The role of the veterinarian in handling animal abuse

Pet smart charities webinar

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Recent headline news

Two teens accused of microwaving a cat to death pleaded not guilty in a Camrose courtroom this morning

Charleston man charged with animal cruelty after his neighbor’s dogs ate meat laced with razor blades was handcuffed and taken away for a psychological evaluation.

Ontario bill targets animal cruelty
Proposed provincial animal welfare act calls for jail time and a fine of up to $60,000 for abuses

A woman accused of hanging her pit bull in a tree remained jailed Thursday on an animal cruelty charge in a case that stemmed from the dog injuring a 2-year-old, police said

Council’s Education, Recreation, Health and Welfare Committee recently held two public hearings on a tougher animal control ordinance that would raise fines and add animal cruelty regulations.

Case 1: DVM newsmagazine 2003

• Headline: DVM suspects clients of fighting wounded dog
  – A veterinarian wrote a letter to “VIN Tips” to ask advice from his colleagues in Texas about reporting animal abuse
  – 3 responses published
Question?

Someone brought me a Pitbull today that had been in a fight 4 days ago...One of my receptionists said that the owners fight the dog. She knows the people slightly...I don't have proof the dog was intentionally fought. They claim it was an accident but what is the law on blowing the whistle on an animal owner? I don't care if I lose this client; we already had to send them to collections once. But I don't want to get embroiled in a lawsuit either. I'd appreciate any thoughts

Responses

1. "You want to start reporting every case of suspected abuse or neglect? Where do you draw the line? The owner who opts for 6 weeks of aspirin for their ruptured cruciate? The one you know who keeps the dog tied outside? I think you're asking for a whole bunch of trouble and your time could be better spent helping animals in other ways. By the way, all the dog fighters around here crop their own dog's ears with a pocketknife and half a liter of Old Grand Dad....

Responses

2. "There is no requirement to report dog bite wounds to the Texas board if dog fighting is suspected...He doubts that you are required to report dog bite wounds to animal control if a person is not bitten, but suggested checking with your local animal control people to be sure...Reporting suspected dog fighting on a patient of yours could cause a problem of confidentiality. I don't mean to stir the pot, but I just thought I'd share the info...
Responses

3. "I know I’ll be in the minority but today your chances of getting sued for reporting a case like this are substantial. One "accidental" dog fight is not uncommon. You only have rumor that they are fighting the dog. There’s trouble for you if you report it to the system. Discuss with the people the health problems of repeated fighting, medical costs, etc. But you have a college education so hint that you know what’s going on and expect it to stop. If you receive any real evidence nail the guy to the wall. But not yet or they’ll nail you."

Responses

What about the welfare of the animal or the safety of the public?

Dog fighting is illegal and involves drugs, gambling, weapons and violence

Case 2: Headline news: Horse owner given probation in Massachusetts euthanasia case

The charges

Horse owner Mr. X was charged with animal cruelty in January 2008 after he refused to act on the advice of veterinarians to euthanize Quincy, a 29-year-old mare, who suffered from multiple ailments, including crippling arthritis. Instead, Mr. X agreed to relocate the horse to Fairfield Equine Associates veterinary hospital in Newtown, Conn., in April. Quincy remained under Fairfield’s care until her death on August 10, 2008.
Massachusetts euthanasia case: The evidence

• Evidence included large images and radiographs of Quincy's deformed knee, as well as a decubitus ulcer—a result of spending prolonged time in recumbency on her right hip. The ulcer developed into osteomyelitis, a bone infection.
• Video of Quincy, which had been a point of contention between the parties involved in the case, was also entered into evidence.

Massachusetts euthanasia case: The law

Massachusetts' animal cruelty laws do not specifically recognize failure to euthanize sick or injured animals as cruelty.

Massachusetts euthanasia case: The sentence

• 2 years probation
• 50 hours community service or $1,000 donation to MSPCA
• Pay witness and monthly probation fees
• Undergo any type of evaluation or treatment requested by his probation officer.
• Other than the dog he currently owns, he cannot own or be in control of any pets or domestic livestock for the duration of his probation.
Case 3: Headline news: Vet charged with animal cruelty

- Dr. X was indicted on one count of felony animal abuse. He was accused of punching a five pound Chihuahua five times in the head dislodging the eye, which he later sewed shut.
- He was also indicted for theft for charging a client for a vaccination he didn’t give.
- He was later cleared by the veterinary board but still faces criminal charges.

What are the veterinarian’s ethical and moral obligations?

To the:
- Patient
- Client
- Profession
- Society
- Peers
- Self

Bernard Rollin, ethicist

What is the role of the veterinarian in handling animal abuse?

*We already know what some of the professional associations are saying...*
The major veterinary professional associations all support reporting of animal abuse

- American Veterinary Medical Association
- Canadian Veterinary Medical Association (CVMA)
- Executive Board of the AVMA through its model practice act,
- American Animal Hospital Association (AAHA)
- Royal College of Veterinary Surgeons (RCVS)(UK)

AVMA position on reporting animal abuse

- Veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws, or local ordinances.

  *When these situations cannot be resolved through education, the AVMA considers it the responsibility of the veterinarian to report such cases to the appropriate authorities*

AVMA position on reporting animal abuse

- Disclosure may be necessary to protect the health and welfare of animals and people.
- Veterinarians should be aware that accurate record keeping and documentation of these cases are invaluable
AVMA Executive Board

Model Veterinary Practice Act
Any veterinarian licensed in this state who reports, in good faith and in the normal course of business, a suspected incident of animal cruelty, as described by law, to the proper authorities shall be immune from liability in any civil or criminal action brought against such veterinarian for reporting such incident.

The role of the veterinarian in reducing violence in the community

- Animal abuse is often the first point of intervention in cases of human violence - including child abuse, spousal and domestic violence, elder abuse and so on.
- When animals are abused, humans are at risk and vice versa.
- This is commonly known as “The Link”.

New South Wales Study 2002

- 200 individuals randomly selected from 947 persons convicted of animal cruelty.
  - 61.5% committed an additional assault.
  - >50% had convictions for driving offenses, domestic violence and theft.
  - Other offenses included drug, firearms, sexual assault, malicious damage, assaulting police.
  - Only 1% had convictions for animal abuse only.
  - 17% of the offenders had also performed sexual abuse.
New South Wales Study 2002

Conclusion of the study:

Animal abuse is a better predictor of sexual assault than previous convictions for homicide, arson or firearms offenses!

Statistics

- Merz-Perez (2001) found that violent offenders in a maximum security prison were significantly more likely than non violent offenders to have a history of prior acts of animal cruelty
- MSPCA study found that men who were prosecuted for animal cruelty were 5 times more likely to have been arrested for acts of violence against humans, and 4 times more likely to have committed property crimes
- Many of the young schoolyard shooters and serial killers have a prior history of animal abuse in their background

The role of the veterinarian in handling animal abuse cases

- **Multidisciplinary effort!**
  - Veterinarian – responsible for medical investigation only
  - Law enforcement
  - Prosecutor
  - Animal control/shelters
  - Social services
The role of the veterinarian in handling animal abuse cases

- Medical experts
  - Document the evidence
  - Assist in crime scene investigations
  - Testify in court
- Reporters of suspicions of animal abuse
  - Recognize the warning signs
- Defendant in cases?

Where do the states stand on reporting animal abuse?

- Only a handful of states mandate veterinarians to report animal abuse (2 mandate reporting child abuse)
- Some states require reports in writing
- Some states require reporting of animal fighting
- Some states support voluntary reporting and provide immunity
- Kansas allows veterinarians to seize animals they suspect have been abused
- Some states have penalties for failure to report

Concerns of veterinarians about reporting

- Standards for reporting are unclear
  - May require direct knowledge (AL)
  - Known or suspected cases (MN)
  - Reasonable knowledge (WV)
- Violation of some state confidentiality rules regarding medical records
- No medical guidelines or training available to identify abuse-lack of expertise
Concerns of veterinarians about reporting

- No immunity from prosecution for false reports
- Fear that nothing will happen or the situation could get worse
- Clients who neglect or abuse animals need education and guidance, not arrest
- Other professionals should deal with the problem of animal abuse

Concerns of veterinarians about reporting

- Owners would refuse to seek medical care in questionable circumstances for fear of being reported
- Fears for personal safety
- Too busy
- Fear of loss of clients and damage to the practice

Veterinary attitudes about reporting abuse

- A survey of Michigan veterinarians revealed that the factor that determined whether they would report abuse or not was the reaction of the client.
- A survey of Massachusetts veterinarians revealed that while most believe they have an ethical obligation to report abuse, less than half thought it should be a legal requirement
Veterinary attitudes about reporting abuse

An unpublished study (Morgan poster—Canada) revealed the factor that most affected whether a report was made was if the owner showed remorse—*but what if there are other animals at the home?*

Good faith reporting

- The veterinarian’s report should be filed when a reasonable suspicion of abuse exists based on the physical or historical findings upon examination of the patient.
  - 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.

Good faith reporting

- Reports of abuse should be made after it has been determined that education has failed and/or is inappropriate.
- Give careful consideration to the
  - **Number of problems**
  - **Severity of problems**
  - **Duration of problems**
Professional issues for reporting abuse

Know the law!

- Veterinary Practice act
  - Confidentiality?
  - Mandated or voluntary reporter?
  - Immunity?
- Cruelty law
  - Know the definition of cruelty
  - Know the definition of animal
  - Know the exemptions (category of animal, owners?)

Professional issues for reporting abuse

- Know who specifically to report abuse to
  - Police department, animal control or humane society-establish contact beforehand and get a name!
- Establish hospital policies for procedures for recognizing and reporting abuse
- Establish links to other organizations and service agencies (health department, social services, district attorney’s office etc)

How to define cruelty

The prevailing standard of cruelty is defined by statute and the court, NOT the veterinarian
Deciphering the terminology

**Animal Abuse**

**Animal Neglect**

**Animal Cruelty**

Although abuse and cruelty may be used interchangeably, the statutes refer to cruelty. *Animal “abuse” is commonly used because it follows the already established model of child abuse.*

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**Animal Cruelty**

Any act that, by intention or by neglect, causes unnecessary pain or suffering to an animal.

*Animal cruelty is a continuum of acts that can range from neglect to torture.*

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**Definitions: Neglect**

- “Usually” refers to the failure to provide food, water and shelter
- May also include the failure to provide proper veterinary care (sustenance)
- Unintentional lack of care that comes from ignorance
Proposed typology of animal abuse
Vermulen and Odendaal 1993 Anthrozoos

What about mental abuse?

- Active maltreatment
  - Instillation of fear, anguish, anxiety
  - Isolation

- Passive neglect?
  - Deprivation of love and affection

But do veterinarians *really* see abuse in their practices?

- Stolt (1997) found in a study of Michigan veterinarians that 88% felt they had seen non-accidental trauma in their patients, *but only 27% had reported it*
- Landau (1999) found that 57% of veterinarians responding to a survey had treated abused patients, with 50% seeing 1-3 cases per year
  - 60% suspected treating animals who had been abused
  - 20% had clients they suspected were being abused

But do veterinarians *really* see abuse in their practices?

In NJ, DeViney et al. (1983) concluded that in pet owning households with a history of child abuse, utilization of veterinary services was consistent with norms in non-abusive population

- 60% of pet owning families that had child abuse also abused pets
- 88% of families with physical child abuse also abused animals
- In these households, dog bites were 11 times more likely to occur
Case 1: “Pepperoni”
beaten after inappropriate defecation

“He defecated in the house, so I hit him. He did it again so I hit him again.”

Case 2: “Prince”
thrown down stairs, rib & pelvic fractures, legs bound

Linear scars on legs at different stages of healing indicate the dog was bound over a period of time.

Legal determination – felony indictment

Case 3: “Abraham”
starved, beaten, muzzle scar

Presented emaciated, hypothermic (<96F), unable to get up, with an infected muzzle scar, a fractured right scapula, anemic and hypoproteinemic.

Legal determination – bench warrant served – no appearance
**What about animal hoarding?**

**Illinois statutory definition:**

*An animal hoarder is someone who*

- Has more than the typical number of companion 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

**What about animal hoarding?**

- 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

**What is animal hoarding?**

- Animal hoarding is believed to be part of an obsessive compulsive or other psychiatric disorder
- Requires a multidisciplinary approach to handle both the human and animal victims
  - Departments of Health, Aging, Sanitation, Social and Children’s Services, etc.
  - Animal shelters and humane societies
Animal hoarding

- Simple removal of the animals or providing pro bono or discounted veterinary services does not solve the problem
- Recidivism rate is almost 100% without follow-up
- Psychological counseling, removal of animals and follow-up monitoring are all part of a rescue program for both human and animal victims
- Social services can often only be provided via legal intervention
Warning signs of abuse

- Injuries could not have occurred the way the owner described
- Discrepancies in the history
- Lack of knowledge or concern about previous pets
- Indifference about current pet’s injuries
- Repeated refusal to treat clearly painful or life-threatening conditions

Warning signs of abuse

- Severe signs of neglect - matted, dirty, ingrown or avulsed nails, etc.
- Heavy ectoparasite infestations
- Thin, emaciated animals with no apparent contributing or predisposing factors
- Chronic, untreated medical conditions
Warning signs of abuse

- Client utilizes several veterinarians
- Injuries to multiple animals
- Repetitive injuries
- Generally poor sanitation in environment-poor ventilation, poor lighting, feces and urine odor
- Recreational drug use

Warning signs of abuse

- Young puppies and kittens are at greater risk of abuse
- Male dogs at greater risk

Factors and behaviors that may put animals at risk for abuse

- The need for constant supervision
- Urination and defecation in the house
- Aggressive behavior
- Chronic illnesses that pose a financial burden
- Resistant or destructive behavior
- Excessive noise
Conclusion: AAHA position statement

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

A happy ending

Resources

• **Veterinary Forensics: Crime Scene Investigation**
  by Melinda Merck published by Wiley Blackwell

• **Forensic Investigation of Animal Cruelty: A Guide for Veterinarians and Law Enforcement Professionals**
  by Sinclair, Lockwood and Merck, published by Humane Society Press

• **Recognizing and Reporting Animal Abuse: A Veterinarian’s Guide**
  by American Humane Association
Resources

- *Animal Abuse and Unlawful Killing: Forensic Veterinary Pathology*
  by Ranald Munro and Helen M.C. Munro
- *The International Handbook of Animal Abuse and Cruelty*
  by Frank Ascione, published by Purdue University Press
- *Shelter Medicine for Veterinarians and Staff*
  edited by Miller and Zawistowski, published by Wiley Blackwell

Resources

- http://canadianveterinarians.net/animal-abuse.aspx
- www.animallaw.info
- International veterinary forensics science association at www.ivfsa.org

Battered Pet Syndrome identified by Dr. Helen Munro

Battered Pet Syndrome


For more information:

Go to [www.aspca.org](http://www.aspca.org) or contact lilam@aspca.org