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The Veterinarian's Role in Handling Animal Abuse Cases : Summary of Guidelines for Managing and Reporting Animal Abuse Cases

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Beforehand

1. **Know the Law**
 - Federal, state and local animal laws- licensing, nuisance, pooper scooper, etc
 - State anti-cruelty statute
 - How is cruelty defined?
 - How is animal defined?
 - Exemptions?
 - Veterinary practice act
 - Does the state mandate veterinarians to report animal abuse/fighting?
 - Does the state provide immunity for good faith reporting?
 - Are the medical records confidential? What are the exceptions?
2. **Determine which agency investigates animal abuse**
 - Animal control
 - Police department
 - Humane society
3. **Establish contacts**
 - Law enforcement
 - District attorney's office
 - Humane society/animal control
 - Social services (domestic violence, child protection, elder services)
 - Department of health (hoarding)
 - Diagnostic laboratory
 - Medical examiner
 - Specialists who will work on abuse cases-radiologists, pathologists, etc
 - Local veterinary medical association
4. **Establish an in-house hospital policy regarding handling of animal abuse cases that**
 - describes circumstances that may be suggestive of animal cruelty
 - outlines appropriate procedures for acting on such suspicions
5. **Provide training, support and information on handling animal abuse cases for all staff**

Handling cases of suspected animal abuse

1. **Gather as much information as possible in a non-confrontational manner**
 - How did this happen? When did this happen? Who was involved?
 - Does the history make sense? Do the injuries match the history?
 - Does the animal have behavioral problems?
 - Bite history?
 - Who has access to the animal?
2. **Decide whether to educate or report-a successful resolution may be obtained through education in some cases**
 - Look at the number of problems, severity and duration
 - Review the medical records of client's other animals
 - Review the medical record of this patient for previous injuries
 - Assess the attitude of the client-indifferent? concerned? resentful? angry? remorseful?
 - Evaluate the appearance and attitude of family members, children and friends-do they seem uneasy? evasive?
 - Implement procedures for follow up on questionable cases- call backs, letters, etc

How is animal abuse/ cruelty defined?

The terms abuse and cruelty are often used interchangeably, but the statutory definitions refer to cruelty. Every state has an anti cruelty statute. Cruelty is defined by the statute and court, not by the veterinarian. In common terms, cruelty is often defined as a wide range of behaviors from unintentional neglect to malicious killing that are harmful to animals.

General definition of animal cruelty

Any act, omission or neglect that results in unnecessary or unjustifiable suffering to an animal
 Older statutes refer to overdriving, overloading, overworking, etc.

Abuse

Abuse is commonly defined as a willful knowledge of a failure to provide care, or an awareness of doing something harmful. It may be characterized as

- **intentional**
- **organized (such as dog and cock fighting) or**
- **ritualistic**
- **sexual assault**

Animal hoarding

The statutory definition of a hoarder in the state of Illinois is "someone who has more than the typical number of animals, has shown an inability to provide even minimal standards of nutrition, sanitation, shelter, and veterinary care, with this neglect often resulting in starvation, illness, and death. This person also displays a denial of the inability to provide this minimum care and the impact of that failure on the animals, the household, and human occupants of the dwelling.

Simple Neglect

A failure to provide adequate food, water, shelter, sustenance or veterinary care that is often unintentional

Gross neglect (also willful or malicious)

Knowingly withholding food, water or shelter

Some Warning Signs of Abuse and Neglect

1. Injuries that could not logically have occurred in the manner that the owner has described, or discrepancies in the description of how injuries occurred from varying family members, especially children
2. Lack of concern about the disposition of previous pets
3. Constantly changing parade of animals
4. Lack of concern about their (in)ability to care for animals, including repeated refusal to either acknowledge the seriousness of a condition or provide treatment for clearly painful conditions, such as a fracture
5. Indifference to or lack of awareness or concern about how the animal was injured
6. Repeated failure to follow-up on the treatment of serious medical conditions that cause suffering.
7. Use of several veterinarians to cover one's trail of abuse and neglect
8. Obvious signs of neglect-severely matted hair, overgrown, avulsed or ingrown nails, emaciation, heavy ectoparasite infestation, filthy, muscle atrophy
9. Behavioral problems including aggression, inappropriate elimination, barking, destructive, disobedient, etc
10. Young male animals appear to be at most risk, especially dominant breeds such as Pitbulls, Rottweilers
11. The "Battered Pet Syndrome" consists of multiple fractures (especially ribs) or wounds in various stages of healing. (See below)

Reporting and investigating suspected animal abuse

1. Determine if non accidental trauma or abuse should be on the list of differentials
2. If unsure about the circumstances and/or education seems inappropriate or has been unsuccessful, contact the proper authorities
3. Work closely with the investigators, including crime scene investigation
4. Preserve and document the evidence
 - A. Perform a complete physical examination and record all findings, including the weight
 - i. Describe the animal accurately and completely, including estimates of age and breed, sexual status, unusual characteristics, all colors, etc
 - ii. Look for signs of head trauma-episcleral hemorrhage, ruptured or hemorrhagic tympanic membranes, retinal detachment, etc.
 - iii. Use a body condition score for consistency-Purina or the Tufts Animal Care and Condition Scale that was developed specifically for cruelty cases
 - iv. Pay particular attention to wounds in various stages of healing, and describe them thoroughly
 - v. Include behavioral information, assessment of appetite, etc
 - vi. Assess the animal's pain level
 - vii. Record the weight weekly and assess the percentage of weight gained based on dietary adjustment only in starvation cases
 - B. Obtain a detailed history
 - C. Perform diagnostic tests
 - i. Perform CBC, chemistry panel, fecal, urinalysis, toxicology, and all appropriate imaging to establish a diagnosis or determine the exact cause of death.
 - ii. Take whole body radiographs in all suspected cases of animal abuse to look for fractures in various stages of healing. **Please be aware that veterinarians are not permitted to seize, hold, or perform treatments without owner consent. Diagnostics should be performed as would be necessary to work up any case, and then expanded. Once permission has been obtained to perform radiographs, whole body radiographs can be taken.**
 - iii. Make certain that a complete and thorough necropsy is performed to determine the exact cause of death and/or exclude implausible theories.
 - a. Reflect the skin back to look for evidence of bruising that may not be apparent on the surface.
 - b. Look for rocks and other foreign objects that may be found in the stomach of animals that have been starved.
 - c. Provide a detailed description of all wounds-number, type, size, characteristics, etc
 - D. Maintain the chain of custody of the evidence
 - i. Know the location of the evidence at all times
 - ii. The patient is evidence!

- iii. Notify laboratories and other consultants in writing that this is a forensics investigation when sending out test samples
 - iv. Maintain all evidence under lock and key and store records securely until the case is closed. Trials may take several months after the actual case is seen
- E. Take lots of pictures before and after treatment and throughout the recovery.
- i. Pictures should be close up and from a distance, well lit and focused.
 - ii. Use a ruler to show the size of lesions and label all photographs appropriately with name, date, location, case number etc.
 - iii. Digital photography is admissible according to the Federal Rules of Evidence but work closely with the investigators to properly preserve them.
- F. Maintain thorough and legible medical records as legal documents throughout the treatment period (do not use white out or erase entries)
- G. Prepare preliminary and final reports for law enforcement. Avoid speculation in the preliminary report and provide conclusions about the cause of death or the condition in the final report
- H. Work with attorneys to prepare testimony

Forensics: Medical answers to legal questions

1. How did this injury or condition occur? How long ago?
2. What is the standard of care? Did the owner or caregiver meet the standard of care? (The standard of care is often regional)
3. What is the exact cause of death?
4. Were there underlying contributing factors to the animal's condition or death?
5. Did this animal suffer? How long? Was the suffering needless?

Key Points about Animal Abuse

- Studies have shown that private practitioners do see cases of animal abuse and neglect. Most cases are neglect and can be handled through client education. When education fails, a report should be filed with the appropriate authorities for investigation. Identify a law enforcement or humane agent to work with in advance of filing a report.
- Good faith reporting of animal abuse means filing a report of a suspicion of animal abuse based on the examination of the patient. Good faith means a state of mind with an honest purpose, free from any intent to defraud, in which a person's acts reflect faithfulness to his or her duty or obligation. It launches an investigation to uncover the facts surrounding the injury or condition
- A report that does not lead to charges may still have a positive effect on the situation and does not mean the report was a false one.
- Animal cruelty is defined by statute, not by the veterinarian. The role of the veterinarian in investigating animal cruelty is to serve as the medical expert. This role is expanding to include crime scene investigation. There are many other people involved in the investigation and prosecution of the case and other elements of the criminal justice system determine the ultimate disposition of the case.
- Animal abuse is closely associated with human violence, including domestic violence, spousal, child and elder abuse. This is commonly known as the "Link". It can also be a strong predictor of subsequent criminal and violent behavior in adolescents. Veterinarians have an important role to play in keeping animals and humans safe from violence. To this end, relationships should be established with other agencies for cross reporting, training, and provision of services.
- Although animal cruelty as defined by statute is a crime in every state, many animal abuse cases are still not taken seriously or investigated by law enforcement. This can be very discouraging. However, veterinarians should take a leadership role in educating clients and society in general about responsible animal care and to take animal abuse seriously. The AVMA, Canadian Veterinary Medical Association, American Animal Hospital Association, and Royal College of Veterinary Surgeons have all taken the position that when education fails, it is the responsibility of the veterinarian to report cases of suspected animal abuse to the appropriate authorities and that this action is necessary to protect animals and people from violence. AAHA's position statement is the most comprehensive on this topic and worth reviewing:

"While some states and provinces do not require veterinarians to report animal abuse, the association supports the adoption of laws requiring, under certain circumstances, veterinarians to report suspected cases of animal abuse. In order to encourage veterinarians and practice team members to be responsible leaders in their communities and to assist in the detection and reporting of animal abuse, the profession should educate its members to recognize, document and report animal abuse, develop forensic models, promote legislation concerning reporting by veterinarians and collaborate with other animal and human welfare groups and professionals within communities to eliminate the incidence of animal abuse."

Resources

1. *Investigation of Animal Cruelty: A Guide for Veterinarians and Law Enforcement Professionals* by Leslie Sinclair, Melinda Merck and Randall Lockwood 2006 published by Humane Society Press. Available from www.aspc.org/catalog
2. *Recognizing and Reporting Animal Abuse, A Veterinarian's Guide* edited by Olson, P. Available from www.americanhumane.org
3. *Shelter Medicine for Veterinarians and Staff* by Lila Miller and Stephen Zawistowski 2004 published by Blackwell Available from www.aspc.org/catalog, www.blackwellpublishing.com
4. *Veterinary Forensics: Animal Cruelty Investigations* by Melinda Merck 2007 Published by Blackwell, Available from www.aspc.org/catalog, www.blackwellpublishing.com
5. Munro HMC, Thrusfield MV. Battered Pets: non-accidental physical injuries found in dogs and cats *J Small Anim Pract* 2001; 42: 279-290
6. Munro HMC, Thrusfield MV. Battered Pets: features that raise suspicion of non-accidental injury *J Small Anim Pract* 2001; 2: 218-226
7. Munro HMC, Thrusfield MV. Battered pets: sexual abuse. *J Small Anim Pract* 2001; 42: 333-337.
8. Munro, HMC and Thrusfield, MV Battered pets: Munchausen syndrome by proxy (factitious illness by proxy). *J Small Anim Pract* 2001; 42: 385-389.

9. <http://canadianveterinarians.net/animal-abuse.aspx>

For more information on animal hoarding, go to <http://www.tufts.edu/vet/cfa/hoarding/>

For more information about animal cruelty, please contact the ASPCA www.aspca.org or lilam@aspca.org

Address (URL): http://www.vin.com/Members/CE/C362/Library/CE_M08291.htm



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