Recognizing and reporting animal abuse
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How to define cruelty
The prevailing standard of cruelty is defined by statute and the court, NOT the veterinarian

Many laws are outdated or weak and need revision and stronger penalties!

Cruelty in Colorado
CO ST § 18-9-201 - 209

• (1) (a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner,
Cruelty in Colorado

• engages in a sexual act with an animal, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, or abandons an animal.

4 Cruelty in Colorado

• (1) (b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.

• Exempts scientific research, accepted agricultural practices, rodeos, hunting dogs, wildlife nuisances, trapping

• Law refers to person—not owner or guardian

Aggravated animal cruelty

• A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal

• Aggravated animal cruelty is a felony offense with higher fines and penalties
Veterinary Cases

- Most veterinarians will see cases that are the result of client ignorance and accidents rather than deliberate or intentional abuse
- Some experts suggest that animal abuse occurs as isolated incidents influenced by opportunity and impulse rather than pathological behavior
- Intervention is recommended whether the animal is a victim of accidental or deliberate abuse

The major veterinary professional associations all support reporting 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)
- New Zealand Code of Conduct

Reporting in Colorado
CO ST § 12-64-121

- (1) A licensed veterinarian with reasonable cause to know or suspect that the animal has been subjected to cruelty or animal fighting shall report or cause a report to be made to local law enforcement or bureau of animal protection
Reporting in Colorado

CO ST § 12-64-121

• (2) A veterinarian shall not knowingly make a false report
• Veterinarians who make good faith reports of suspicions are immune from civil or criminal liability
• A licensed veterinarian who willfully violates the provisions of subsection (1) or (2) of this section commits a class 1 petty offense
• VCPR cannot be used to withhold evidence

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

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?)

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, overgrown, ingrown or avulsed nails, etc.
• Heavy ectoparasite infestations
• Thin, emaciated animals with no apparent underlying, contributing or predisposing factors

Warning signs of abuse

• Chronic, untreated medical conditions
• Client utilizes several veterinarians
• Injuries to multiple animals
• Repetitive injuries
• Generally poor sanitation in environment - poor ventilation, poor lighting, feces and urine odor

Warning signs of abuse

• Young puppies and kittens are at greater risk of abuse
• Male dogs at greater risk
• Certain breeds may be at higher risk - rotties, Dobermans, pit bulls
Warning signs of hoarding

• Constantly changing parade of animals
• Traveling great distances to see veterinarians
• Seeking extraordinary measures for newfound animals
• Unable or unwilling to tell you how many animals they have
• Perfuming to conceal odors
• Animals have signs of neglect-ingrown nails, urine odor
• Try to obtain more animals
• Appointments at late or odd hours

Behaviors that may put animals at risk for abuse

• The need for constant supervision
• Urination and defecation in the house
• Resistant or destructive behavior
• Aggressive behavior
• Excessive noise

Other risk factors

• Chronic illnesses that pose a financial burden
• Refusing to acknowledge the seriousness of a condition
• Refusal to euthanize or provide adequate analgesia and care to animals with terminal or painful conditions
• Hospice care?
• Economic euthanasia?
The Documentation of Animal Abuse

The successful prosecution of animal abuse cases often rests upon the proper preservation and documentation of the physical evidence by the veterinarian.

The Complete Medical Record

The description of the victim must be specific, consistent and accurate!

<table>
<thead>
<tr>
<th>Species</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breed</td>
<td>Distinguishing characteristics</td>
</tr>
<tr>
<td>Age</td>
<td>Name, if known</td>
</tr>
<tr>
<td>Sexual status</td>
<td>Microchip? Tattoo?</td>
</tr>
<tr>
<td>All colors</td>
<td>If estimating age or breed, indicate this on the record!</td>
</tr>
</tbody>
</table>

Medical records

- Record doctor’s initials and keep LEGIBLE records- do not use white out or liquid paper
- Include complete history
- Radiographs and all imaging
- Laboratory tests
- Photographs
- Details of a COMPLETE physical examination, not just the abnormal values
Points to consider when taking the history

- Condition of other animals in the household?
- What happened to other pets?
- Has the animal ever been treated before for other injuries? Who performed treatment?
- Behavior problems?
- Who has access to the animal?
- Attitude of the owner-indifferent? Impatient? Angry?

The physical examination

- Wear gloves and gown to avoid contaminating the evidence
- Remember that the animal is evidence and must be protected
- Take multiple samples for testing
- Consider DNA testing to link a perpetrator to the crime

The physical examination

- Evaluate the animal’s mental state and behavior, and note changes during hospitalization
- Evaluate the appetite
- Estimate % below normal body weight and dehydration if underweight
- Use a body condition scale for consistency
- Record initial weight and subsequent weights throughout the hospitalization
Clinical procedures- Radiographs

- Take whole body radiographs in all abuse cases to look for fractures in varying stages of healing that are characteristic of the "Battered Animal Syndrome"
- Obtain owner permission unless directed by the court
- Use board certified radiologists for interpreting and aging fractures
- Refrain from including conclusions in preliminary reports if using a consultant

Necropsy

- Must determine the cause of death or rule-outs
- Complete necropsy, not just sampling of obvious lesions
- May need to reflect skin to look for bruising
  - Internal injuries are often much more severe than external injuries or bruising would suggest
- Consider the forensics questions to be answered

Forensics

- Medical answers to legal questions
- What is the exact cause of death or this condition? Contributing factors?
- When? Where? How long?
- Difficult to diagnose? Difficult to treat?
- Did the care provided meet the ordinary standard of care?
- Did this animal suffer? How long? Was it needless?
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.