your local police and sheriff. If the suspect lives out of your area, you may want your local police or sheriff to assist in helping you find the correct contact information. See links and script below.

- **USACOPS** (includes sheriffs, police, and fire and rescue)
www.usacops.com/mn/
- **National Link Coalition: Who do I call?**
www.nationallinkcoalition.org/how-do-i-report-suspected-abuse/Minnesota

SAMPLE SCRIPT TO VERIFY CONTACT NAMES

"Hello, my name is _____ and I'm a _____ (e.g., veterinarian, veterinary technician, receptionist) at _____ clinic. Is there someone in your department or office who handles crimes against animals? Can you provide us with his or her name and contact information? Thank you."

WHOM TO CONTACT

Fill in information for your contacts, and save for future reference.

POLICE DEPARTMENT

City

Contact name

Phone number

Email

After hours contact

SHERIFF'S OFFICE

County

Contact name

Phone number

Email

After hours contact



Photo: Animal Folks, Sarah Beth Photography.

What law enforcement needs from you

Every case of suspected animal cruelty can vary based on the species, type of crime, and number of animals involved. The point is to create standardized processes so that you, as a veterinarian, and law enforcement know what is expected and can minimize potential problems.

Law enforcement wants your help. The box (at right) lists a few of the needs from their perspective.



TIPS WHEN WORKING WITH LAW ENFORCEMENT

- 1. Provide clear documentation**
Document everything and be detailed. Take photos.
- 2. Follow direction**
Law enforcement has ultimate jurisdiction over a case. What you do or don't do influences their case. Do not literally or figuratively wander off and possibly destroy evidence. If you don't know what to do, ask. If you see something that law enforcement should consider, such as a medical condition, drug, or supplement, tell them.
- 3. Maintain good communication**
Stay in touch before, during, and after the case.
- 4. Don't be in a hurry**
Recognize that it may take time to compile evidence or participate in a case, especially if more than one animal is involved. Treat each animal as a victim.
- 5. Tell the story; keep within your expertise**
What is the health of the animal? Did pain, suffering, or death occur? Your role as a veterinarian is not to determine neglect, cruelty, or abuse, but to provide medical findings that may prove guilt or innocence.

Source: Rick Giese, Investigator, Pine County Sheriff's Office.

Reasons for case failure

Failing to establish and follow protocols could hurt a case.

1. Failure to report immediately

Time can change the evidence: an injury could heal, the animal could go missing, the dehydrated animal may become hydrated, or the animal could be groomed — if not reported immediately.

2. Failure to document or take photographs

Be certain to describe the injury and pain or suffering and other details, such as “dog couldn’t walk due to emaciation.” Both before and after photographs are needed.

3. Contaminated evidence

Evidence could be contaminated by cleaning up wounds, grooming a matted dog, trimming nails, or submitting the animals for a necropsy before the wound evaluation.

4. Giving the suspect a defense

Never speculate, i.e., “This could be due to...” The defense may use these statements against you in a court of law.

5. Lack of witness accountability

A witness may not be available; he or she may not be willing to give a statement or may change his/her mind. This is why it is important to document the initial story by the client.

Source: Lindsay Herron, lieutenant, Minneapolis Police Department.



Before grooming. Take photo before grooming so prior condition and evidence are not lost.



After grooming. Source, both photos: Animal Care and Control; Minneapolis Police Dept.

Other Authorities

Minn. Chapter 343 allows humane agents to investigate or assist lawfully empowered officials in the prosecution of persons charged with cruelty to animals. Animal control officers are also given authority in the protection of animals, as defined in Minn. Stat. sec. 343.29.

Humane Agents

There are two nonprofits that offer humane agents. These agents will take reports of suspected or known cruelty and conduct an animal welfare check. If a search warrant is needed or other efforts, they will contact the police or sheriff.



- **Animal Humane Society**, located in Golden Valley, employs three humane agents who service the State of Minnesota.
- **Minnesota Federated Humane Societies (MFHS)** uses multiple volunteer humane agents to respond to complaints throughout the State of Minnesota.

Animal Care and Control

The role, duties, and skills of animal control officers vary based on the community. Some agencies get involved in cruelty cases; other officers may focus efforts more on welfare issues, such as stray dogs, barking, community cats, lost dogs, etc.

- **Minneapolis Animal Care and Control (MACC)** is set up to handle animal cruelty cases in the city of Minneapolis. The Minneapolis Police Department has assigned one officer to work with MACC solely on cases involving crimes against animals.
- **St. Paul Animal Control Center** also assists in some animal cruelty cases.
- **Other locations: Animal Care and Control**
Check in your own community.

State agencies

State agencies, such as the MN Board of Veterinary Medicine, Department of Natural Resources, Board of Animal Health, State Patrol, and other entities, deal with specific animal issues — i.e., acting without a veterinary license, wildlife, disease control, transport, consumer sales, etc. Some agencies deal solely with civil and regulatory functions. Skills may vary based on mission, structure, and investigative training.

Duties of officers

Minn. Stat. sec. 343.12 — Duties of Peace Officers

Upon application of any agent appointed by the federation or a county or district society, it shall be the duty of, any sheriff or the agent's deputy or any police officer to investigate any alleged violation of the law relative to cruelty to animals, and to arrest any person found violating those laws. It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver the same to the proper officers of the county or district for custody and care.

Minn. Stat. sec. 343.29 — Exposure of Animals; Duties of Officers

Subdivision 1. Delivery to shelter. Any peace officer, animal control officer, or agent of the federation or county or district societies for the prevention of cruelty, may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink in circumstances that threaten the life of the animal. When necessary, a peace officer, animal control officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall

be immediately notified as provided in section 343.235, subdivision 3, and the person having possession of the animal, shall have a lien thereon for its actual costs of care and keeping and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within ten days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be disposed of as provided in section 343.235.

Subd 2. Disposal of animals. Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to subdivision 1 may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of section 343.23.

Minn. Stat. sec. 343.22 — See page 34.

Minn. Stat. sec. 343.01 subd. 1

...The federation and all county and district societies may appoint agents for the purpose of investigating or otherwise assisting lawfully empowered officials in the prosecution of persons charged with cruelty to animals. Appointed agents must have training and experience in activities relating to animals or enforcement of laws relating to cruelty to animals. ...

Get to Know Your Prosecutors

After an investigation, law enforcement will determine if there is enough evidence to prove a possible violation of law. They will write a report (known as a complaint) and submit it to the city or county attorney's office.

A prosecutor will be assigned to the case by the city attorney or county attorney, depending on the jurisdiction. With some offices, there may be a prosecutor who handles many of the animal cruelty cases. Find out who this person is. Introduce your practice. Ask if he or she can meet with your staff and explain the process so you are better prepared should you be faced with a cruelty case and/or need guidance.

SAMPLE SCRIPT TO GET CONTACT NAMES

"Hello, my name is _____ and I'm a _____ (e.g., veterinarian, veterinary technician, receptionist) at _____ clinic. We have introduced ourselves to the city police department and the county sheriff's office. Is there someone in your office who handles crimes against animals specifically? Can you provide us with his or her name and contact information? We'd also like to see if this person would meet with our clinic and discuss how your office handles these type of cruelty cases. Thank you."

WHOM TO CONTACT

Fill in information for your contacts, and save for future reference.

CITY ATTORNEY

City

Contact name

Phone number

Email

COUNTY ATTORNEY

County

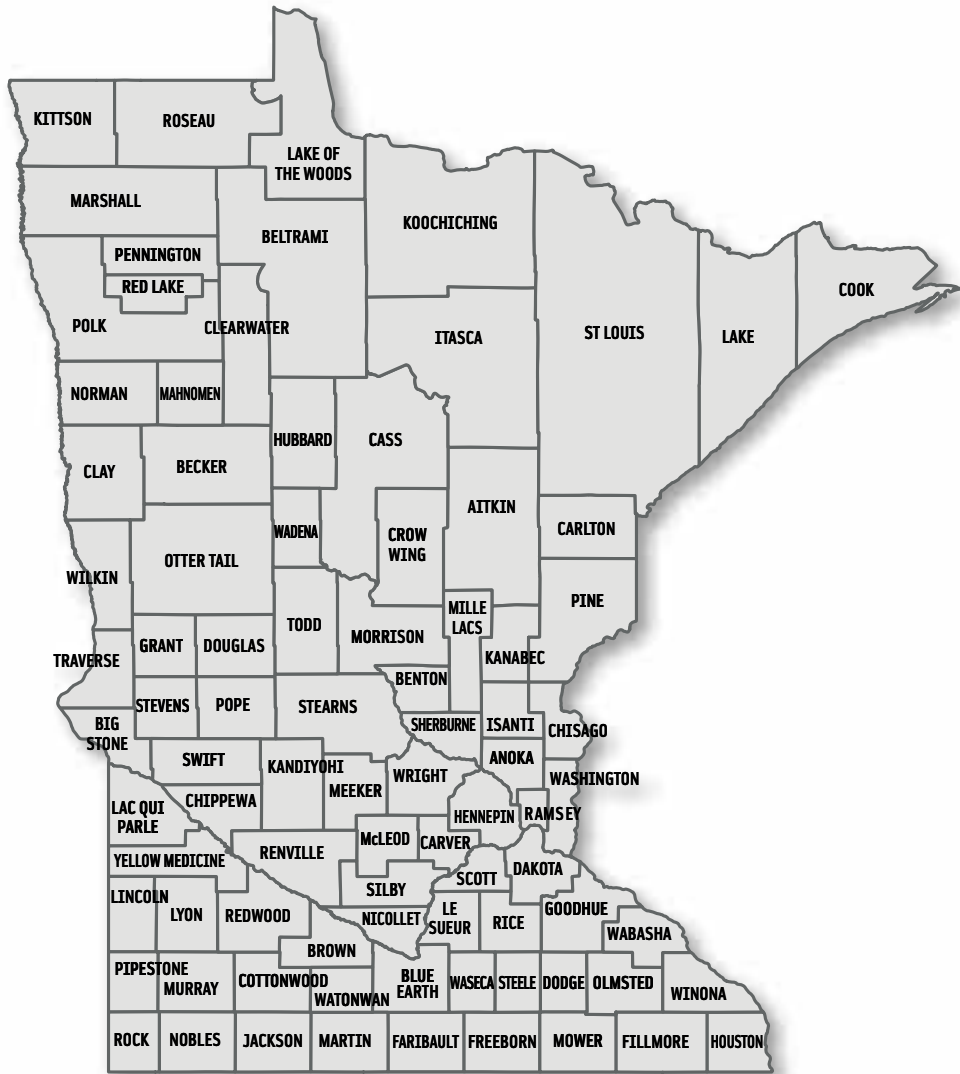
Contact name

Phone number

Email

Source: Balkin, 2007.

Minnesota counties and cities



There are 87 counties in Minnesota and 854 cities (per 2010 census).

For a list of **County Attorney** offices and the elected **County Attorney** for each, go to:

- **Minnesota County Attorneys Association:**
www.mcaa-mn.org

For a list of **cities** and **city attorneys**, go to:

- <http://mn.gov/portal/government/local/cities/>
This is a list of Minnesota cities. Because city attorneys serve by contract, you will need to access the city's website to see who is currently serving in that role.

For other resources and legal contacts:

- **Minnesota Sheriffs' Association:**
www.mnsheriffs.org
- **Minnesota Chiefs of Police Association:**
www.mnchiefs.org
- **Minnesota Police and Peace Officers Association:**
www.mppoa.com/home.php
- **Association of Minnesota Counties:**
www.mncounties.org
- **League of Minnesota Cities:**
www.lmc.org
- **National Sheriffs' Association:**
www.sheriffs.org/content/national-law-enforcement-center-animal-abuse

3. Define Roles and Train Staff

Create a “chain of command”

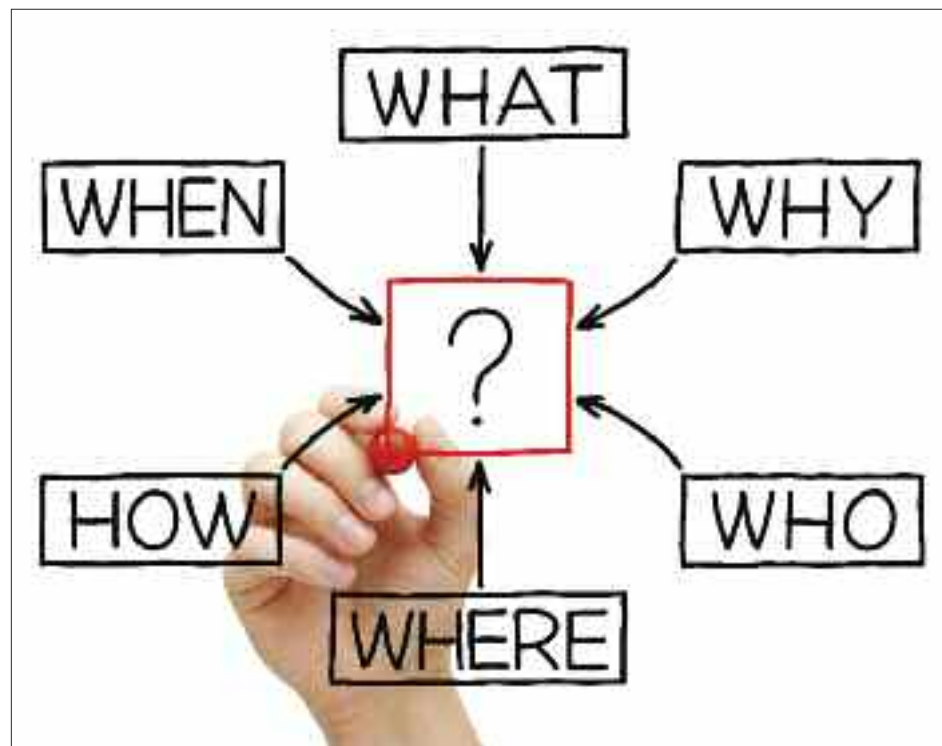
The Manitoba Veterinary Medical Association reported that the public is more likely to report suspected animal cruelty to a veterinarian than it is to a humane society or law enforcement agency (MVMA, 2006).

At some point, your practice will deal with a case of animal neglect, cruelty, or abuse. It's important to prepare in advance.

Clarify the duties and responsibilities of each staff member for how a case of suspected or known animal neglect, cruelty, or abuse will be handled — from beginning to end, including who does what and who approves.

Roles and duties: Who does what, when, why

1. **Reporting protocols** – Who will write your protocols?
2. **Trainer** – Who will train your staff in the protocols, including new hires? Include a confidentiality document for staff to sign.



3. **Senior consultation** – Animal maltreatment may not be simple or obvious. Designate in advance senior colleagues who veterinarians may consult with about their concerns and, if needed, help determine an appropriate course of action. Maintain confidentiality.
4. **Other roles and duties** – As licensed veterinarians are the mandated reporters, each veterinarian is responsible for his or her own reporting; however, the veterinarian may need assistance throughout the process.

Depending on the size of your practice, discuss the various duties and decide who is responsible for each task.

Examples:

- a. Who knows the Minnesota state and local laws, or can access this information?
- b. Who finds the names and contact information for authorities in your jurisdiction and builds relationships?
- c. Who documents the medical findings and is familiar with what is needed in a medical record?
- d. Who acts as point person and gathers/compiles the various data — from when an appointment is first made (e.g., who made the appointment, how was the animal brought in, what was said) to the examination (e.g., who was present, what was said, what tests and other materials were conducted) to the interactions with authorities (e.g., who talked to whom and when)?

- e. Who handles the storage of evidence, including data requested by authorities or the client?
- f. Who coordinates the care of the animal, whether he or she is alive or deceased (for possible necropsy)?
- g. If needed, who follows up with the authorities as to the progress of case, the timing, or other actions?



Training

Encountering suspected cruelty

Most cases of animal maltreatment “seen in practice are probably the result of client ignorance and accidents rather than intention. It has been suggested (Patterson-Kane and Piper, 2009) that most animal abuse occurs as isolated acts heavily influenced by opportunity and impulse factors rather than by individual pathological behavior” (Arkow, Boyden, and Patterson-Kane, 2011).

Regardless of the reason, identifying the cruelty and reporting the incident allow for an investigation and early intervention — staff just need to know what to do.

Discuss stories with staff

A few stories are listed to the right and on the following pages. Talk with your staff about what they may have seen or what questions they may have. Role-play — before a case walks in your door.

Story example 1:

The receptionist is checking in a client with an unruly dog. The owner yanks on the leash, gets in the dog’s face, and threatens the dog verbally. The dog does not settle down. The owner yanks the dog back to him by the neck, causing the dog to yelp, and then punches the dog in the side of the head, screaming “Sit down!” The dog cries, cowers, and urinates, and remains cowering/shaking at the feet of the owner as they wait for their appointment.

Questions for discussion

- What can or should the receptionist say?
- Who should be alerted?
- What should be recorded and by whom?
- Could something be happening at home that you’re not aware of?
- Is this suspected cruelty? If so, which of the abuse categories does it fall into?
- What other actions should the receptionist take?

Story example 2:

A groomer working in a private practice sees a three-year-old poodle mix for a first-time grooming appointment. The dog has not been seen by the veterinarian at this practice, but has an updated rabies tag. According to the owner's comments in the appointment book, she has never had him groomed before. The dog is dropped off for grooming. The groomer finds overgrown nails, some of which are embedded in the toe pads. The entire coat is also matted and pulling on the skin. The ears are full of hair and have malodorous discharge. The eyes have thick, black-dried crusts of debris, and, though the client requests "dental brushing," the groomer encounters teeth caked with thick, brown calculus pus along the roots and several loose teeth.

Questions for discussion

- What can or should the groomer say?
- Who should be alerted?
- What should be recorded and by whom?
- Do any of the conditions cause or permit pain or suffering to the animal? How do you know?
- What other actions should be taken?

Story example 3:

A veterinary technician goes into the examination room to trim nails and express anal glands on a small mixed-breed dog. The owner is present — she is disheveled, appears to have been crying recently, and has some fading bruises on her arms. She has a small child with her as well; he is shy and hiding behind his mother. The dog is shaking and clearly favoring a front leg. When asked why the dog is limping, the owner claims the dog got her foot caught in the doorway and declines to have the dog's foot seen by the veterinarian. The dog is in otherwise good shape and has been seen in the clinic before. The dog is usually friendly and outgoing, but something is "off" about her today.

Questions for discussion

- What can or should the technician say?
- Who should be alerted?
- Are there previous medical records showing any other injuries or wounds?
- Is there enough suspicion of abuse to report it?
- If it's not reported, what could be the possible consequences to the animal or family?

4. Create Client Profile

First introduction

You or your colleagues may be introduced to a mistreated animal through various means:

- **Brought to clinic by:** the abuser, the client (abused by someone else), a Good Samaritan, a witness, law enforcement officer, humane investigator
- **Other venues:** a house call, at a shelter, at a teaching institution, as a witness, as a consultant or inspector

Document Animal Intake

Be sure to document the details of who brought the animal in, when, where, and how (i.e., animal was limping, walked in on his or her own, was carried). It is also essential to try to write down exactly what is said; start a paper trail in case you need the information later.

Create Client Profile

Gather basic details:

- Record the date and time of the exam.
- Record the animal's name, species, gender and reproductive status, age, color, identification, tattoos, diet, microchip, vaccinations and dates, weight, etc.
TIP: *Avoid guessing the animal's breed or age. If you're incorrect, the defendant's attorney may use this against you. Instead, use a range or say "appears to be."*
- Consider asking how long the owner has had the animal and if the animal has been seen at other clinics.
- Get the name of the owner and the contact information (i.e., is the person the owner, a neighbor, a pet-sitter, etc.?) Note if there are discrepancies in names, addresses, or ownership of the animal.
- If possible, go out and get the vehicle's license number.

Text above adapted from Arkow, 2011, and Balkin, 2007

Client profile: further questions

Gather further information:

- **Is the client an established client or new client?**
Was the animal seen by another clinic — if so, who, when, why? Sometimes abusers may visit multiple clinics (so-called “vet shopping”) in an attempt to avoid presenting an ongoing history of violence or to avoid raising suspicions.
- **What is the treatment history for the patient?**
If the client is an established client, do you have a treatment history for the animal, including medical and reproductive history?
- **Are there indications of pet turnover?**
There may be a history of a high turnover of pets in the household, especially younger animals or those with repetitive histories of behavioral problems. A client whose history includes consistently having new or young animals could also be an indicator.
- **Is the abuser a child or adolescent?**
Children and adolescents may be abusers, often because they are victims or witnesses of abuse themselves. Do not ignore or dismiss the child or adolescent.

Observe client behavior

Document the behavior between the client and animal:

- **Lack of concern**
The client lacks knowledge or concern about previous pets, or is indifferent about the current pet’s injuries.
- **Aggression**
The client may be aggressive or argumentative or reveal behaviors, bruises, or information consistent with signs suggesting possible domestic violence, child abuse, or elder abuse.
- **Reluctance**
The client refuses to comment about the injury or is reluctant to give a full history.
- **Delay medical help**
The client may delay seeking medical attention.
- **Fear and concerns**
The client may say he or she does not feel safe at home, or there may be concerns about an isolated senior citizen or an excessive number of animals deprived of care.
- **Nervous**
One partner may act nervous or deferential around the other.

Text above and to right adapted from Arkow, 2011, and Balkin, 2007.

5. What to Ask the Client

Ask what happened to the animal

Get the person to tell the whole story. As with any visit, be curious. Listen. Obtain the medical history. Your client may admit incriminating conduct.

TIP: *Be gentle, calm, and non-judgmental. Do not confront. Explain that you need information to treat the animal; the person may also need help because of a violent home situation.*



Source: Sheriff's Office, Aitkin County, MN.

Steps: Clarify the story – the “account”

1. Get them to talk

Get the person to tell you in his or her own words what happened to the animal — from beginning to end. Listen — don't interrupt. Don't start with “Your animal has been abused.”

2. Leave the room; get a colleague to join you

Excuse yourself. Make it natural. Maybe you need a technician to hold the animal as you conduct the examination. Have your colleague also observe and assess — even if that person contradicts your findings, it is still beneficial as it will contribute to an objective assessment and conclusion (Balkin, 2007).

3. Follow up with specific questions

Follow up with questions to find or clarify further facts and see where holes may or may not be in the story. Don't point out flaws in responses — just hear them. See the next page for suggested questions.

People lie.

Just because the person brought the animal to the clinic for care does not mean that he or she is not doing something wrong. As law enforcement knows well, people lie. My animal...“fell down the stairs and broke his leg.” “Got hit by a car.” “Sat too close to the radiator and got burned.” “Attacked me, so it was self-defense.” “Was sick, so I put her out of her misery.” As the person tells the story, you may suspect something is wrong. You may start noticing discrepancies in answers. Be calm and objective. Suspecting this person of animal cruelty can feel like a moral dilemma. Remember, there may be anger-management problems or other factors that contributed to the suspected abuse. As with domestic abuse, the cycle of violence is anger, then guilt.

POSSIBLE QUESTIONS TO ASK CLIENT

- Who had access to the animal (including other animals)?
- What did the animal have access to?
- When did the event occur?
- Where did the event occur?
- How did it happen?
- Why did it happen?
- Where was the animal found?
- What was present around the animal (such as blood or bodily fluids)?
- What were the initial symptoms of the animal?
- Did the animal have access to the outside?
- Was the animal outside unattended?
- Was the animal confined outside and how?
- Was a gate present on the fence, and was it locked?
- If indoors, what is the layout of the home and where are the stairs located (if there are stairs)?
- What food does the animal eat (i.e., brand, dry, or canned)?
- How often is the animal fed?
- When did the animal last eat or drink?
- When did the animal last have access to food or water?

Reprinted from Recognition of Abuse and Hospital Protocols, by Melinda D. Merck, DVM.

Red Flags: What to Watch For

The suspect will have a story to tell. Compare the story with clinical findings to make an informed decision.

Look for discrepancies and inconsistencies

Phil Arkow and Dr. Helen Munro provided the following reasons for suspecting abuse. None of these reasons are diagnostic; it is the combination that raises suspicion. (Reprinted from *The Veterinary Profession's Roles in Recognizing and Preventing Family Violence: The Experiences of the Human Medicine Field and the Development of Diagnostic Indicators of Non-Accidental Injury, 2010. Material appears courtesy of the publisher, Purdue University Press. All rights reserved.*)

Aspects in the history

- The history is inconsistent with the injuries.
- The history is discrepant (i.e., changes in the telling or the story varies from person to person).
- A previous injury or death has occurred in another animal in the same household, or belonging to the same owner.
- No explanation is offered for the injury.
- Lack of motor-vehicle accident or any other possible accident.
- Family violence is known or suspected.

Implication of a particular person as the perpetrator

- The owner may actually admit injuring the animal.
- The owner may name another person as the culprit.
- The owner may state the injuries are due to non-accidental injury (NAI) but refuses to give a name.
- The lodger/neighbor/stranger may be blamed.

Type of injury

- Repetitive injuries are highly suspicious.
- Certain injuries may cause suspicion because they are unusual, or because they do not “fit” with the owner’s explanation.

The behavior of the owner arouses concern

- He or she may be aggressive on questioning.
- He or she may show a lack of concern for the pet.
- He or she may behave oddly.

The behavior of the animal arouses concern

- The animal may be frightened of owner.
- The animal may be happier when separated from the owner (e.g., when hospitalized).

At the scene Veterinarians may be asked by a client to visit a property — where they may be exposed to a situation where animals have been treated cruelly or are at risk. This visit may reveal information that must be documented and reported. Treat the animal if needed; remember the animal is evidence.



Source: Animal cruelty case; Chisago County Sheriff's Office, MN.

At the scene (continued)

Many veterinarians may have clients with commercial activities. As stated, all animals are protected under Minnesota law. If one or multiple animals are present, planning and coordination with authorities are critical should you suspect animal cruelty.



Animal cruelty cases. Left—One of multiple chickens seized, Source: Stearns County Sheriff's Office. Right—Rabbits bred in poor conditions, Source: Olmsted County Sheriff's Office.



Dead iguanas. Evidence from cruelty case against U.S. Global Exotics, Inc. in Texas — a business that imported and sold “exotic” animals to other dealers, pet stores, private purchasers and zoos. Total animals seized was approximately 27,000 and represented approximately 500 species. Source: Animal Services, City of Arlington, Tarrant County, Texas.

6. Examine the Animal(s)

Forensic medical examination

A forensic medical examination is a detailed and thorough examination done in order to methodically document physical findings and facilitate the collection of evidence from the patient's body.

The examination should include:

- Systematic approach, noting all normal and abnormal findings. (If normal findings are not recorded, it may be interpreted that an incomplete exam was performed.)
- Standard protocol for each animal. Protocols may vary from case to case, depending on the scale and type of case; however, the same protocol should be used for every animal in a single case.

Keep an open mind

Be objective. Do not focus on the chief complaint or obvious abnormalities. Do not overlook the unremarkable. Keep an open mind, and be sure to document pain, suffering, or other factors that may result from animal maltreatment.

Source: Touroo, 2014 and Arkow, 2011.



Photos: Animal Folks, Sarah Beth Photography.

Approach to cases: Questions to ask self

“Each case is unique. You do not know at the time you are collecting information which pieces of information will be important to the case,” explains Dr. Robert Reisman, senior forensic veterinarian at the ASPCA Animal Hospital in New York City. “You will not know the outcome until you are finished collecting information. A standard approach to all cases will help you uncover essential evidence that will provide a complete picture of the animal’s compromised health. Everything must be documented.”

Questions below from Robert Reisman, DVM, senior forensic veterinarian, medical coordinator of animal cruelty cases, ASPCA Animal Hospital NYC.

Basic questions the veterinarian must answer

1. Is the animal injured, or has his/her health been impaired?
2. Is the animal in pain?
3. Has there been a permanent, deleterious effect on the animal’s health?
4. Definitive diagnosis: What is the illness? What is the cause of death? This information is absolutely necessary for criminal prosecution.

Questions the veterinarian should attempt to answer

1. What human action or inaction may have caused the animal’s illness or death?
2. Duration: How long did the animal have the problem?
Example: A German Shepherd dog with an embedded collar (chain) was brought to the hospital for evaluation and care. A biopsy of the full thickness of the wound’s scar tissue showed that the collar was causing injury for at least two months.

Evidence Collection

What to collect

An evaluation for animal neglect, cruelty, or abuse uses many of the same processes from a detailed physical examination.

Use an examination record, such as the one on the next page, to gather and record information during the examination. Any medical abnormalities, additional risk factors, and signs of pain or suffering must be fully documented.

Animal identification

If you suspect cruelty, give the animal a unique number which can be used for the tracking and keeping of information. This number may be assigned by the veterinarian or law enforcement (Touroo, ASPCA, 2016).

Microchip

Even if you know the client, be sure to scan the animal for a microchip — scan more than once.

Source, photo top right: Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.



For proper record-keeping, assign the animal an identification number. The number should be included in the initial photos of the animal.



Scan the animal for a microchip. Scan slowly in a serpentine pattern.

EVIDENCE COLLECTION: EXAMINATION RECORD

- 1. Signalment and client profile / patient history**
Include data from client profile and patient history.
- 2. General appearance / initial observations**
Observe the animal from a distance and up close. Include general appearance, body condition, mentation, posture and gait.
- 3. Vital signs**
Include temperature, heart/pulse, respiratory, body weight, and mucous-membrane color.
- 4. Systems**
Include all body systems, from head to toe. Do not forget eyes, ears, neck, mouth, feet, tail, and perineum.
- 5. Evidence of injury/abnormalities**
Look for and document signs of wounds, lesions, fractures, trauma, blood loss, and other medical abnormalities. Estimate the duration and age of injury.
- 6. Pain assessment**
Pain can vary considerably based on age, gender, species, and other factors. Assess and document.
- 7. Behavior and emotional health**
Assess strength, activity, interaction with people and animals, and any other emotional or behavioral factors.
- 8. Evidence of medical and/or surgical intervention**
Note if past procedures were conducted.
- 9. Evidence of insects (entomology findings)**
Forensic entomology can assist in establishing the time of death or the age of injuries that contain maggots (Arkow, 2011); can also be submitted for toxicological analysis.
- 10. Photographs and diagrams**
Keep record of photos and any diagrams to help explain the medical conditions found and the number and location of injuries.
- 11. Evidence of chronicity**
Document if any long-term neglect, cruelty, or abuse has occurred — and any conditions that should have been apparent to the owner/caregiver.
- 12. Trace evidence**
Use UV lights, flashlights, a magnifying glass, tweezers, or other tools to find and collect any evidence, including parasites, on the animal that may explain the condition or injury (Merck, 2013).
- 13. Physical evidence**
Review and save physical evidence, such as embedded collars, burned hair or feathers, bullet fragments, etc. Ensure these items are properly packaged, so the loss of valuable evidence does not occur.

Data adapted from ASPCA protocols, Touroo (2014), Balkin (2007), Arkow (2011), Merck (2013), and HSVMA-RAV Volunteer Training Manual, Rural Area Veterinary Services (2016).

Classifications of Abuse

Signs of maltreatment can vary based on the type of crime.

1. **Simple or Gross Neglect**
2. **Intentional Abuse and Torture** (physical abuse)
3. **Organized Animal Abuse** (such as dog fighting and cock-fighting)
4. **Animal Sexual Abuse** (also known as bestiality or zoophilia)
5. **Ritualistic Abuse**
6. **Emotional Abuse**

NOTE: *Some of the terms above are defined in Minnesota statute. Some terms are not specifically defined in law but the acts or omissions of care are covered under definitions of torture, cruelty, abuse, or neglect.*

Source: Federal Bureau of Investigation (www.fbi.gov).

FBI classifications and tracking

The top four classifications on the left will now be used by the FBI and law enforcement agencies to track animal cruelty. As crimes against animals continue to be researched and documented within veterinary forensic science and are further recognized within law, these classifications may evolve.

“At the request of the National Sheriffs’ Association and the Animal Welfare Institute, an animal cruelty category has been added to the NIBRS ...”
(Data collection began January 2016.)

– Federal Bureau of Investigation

NIBRS stands for National Incident-Based Reporting System. It is used by law enforcement agencies in the United States for collecting and reporting data on crimes.



Deceased dog due to starvation; owner stated that weather (cold temperatures) made it dangerous for him to walk to kennel to feed dog. Collect and document medical evidence to confirm cause of death and any pain and suffering; coordinate forensic necropsy if needed. Source: Animal Humane Society, MN.

1. Simple and Gross Neglect

Neglect will likely be the most common form of animal cruelty a veterinarian encounters.

Neglect is an act, often of omission, signifying a lack of care. A failure to provide the basic necessities of life (e.g., shelter, food, necessary veterinary care, and affection) can create pain and suffering for the animal.

Neglect may result from a variety of psychological conditions, such as ignorance, laziness, greed, apathy, caregiver stress, poverty, passive-aggressiveness, and other factors.

Severity and duration

The veterinary forensic examination can provide useful information about the severity and duration of this type of maltreatment. For instance, an embedded collar can give insight into how long the condition went unrecognized.

Matting of hair resulting in urine burns to the skin or overgrown or ingrown nails can document a chronic deprivation of needs.

Multiple animals

A veterinarian may also be exposed to severe (gross) forms of neglect involving multiple animals, such as hoarding or neglect found in some large-scale commercial dog- and cat-breeding facilities.



Starvation of adult female dog named Jasmine. Weight recorded as 14.7 lb. when presented; increased to 25 lb. 24 days later. Not all emaciation is a result of starvation. Be certain to rule out any underlying medical condition, such as chronic hookworm parasitism/IBD, intestinal lymphosarcoma, parvovirus, or exocrine pancreatic insufficiency. Use Body Condition Score. Source: Reisman, DVM, Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.

Source: Data from presentations by Touroo, ASPCA (2016); Lockwood, ASPCA (2016).



Untreated skin condition.



Extreme overgrowth of hooves with infection.



Injuries to ears from fly bites.



Untreated eye condition; dried black crust and mucus.



Infected ear; lack of veterinary care.

Source credits: Top left: USDA; bottom left: USDA; middle: Pine County, MN; top right: USDA; bottom right: Animal Humane Society, MN.

Neglect

Example: Animal hoarding

Animal hoarding is a serious problem that affects animal and human welfare. A veterinarian may be exposed to this severe form of neglect. Be aware of signs should an animal be presented to you.

Animal hoarding is defined by four characteristics (as cited in *Animal Hoarding: Structuring interdisciplinary responses to help people, animals, and communities at risk*; edited by Gary J. Patronek, Lynn Loar, and Jane N. Nathanson, 2006):

- failure to provide even minimal standards of sanitation, space, nutrition, and veterinary care for the animals;
- inability to recognize the effects of this failure on the welfare of the animals, human members of the household, and the environment;
- obsessive attempts to accumulate or maintain a collection of animals in the face of progressively deteriorating conditions, and
- denial or minimization of problems and living conditions for people and animals.

NOTE: *The Hoarding of Animals Research Consortium (HARC) at the Cummings School of Veterinary Medicine at Tufts University offers data and resources for animals harmed in hoarding cases. To learn more, contact HARC: <https://vet.tufts.edu/hoarding/>.*

Animal hoarding: Warning signs for veterinary staff

- a constantly changing parade of pets from the same client, most never seen more than once
- rarely see same animal for conditions associated with old age
- client brings in animal only for problems not usually seen with good preventative health care, e.g., parasite infestations, URI
- client has several veterinarians, travels great distance, comes in at odd hours
- client seeks heroic or futile care for recently found animals
- animals have been recently bathed to conceal odor; client smells of animal urine
- client seeks medication for other animals at home
- client is unwilling to say how many animals he/she has
- client expresses interest in taking in more animals; may check office bulletin board

Source: Data above from Randall Lockwood, Ph.D., ASPCA



Left and top right are from a Minnesota hoarding case with cats, dogs, and guinea pigs. 80 animals total at property with 24 deceased. Source: Minneapolis Police Department. Bottom right is from a cat-hoarding case in Minnesota. Source: Animal Humane Society (MN).

Neglect:**Large-scale commercial breeding of dogs and cats**

Unless hired by the business or requested by law enforcement to assist in a case, a veterinarian in a clinic may not see the conditions within a commercial dog- or cat-breeding facility where a high volume of animals are confined for breeding. However, an animal(s) may be brought to the clinic by the breeder, an animal rescue organization or law enforcement.

Conduct a full examination. Do not ignore diagnostics, such as fecal floats, heartworm testing, or aural cytology, which may demonstrate disease that is not visible on the surface.

Also consider a behavioral consultation. Research has shown that a lack of enrichment and socialization can result in mental health problems for the animals. Prolonged confinement can contribute to chronic deprivation of health needs.

TIP: Refer to Minnesota statutes. Examples:

Minn. Stat. sec. 343.21.3

Enclosures require “wholesome exercise and change of air.”

Minn. Stat. sec. 346.39.6

Requires that “animals must not be bred so often as to endanger their health.”

Minn. Stat. sec. 347.59 (b)(4)

Requires that “animals must be provided daily enrichment and must be provided positive physical contact with human beings and compatible animals at least twice daily...”



Untreated wound; lack of veterinary care; former Minnesota commercial dog breeder with over 1,000 dogs and puppies in kennel. Convicted of animal cruelty. Source: CAPS.



MN commercial dog breeders. Left: dental disease. Right: overgrown nails. Source: USDA.



Veterinarians are on the front line and may have access to commercial or residential properties with one or multiple animals. From examining the animal's health to observing conditions that contribute to the animal's health and well-being, the veterinarian may be one of a few people who witness how an animal or animals are treated. If animal cruelty (includes neglect) is suspected or known, the veterinarian is mandated to report.

Dogs seized from commercial dog breeders in Minnesota convicted of animal cruelty. Left, source: Cass County Sheriff's Office; Top right, source: Dakota County Sheriff's Office (dog deceased due to drowning as form of killing); Bottom right, source: Olmsted County Sheriff's Office.



2. Intentional Abuse and Torture

Physical Abuse

Physical abuse is non-accidental physical injury, also referred to as intentional abuse. The infliction of these injuries causes unnecessary pain and/or suffering and is considered one of the most important diagnoses, as it may be a matter of life and death for the animal. Examples may include:

- blunt-force trauma such as contusions, abrasions, lacerations, and fractures, which could be caused by hitting, kicking, throwing, beating, or other acts
- sharp-force injuries
- thermal- and chemical-burn injuries
- gunshot and projectile injuries
- asphyxia and drowning
- poisoning
- other intentional acts

Examination considerations

Careful documentation of the severity, frequency, duration, and history of these types of injuries is important. With thermal- and-chemical burn injuries, an estimate of the degree of restraint is also necessary to give evidence of intentionality. With drowning victims, look for signs of struggle.

Source: Data adapted from Touroo (2016); Lockwood (2005, 2016).

Source, both photos at right: Reisman, DVM. Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.



Physical-assault head trauma resulting in brain injury.



Five month-old puppy with lameness and left femoral fracture; also had previous fractures.



Left – Three-year-old pit bull mix burned with battery acid. Dog survived his injuries. With chemical and thermal burns, swab wound for analysis. Document smell. Estimate degree of restraint. Source: 1 Day Ranch, Shawnee, Oklahoma; Fitzpatrick Foundation.



Right top and bottom – Pet boxer dog beaten with 2x4 board while chained. Necropsy conducted showing severe trauma to the head with a broken skull and other lacerations. Dog died from injuries. Source: Benton County Sheriff's Office.

3. Organized Abuse

Organized abuse refers to dogfighting, cock-fighting and other activities that use animals to fight. These illegal crimes are referred to as “blood sports.”

In Minnesota, animal fighting has been singled out for special attention within the animal anti-cruelty statute; spectators too can be charged (**Minn. Stat. sec. 343.31**).

In addition to animal cruelty, these types of crimes are associated with other offenses, such as illegal drugs, weapons, and gambling.

Animal fighting typically involves a large number of animals. A veterinarian at a clinic may not be exposed to these crimes; however, an animal may be presented to your clinic by law enforcement for evaluation and interpretation of evidence.

As stated in Minnesota law, the veterinary report may “contain a written description of the animal seized, the medical evaluation of the physical findings, the prognosis for recovery, and the date of the examination and must contain the name, address, veterinary clinic, and signature of the veterinarian performing the examination.”

NOTE: *Animal fighting is also a violation of federal law found at Title 7, United States Code, section 2156.*



Fighting cocks used in Minnesota cock-fighting case. Source: Minneapolis Police Dept.



Left: Retired fighting dog. Top right: Fighting dog hurt after fight. Bottom right: Bait dog used for training dogs to be used in dog-fighting. Source: Animal Humane Society, MN.

4. Sexual Animal Abuse

Sexual abuse is any abusive act with an animal involving the rectum, anus, or genitalia, or sexual contact with animals which may or may not result in physical injury to the animal.

Forms this abuse may take (Lockwood, 2015):

- fondling, sexual touching
- masturbation of or on animal
- oral-genital contact (to or from animal)
- penetration with object
- penetration with body
- soliciting penetration by animal

Studies have shown the significance of animal sexual abuse as an indicator of past exposure to sexual assault or violence or as a predictor of the potential for future violence (Lockwood).

Perform head-to-tail examination

“Sexual abuse should be a differential in any case involving injury to the urogenital region” (Bradley and Rasile, 2014).

When addressing suspected sexual abuse, assess the injuries by conducting an examination of the entire body. If an injury occurred under 120 hours, check body with a black light and swab any fluorescent areas. Collect and preserve all evidence, treat the patient, and document findings (Bradley, 2014).

NOTE: Refer to References section for specific examination techniques. See Bradley/Rasile and Stern/Smith-Blackmore.



Sexual assault of Shih Tzu; died from rectal trauma. Photo: Nancy Bradley, DVM.



Goat tied up and sexually abused. Died. Source: Sheriff's Office, Washington County, MN.

5. Ritualistic Abuse

Ritualistic abuse involves “ceremonial acts that are often related to behavior patterns based on a belief in some occult ideology.” The common factor to these ceremonial acts “is the use of blood in their rituals, which they believe contains the life force energy and power” (Merck, 2013).

Some of the groups and cultures perform animal sacrifice, draining the animal’s blood to be used in an offering; sometimes mutilation is used in the ritual. Some cultures eat the animal as part of the ritual or feast; some burn the animal as an offering.

Depending on the group and act, the type of animal used can vary greatly — including goats, doves, lambs, turtles, cats, sheep, chickens, cows, dogs, pigeons, snakes, and horses.

Ritualistic slaughter and sacrifice are controversial as it raises questions of religious freedom versus animal cruelty.

Examination of the animal should focus on documenting any pain or suffering that may have occurred.



Top right: A “satanic” crime scene that included a dead dog impaled with a spike, committed by teen “dabblers.” Pennsylvania. Source: Lockwood, Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.

Bottom right photos: Cat sacrificed; display of ritual. Source: Animal Rescue League of Boston.

6. Emotional Abuse

Emotional abuse can be defined as a deliberate action or inaction which results in the infliction of emotional distress on another being.

Of foremost concern is the infliction of fear, often a consequence of unpredictable threat or hostility such as that associated with the use of discipline and punishment that is excessive, inconsistent, and/or capricious, which prevents the animal victim from ever enjoying feelings of safety and security (McMillan, 2005). Other types of emotional abuse include socially isolating, intentional abandonment, and overpressuring (McMillan, 2005).

Research has shown that some animals will endure physical pain in order to alleviate emotional pain (McMillan, 2014).

The psychological damage from emotional abuse may cause animals to be relinquished to shelters, rescue organizations or sanctuaries. Some pet and companion animals may be deemed “unadoptable.”

NOTE: *The term “emotional abuse” is not cited specifically in statutory language; however, mental health can be argued in a court of law as a vital aspect of animal health and well-being.*



Dogs showing signs of emotional distress. Bottom, source: Olmsted County Sheriff's Office, MN.



Adult male breeding dog in kennel; shows signs of emotional distress. Dog was rescued but still shows emotional and behavioral problems years after rescue. Source: Animal Folks.

CASE EXAMPLES: Evidence Collection

Each case of animal cruelty is unique. Four cases are provided on the next pages to illustrate the need for a thorough medical examination. The stories below are a summation of each case, not complete Statement of Findings.

THE CASE OF THE ABUSED ROTTWEILER DOG

“This one-year-old dog was the victim of criminal neglect.

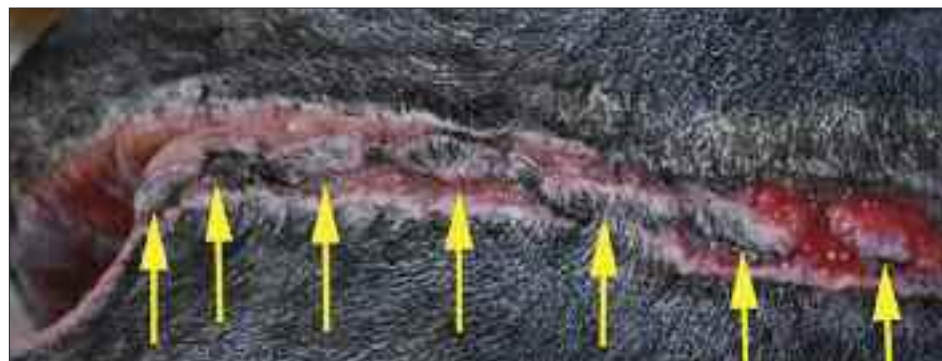
- The account: An individual alleges that he found the dog two weeks earlier. He alleges that the dog was chained to pole in a park and that a chain was embedded in the dog’s neck. Individual gave his address, phone number, and dog’s name.
- Microchip: Dog scans positive for microchip. The microchip was registered five months previously — to the same address, phone number and dog’s name. This information is given to law enforcement. It is proof that the individual had the dog the entire time the dog was experiencing neglect. This is sometimes the most difficult part of the law enforcement investigation — determining who was responsible for the animal during the period the animal was abused. In this case, the microchip information provides the answer.”

(Continued on next page)

Source: Case description and photos, Reisman, DVM, (2009). Copyright © 2019.
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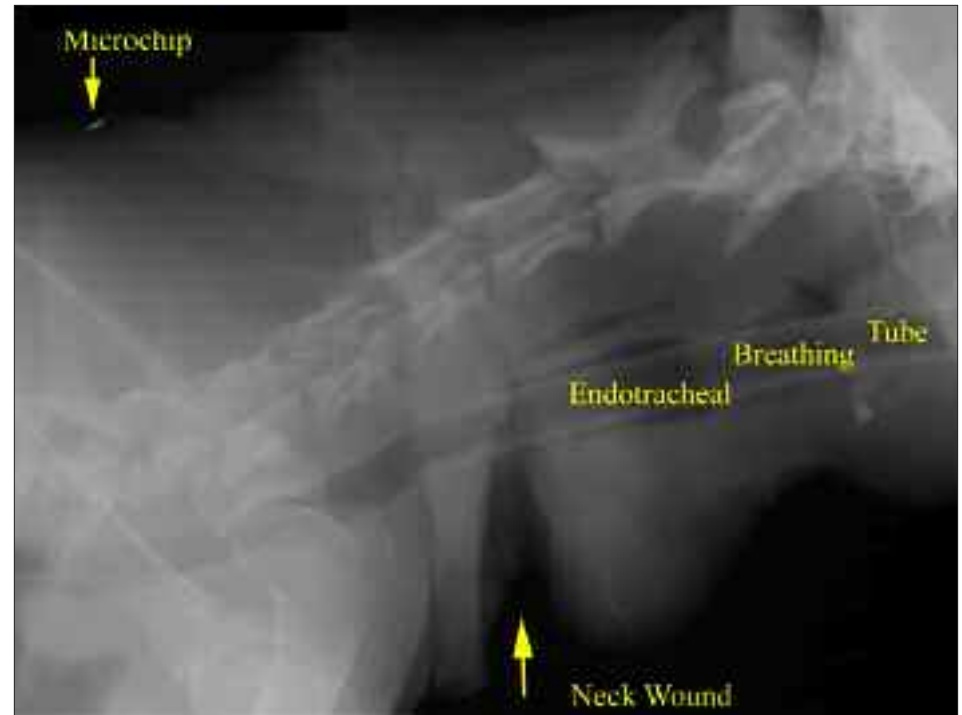
Weight on 9/9/11 was 54.1 lb. By 11/23/11, weight was 75lb (an increase of 39%).



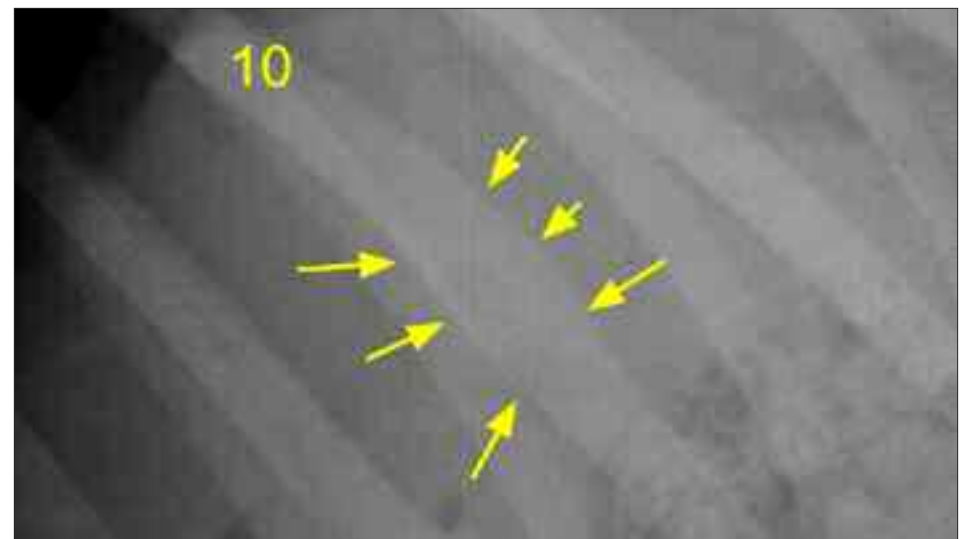
Patterned wound caused by embedded chain around neck.

- “Medical findings: The dog has a very deep neck wound. The wound is infected and has excessive scar tissue. The wound is painful to the dog when it is palpated. The age of the wound can be estimated by submitting a full thickness biopsy (i.e., from haired skin, through scar tissue to healthy bleeding tissue) and submitting it for histopathology. It takes approximately 5-7 days for a granulation bed to form. Scar tissue forms at the rate of approximately 1 cm per month. Based on the amount of scar tissue present it is estimated that this wound is at least 3 months old.
- Conclusion: The wound on the left side of the neck has a beaded appearance. This is consistent with the allegation that it was indeed an embedded chain that caused the wound. It is remarkable that the individual removed the embedded chain while the dog was awake. The process of removing it while the dog was awake must have caused the dog excruciating pain.
- Further: In addition to the embedded collar, the dog was starved. His weight increased 39% during his stay in the animal hospital. Radiographs that are routine for every animal abuse showed that the dog had two healed rib fractures — evidence of physical abuse.”

Source: Case description and photos, Reisman, DVM, (2009). Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.



Radiograph showing depth of wound from embedded collar.



Radiograph showing healed rib fractures – rib callus.

THE CASE OF THE BURNED CAT

“Use of DNA analysis from frozen (stored) section of muscle.

- The cat was severely injured and was humanely euthanized.
- Young adult kitten was doused with lighter fluid and then set on fire by two teenagers. One teenager held the cat down with his foot when the lighter fluid was used, and thus there is a gap in severely burned tissue between the 4th degree burns (i.e., burns that extend to underlying muscle) of the front leg and the hind end. The cat was one of a group of outdoor cats fed by the superintendent of the building.
- A few months after the event, the superintendent found charred tissue in a vacant room in the basement of the building. Until that time, it was thought that the event happened outdoors. The charred tile and a section of muscle from the animal’s body (stored in the morgue freezer) were submitted to VGL at UC Davis. The DNA matched, thus proving that the actual crime scene was indoors in a building with human inhabitants. Setting a fire in an inhabited building is arson. By identifying the crime scene indoors (using DNA), the charges of arson and burglary were added to aggravated (felony level) animal cruelty.
- Two perpetrators were responsible for the crime of setting the burnt cat on fire.”

(Continued on next page)

Source: Case description and photos, Reisman, DVM, (2009). Copyright © 2019.
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Tommy Two Times, a.k.a. Scruffy, was doused with lighter fluid and set aflame.



Scruffy, with 4th degree burns, was humanely euthanized. DNA evidence helped solved case.

- “One perpetrator pleads guilty and receives seven years in jail for a package of crimes including an assault on a man (violent individual - multiple victims). The other perpetrator opts for a bench trial: A trial where the judge determines the verdict. He is found guilty at trial.
- The pre-sentence report from prosecutor focuses on atrocious nature of the offense. Defendant’s behavior is indicative of violent behavior. Incarceration is strongly recommended.
- Judge states that in most crimes, there is usually an “understandable” explanation for the defendant’s acts (i.e., steal to support drug habit, etc.). The judge states that in this case, it was mind-boggling as to why the defendant would do what he did. Judge mandates a psychiatric exam. It shows no evidence of a brain disease or other deficit.
- The judge refers to the defendant’s own statement to address motivation for the crime. When asked why he did it, the defendant stated “I was bored.” The judge states that the defendant didn’t commit a hasty, thoughtless act. It took time to find the cat, find a location, hold the cat down, put the lighter fluid on the cat and then set the cat on fire. The defendant had plenty of opportunities to stop. Lastly, the judge states that youthful offender is not appropriate for this crime, and the world should know what he did.”

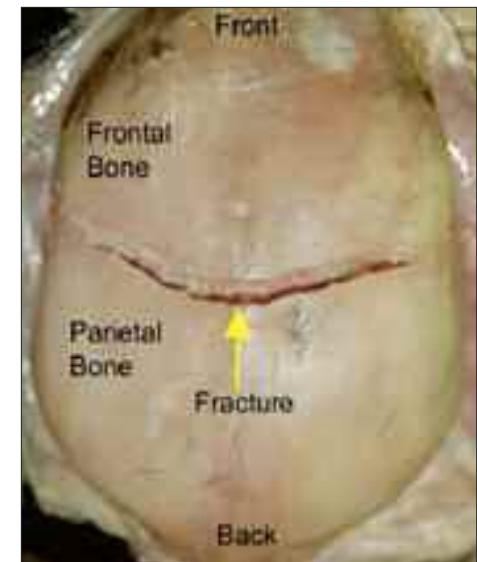
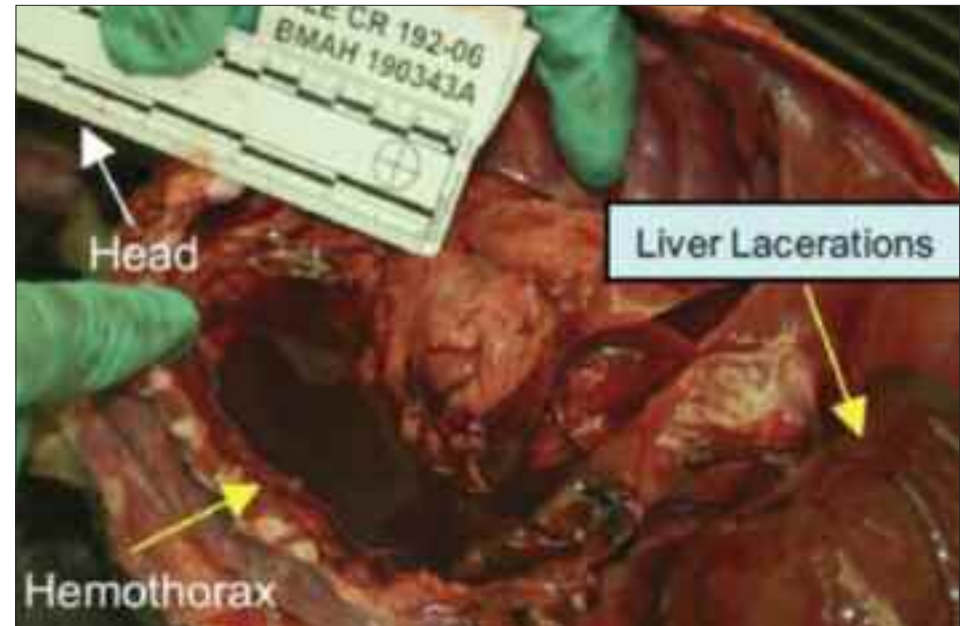
Source: Case description and photos, Reisman, DVM, (2009). Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.



Charred tissue was found in the basement of the building and submitted for DNA analysis.

THE CASE OF THE DACHSHUND PUPPIES

- “Profile: A five-month-old Dachshund puppy was brought to the Brooklyn Veterinary Emergency and Referral Group. The puppy is badly injured with multiple blunt-force trauma injuries. The puppy died 20 hours subsequent to admission.
- The account: The puppy fell while being bathed.
- Medical findings: Hemothorax, hemoabdomen, liver lacerations. Fractures: left ribs 10, 11, 12 (2 fractures of rib 11), right ribs 3, 4, 5, 6.
- Conclusion: Based on the injuries identified, these could not have happened while the puppy was being bathed. The puppy has 7 rib fractures. There are two groups of rib fractures. There are rib fractures on right and left sides of body. Accidents tend to cause injuries on one side of the body — the side that receives the application of force. Puppy ribs are “elastic;” they are hard to break. This is a classic pattern of rib fractures in a physical abuse case.
- Further: During the investigation, it was discovered that a second Dachshund puppy had been killed months earlier. Not only did the same individual admit to beating Junior, he also admitted to killing another Dachshund and burying it in a friend’s backyard. The puppy’s body was exhumed. A skull fracture was identified.”



Source: Case description and photos, Reisman, DVM, (2009). Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.

THE CASE OF THE BATTERED DOG: BOODY

- “Young adult, neutered male, King Charles Spaniel (Boody).
- There were three distinct areas of hemorrhage on the head that represented three separate blows to the head. The blow to the top of the head is consistent with the dog being kicked in the head. This blow was forceful enough to remove the top layer of skin (epidermis) and cause hemorrhage in all the tissues of the head (skin, fat, and muscle) and hemorrhage in the brain.
- The fractures of ribs twelve and thirteen and the extensive hemorrhage in the tissues of the right body wall and the injuries to internal organs are consistent with multiple, very forceful blows to the body. These blows resulted in a degree of blood loss that was fatal.
- Recent fractures of left ribs 12 and 13.
- Bony callus of rib 9 is a healed fracture that is at least 3-6 weeks old, but could be older.
- Fibrosis (scarring) of the surface of the liver and the kidney capsule would take at least a week to form following physical injury.
- Hemosiderin was seen microscopically associated with the fibrosis of the liver and kidney, and was also seen in lung tissue.”

Source: Case description and photos, Reisman, DVM, (2009). Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.



Patterns of Animal Maltreatment: What to Look For and Do

Below is a chart listing some examples of animal maltreatment with types of injuries to look for during an examination and suggestions for how to document these injuries. This chart was developed by Melinda Merck, DVM, reprinted with permission from the American Society for the Prevention of Cruelty to Animals (ASPCA).

NOTE: *This chart is an abbreviated list. It does not include all crimes, species, types of injuries, or diagnostics. Due to the extensive list of crimes, please refer to forensic books or training for further recommendations. See Resources.*

PATTERNS OF ANIMAL MALTREATMENT

| | TYPE OF INJURY | DIAGNOSTICS |
|------------------------------|--|---|
| Head Trauma | Asymmetry from contusions or fractures. Petechiae. Ruptured tympanic membranes. | Radiographs. Inner-ear exam. |
| Abrasions or Bruising | Evidence of healing bruises or cuts (indicative of repetitive abuse). Embedded debris in skin or fur that can indicate dragging or throwing. Fractured bones or ribs, including evidence of past injuries. | Radiographs note location, size, and shape to connect to potential weapon. |
| Feet Injuries | Frayed nails. Torn pads. Debris caught between pads and fur, or within frayed nail. | Swipe feet across paper to preserve trace evidence; in deceased animals, remove nail DNA. |

| | | |
|--------------------------|--|---|
| Burns | Smell wound for accelerants, oils, or chemicals. | Swab the wound before and after treatment for analysis of chemical. Photograph burn patterns. |
| Starvation | Evidence of pica. Gastric ulcers. Occult fecal blood. Melena. | Bone marrow fat analysis. Routine profile. Examine stomach content and feces. |
| Embedded Collar | Visible signs of trauma. Foul odor from infection and necrosis. | Photograph wound before and after shaving. Measure width and depth of wound. Save the collar. |
| Dogfighting | Characteristic puncture wounds on face, neck, and front legs. Evidence of starvation and beatings. Evidence of heavy chain used as collar. | Test for use of steroids, analgesics, hormones, or diuretics. |
| Gunshot Wounds | Fur forced in or out at entrance and exit wounds. Singed fur or coat. Abrasion rings. Gunshot residue on or inside the wound. | Remove bullets with fingers or cotton-wrapped forceps. Photograph each wound before and after cleaning. Shave and note powder patterns. |
| Ligature Injuries | Crushing injury to skin, blood vessels, and tissue. Surrounding tissue may be inflamed and infected. | Characteristic bruising pattern. Trace evidence. |
| Knife Wounds | Length and type of blade. Note tapers on one or both ends of wound. | Measure external wounds and wound depth. Swab for DNA, both human and animal. |

7. Conduct Pain Assessment

The animal's state of well-being

Animal maltreatment, including abuse, cruelty, and neglect, compromises an animal's health and causes a deviation from a state of comfort. This "state" can be described as comfort, stress, discomfort, distress or pain, as shown below.

Distress, pain, and suffering are evidence of maltreatment and, therefore, need to be documented and described.

A veterinarian's medical findings will document if the action or omission by the animal's owner/caretaker caused or permitted pain, suffering or death to occur — as defined by Minnesota statutes.

Homeostasis

Homeostasis "refers to the tendency of the body to maintain behavioral and physiologic equilibrium" (NRC, 1992).

Achieving homeostasis is key for an animal's well-being. As with humans, an animal's body is constantly monitoring its internal activities in response to external conditions, and trying to correct any imbalance. When a body is out of balance, this can lead to disease and other consequences.

"Failure of the organism to return to homeostasis adversely impacts an animal's well-being and leads to poor welfare" (NRC, 2008).

The Five Freedoms, described on page 25, are an example of standards for creating a state of equilibrium, or well-being.



Diagram: ASPCA, adapted.

Comfort

Comfort is defined as a state of equilibrium in which an animal is in good health and accustomed to his or her environment. The animal “engages in normal activities, such as feeding, drinking, grooming, social interactions, sleeping-waking cycles, and reproduction” (NRC, 1992).

Stress

Stress is the effect produced by exposure to stressors. Stressors, such as examples in the chart, can be created by:

- external events (physical or environmental) or
- internal factors (physiological or psychological)

These stressors elicit coping mechanisms or adaptive changes, “including behavioral reactions, activation of the sympathetic nervous system and adrenal medulla, secretion of stress hormones (e.g., glucocorticoids and prolactin), and mobilization of the immune system” (NRC, 2008). “When a covert or overt response of an animal to a stressor is adaptive, the animal returns toward a state of comfort” (NRC, 2008).

Discomfort

Discomfort is a minimal change in an animal’s comfort as a “result of changes in the animal’s environment or biologic, physical, social, or psychologic alterations” (NRC, 1992). Discomfort typically results in subtle abnormal behavioral signs, and may or may not be observed.

Source: National Research Council (NRC), 1992, 2008. Touroo, ASPCA, 2016.

Examples of Potential Stressors

Causes of Physiological Stress

Injury
Surgery
Disease
Starvation
Dehydration

Causes of Psychological Stress

Fear
Anxiety
Boredom
Loneliness
Separation

Causes of Environmental Stress

Restraint
Noise
Odors
Habitat
Ecology
Other species
People
Chemicals
Pheromones

National Research Council (NRC), 1992.

Distress

Distress is a state which an animal cannot escape from, or adapt to, because of external or internal stressors that result in negative effects on well-being. Distress “occurs when stress is severe, prolonged, or both” (NRC, 2008).

“The transition of stress to distress depends on several factors. Of clear importance are stressor duration and intensity, either of which is likely to produce behavioral or physical signs of distress” (NRC, 2008).

When conducting a medical evaluation, the signs of distress should be observable. Distress typically results in *overt* abnormal behavioral signs; however, these signs will be muted as compared to those of overt pain.

Pain

Understanding behavior is essential

The inability for an animal to self-report (describe) pain in no way negates the possibility that an animal is experiencing pain and is in need of appropriate pain-relieving treatment.

This inability to self-report, however, makes pain assessment more difficult. Veterinarians must rely mainly on behavioral observations in order to try and identify pain states in animals.

Understanding normal and abnormal behavior specific to a species is essential to identifying pain. Signs of pain can include:

- loss of normal behavior
- new and abnormal behaviors

Pain can vary based on:

- character (stinging, throbbing, aching, burning)
- location (skin, joints, viscera, muscle)
- duration (momentary to persistent)
- intensity (minimal to excruciating)

TIP: Refer to the AAHA/AAFP Pain Management Guidelines. See Resources for link.

Source: Content from Touro, ASPCA, 2016.



Example of abnormal behavior. One-year-old dog (named Chelsea) cowering in corner, displaying avoidance, withdrawal, abnormal posture. Assess for underlying disease processes; document behavior. Source: Save SBC Shelter Pups; San Bernadino City Animal Control; dog was adopted by Jason Heigl Foundation in February 2014.

Definition of Pain

The International Association for the Study of Pain defines pain as “an unpleasant sensory and emotional experience associated with actual or potential tissue damage.”

Assessing Pain in Animals

When assessing and documenting pain in animals, the following factors should be considered:

- Animals are sentient beings; they feel and anticipate pain similar to people (Mathews, 2000).
- Unless the contrary is established, one should consider that incidences that cause pain or distress in people cause pain and distress in animals (NRC, 2000).
- Species differ in displaying pain. Many species, particularly prey species or fighting breeds of dogs, may show little external sign of pain. Cats and dogs tend to hide pain as a protective mechanism.
- Cats purring and dogs tail-wagging are not accurate indicators of a state of comfort (Mathews, NAVC, 2003).

TIP: Look to pain scales. *No single accepted pain scale has been developed; however, the Colorado State University Pain Scales, the Glasgow Composite Pain Scale, and the Horse Grimace Scale are used. See Resources for links to scales.*

Classifications of Pain

Pain can be classified as either physiological or pathological.

- **Physiological (nociceptive) Pain**

Physiological pain (also referred to as nociceptive pain) is experienced by an animal when he or she is exposed to noxious stimulus or events that activate nociceptors in the body’s tissues. The stimulus or events convey signals to the central nervous system to react. Physiological pain is an “early-warning device” that helps protect humans and animals from a dangerous environment. This warning (the sensation of pain) needs to be unpleasant enough that it’s not ignored.

- **Pathological (clinical) Pain**

Pathological or clinical pain occurs in response to tissue injury and inflammation (inflammatory pain), damage to the nervous system (neuropathic pain), and alterations in the normal function of the nervous system. It features both spontaneous pain, which arises without any apparent peripheral stimulus, and hypersensitivity to peripheral stimuli.

Considerations – Note if the pain is adaptive or maladaptive, acute, or chronic. As with humans, acute pain is provoked by a specific disease or injury and serves a useful purpose. Chronic pain is a debilitating affliction that has significant negative impact on well-being.

Source: Content from Touroo, ASPCA.

Pain assessment (continued)

Recognizing pain in animals

Assessment of an animal's state of comfort involves:

- assessment and knowledge of observable common behaviors
- the animal's appearance and mobility
- the animal's behavior and response to handling
- hands-off assessment of the animal's behavior
- the animal's response to analgesics (a good way to test whether a particular abnormal behavioral sign is caused by pain is to use appropriate analgesics and see if the abnormalities disappear or continue)

To recognize suffering, one suggestion is to look for evidence that the animal is trying to or would take steps to change the situation, either by escape or by trying to gain access to something he or she wants or needs (Dawkins, 2005).

TIP: Refer to the classic signs of inflammation: *rubor* (redness), *calor* (warmth), *tumor* (swelling), and *dolor* (pain). Combined, these events cause the temporary loss of function (*functio laesa*) of the afflicted tissue. Document these signs to give medical evidence of body changes and pain, if present.

Source: Content from Touroo, ASPCA, 2016. Roberts, 2016.

HOW ANIMALS MAY EXPRESS PAIN

- Escape reaction
- Abnormal posture, gait, or speed, guarding behavior
- Vocalization or aggression during movement or manipulation
- Withdrawal or recoil response
- Licking, biting, chewing, or scratching
- Frequent changes in body position — restlessness, rolling, writhing, kicking, tail flicking
- Vocalizing — groaning, whimpering, crying, squealing, growling, hissing, barking
- Impaired breathing pattern, shallow breathing, groaning during breathing, increased rate of breathing
- Muscle tension, tremor, twitching, spasm, straining
- Depression, sluggishness, hiding, withdrawal, laying motionless, seeking cover, sleeplessness
- Avoidance behavior and aversion to scene of the trauma
- Spontaneous autonomic responses — sweating, tachycardia, hypertension, vasoconstriction and pallor, decreased intestinal motility, increased gastro-intestinal secretions, sphincter tone, urinary retention

Source: Gregory, 2004.

Suffering

Definition of suffering

Suffering is defined as “an unpleasant state of mind that disrupts the quality of life. It is the mental state associated with unpleasant experiences such as pain, malaise, distress, injury, and emotional numbness (e.g., extreme boredom)” (Gregory, 2004).

In Minnesota, “suffering” is included within the cruelty statutes, which is why this term as well as pain is important for veterinarians to understand and use.

Consider physical and mental states

“Disease, injury, and deformity are major sources of suffering. But there is more to good welfare than not dying of disease and injury. A wild animal confined in a cage could be well fed and in apparently good health and yet “suffering” from fear due to the presence of humans or frustration at not being able to run over long distances as it would do in the wild. Equally, an animal that had been injured but was apparently able to behave more or less normally might not be “suffering” from its injury. In each case, we need to take into account not just the animal’s physical health but its mental or psychological health as well” (Dawkins, 2005).

Learned helplessness

Keep in mind that the animal who is in pain and suffering may be too weak to perform “escape” behaviors and may have developed learned helplessness.

“Learned helplessness” refers to a condition in which the animal will not attempt to escape from a negative situation even when able to do so — a “giving up” — which may occur when an animal is subjected to prolonged stress or abuse (McMillan, 2016).

EXAMPLES OF EMOTIONAL AND MENTAL STATES

Emotional and mental states can lead to suffering when the states become severe or protracted.

- Fear
- Irritation
- Starvation
- Sickness
- Frustration
- Fatigue
- Thirst
- Anxiety
- Phobia
- Boredom
- Depression
- Pain
- Distress
- Nausea
- Loneliness
- Sadness
- Bitterness
- Anguish
- Paranoia
- Despair
- Torment
- Longing

Source: Gregory, 2004.

8. Take tests, radiographs, photos

Gather further medical data

As with any client visit, you must ask permission and get consent to conduct certain tests on the patient.

The client may be resistant. Consider offering the tests for free. The money spent on exams and tests may corroborate or negate your findings (Balkin, 2007).



Take tests

Laboratory tests and diagnostic methods

Document all laboratory tests performed, such as:

- blood analysis
- urine analysis
- CBC/Chem
- serum chemistry
- fecal analysis
- ultrasound
- cultures

TIP: *Neglected animals have a higher incidence of anemia, parasitism, and hypoproteinemia (Arkow, 2011).*

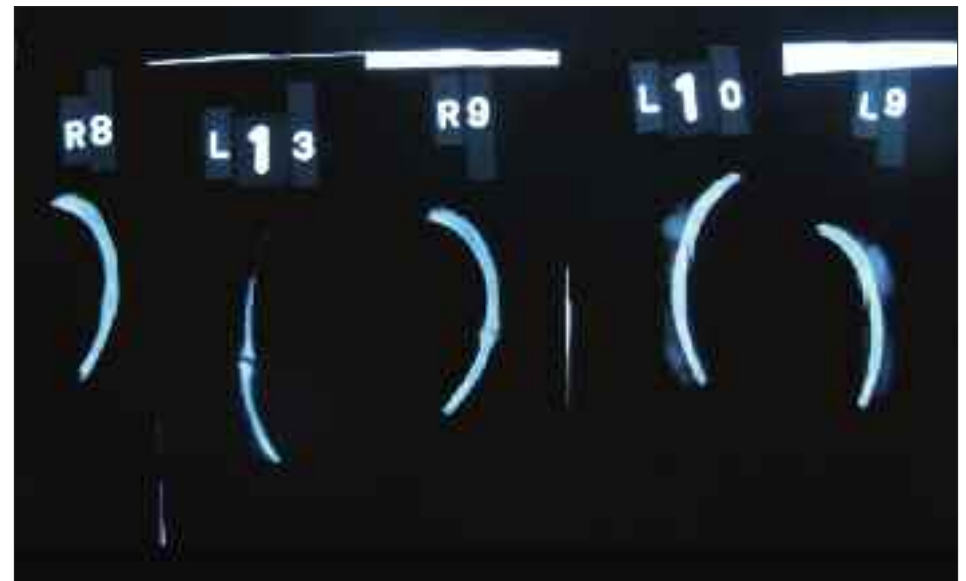
Take radiographs

One of the most common signs of animal cruelty are fractures in different stages of healing. Radiographs can provide this proof and show additional injuries not readily apparent. Take a full body radiograph, or obtain several radiographs that cover the entire body.

TIP: *Pulmonary contusions develop over a 24-to-36 hour period. Radiographs taken immediately after the accident will not show the true extent of the injury (Reisman, 2012). Consider if additional radiographs can and should be taken.*



X-rays. An air-rifle pellet was identified in the cat shown above and the pellet was subsequently recovered during the necropsy. Source: Arno Wuenschmann, DVM, U of M.



Fractures. Radiographic examination of multiple ribs of this cat revealed that fractures occurred on multiple occasions during the animal's life. Wuenschmann, DVM, U of M.

Take photographs

Photos are necessary for both live and deceased animals.

Every case should be photographed and all photographs must be an accurate representation of what you observed. (Niestat, DVM, 2016).

Forensic photography is utilized for several purposes:

- Identifies the victim
- Demonstrates (visually) the condition of the animals, as evidence, at the time of discovery
- Records and documents evidence that cannot be preserved or left unaltered
- Can be used for review at a later time
- Provides photographic documentation of the animal before and after medical intervention/treatment
- Illustrates the examination findings in the veterinary forensic report
- Demonstrates the absence or presence of alleged findings
- Used in a court of law to validate your testimony as the examination findings

Tips for taking photos while in the presence of a client

In a clinic (versus at a crime scene), it may be unusual for you to take photographs. The client may be suspicious of your actions. Before and after photographs, however, of the animal's condition are critical to a case.

Consider some statements below.

- "I am collecting photos of some of the wounds I treat for a presentation I am working on... may I take Fluffy's picture?"
- "This is a very interesting appearing lesion. Could I take a picture to send to some colleagues for input?"
- "I like to document 'before and after' photos for wounds like this; it's nice to see the improvement on film."
- "I want to put this picture in Fluffy's file in case I am not here when you come back for a re-check — that way, the other doctors can see how it looked today."

Photo process

1. **Data card** – Create a data card as the first photo and list the case number, location, animal identification, and date. Next, take a photo of the animal beside this data card. Subsequent photos do not need the card. The card can be a Post-It note or index card — so long as it is readable.
2. **Number** – Take at least six overall photographs (or more), including right lateral, left lateral, cranial, caudal, dorsal, and ventral. Take full-body, mid-range, and close-up shots. Use a macro lens for a close-up so the image is not blurred.
3. **Findings** – Photograph any abnormal findings (i.e., wounds). Use a scale for sizing. Take before and after photos if treatment is performed.
4. **Shaving** – Hair and feathers may conceal injury, so you may consider shaving the animal (with client permission).
5. **Scale** – If you're using a scale for close-ups or to highlight an item, take a photo with and without a scale. (This is done to show that you are not covering anything with the scale.)
6. **Video** – Video recording could be used to document an animal's gait, vocalizing pain, excessive thirst, or other behavior, if applicable.
7. **Multiple animals** – Repeat the above for each animal.

Source: Balkin, *Colorado Protocols* (2007); Touroo, *ASPCA* (2016).



Create a data card with key information. Make it your first photo.



Scales can be used to highlight a wound or injury. Make sure focus is clear.

Source, both photos: Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.

Take photographs (continued)

Take at least six overall photographs from different angles, including right lateral, left lateral, cranial, caudal, dorsal, and ventral. Also take full-body, mid-range, and close-up shots. Below shows four angles.



Source: Niestat, DVM, MS, Copyright © 2019. The American Society for the Prevention of Cruelty to Animals (ASPCA). All Rights Reserved.

Take photographs (continued)

Further tips

1. Do not delete any photographs even if they are out of focus or erroneous. It is important to preserve all photos to maintain the integrity of the case.
2. Do not alter any photographs.
3. Camera should be parallel or at a ninety degree angle to the animal in order to prevent distortion.
4. If using a point and shoot camera, be no closer than four feet from the animal. Use optical zoom for close-ups.
5. Hair and feathers may conceal injury, so you may consider shaving the animal (with client permission).
6. One photo should include the entire body. Do not cut off the feet, ears, or tail in the photo.
7. If possible, take before and after photos to show progress or decline of animal condition due to medical treatment.



Cat caught in trap. Leg and paw removed. Source: Animal Rescue League of Boston.

Content: Adapted from Niestat, DVM, MS, ASPCA, 2016.

9. Diagnose, Treat, and Monitor

Diagnosis

What's the cause of the disease, illness or problem? This is where the client and patient profiles and histories are critical to better understand the big picture.

Based on the medical findings, was the broken leg caused by blunt-force trauma? Is the frostbite a result of exposure to extreme temperatures? Is the emaciation from a lack of food? Could the ear infection have been treated earlier? Is the cervical scarring the result of penetration with an object?

If neglect, cruelty, or abuse is suspected to be the cause, this must be reported so authorities may investigate.



Provide treatment

Provide treatment to the animal, if needed. The collection of evidence is critical, but do NOT delay treatment for an animal who is in distress. If the animal is deceased, arrange for forensic necropsy.

In a clinic or large-animal practice, a veterinarian may encounter one or perhaps dozens or even hundreds of animals who are maltreated or at risk. An environment with multiple animals requires skilled animal response teams, including lead veterinarians, veterinary technicians, photographers, scribes, and runners/handlers who can record the evidence and designate which animals are:

- critical and in immediate need of care
- marked for further examination and/or treatment after seizure
- highly suspicious for infectious disease
- apparently healthy or having minor medical conditions

Monitor and document progress

If the animal remains in your care, monitor the animal's progress and recovery. Document all progress (i.e., weight gain) to show that proper care created positive medical results. If the animal(s) is not in your care, provide instructions for others to document progress.



10. Holding the animal

Live animal

Animals are defined by law as property, and the client may have ownership. (Clarify who owns the animal.)

If the animal is suspected or known to be mistreated, the veterinarian does not have the legal right to hold the animal. However, if you're concerned:

- Consider hospitalizing the animal to continue monitoring the animal or to perform additional diagnostics. You may need to waive costs to convince a client to agree.
- Contact law enforcement and discuss possible options for holding the animal until law enforcement arrives and has the opportunity to investigate.

Expenses

The costs of detaining the animal (if legally permitted) and other expenses can be itemized and submitted later to law enforcement.

Euthanasia

- If the animal is euthanized, note the reasons why. Minnesota gives authority to veterinarians to euthanize an animal if the animal is suffering and beyond cure. See below. (Check page 63 for subdivision 1 cited below.)

Minn. Stat. sec. 343.29 Subd 2. Disposal of animals.

Upon a proper determination by a **licensed doctor of veterinary medicine**, any animal taken into custody pursuant to subdivision 1 may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of section 343.23.

- If the animal is dead or must be euthanized, store the body until it can be transported for a forensic necropsy. Refrigerate the body if the necropsy will be performed in four days or less. Freeze the body if it will likely be more than four days before the necropsy is performed. Be aware that freezing may effect histopathology. Contact the U of M Veterinary Diagnostic Laboratory or other accredited facility for guidelines.
- See pages 124-125 for Collecting and Recording Evidence.

Deceased animal

How an animal is killed can meet the definition of cruelty — if unnecessary or unjustifiable pain and suffering occurred.

The animal is evidence that changes with the passing of time. Expedient evaluation of the animal (alive or deceased) is essential. As time passes and post-mortem decomposition progresses, less information is available to determine cause of death. (Niestat, DVM, 2016)

NOTE: *In a criminal investigation, all bodies should be preserved until it is determined they are not of use for the case. Speak with law enforcement. For a forensic necropsy, contact the Veterinary Diagnostic Laboratory at the University of Minnesota.*



Remember the animal is evidence. Source: Animal Humane Society, MN.

Forensic necropsy

A necropsy is the examination of a dead animal to determine the cause of death. In suspected cases of animal abuse, this procedure is often necessary to determine or rule out disease or other non-abusive acts as the cause of death.

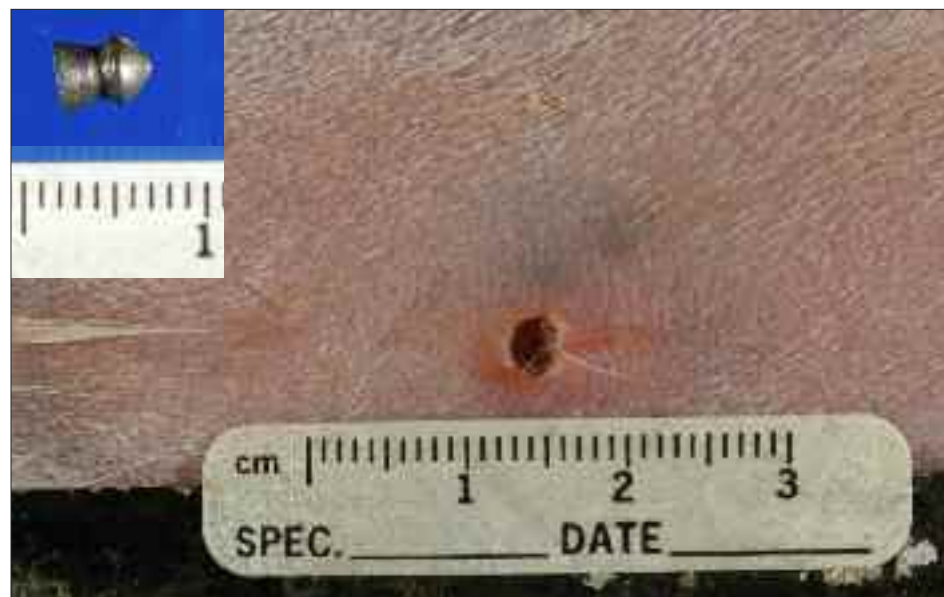
1. Who does necropsies in Minnesota?

Necropsies are performed by a veterinarian — ideally, a veterinary pathologist or an experienced veterinarian in consultation with a pathologist. In Minnesota, the Veterinary Diagnostic Laboratory (VDL) at the University of Minnesota conducts forensic necropsies.

2. What are the submission guidelines?

If you choose the U of M laboratory, go to its website (www.vdl.umn.edu). Details such as submission guidelines, packaging the body, transport, etc., are provided. Make sure to indicate that a *forensic necropsy* is required. Treat the body, body parts, and samples as evidence. Be precise when documenting the evidence:

- indicate that a *forensic* necropsy is needed
- list name of case, identification or case number
- prior to submission, discuss with the pathologist any additional tests needed, such as toxicology
- if there are body parts or samples, make sure they are packaged properly so there is no leakage
- request that digital photos be taken of all pertinent aspects of the examination/necropsy



Gunshot wounds. Image depicts the skin of a cat with an entry wound caused by an air-rifle pellet. Source: Arno Wuenschmann, DVM, University of Minnesota VDL.



Poisoning. This image depicts the stomach content of a dog. Chemical analysis of the sorghum kernels revealed strychnine. Source: Wuenschmann, DVM, U of M VDL.

3. Can a necropsy help in all types of crimes?

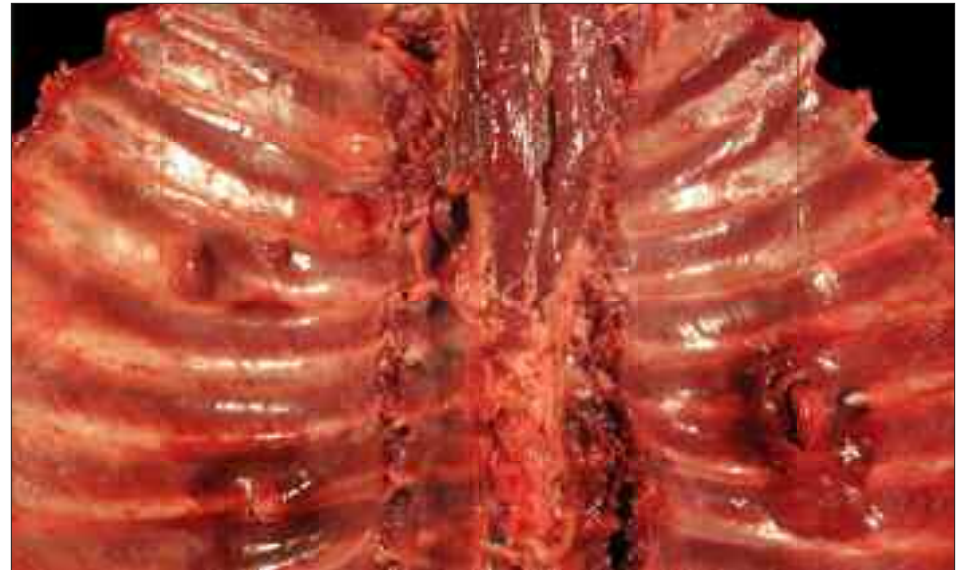
The list of possible crimes against an animal is long. Some scenarios where a necropsy may be useful are listed below.

- neglect/cruelty (malnutrition/starvation, matted hair, embedded collars or halters, lack of veterinary care, overgrown nails, hooves or beaks)
- blunt-force injuries (bruise, fracture, laceration, avulsion)
- sharp-force injuries (incised wound, stab wound, chop wound, bite wound)
- projectile injuries (gunshot, arrow, air gun injury, arrow injury)
- thermal injuries (fire-related burn, electrical burn, chemical burn, frostbite, hypothermia, hyperthermia)
- asphyxia (manual strangulation, ligature strangulation, hanging, drowning, etc.)
- animal sexual abuse
- poisonings (ethylene glycol, strychnine, anti-coagulant rodenticides, illicit substances)

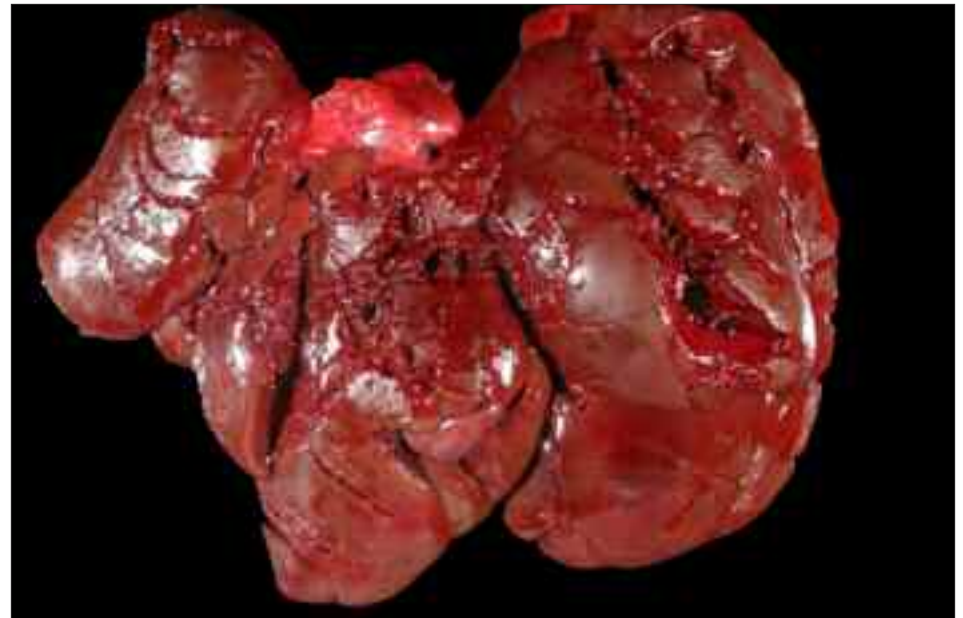
4. How quickly should the body be delivered for the necropsy to be conducted?

The animal should be submitted for a necropsy and examined as soon as possible after death. Changes in tissues can occur within minutes after an animal's death, which can impact findings. Even if time has passed, contact the lab for advice. The bones and body could still be used as critical evidence.

NOTE: Take plenty of photographs, especially if the refrigeration or transport are delayed.



Fractures. Open thorax of a dog with multiple fractures due to blunt force trauma. The fractures occurred on multiple occasions. Source: Wuenschmann, DVM, U of M VDL.



Lacerations. The liver of this dog has numerous acute lacerations (fissures/fractures) due to blunt force trauma to the abdomen. The cause of death was bleeding into the abdomen from the injured liver. Source: Wuenschmann, DVM, U of M VDL.

11. Collect, Record, and Package Evidence

Protect the integrity of the evidence

Collecting, recording and packaging evidence should begin as soon as a veterinarian is suspicious of animal cruelty, and should continue throughout the care of the patient.

Remember: The animal is also evidence, and anything that “comes off of” the animal is evidence.

Chain of custody

The integrity of these items must be guaranteed as the items pass through different hands. If the items are not accurately documented, packaged, stored, tracked and transferred, they could be deemed inadmissible should the case progress.

Resources

Specific supplies and forms are also needed. Evidence containers can be purchased through the Veterinary Diagnostic Laboratory at the University of Minnesota, website: www.vdl.umn.edu

Supplies

Your practice may already have some of these items:

- evidence bags, collection tubes, and containers for storage and transport of blood, urine, feces, the body (if deceased), and other biological or physical evidence
- labels for marking each item, and a marker
- gloves, mask, gown, cap, as necessary
- frangible-evidence sealing tape
- forms (evidence receipt, medical evidence log)
- locked storage cabinet

EVIDENCE RECEIPT

- Case number: _____
- Item number: _____
- Animal identification: _____
- Collected by: _____
- Date and time collected: _____
- Location of collection: _____

Evidence Considerations

The animal and everything associated with the animal is evidence and must be saved, documented, tagged, and secured.

- 1. Avoid contamination** – Wear gloves, gown, mask, etc., as necessary, when handling the evidence.
- 2. Prioritize collection** – Items of evidence most likely to be destroyed by time (transitory evidence), other people, or environmental conditions should be collected first.
- 3. Package evidence** – Use the correct container based on the item, i.e., blood, urine, feces, DNA swabs — if liquid or solid. Refrigerate — do not freeze — biological items. Be sure to include any photos or video taken, medical records of the examination, diagnostic tests, radiographs, physical items (i.e., collar, halter, leash), client profile, and other documents.
- 4. Label each item** – Once packaged, each item must be labeled with an evidence receipt. Fill in the following:
 - case number
 - item number
 - animal identification
 - collected by (name of veterinarian)
 - date and time collected
 - location of collection (clinic name or other location)
- 5. Seal package** – Seal the container with frangible-evidence tape. Place your initials over the tape to show that the seal is not broken.
- 6. Log it** – Ensure that all evidence is accounted for by creating and using a medical-evidence log. Chronologically record the movement of each item. If the item is kept at the clinic, mark that; if it's transported to law enforcement or other authority, log that.
 - case number
 - item number
 - time seized
 - from whom
 - detailed description of property
 - manner packaged
 - location deposited (where it is kept)
- 7. Store and/or transport** – Double box. Use primary and secondary containers if you're transporting evidence. Determine if expedited delivery is needed.
- 8. Living evidence** – Sometimes the animal may be under your care for treatment (or hospitalized) or seen on multiple occasions. The animal is "living evidence," and his or her condition may change with time.
 - Record the initial weight and subsequent weights on a regular or weekly basis. Use a weight-change form.
 - Take photographs to document changes.
 - Record daily updates even if there are no changes in the animal's condition. Any changes should be carefully described no matter how minor they may appear.

Source: Above from Arkow, 2011, and ASPCA protocols.

12. Consult with Others; Report

You're not alone

Take the time to consult with others in your practice. Discuss your concerns and suspicion. Get a second opinion.

A veterinarian is one component of a suspected animal cruelty case. The weight of the case is not on your shoulders; the investigation will entail a multi-disciplinary approach.

Remember: It is not your role, as a veterinarian, to decide or prove if a person is guilty or innocent of animal cruelty. You are not the judge or jury. By filing a report of known or suspected animal neglect, cruelty, or abuse, you're allowing for an investigation to be conducted. Defer to the law.

If abuse is not reported, it remains a secret.

Primer for Reporting:

1. It may take a few incidents (reports) before law enforcement has enough evidence to prove wrongdoing. If others report too, then all the reports and information can build a case.
2. It is not realistic for you to expect to remain anonymous.
3. You will be asked to provide your name, phone number, and a detailed description of the issue, which includes the species of the animal(s), location, owner, etc., so that authorities can follow up on the case.
4. Complete a written (or tape-recorded) statement. The more thorough, at or near the time of the event, the better able you will be to refresh your memory in the future. All of this may be used as evidence and/or subpoenaed.
5. Officers cannot comment on the details of a case until the investigation is completed, especially if there is a possibility of pending litigation. But you can, and should, check status of the case. Are they proceeding with the investigation?
6. Do not share information with the media.

Some copy above and on the next page are reprinted with permission from Balkin, 2007.

Reporting: Three Steps

From the initial call to the final forensic report, be aware that all statements and documents can be used in a court of law.

1. Initial phone call



If you suspect animal cruelty, make a phone call to law enforcement — i.e., the police, sheriff, or designated agent/officer whom you have spoken to already as part of your protocols. See the sample conversation at right.

Be prepared to ask for further legal

direction from them. Law enforcement will need to know the suspect's address to determine jurisdiction. The suspect may live in a city or county different from where your clinic is located. Also, see the tip at right.

2. Preliminary statement

Law enforcement may need a preliminary statement from you so they can investigate the incident further. This statement may allow law enforcement to obtain a search warrant to enter the client's home or property.

3. Forensic report / Statement of Findings

This is the final, more comprehensive report that you will prepare should the case proceed further. It will include all medical findings, any diagnostic tests, photographs and other evidence, along with your conclusion.

WHAT TO SAY WHEN MAKING THE INITIAL CALL

Hello, my name is _____
and I am with the _____
veterinary clinic/practice located at:

I am seeing (or have seen) an animal(s) at my clinic, and based on my training, I have suspicions of animal cruelty. This is my preliminary opinion.

As a Minnesota-licensed veterinarian, I am reporting this incident to your office/department so you may investigate it.

I am requesting the assistance of law enforcement.
Thank you for your help.

TIP: *Depending on the urgency of the incident, you may not want to rely solely on a verbal complaint. You may want to submit a written statement (or affidavit) to law enforcement in place of or in addition to an initial call or preliminary verbal statement. An affidavit is a sworn statement of truth. When writing it, don't editorialize. Keep to the medical history and facts. Request an investigation.*

13. Write Forensic Report

Veterinary Statement of Findings

In an animal cruelty case, you will be asked to write a forensic report known as a “Veterinary Statement of Findings.”

This report is different from your medical records of the patient and from any initial or preliminary statement or report you may have already made. It is comprehensive; it includes your summary and conclusions.

The report will pull together all of your medical findings, along with attachments (i.e., examination findings, diagnostic tests, radiographs, photographs). Based on these findings and your assessment, you then will draw a conclusion if, in your medical expertise, the animal(s) experienced pain, suffering or death because of his or her maltreatment.

NOTE: *The headings to the right and on the next page are suggested based on evidence collected. Sample forensic veterinary statements and reports vary; use what is appropriate.*



VETERINARY STATEMENT OF FINDINGS/FORENSIC REPORT

If you use abbreviations or medical terms, provide an abbreviation grid and/or definitions.

I. Introduction

- **Heading** – date, case number, city/county, etc.
- **Veterinarian credentials** – name, title, background, etc.

II. Crime Scene Findings

If you're at the crime scene, include conditions and details impacting animal health.

III. Signalment and Profile/History

- **Full description of animal(s)** – name, breed, gender, age group, identification number, etc.
- **Animal intake** – how the animal was brought to you, by whom, in what condition. (If the animal was brought to you by an officer, document what he/she said.)
- **Client profile** – include client's story of what happened
- **Patient history** – past medical records, etc.; this data may already be included in the examination report

IV. Examination Findings

- **Medical examination** – details from the examination
- **Summary of findings** – use lay terms to summarize findings. Example: "Blunt-force trauma to the head, a minimum of three blows, consistent with a cylindrical object" (Merck, 2013). Don't speculate about the weapon if there is no evidence.

V. Pain and Suffering Findings

Document pain and suffering. You may include this information within the exam findings or conclusion.

VI. Diagnostics, Photographic, Diagrams

Include within the examination findings or conclusion.

- **Diagnostics** – radiographic interpretation; samples and tests
- **Photographs and diagrams**

VII. Treatments or Necropsy

- **Treatments** – describe treatments performed or advised
- **Forensic necropsy report** – if necropsy is performed

VIII. Conclusion

- **Conclusion** – This section explains your conclusions and the basis for each. It should "contain factual findings as well as the veterinary opinion of all the information documented in the report. This is the area to also educate the reader on the importance of certain findings, clarifying any interpretations and explaining certain procession. The pain and suffering of the animals should be thoroughly discussed" (Merck, 2013).
- **Finalization** – veterinarian's name, signature, date

Above adapted from ASPCA protocols (2016) and Merck, (2013).

Forensic Report

Purpose: to educate

The purpose of the forensic medical report is to educate all parties in the health of the animal(s) and how you reached your conclusion.

Based on the report as well as other evidence provided by the investigating officer, decisions will be made — including any charges to be filed and the type of charges, strategies used by both the prosecutor and the defense counsel, and plea agreements and sentencing.

How to proceed

- **Be factual and detailed** – The “best test to apply to any statement is ‘How do you know?’” (Merck, 2013). Are your statements factual? Can they be backed up scientifically or medically?
- **Choose terms wisely and be consistent** – Use terms such as “consistent with” or “unremarkable” (instead of “normal”). Also, be consistent with term usage if you have multiple or separate reports. (Merck, 2013)
- **With multiple animals, use statistics** – Did 45% of the animals show malnutrition? Maybe 30% had ear infections and 23% had untreated wounds or injuries. Show a pattern and summarize the data. Use charts or tables to simplify.
- **Know the words used within Minnesota law and refer to those words or phrases** – Refer to the Minnesota definition of cruelty. Was there an omission of care? Did the act or omission cause or permit pain or suffering?
- **Include photos and other supporting materials** – Use visuals and diagrams to convey information clearly.
- **Consider emotional health as well as physical** – Mental health is a part of overall animal health and well-being. Be descriptive; if the animal is exhibiting fear, anxiety, or other signs of emotional pain and suffering, say so.

**“Seeking a harsh sanction
lets the community know we hold animal abusers
accountable for their actions.”**

– James Backstrom, county attorney, Dakota County, Minnesota

Legal Actions

Legal Actions

Probable cause

After a report is filed, law enforcement or other designated animal humane officials will conduct an investigation.

Interviews will be held, and your evidence will be reviewed to determine whether probable cause exists to proceed further. “Probable cause” is a legal term that refers to facts that would lead a reasonable person to believe that a crime has been committed. This is not a stringent standard, but it requires more than a hunch, guess, speculation, or mere suspicion.

In determining probable cause, the prosecutor, and ultimately the judge, will consider all the facts and circumstances surrounding the case, including:

- information from people having knowledge of the situation, and
- an expert’s direct observations; tests and diagnostic procedures; the application of expertise; and conclusions and opinions.

Probable cause may exist even if there is a possibility of an alternative innocent explanation for the problem.

If there is sufficient probable cause, law enforcement will write their own complaint detailing the incident with evidence and submit it to the prosecutor, who will decide what, if any, charges will be filed against the person. Hearings and/or a trial may follow.

NOTE: *As in any profession, skills vary. Knowledge about animal law as well as attitudes toward animals may differ by community. If you find that authorities do not respond or fail to take appropriate action, you can go up the chain of command. Law enforcement has the authority to investigate a complaint; they need your help to establish credible evidence.*

Source: Honorable Gordon Shumaker, retired judge, Minnesota Court of Appeals and Minnesota District Court

Charges, Hearings, Trial

Filing of charges

The charges vary based on the type of crime and the strategy of the prosecutor. There could be violations of state statutes or local municipal ordinances.

Based on the severity of the crime and species and if the person is charged under Minnesota Statutes Chapter 343 (Prevention of Cruelty to Animals), the violation could be:

- felony
- gross misdemeanor
- misdemeanor
- petty misdemeanor

If other crimes were also committed, such as violations of drugs, weapons, arson, or assault laws, these charges too may be filed. There is no guarantee that charges will be filed.

Hearings

After charges are filed, multiple court hearings are held prior to a trial or plea agreement.

If animals are seized, there will be two types of hearings:

- civil (for transfer of ownership of the animal)
- criminal

The protocols you developed for reporting animal cruelty helped you gather, document, and record the evidence. This evidence will be used if the case proceeds. As the veterinarian, you may be asked to testify at one or more of these hearings.

“The key to stopping and preventing animal cruelty is training and understanding throughout law enforcement, veterinary medicine, and the court system.”

– Reese Frederickson, county attorney, Pine County, Minnesota

Trial

When the case proceeds to trial, the jury is reminded that the defendant is presumed innocent and that the burden is upon the prosecution to prove the case beyond a reasonable doubt.

It's been estimated that over 90% of criminal cases end in negotiated pleas and never go to trial. This is true of federal criminal cases and also criminal cases in the state of Minnesota. (See <http://mnbenchbar.com>).

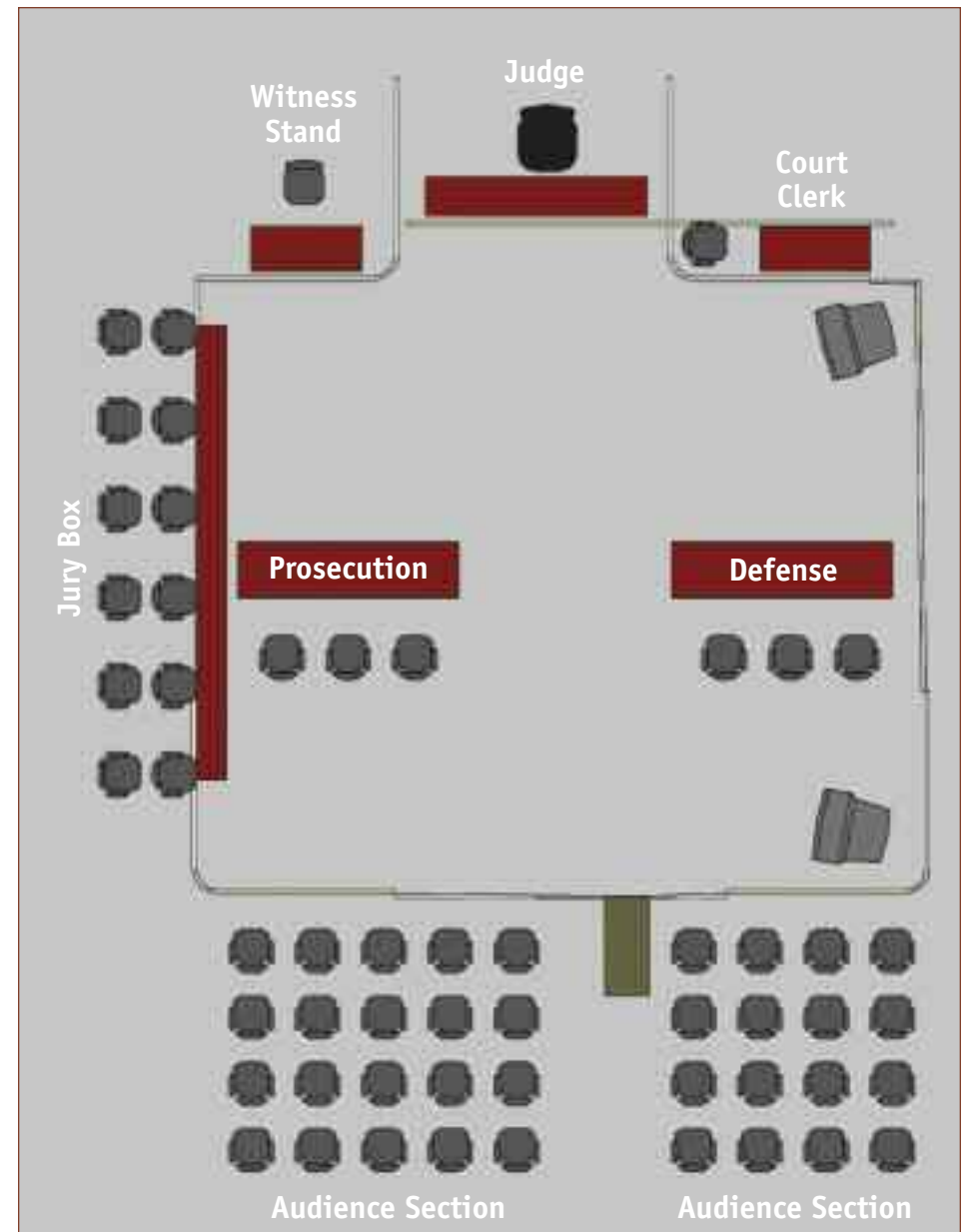
"If a defendant pleads guilty in return for the government agreeing to drop certain charges or to recommend a lenient sentence, the agreement is often called a 'plea bargain.' If a defendant pleads guilty, the judge may impose a sentence, but more commonly will schedule a later hearing to determine the sentence."*

If the trial is held, it could last several hours to several weeks.

TIP: *If you have time, visit the courtroom and familiarize yourself with the room. See the following pages for preparation to testify as an expert witness.*

* United States Courts website; www.uscourts.gov. Source: Dobbe, 2016.

Layout of typical courtroom



An Expert Witness

Types of experts

As a veterinarian, you may be called upon to be an expert witness. Expert witnesses fall into three categories:

1. **Fact witness** – A fact witness is a veterinary expert who has direct and first-hand knowledge of the individuals involved in the incident.
2. **Opinion expert** – An opinion expert is a veterinary expert who is qualified to offer an opinion based on education and experience.
3. **Consulting expert** – A consulting expert is a veterinary expert hired by one of the litigants to aid in analyzing and evaluating a case. A consulting expert may or may not testify.

In animal cruelty cases, veterinary experts are typically both fact and opinion experts.

Rule 702 of the Minnesota Rules of Evidence is the evidentiary rule that permits expert testimony in certain circumstances.

Source: Frederickson, 2016; Balkin, 2007; Shumaker, 2016.

Legal basics of expert testimony

Expert witnesses are persons who have acquired expertise about the subject matter of the case through education, training, experience, knowledge, or skill. They do not have to have first-hand knowledge about the case, although they often do.

If a technical subject is involved, expert witnesses may testify if their testimony will assist the jury to (1) understand the evidence or (2) determine a fact at issue. So the standard is one of helpfulness. If the expert's testimony can help the trier of fact better, more clearly, or more accurately understand the subject matter, such testimony is proper.

Expert witnesses may testify in the form of an opinion, or otherwise. Opinions usually involve expert conclusions about the subject matter or some aspect of it. Experts may also testify in the form of a dissertation or exposition of scientific or other principles, leaving it to the trier of fact to apply them to the case.

Expert witnesses (and lay witnesses who are not experts but may testify to their first-hand knowledge) are not allowed to state opinions as to the ultimate *legal* issues in the case, such as "The defendant is guilty of animal cruelty." Furthermore, no opinion is allowable if it really does nothing more than tell the trier of fact how to decide the case.

Assisting the trier of fact

A “trier of fact” is the judge or jury that determines questions of fact in a trial. In a jury trial, the jury determines the facts and the judge the law. In a bench trial the judge is both the trier of fact and the trier of law (Lectlaw, 2016).

Veterinarians have the medical training

Under Minnesota law, animal cruelty “means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.” Veterinarians have the medical training to describe to a jury how an act, omission, or neglect affected a particular animal, or produced unjustifiable pain, suffering, or death. Such matters are outside the scope of common knowledge, especially considering that animals cannot verbally describe the act, omission, or neglect.

Veterinarians can discuss levels of harm

Expert opinions are also valuable in animal cruelty cases because penalties in Minnesota are based on level of harm. The veterinarian’s expertise and medical findings can guide the level of penalty, and his or her testimony can further explain the level of harm.

For instance, if the animal cruelty caused *great bodily harm* or death, the crime is a felony. Minn. Stat. sec. 343.20 subd. 9 defines great bodily harm as:

‘Great bodily harm’ means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any

bodily member or organ, or other serious bodily harm to a service animal or a pet or companion animal.

If the fact caused *substantial bodily harm*, the crime is a gross misdemeanor. Minn. Stat. sec. 343.20 subd. 8 defines substantial bodily harm as:

‘Substantial bodily harm’ means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member to a service animal or pet or companion animal.

Veterinarians can help prove intent

The state has to prove that the act of cruelty was intentional. Based on medical training, the veterinary expert may distinguish between intentional acts and accidental acts. An expert may also link injuries to a weapon or suspect, or offer an opinion on how acts could have reasonably been prevented.

Source: Frederickson, 2016.

Testifying

How medical expertise can persuade

“While preparing an 8-year-old girl to testify, we sat on my office floor talking about what court would be like the next day. As we talked, she drew a picture of a black-and-white cat. She said she had a cat named Oreo, who was so happy now that stepdad was gone. Her stepfather was the defendant in the case.

When I asked her why Oreo was happy, the child then detailed how every night, for years, as her stepfather would come to her bedroom to sexually assault her, Oreo would lie outside her closed bedroom door to protect her. As her stepfather approached her door, Oreo would hiss and spit at him, and he routinely kicked Oreo out of the way every night.

After hearing this, I had the child’s mother take the cat to a veterinarian, where X-rays confirmed numerous healing rib fractures.

The jury had already been selected in the case, so adding animal abuse charges at this stage was not allowed. In a 404b motion, the judge allowed the child to testify regarding Oreo’s actions, to demonstrate the defendant had a pattern,

scheme and system of doing an act before each incident of sexual abuse. Moreover, the veterinarian was allowed to testify and introduce the X-rays to corroborate the child’s testimony. The jury returned a verdict of guilty and was influenced that the testimony regarding Oreo’s injuries was corroborated by the veterinarian, which, in turn, corroborated the child’s testimony regarding her abuse.

One juror shared, ‘If she was telling the truth about Oreo, we had no reason to disbelieve her about the rest of the abuse.’”

This story was told in “Understanding The Link Between Violence To Animals and People,” by Allie Phillips, J.D., National District Attorneys Association and ASPCA (2014).

It illustrates just one example of how a veterinarian’s actions and documentation are necessary elements in the prosecution of acts of cruelty against animals and humans.



How to prepare

Tell the truth. That's what it comes down to. If you are endorsed as an expert witness, your testimony should be based on facts and accepted scientific principles.

Pretrial meetings

If you are chosen to testify, you will be given a subpoena — in the mail or in person. The subpoena will direct you to appear as a witness in a specific courtroom on a specific date at a specific time. The case may be postponed or continued, so be prepared for changing dates.

- Meet ahead of time with the prosecutor.
- Bring your notes and documents to any pretrial meetings to make sure the attorneys have everything.
- If the prosecutor is not familiar with animal health, explain your findings from a medical standpoint.
- Ask the prosecutor what questions you should expect, and how you should prepare.

Case status

Keep a case status that lists attorney names and contact information, courtroom locations, judge's name, dates of hearings and trial (if held), and other related matters. Contact the prosecutor for this information.

Day of testifying

- Listen closely to each question, and answer only what is asked. (A good prosecutor will have a strategy, and every question asked will be used to build towards a summation.)
- You may refer to your notes when testifying so long as the notes or documents were provided to opposing counsel. You should have reviewed all of your notes beforehand to refresh your recollection about the case.
- If an attorney raises an objection, wait until the judge rules before answering. If the objection is sustained, the question may not be answered. If it is overruled, it must be answered.
- Be prepared for cross-examination. (Ask the prosecutor about what to expect and for any tips.)

Source: Frederickson, 2016; Balkin, 2007.

Being an Effective Expert

Understand your audience

You want to speak to the “fact finder,” not the questioner. The fact finder would be the judge or the jury; they will be deciding the guilt or innocence of the defendant.

Affective thinkers vs. cognitive thinkers

Research has shown that most people, including jurors, are affective, not cognitive, thinkers — relying on emotion, symbols, and previously held attitudes about people and events. They are also deductive thinkers, making a decision based on a few premises.

In contrast, a scientific expert witness is a cognitive thinker — basing decisions on evaluation, synthesis, and analysis. Given a jury panel with a typical cross section of the population who will most likely be affective thinkers, veterinary expert witnesses need to understand how to bridge that gap. How?

- **Be a teacher** - Explain the subject but not in a condescending way; help the jury or judge understand the subject matter so they can make a decision.
- **Use visual aids** - Pictures speak loudly.
- **Show natural enthusiasm** - This is a chance to talk about what you love to do, and to demonstrate the years you have spent mastering the subject.

Watch your demeanor

- Demonstrate fairness and objectivity.
- Speak in layman’s terms so the fact finder understands what it is you’re saying. Remember, they may be experts in their own field — not yours.
- Be respectful to all parties. Don’t argue. Do not interrupt. Don’t roll your eyes. Follow courtroom decorum.
- Be confident about testimony, but it’s okay to admit if you do not know the answer or understand the question.

Source: Frederickson, 2016.

Know your audience. Know the law. Explain the situation in understandable terms.



Example 1: Two of the horses were emaciated and had a body condition score of 1, which is severe. The horse suffered from a lack of food.



Example 2: The horse in the paddock had been dead for three days.



Example 3: The horse had rain rot — a bacterial infection that can be painful.



Example 4: The water in the paddock was dirty and oily and not potable (drinkable).

Court rulings

In 1992, a case of animal cruelty was brought before the Minnesota Court of Appeals. The appellant questioned the term “necessary” within the law. He argued the statute (MN Chapter 343) was unconstitutionally vague.

The Minnesota Court of Appeals disagreed and gave the following opinion:

“Because of the nature of the conduct sought to be prohibited, animal abuse statutes contain broad language. It would be impossible for the legislature to enumerate every type of conduct against which society seeks to protect animals. Therefore, the statutes focus on preventing a result rather than on prohibiting specific acts that typically produce the result.”

The court further opined:

“We find the legislature intended to prohibit animal owners from exposing their animals to conditions likely to result in needless suffering.”

What this means for veterinarians

Note the words used by the MN Court of Appeals:

- Animal abuse statutes are broad.
- It would be impossible to enumerate every type of conduct against which society seeks to protect animals.
- The statutes focus on preventing a result rather than on prohibiting specific acts.

What is the result to be prevented?

- The unnecessary pain and suffering of animals.
- To prohibit the animals from being exposed to conditions that could result in needless suffering.

Prevention of cruelty

By passing Chapter 343 (Prevention of Cruelty to Animals), the Minnesota legislature wanted to prevent cruelty from occurring, not merely react to the cruelty after the fact.

This intent reflects the **Veterinarian Oath** – “to use my scientific knowledge and skills for the benefit of society through the protection of animal health and welfare, the prevention and relief of animal suffering...”

The veterinarian’s role in law is critical.

"I have always felt there were four parts to dealing with animal cruelty effectively. One, prevention and intervention — assisting people before a situation escalates. Two, agreement among veterinarians as to when actual harm is occurring. Three, resources to help with the intervention and response. And four, education, collaboration, and coordination to make all of these parts come together and work."

– Jim Franklin, former executive director, Minnesota Sheriffs' Association

Other Considerations

Other Considerations

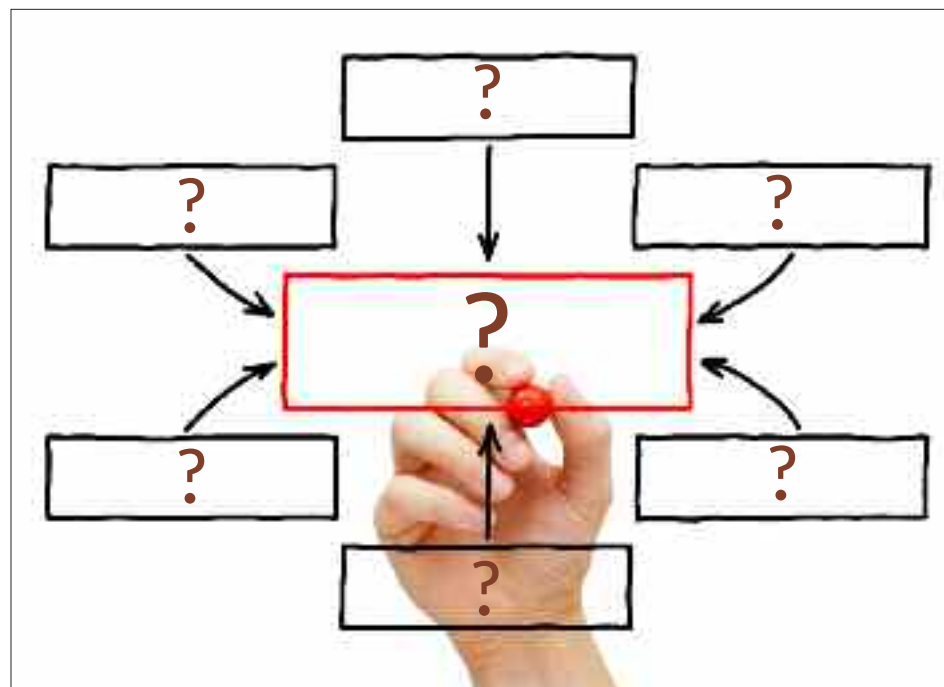
Concerns

Getting involved with a case of animal maltreatment, including neglect, cruelty, or abuse, can raise concerns because it pulls the veterinarian into legal areas that may pose new questions.

For instance:

- Can you share client and patient documents?
- What immunity do you have for reporting?
- What could happen if you don't report suspected or known animal neglect, cruelty, or abuse?
- Can you get paid for your services?
- How do you deal with the media?

These questions are answered on the following pages. As always, it is wise to speak with your own attorney in regard to legal and medical issues.



Confidentiality

Can you share documents?

Minn. Statutes sec. 156.081 subd. 2 states: “The board may revoke, suspend, or impose limitations upon a license for any of the following causes: (14) revealing a privileged communication from or relating to a client, except when otherwise required or permitted by law.”

Your client can request the medical records, and a copy or summary must be given to him or her. You can charge a reasonable fee for copying or a summary.

TIP: *If law enforcement or another authority makes a request for your documents, it is best to ask for a subpoena or search warrant before handing over any records. This covers the authorities as well as you.*

Further questions

The Minnesota Board of Veterinary Medicine has the authority to interpret and enforce provisions of the MN Veterinary Practice Act. If you have a specific question about the release of documents, contact the MN Board of Veterinary Medicine.

Immunity and Liability

Minnesota statutes do not have specific immunity provisions for veterinarians who report allegations of animal abuse, cruelty, or neglect to law enforcement or humane officers. (Attempts are being made to correct this, legislatively. Check statutes for status or contact Animal Folks.)

There is a law within the MN Veterinary Practice Act (Minn. Stat. sec. 156.124) that provides immunity from civil liability for a licensed veterinarian who submits a report in good faith to the MN Board of Veterinary Medicine. This particular “immunity” law applies to allegations related to a veterinarian’s conduct regulated under both the Practice Act and Administrative Rules. It also applies to allegations relating to an individual practicing veterinary medicine without a valid license. Reports filed under the Practice Act are separate and distinct from reports filed with law enforcement or humane officers, and they are regulated by administrative laws with administrative sanctions.

Reporting

Refer to pages 30 and 32 for reporting rules and law.

TIP: *Veterinarians should carry liability insurance.*

Culpability

What could happen if you don't report?

Did you have knowledge about animal cruelty but failed to act? Veterinarians who fail to report when they should have may be legally accountable under the law and may face serious consequences.

Consequences to license for not reporting

As stated earlier, failure to report the inhumane treatment to animals is considered unprofessional conduct and may result in suspension or revocation of your license to practice medicine, and/or limitations may be placed on your license for future practice.

Criminal consequences for not reporting

Veterinarians are also mandated reporters under **Minn. Stat. sec. 346.37** for animals who meet the definition of “pet and companion animal.” Failure to report is a crime under **Minn. Stat. sec. 346.44:**

“PENALTIES. Except where otherwise indicated, a person found guilty of failure to comply with a provision of sections 346.36 to 346.42 is guilty of a misdemeanor.”

A misdemeanor is punishable by up to 90 days in jail and up to \$1,000 fine.

Complicitor to animal cruelty

There may be circumstances when a veterinarian fails to report cruelty and the conduct may be perceived as aiding and abetting the perpetrator. If this is the case, the veterinarian could face criminal charges for being complicit in animal cruelty.

TIP: *The prosecutor does not represent you legally. While you may ask the prosecutor questions, consult with your attorney if you have legal concerns.*

NOTE: *A veterinarian cannot forbid a staff member from reporting suspected animal neglect, cruelty, or abuse. If the veterinarian did so, that would mean he or she has knowledge of the cruelty and is failing to report it. The veterinarian has the obligation to report.*

Source: Frederickson, 2016; Dobbe, 2016.

Compensation

Do you get paid?

Payment for services may depend on if you're filing a complaint based on a situation in which you suspect or have seen directly (as a mandated reporter) that animal cruelty has occurred or if you're assisting law enforcement in the collection of evidence in an official capacity.

Minnesota law requires that expenses for investigation of cruelty complaints, including fees from veterinarians, be paid by the county treasurer.

If the defendant is convicted, Minnesota law also requires that the county pass on these costs to the defendant as part of a restitution order. See below.

Minn. Stat. sec. 343.23 Expenses of Investigation

"The expenses of the investigation authorized by section 343.22, including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to an investigation, and all other expenses reasonably incident to the investigation shall be paid by the county treasurer from the general fund of the county. If the person alleged to have violated section 323.21 is found guilty of the violation, the county shall have judgment against the guilty person for the amount of the expenses."

Poorer counties and cities

Money is always an issue, especially for smaller and poorer cities or counties. Some may ask that you:

- volunteer or discount your services
- work with a nonprofit who might absorb your fees
- follow their pre-set pricing (if they have it)
- provide estimates so they can anticipate costs

Payment for services by government may not happen quickly. If the case goes to trial or drags out, imposing a restitution order and getting payment from the offender will take time.

Establish fee structure and agreement

You are a professional and your time should be compensated. Establish a fee structure with law enforcement and/or the prosecuting attorney, and an agreement for payment. Submit itemized costs to law enforcement, such as:

- animal examination, diagnostic tests, and supplies
- your time and your staff's time
- courtroom preparation (phone meetings and consultations)
- copying of records and writing reports
- time and travel costs to testify
- cost of care for the animal, if held

Press and Social Media

To talk or not to talk?

Cruelty against animals generates a lot of attention. A report can lead to an investigation and may result in charges being filed and a possible trial.

The veterinarian must be cautious as to what is said, emailed, posted, or written. If you are contacted by the media, see the tips at right.

Law enforcement and the prosecutor are also governed by ethical rules as to what information can be released to the media.

Considerations

1. **Defer** – Defer to law enforcement or the prosecuting attorney. This is an active case, and you can explain to the media that you can't comment. (Anything you say could be used in court and jeopardize the case.)
2. **Clarify** – If law enforcement asks you to comment, remain objective and professional — keep to the medical facts. Clarify what media statements have been developed by their office.
3. **Employees** – Be aware that others in your office may be contacted. Set protocols for who speaks to the press, if needed. Do not allow photos or other evidence to be released.
4. **Posts and emails** – Be aware that all communication (e.g., Facebook posts or other social-media content, website content, emails) may be monitored. Do not give personal opinions in an email, as your emails could be subpoenaed.

NOTE: *You have no obligation to speak with the defendant's (offender's) attorney if you should receive a call.*

Source: Dobbe, 2016.



Photo: Roberts, Animal Folks.

“Veterinarians take the Veterinarian’s Oath to protect the health and well-being of animals. The owner is not the patient, and the veterinarian’s first responsibility lies with the patient.”

– Lisa Roberts, DVM, Veterinary Advisory Committee, Animal Cruelty, Animal Folks

Resources

Links for Further Assistance

There are organizations that can provide you with additional resources about animal law, animal welfare, and/or materials for identifying and reporting animal cruelty.

Resources are listed here and on the following pages.

NOTE: *Links to documents and websites are active; however, websites and page locations can change. Some links can be clicked on and will open directly; some require that you type in the full link to your Web browser.*



Photo: Animal Folks, Sarah Beth Photography.

ANIMALFOLKS

Based in Minnesota, Animal Folks is working to build a modern animal law enforcement system in Minnesota for the prevention of animal cruelty and improved enforcement of animal anti-cruelty laws. To achieve this mission, Animal Folks is working collaboratively with local and national partners and community members and authorities. Training and materials are provided through our **Animal Law Resources MN** program.

We welcome your feedback and ideas. Contact us at:

Email: info@animalfolks.org

Phone: 651-222-2821

Address: 1041 Grand Avenue #115, St. Paul, MN 55105

This manual (as PDF) and additional educational materials are posted at our website: **www.animalfolks.org**.



The American Society for the Prevention of Cruelty to Animals (ASPCA) offers the ASPCA Veterinary Forensic Sciences Program. The mission of this program is to foster the application of the forensic sciences to veterinary medicine through workshops, short courses, graduate research, case analysis, and distance education. Either a certificate or Master's degree in Veterinary Forensic Sciences may now be completed online.

**ASPCA Veterinary Forensic Sciences Program,
University of Florida Colleges of Medicine and
Veterinary Medicine**

<http://www.forensicscience.ufl.edu/veterinary/>



Forensics Certificate & CSI Certificates

Developed by Melinda Merck, DVM, the VetFolio Certificate courses is a comprehensive, six-course, online self-directed series on veterinary forensic science and medicine (VFSM) and animal crime-scene investigation (CSI) and is available to the entire veterinary team, including veterinarians, veterinary technicians, practice staff, animal-welfare workers, students, and members of the legal community.

- **Veterinary Forensic Science and Medicine (VFSM)**
- **Animal Crime Scene Investigation (CSI)**

<http://www.vetfolio.com/forensics>



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Minnesota law and related agencies

- **Minnesota Statutes Chapter 343**
<https://www.revisor.leg.state.mn.us/statutes/?id=343>
- **Minnesota Revisor's Office**
www.revisor.mn.gov/statutes/
- **Minnesota State Law Library – Animals**
<http://mncourts.libguides.com/animals/cruelty>
- **Minnesota Judicial Branch**
(courts) www.mncourts.gov
- **Minnesota Bureau of Criminal Apprehension (BCA)**
<https://dps.mn.gov/divisions/bca/Pages/default.aspx>
- **Animal Folks**
www.animalfolks.org
- **Animal Humane Society**
www.animalhumanesociety.org
- **Minnesota Federated Humane Societies**
www.humanesocieties.net

See page 65 for list of law-related associations.

Legal resources (national)

- **Animal Legal Defense Fund (ALDF)**
www.aldf.org
- **Association of Prosecuting Attorneys (APA)**
www.apainc.org
- **Gelman Library at George Washington University**
www.istl.org/03-spring/internet.html
- **Lewis & Clark Law School Center for Animal Law**
http://www.lclark.edu/law/centers/animal_law_studies/
- **Michigan State University-Detroit College of Law**
www.animallaw.info
- **National District Attorneys Association (NDAA)**
www.ndaa.org/

Forms, charts and scales

NOTE: Due to the length of these urls, you may need to type in the url. Some web pages may also change. If the url is inactive, just google the subject matter.

Forms:

- **Sample Evidence Collection and Documentation**
ASPCA Professional
<http://www.aspcapro.org/resource/disaster-cruelty-animal-cruelty-animal-fighting/sample-documents-cruelty-cases>
- **Veterinary Forensics**
Veterinary Forensics Consulting, LLC
<http://www.veterinaryforensics.com/forms/>

Body condition score (BCS) charts:

- **Tufts Animal Care and Condition Score**
<http://vet.tufts.edu/wp-content/uploads/tacc.pdf>
- **Body Condition System, AAHA:**
https://www.aaha.org/public_documents/professional_guidelines/weightmgmt_bodyconditionscoring.pdf
- **Equine, the Henneke System:**
<http://www.habitatforhorses.org/the-henneke-body-condition-scoring-system/>
- **Dairy cattle, University of Arkansas**
<https://www.uaex.edu/publications/pdf/FSA-4008.pdf>
- **Beef cows and bulls, K-State Research and Extension**
<https://www.bookstore.ksre.ksu.edu/pubs/MF3274.pdf>

Pain scales and guidelines:

- **Colorado State University - Veterinary Teaching Hospital: Canine and Feline Pain Score Charts**
For dog and cat pain scales, type in “pain score - canine” or “pain score - feline” in search bar.
csu-cvmb.colostate.edu/vth/diagnostic-and-support/anesthesia-pain-management/Pages/pain-management.aspx
- **Horse Grimace Scale:**
<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0092281>
- **University of Glasgow - (with short form of Glasgow composite pain scale)**
<https://www.gla.ac.uk/schools/vet/sah/services/anesthesiaandpainmanagement/>
- **AAHA/AAFP Pain Management Guidelines, 2015**
https://www.aaha.org/professional/resources/pain_management.aspx
- **NRC Recognition and Alleviation of Pain in Laboratory Animals** (“Deviation from a State of Comfort” pain assessment scheme is based on this document.)
<http://www.ncbi.nlm.nih.gov/books/NBK32658/>

Laboratories and forensic testing, consultation services, and equipment

Listed below are a few links for additional forensic services. You may, for instance, need consultation on dog bites; testing and analysis of animal hairs, bone-marrow fat or animal DNA; information on gunshot residue; blood stains; assistance with large-animal welfare issues; or other data. A webliography has been created by Dr. Melinda Merck at: www.veterinaryforensics.com/links/

- **University of Minnesota Veterinary Diagnostic Laboratory**
Conducts forensic necropsies and offers forensic supplies
(St. Paul): www.vdl.umn.edu
- **University of Minnesota Poultry Diagnostic Laboratory**
www.vdl.umn.edu/about-us/willmar-facility/index.htm
- **Iowa Veterinary Diagnostic Laboratory**
www.vetmed.iastate.edu/diagnostic-lab
- **North Dakota Veterinary Diagnostic Laboratory**
www.vdl.ndsu.edu/
- **Wisconsin Veterinary Diagnostic Laboratory**
www.wvdl.wisc.edu/

- **American Association of Veterinarian Laboratory Diagnosticians** (*full list of accredited laboratories in the USA*)
www.aavld.org
- **Diagnostic Center for Population and Animal Health**
(bone fat analysis and animal toxicology testing)
www.dcpah.msu.edu
- **FBI Laboratory Services**
<http://www.fbi.gov/about-us/lab>
- **National Fish & Wildlife Service Forensics Laboratory**
www.fws.gov/lab/
- **Purdue University Animal Disease Diagnostic Laboratory**
www.addl.purdue.edu/
- **UC Davis Veterinary Genetics Laboratory Forensics Unit**
www.vgl.ucdavis.edu/forensics/index.php
- **Equipment: Safariland**
(body bags, gloves, scales, etc.)
www.safariland.com
- **Equipment: Tri-tech USA** (*with veterinary forensic kit*)
https://www.tritechforensics.com/index.php?route=product/product&product_id=1118

Organizations: general information

- **American Animal Hospital Association**
www.aaha.org
- **American Academy of Forensic Science**
www.aafs.org
- **American College of Forensic Examiners**
www.acfei.com
- **Animal Folks**
www.animalfolks.org
- **ASPCA**
www.aspca.org
- **Animal Welfare Institute**
www.awionline.org
- **Association of Shelter Veterinarians**
www.sheltervet.org
- **Best Friends Animal Society**
www.bestfriends.org
- **Humane Society of the United States**
www.humanesociety.org
- **Humane Society Veterinary Medical Association**
www.hsvma.org
- **International Veterinary Forensic Sciences Association**
www.ivfsa.org

- **Minnesota Veterinary Medical Association**
www.mvma.org
- **National Association of Medical Examiners**
www.thename.org
- **National Link Coalition**
www.nationallinkcoalition.org
- **The Hoarding of Animals Research Consortium**
<http://vet.tufts.edu/hoarding/>



Photo: Animal Folks, Sarah Beth Photography.

Credits & References

Credits & References

“Veterinarians and technicians are on the front line — seeing how animals are treated.

A system must be put in place that provides these professionals with the training and resources needed to identify, document, and report animal cruelty.”

– Ann Olson, founder and executive director, Animal Folks

ANIMALFOLKS

This manual was originally written by Animal Folks for veterinarians in Minnesota and has been adapted for use in other states. Local and national contributors are listed on this page and page 163.

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