

What to Expect If You Report Suspected Animal Abuse or Neglect

Demystifying the Legal Process

Nothing in this material is meant to provide legal advice but rather to provide general information on this subject.

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Moderator: Barry Kellogg, VMD - Moderator

About the Humane Society Veterinary Medical Association

- National veterinary medical association, founded in 2008
- Focus: Animal health & welfare
- Affiliate of The Humane Society of the United States

PART I: The Veterinary Perspective

Presented by Dr. Lorna Grande

Goal of this Conversation

- Objective is to introduce and discuss the idea that it is important for veterinarians and staff to become comfortable with **recognizing** and, when appropriate, **reporting** animal abuse and neglect to the proper authorities.
- Signs of animal abuse and neglect will be mentioned

What Not to Expect Tonight!

- This is not a forensics program!
- There are many places online and at CE conferences where you can gain detailed, specific forensics training. We encourage you to do so if it interests you.

Resources: Training/CE

- **University of Florida ASPCA Veterinary Forensics Online Graduate Certificate:**
forensicscience.ufl.edu/veterinary
 - Ask your local VMA to have a humane officer or shelter veterinarian speak to your group about recognizing and reporting animal cruelty
- **VIN**
 - The Veterinarian's Role in Handling Animal Abuse Cases (2005 and 2007 Continuing Education Archives)

Who Are the Proper Authorities?

- Varies from state to state and even county to county.
- You should identify who in your region investigates animal cruelty cases.
- For example in MA, MSPCA and ARL have special state police officers, but any police department can investigate.

Information Your Practice Should Have

- The **agencies in your area** responsible for investigating suspected animal cruelty, abuse and neglect
- Procedures for **contacting them**: address/phone/email
- Humane Society
- SPCA
- City/town/county animal control
- Law enforcement, police, sheriff

Protocol in Place

- Having a protocol in place is important.
- It allows staff and associates to **know who to speak to** in the practice.
- If one person (and a backup!) are familiar with your local and state laws they will be **able to guide staff**.
- All reports could go through **one person**

Develop Relationships

- Often when faced with a difficult case you **need advice**
- There are **no cookie cutter answers**
- You and your staff are more likely to call to discuss a case with a law enforcement agent if you already have **mutual trust**

Uncomfortable Territory

- This is challenging for veterinarians: ***You do not need to be an expert to report.***
- When you report you do not have to be SURE of the outcome
- We are not law enforcement, prosecutor, social worker, judge, jury
- We are animal health professionals who know when we see something that doesn't seem right

Most Cases

- Most cases are **never** prosecuted
- Education is our priority and also the goal of most humane law enforcement agencies
 - Of prosecuted cases, it is **rare** for one to go to court
- Stipulation of facts
- More later

Helpful Document

- **Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect:** nationallinkcoalition.org/assets/docs/guidance-for-veterinarians.pdf
 - Principal Authors:
 - Phil Arkow, Consultant, The Link®, American Humane Association (USA); Chair, Animal Abuse & Family Violence Prevention Project, The Latham Foundation
 - Paula Boyden MRCVS, The Links Group (UK) ,The Dogs' Trust, UK
 - Emily Patterson-Kane Ph.D., Animal Welfare Division, American Veterinary Medical Association
 - *Thanks to National Link Coalition for sharing*

Why Veterinarians Should Be Involved

- **PROFESSIONAL RESPONSIBILITY**
 - The public expects veterinarians to be **at the forefront of protecting animals**
 - **Experts in medical condition** of animals
 - **Role as educators** – counseling clients in proper animal care can prevent neglect
 - **Animals can suffer and feel pain** – they deserve protection from abuse and violence in their own right
- **ETHICAL RESPONSIBILITY**
 - **AVMA Policy Statement:** “...the AVMA considers it the responsibility of the veterinarian to report such [animal abuse] cases to the appropriate authorities...”
avma.org/KB/Policies/Pages/Animal-Abuse-and-Animal-Neglect.aspx
 - **AAHA Position Statement:** “...[veterinarians] should take an active role in detecting, preventing and reporting animal abuse.”
aahanet.org/Library/AnimalAbuseRpt.aspx
- **COMMUNITY RESPONSIBILITY- “The Link”**
 - It is well established that there is a link between animal abuse and human violence
 - Research does not necessarily show that animal cruelty is a “gateway crime”
 - Animal abuse is often happening at the same time as other forms of violence
 - It may be the only form seen by outsiders
 - The pet generally does not go to school or daycare where other professionals may notice

Massachusetts

Re: reporting cruelty: M.G.L. Ch. 112, § 58B

“A veterinarian duly registered under section 55 who reports, ● in good faith and ● in the normal course of business, a suspected act of cruelty to animals prohibited under section 77 or section 94 of chapter 272 ● to a police officer, or a special state police officer appointed under section 57 of chapter 22C, shall **not be liable in a civil or criminal action** for reporting such act.”

Do Veterinarians See Animal Cruelty?

- **Not if we don't want to!**
 - We are often too busy or too naive to see it.
 - Hard to imagine our clients or someone in their lives being guilty of abuse.
 - Is non accidental injury on your list of differentials?
- It is a misconception that abusive pet owners don't take their abused pets to veterinarians
- One survey (Landau, 1999) found:
 - 87% of responding veterinarians had treated abused patients
 - 60% had treated an animal they suspected had been severely or intentionally abused
 - 50% had seen from one to three abuse cases a year
 - 20% had clients they suspected were being abused themselves

Child Abuse and Human Medicine

- **Let's compare!**
- Professionals required to report child abuse typically have frequent contact with children. Examples:
 - Social workers
 - Teachers and other school personnel
 - Physicians and other health-care workers
 - Mental health professionals
 - Child care providers
 - Medical examiners or coroners
 - Law enforcement officers
 - Frequently mandated: commercial film/photograph processors, substance abuse counselors, probation/parole, DV workers, animal control/humane officers, court-appointed special advocates, clergy
- Training?
 - Are all of these folks well-trained to identify neglect or non accidental injury to a child?
 - It is assumed that **common sense** and their **experience on the job** will allow them to become concerned and then **REPORT to proper authorities**.

Semantics!

- Terms are often confusing
 - Abuse and cruelty are often used interchangeably
 - Legal definitions vary state to state
 - Legal definition of ANIMAL varies as well.
- If we get hung up here we will never move forward
- **Focus on what you DO KNOW** instead of what you are not sure of.

Animal Cruelty Defined

Passive cruelty

- Generally referred to as *neglect*
- May be the result of ignorance (unintentional) or may be deliberate (intentional)

Active cruelty

- Physical infliction of pain and/or suffering
- May be done directly (physical abuse) or indirectly (animal fighting)

Passive Cruelty: Neglect

- Generally involves:
 - Lack of food
 - Lack of water
 - Lack of proper shelter
 - Withholding of veterinary care
- Most common type of animal abuse cases seen by veterinarians
- Many neglect cases can be remedied through education
- More later

Rule Out Medical Causes

- **Obviously important**
 - Example: For emaciation, rule out such causes as dental disease, parasitism, malabsorption, etc.

Hoarding

- Accumulation of **more than a typical number** of companion animals **without providing minimum standards of care** (food, water, sanitation and veterinary care) resulting in starvation, illness and death
- **Cannot recognize** negative effects
- **Denies** there is a problem
- Some of the most egregious forms of abuse involve **widespread suffering over a long period** of time
- **High rate of recidivism**
- It takes a village.
- Hoarding of Animals Research Consortium: tufts.edu/vet/hoarding/intervention.htm
- Careful not to enable “rescuers” who may actually be hoarders
- Best advice: VISIT the shelter or home yourself

Recording Keeping/Evidence: Documentation

- Most important function of the veterinarian in animal cruelty cases
- Records must be **thorough, descriptive and specific**
- Document the animal’s overall condition regardless of the reason for presentation
- “A picture tells a thousand words”
 - Polaroid, videotape, digital camera
 - Whole body photos with ID #
 - Close-ups of specific lesions (with ruler)

Pass the Buck!

- If you do not feel comfortable, knowing the proper authorities in your community is even more helpful.
- Pass the buck! Call them and ask them what you should do.

Sample form: FAX

MASSACHUSETTS SOCIETY for the PREVENTION of CRUELTY to ANIMALS LAW ENFORCEMENT DEPARTMENT

ANIMAL CRUELTY ALLEGATION REPORTING FORM

Reporter's name: _____

Title: _____

Business Address: _____

Business Phone #: _____

Date and place of allegation: _____

Name and address of the owner and / or caretaker of the animals involved:

Number and kind of animals involved: _____

Do any of the animals have injuries: _____. If yes, describe injuries: _____

Where are the animals in question located: _____

Case particulars / nature of allegation (Be Specific): _____

Recordkeeping

- Our professional/legal obligation is to keep complete medical records on every case.
- Keeping records on a case that you might need to report is no different.
- Polled LE agents agree that vet records often are not complete.

What's Missing?

- Often, a complete history
- What was the conversation you had with the client?
- What made you feel this wasn't a routine visit?
- What did owner say happened, when did it happen?
- Did anyone see it happen?
- These are not unusual questions for us, all we have in vet medicine is observation

Flag a Record

- If you are uncomfortable with a situation but are not going to report, would you red flag the record?
- Having a special place on the record and/or in your computer files to record unclear situations will help to alert others in the future if there is another incident.

Cumulative Effect

- As with all elder, child or animal abuse cases, if we do not report the incident it is **A SECRET**
- Animal usually doesn't go to school or daycare -- You and your staff may be **the only people to see this situation**.
- It may take a couple of incidents before LE or CPS will take much action
- If the history is that others have reported crimes as well, your information may be very helpful.

Example

DVM Newsmagazine, Oct 2012

ETHICAL DILEMMA: Handling a Case of Puppy Abuse

- 4 mos old lab pup presented to vet by regular client
- laceration over left eye
- scleral injection of the left eye
- puffy and swollen left side of face
- History: Owner tripped over pup and fell, lost his temper and, in a "fit of rage," kicked the puppy.
- **Factors veterinarian considered**
 - ✓ Client lost control
 - ✓ History of "exemplary" pet ownership
 - ✓ Truly repentant
 - ✓ Veterinarian felt she could assist pup and owner by seeing them on a regular basis.
- **DVM Magazine Response**: They compared it to the many less than clear cut situations we face everyday. Is this a surgical abdomen? Are the seizures frequent enough to start meds? These decisions are made with feedback from the owner.

Considering the owner's honesty and history of good pet care, DVM agreed that requesting regular rechecks was an appropriate response.

What If You Were a Pediatrician?

- **Same history, parent kicked child in head**

Concerns About Reporting

- **Time commitment**: examine and treat, extensive medical records, court appearances
- **Monetary services**: charging for services vs. donating services
- **Fear for personal safety**: retaliation
- **Fear of losing clients**
- **However ...**
 - Physicians once voiced the same concerns when confronted with professional requirements to report child abuse

- Society is recognizing the need for mandated reporting of animal abuse

Human Medicine

- Physicians are still reluctant for many of the same reasons veterinarians are reluctant to report.
- They have been required to report since 1966
- AMA was opposed, afraid parents wouldn't bring injured children in for treatment.
- Felt that child protective services were overworked and underfunded and results may not be satisfactory.

Some Key Reasons Physicians Hesitate to Report

- Definitional or evidentiary confusion
- Unclear about confidentiality
- Cost to reporter of making reports and going to court
- **CPS can't protect a child if they do not know the abuse is happening**

Child Abuse & Neglect, 2000 **REPORTING CHILD ABUSE: PEDIATRICIANS' EXPERIENCES WITH THE CHILD PROTECTION SYSTEM**

VULLIAMY +SULLIVAN

Confidentiality

- Practical Guidance Document
- APPENDIX C: DIGEST OF LAWS REGARDING CONFIDENTIALITY OF VETERINARY RECORDS
- State by state

What If You Do Report?

- When suspected abuse is reported whether it be elder abuse, child abuse or animal abuse generally:
 - An **INVESTIGATION** is triggered
 - It is the job of those authorities to decide if the allegations are strong enough to move forward
- It is not the reporter's responsibility to have all of the answers and be SURE of the entire case before reporting!!

Conclusions

- Foster cooperative relationships between veterinarians and investigative agencies
- Successful resolution of an animal abuse case is frequently not an arrest and prosecution
 - **Often times appropriate client education can resolve cases of inadvertent neglect**
- It is imperative that veterinarians learn to recognize, report, and try to prevent animal cruelty

PART II: The Attorney Perspective

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Understanding Animal Cruelty:

- **Intentional Abuse:** Acts of Violence or Torture
- **Neglect:**
 - **Failure to Provide** – Type of crimes which are most of the cases you will see
 - Extreme Neglect
- **Institutionalized Neglect**
- So what can you do to **prepare yourself before** you are faced with a suspected cruelty situation?
- How can you **put yourself in the best position** to be able to properly handle this situation?

Be familiar with your state laws

- You don't have to be an attorney to have a general understanding of what abuse or neglect is under your state law.
- Most general state cruelty laws are similar with regard to what constitutes cruelty.
- As veterinarians, you will likely recognize cruelty better than law enforcement so use skills and your common sense.
- But it doesn't hurt to be informed: www.animallaw.info

Typical state statutes are like this:

- Misdemeanor law might say:
 - (1) Overdrive, overload, drive when overloaded, overwork, deprive of necessary sustenance, abuse, or needlessly kill a living animal or creature; ...
 - (3) Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means
- Felony law might say - Intentionally:
 - (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, or needlessly mutilate a living animal or creature; or...

Most states cover all animals to some degree under their cruelty laws. And some states require reasonable vet care.

- To know for sure which animals are covered in your cruelty laws – check the definition of “animal” within your state code:
 - **NY** - 1. "Animal," as used in this article, includes every living creature except a human being;
 - **CO** - “Animal” means any living dumb creature, including a service animal as defined in section 18-1.3-602(3.5).
 - **IL** - "Animal" means every living creature, domestic or wild, but does not include man.

BE PREPARED: know who enforces the animal cruelty laws in your state

- Police are required in most states to enforce all laws
- Many states use animal control officers to enforce the cruelty laws
- Some states empower SPCA officers with express law enforcement authority
- Some states use humane society officers
- Some states employ a combination of these
- Some states may empower agents as peace officers
- **IF POSSIBLE, DEVELOP A RELATIONSHIP WITH SOMEONE NEAR YOU WHO ENFORCES THE LAWS**

How might you develop a relationship with someone who enforces the cruelty laws?

- Pay attention to stories in you local paper on cruelty cases to see who handled a case or who is quoted.
- Attend a function at a local shelter of humane society.
- Talk to other veterinarians who work in shelters who might be familiar with ACO’s or humane officers.
- Call local law enforcement and ask them who handles the cruelty cases in your town or county.

How do you decide if a law has been broken and an animal has been abused?

- There is no black or white answer for every situation
- Every case will be subject to your opinion
- What is deemed as cruelty may be different depending on the experience and knowledge of the examining doctor
- The important point is to be aware of this possibility and have a plan for what you and your office will do if you suspect animal cruelty

Many States Have Laws That Require or Suggest that Vets Report Animal Cruelty

- States that require vets report cruelty – **“shall report”**
 - **Alabama, Arizona, California, Colorado, Illinois, Kansas , Minnesota, Nebraska, Oklahoma, Oregon, Virgin Islands, Wisconsin**
- States that have permissive reporting – **“may report”**
 - **Georgia, Maryland, New York, North Carolina, West Virginia**
- Combination of both
 - **Maine - “shall report” aggravated cruelty; “may report” cruelty or neglect**
- *Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect*

Some states have added an extra protection for veterinarians by specifically granting immunity for reporting.

- See chart on page 28 - *Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect*.
- You can further reduce exposure by maintaining liability insurance.
- Everyone is subject to some liability; prosecutors, towns, police...

ARIZONA

A.R.S. 32-2239. Duty of veterinarian to report suspected dog participant of dog fight or animal abuse; immunity

A. A veterinarian shall report in writing concerning any dog fighting or animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within thirty days of any examination or treatment administered to any dog or any animal which the veterinarian reasonably suspects and believes has participated in an organized dog fight or any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the dog or any animal together with the name and address of the owner.

B. A veterinarian shall report, in writing, suspected cases of abuse of livestock to the associate director of the division of animal services in the Arizona department of agriculture pursuant to title 3, chapter 11, article 1. The report shall be made within thirty days of treatment or examination and shall include the breed and description of the animal together with the name and address of the owner.

C. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.

WHAT IF YOUR STATE HAS NO LAW ON THIS SUBJECT?

Then, theoretically, you will be held to the same standard as any other doctor or professional who reports criminal activity.

DO YOU HAVE AN OBLIGATION TO REPORT?

AVMA POSITION STATEMENT

WHAT ARE THE IMPLICATIONS IF YOU DO NOT?

Can not reporting animal cruelty come back to “bite you”?

When animals are abused, people are at risk; when people are abused, animals are at risk.

- Animal abuse typically not isolated event. It is statistically linked to:
 - Child abuse
 - Domestic violence
 - Development of anti-social, violent behavior
- Animal cruelty & fighting also linked to other crimes:
 - Drugs, guns, illegal gambling, violence, child abuse

Recognizing the Link

- Up to 48% of battered women delay leaving a dangerous situation out of concern for their pets safety (Faver & Strand, 2003).

- Multiple studies have found that as many as 71% of battered women reported that their pets had been threatened, harmed, and or killed by their partners (Ascione, et. al. 1997; Flynn, 2000; Loring & Bolden-Hines, 2004).
- A national survey of battered women’s shelters determined that 85% of shelters indicated that women seeking shelter at safe houses talked about incidents of pet abuse (Ascione, Weber, & Wood, 1997).
- Children exposed to domestic violence are at greater risk of psychological maladjustment, including a higher risk of becoming perpetrators or victims. Pet abuse is an early indicator of violent propensities. Children exposed to domestic violence were at significantly increased risk for behavior problems, including animal abuse (Baldry, 2003).
- A 1994 report released by the National Research Council states that early intervention is more likely to reduce adult crime than criminal sanctions applied later in life.
- Animal abuse perpetrated by youths is being recognized as a serious threat and often a dress rehearsal for interpersonal violence.
- Animal abuse occurred in 88% of families that were under state supervision for the physical abuse of their children.
- Accordingly, it is important for you to remember that you might be the first person to realize that animal cruelty is being committed and that this family might be at risk.
- You might have the first opportunity to sound the alarm that could potentially prevent future violence on animals and humans.

What is the first thing to do if you suspect cruelty?

- Fully document your findings
- Take photographs if possible
- Take down any statements made by the person about what happened and the care of the animal or lack of care provided
- Ask questions
 - *Get as much information as you can.*
 - *Haven’t seen your other dog for a while ...*
- Pay attention to the condition of the human in your office as well as the animal

“Maintaining comprehensive medical records including health assessment, medical history, statements made, observed behaviors, detailed description of injuries, an opinion as to whether injuries are adequately explained, results of laboratory tests and diagnostic procedures, and photographs and imaging studies – may likewise reduce the exposure to liability. In cases where discrepant histories are given to various staff members, it is important that each such statement is recorded. “

- AVMA - *Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect*

Red flags!

- Sometimes there may be a history of a high turnover of pets in the household and similar types of injuries. Consider...
 - Are the explanations reasonable?
 - Are the explanations inconsistent?
 - Repetitive injuries. Old injuries.

- Do the animals show fear?
 - Do they flinch or are they jumpy to the touch?
 - Are they afraid of the owner?
- Do specific examinations based on suspected crime you believe may have been committed.
 - This may help prove there was actually a crime
- Dental Examination
 - Dog Fighting May Cause:
 - Teeth Fractures
 - Presence of Drugs
 - Old Versus New Injuries
 - Helps prove continued conduct and not an accident
- Do the same with other suspect crimes
- Scar chart is very important in fighting cases
- **AND REMEMBER TO PRESERVE ANY EVIDENCE**

When should you report suspected animal cruelty and what should you provide to law enforcement?

- As soon as you seriously suspect animal abuse or neglect you should go through all of the processes previously mentioned and contact your law enforcement officer.
- You will want to provide him/her with the name of the abuser, the date you saw the animal and information on the particulars of what you suspect.
- You might want to keep a form in your files to complete and present the officer. And make sure that you maintain your records to include that same information that you reported to the authorities.
- **Basic information to provide:**
 - Client's name and address
 - Date(s) you examined the animal
 - What you found and your conclusions
 - Any pertinent history on this client and other animals.
 - At this point if there is no mandatory reporting law in your state, that is all you need to provide.
- LE can subpoena any records they need once they launch an investigation.
- Remember, you have to provide enough for them to investigate the alleged crime.
- In some cases – most likely in dogfighting type cases – you can also ask to be a confidential informant in providing information regarding a crime.
- There are very specific requirements and rules for CI's and police and court may not take the case as seriously if you are a CI so this would only be a reasonable request in cases where you are seriously concerned for your safety.
- But this is something to remember for very extreme cases.

What can you expect after you report suspected cruelty?

- Don't assume this will be vigorously investigated – **You may have to follow up.**

- Hopefully the officer will conduct an independent investigation of her own and determine if there is probable cause to charge someone with animal cruelty. If you get no cooperation, you can consider going up the chain of command.
- **Once you provide a tip to the officer he/she will hopefully open an investigation.**
 - The officer may go and question the parties and other potential witnesses such as neighbors or family members.
 - That could lead to other information or admissions by a defendant or other family member that will allow the case to proceed without your involvement.
 - The case may plead out.
 - Or the case may go to trial.
- However, it is important to note that a very small percentage of cases ever go to trial.
 - Less than 5% of criminal cases go to trial
 - ***Much Celebrated American Trial is Dying in Real Life. March 31, 2009. [by Pat Vaughan Tremmel. Northwestern University: northwestern.edu/newscenter/stories/2009/03/burnstrial.html](#)***
 - But part of the reason they never go to trial is the preparation that goes into making the case strong.
 - That may include you.
 - Having you on the witness list can often keep a case from proceeding to trial.

If the case goes to trial, you may be listed on the witness list

- Remember that the prosecutor's file will be made available to the defense as part of discovery.
- If the case does not plead out, you will receive a subpoena from the prosecutor detailing when you need to appear.
- Feel free to contact the prosecutor with any scheduling conflicts you have. You can also request that you be called only if and when you are needed.
- Some prosecutors will request that your testimony be given via telephone and unless defense objects that can be arranged.
- Often cases will plead out of trial day or they might be adjourned, so you can request they call you when they need you.

Other considerations:

- Your human client may also be a victim.
- The abuser could be a juvenile, and if so, how does that change your response?
- What if the cruelty is the result of an inability of the owner to take care of the animal or themselves?
- Is there a clear-cut answer?
- Since animal cruelty is indicative of future violent behavior and many regard it as a red flag for victim lethality.
- You may be the first person to have an opportunity to stop the cycle of violence in a home.
- Domestic violence, juvenile crime, child abuse, and elder abuse are all associated with animal cruelty.
 - See materials for more information on these subjects.

Why are veterinarians so important in proving animal cruelty?

- Prosecutors need experts to help succeed in cruelty prosecutions
- Can help prove a crime versus an accident
- Distinguish between neglect and disease
- Confirm long term abuse versus one time
- May be used to link animal abuse to human abuse

VETERINARIANS: THE EXPERT WITNESSES

- Effective testimony by a veterinarian can often be the determining factor in a cruelty case
- The vet as an expert witness is often who the court relies on to prove that animal cruelty actually occurred or that the defendant is responsible at issue

Testimony by defendants

- **WHAT THE VETERINARIAN CAN DISPUTE:**
 - Defendants will often claim they obtained the animals in this condition
 - They may also claim the animal has a disease that is causing the condition of the animal
 - They may claim the animal has always looked this way.
- **PICTURES ARE VERY IMPORTANT**
 - Especially after pictures!
 - WHY?

Laws might require a vet's determination

CAL. PENAL CODE § 597.1 (2010).

Animals in specified places without proper care or attention

- (a) Every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor.
- If the veterinarian determines that the animal shall be hospitalized under proper care and given emergency treatment, the costs of any services that are provided pending the owner's inquiry to the responsible agency, department, or society shall be paid from the dog license fees, fines, and fees for impounding dogs in the city, county, or city and county in which the animal was licensed or, if the animal is unlicensed, shall be paid by the jurisdiction in which the animal was found, subject to the provision that this cost be repaid by the animal's owner. The cost of caring for and treating any animal seized under this subdivision shall constitute a lien on the animal and the animal shall not be returned to the owner until the charges are paid. No veterinarian shall be criminally or civilly liable for any decision that he or she makes or for services that he or she provides pursuant to this subdivision.

Depending on your state law you may be needed to prove suffering or pain since the animal cannot testify.

KY - 525.135 Torture of dog or cat

(1) As used in this section, unless the context otherwise requires, “torture” means the intentional infliction of or subjection to extreme physical pain or injury, motivated by an intent to increase or prolong the pain of the animal.

(2) A person is guilty of torture of a dog or cat when he or she without legal justification intentionally tortures a domestic dog or cat.

In a case in which you are asked to testify:

- Try to speak with the prosecutor prior to the trial to go over what the prosecute needs from you.
- Familiarize yourself with the file before you go to court so your memory is refreshed.
- Remember that you are acting as an expert witness in most of these cases and as such you serve to provide information that a layman would not know.
- Your job is to simply answer the questions truthfully and don’t be afraid to say if you do not know the answer to a question.
- So, although these cases seldom go to trial, your expertise is needed to protect animals from abuse, whether through:
 - Reporting suspected cruelty
 - Educating the client
 - Offering to find help for the client
- These are all important elements in protecting your non-human client and perhaps your human client as well.

HSVMA is producing a state by state list of veterinarians able to help in cruelty cases and or as expert witnesses.

Learn more and access the survey at: hsvma.org/veterinarians_voice_against_animal_abuse_071111

Resources

For more information, go to our prosecutor resource page: [HUMANESOCIETY.ORG/JUSTICE](https://humanesociety.org/justice)

Resources for Prosecutors

- Sherry Ramsey - HSUS' Director - Animal Cruelty Prosecutions
- [Prosecutor Google group](#)

Training Opportunities

- The HSUS provides prosecutor and judicial training.
- Contact me directly at: sramsey@humanesociety.org

LINKS AND HANDOUTS

- Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect
nationallinkcoalition.org/assets/docs/guidance-for-veterinarians.pdf
- HAVEN (Humane/Animal Violence Education Network)
havennetwork.org
- Animal Cruelty and Human Violence (HSUS)
humanesociety.org/issues/abuse_neglect/qa/cruelty_violence_connection_faq.html
- Hoarding of Animals Research Consortium
tufts.edu/vet/hoarding/intervention.htm
- University of Florida ASPCA Veterinary Forensics Online Graduate Certificate
forensicscience.ufl.edu/veterinary
- “Protecting Domestic Violence Victims by Protecting Their Pets”
hsvma.org/assets/pdfs/ncj_today_magazine_spring_2010_feature.pdf
- “Cause for Concern: Juveniles and Crimes of Animal Cruelty”
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