



# The Recognition and Documentation of Animal Abuse

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Includes an appendix of Oregon statutes



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# The Recognition and Documentation of Animal Abuse

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## Introduction

The American Veterinary Medical Association (AVMA) has taken the position that “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. Disclosures 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.” The American Animal Hospital Association position statement on animal abuse states that “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.” The Executive Boards of the AVMA and American Association of Veterinary State Boards (AAVSB) through their practice act models and most textbooks on veterinary ethics also support this position. It seems ironic that even though the major veterinary professional organizations, including the Canadian Veterinary Medical Association and Royal College of Veterinary Surgeons in England all agree that veterinarians should report animal abuse, the subject has largely been ignored. Not only are many AVMA members unaware of the AVMA position, the leadership has not actively supported the development of forensic models or mandated reporting legislation, or provided veterinarians with the tools necessary to prepare them to deal effectively with animal abuse. Veterinarians are still uncertain how to respond legally, ethically or professionally when confronted with suspicions that an animal has been abused. This paper will address many of the issues and concerns regarding the role of the veterinarian on handling these cases.

## Concerns About Reporting Abuse

Veterinarians are facing some of the same dilemmas that physicians faced forty years ago when they were first asked to report child abuse. Physicians felt unprepared to make accusations of possible child abuse without formal guidelines to help them distinguish between accidental traumatic injury

and deliberate abuse. Some of those shared concerns include: 1) the lack of established forensic guidelines to define and document patterns of animal abuse, 2) the system should have other safeguards in place to deal with these problems, 3) caregivers would no longer seek medical care for their companion animals if they thought they might be accused of neglect and abuse, 4) lack of immunity to protect veterinarians from being sued for false accusations, 5) clients who abuse animals need education and assistance, not prosecution, 6) fears that nothing will happen, or the situation might even become worse, 7) fears for personal safety, 8) fear of negative repercussions for the practice, including loss of clientele and income, 9) concerns that reports in states that have confidentiality clauses in their practice act could result in disciplinary action against their license, and 10) confusion because reporting standards and cruelty laws vary so widely from state to state. An additional concern for veterinarians has been how to recover the costs for the medical care of the animals, which can be long term and very expensive.

Some of the concerns are certainly justified. In addition to acting as medical experts, veterinarians are being called upon to report abuse, participate in crime scene investigation, and to testify in court. These are new roles for most veterinarians and until recently, there was little published data in the veterinary literature that either described the veterinarian's role in handling animal abuse or provided medical or forensic guidelines for recognizing and documenting it. Veterinary colleges and continuing education programs offer some training related to animal abuse, but it is not nearly enough. A survey by Landau in 1999 revealed that the veterinary colleges spent an average of only 76 minutes teaching about animal abuse and 8 minutes teaching about animal abuse and human violence. Donley found in a 1999 survey of Massachusetts veterinarians that 76% felt they had been inadequately trained to distinguish between sub-optimal care and legal neglect, and that they would be more likely to report their suspicions if they had established criteria to refer to. A few journal articles have been published; notably a series of articles by Dr. Helen Munro entitled the “Battered Pet Syndrome” (see references) that appeared in 2001 in the British publication, *Journal of Small Animal Practice*, but this information has not been widely circulated in the United States. (It is interesting to note that federal legislation mandating physicians to report child abuse was enacted soon after Dr. Henry Kempe provided similar guidelines for identifying patterns of child abuse in the 1962 article entitled *The Battered Child Syndrome*.) Most of the information available specifically for veterinarians involved in handling animal abuse cases is found in the American Humane

Association Guide, *Recognizing and Reporting Animal Abuse, A Veterinarian's Guide; Shelter Medicine for Veterinarians and Staff* by Miller and Zawistowski; and the Munro series of articles (see references). The most comprehensive text available on animal cruelty and veterinary forensics entitled *Forensic Investigation of Animal Cruelty: A Guide for Veterinarians and Law Enforcement Professionals* by Leslie Sinclair, Randall Lockwood and Melinda Merck was just published by the Humane Society Press in 2006. The Canadian Veterinary Medical Association recently established a website with much valuable information at <http://canadianveterinarians.net/animal-abuse.aspx>. But clearly there is a need for more research and education on the subject.

Many veterinarians advocate client counseling and education instead of prosecution for animal abuse and rightfully so. Since the vast majority of abuse encountered in veterinary practices is a result of unintentional neglect and ignorance, client education is usually the most appropriate action to take. It should be acknowledged that many reports of suspicions of animal abuse are ignored or dismissed by overworked or poorly informed law enforcement agencies. Unlike human medicine with its network of welfare agencies and social workers designed to educate, counsel and protect at-risk humans, the task of educating and counseling about appropriate animal care falls to the busy veterinarian. In many cases, education or the threat of an investigation is enough to improve the situation. In situations where filing a report is under consideration, it should be remembered that animal cruelty is a crime that should be reported like any crime, and that like any other crime, there is no guarantee that an investigation will ensue or lead to a successful prosecution or positive resolution. Whether the decision is made to report or educate, detailed professional record keeping is essential to properly document the evidence and protect against liability claims.

It is unlikely that there will be negative repercussions against a veterinary practice for good faith reports of animal abuse. Reports of loss of income or clientele, or lawsuits for false reports or practice act violations have not been documented as a consequence of reporting animal abuse. In fact, some veterinarians who reported animal abuse reported positive effects on their practice by gaining a reputation for truly caring for animals and doing the right thing. The potential for liability that is associated with everyday practice and claims of negligence, incompetence or malpractice is much higher than that for filing good faith reports of suspected animal abuse. Many people already believe that veterinarians must report animal abuse much the same way physicians, teachers and other health care professionals are mandated to report child abuse. There is no way to tell for sure if people would not bring their pets for care for fear of being accused of animal abuse, but this fear was also voiced by physicians and was not substantiated.

Animal abuse cases can be prolonged. If animal(s) are seized and held as evidence, medical care, hospitalization and boarding fees can be quite high. If the case is being prosecuted, veterinarians should not hesitate to request reimbursement for

all the costs associated with the care of the animal(s) at the outset.

No discussion of animal abuse would be complete without mentioning that there is a link between animal abuse and human violence, and that when animals are at risk, humans are at risk and vice versa. A discussion of the link is beyond the scope of this paper, but animal abuse is often violent, and there can be concern for one's safety when dealing with potentially dangerous people. Veterinarians must use careful judgment before deciding which cases they may safely intervene in at the office and which ones should be reported discreetly to law enforcement. Although veterinary professionals are strongly encouraged to identify themselves when reporting animal abuse, anonymous reporting is also acceptable.

### **The Situation Today**

While there are parallels between the concerns of the medical and veterinary profession regarding reporting abuse, the situation facing veterinary professionals today is also very different from the situation facing physicians forty years ago.

1. Many people are aware that cases of animal cruelty should be reported to the local Society for the Prevention of Cruelty to Animals (SPCA), humane society or animal control agency, and are willing to do so. Cruelty can be reported to the local police or law enforcement department as well, although it is frequently considered a low priority crime. (In New York State, the animal cruelty laws are found in the Agriculture and Markets statutes, and many officers are either unaware of their existence or their role in enforcing them.)

2. Society is also aware of the link between animal abuse and human violence in part because it has been well publicized that many serial killers and schoolyard shooters had a history of animal abuse in their background. Many people believe that early intervention in the lives of animal abusers may also protect or even save human lives. In one study it was shown that animal abuse is a much better predictor of sexual assault than other types of criminal behavior. Animal abuse is much more likely to be seen as a serious, reportable and punishable offense than domestic violence was forty years ago.

3. Every state already has an anti-cruelty statute with a legal definition of cruelty to animals. Veterinarians should be familiar with their state laws. (See the appendix for Oregon law.) Many of the statutes were originally designed to protect the property rights of owners rather than the welfare of the animals, so they may be outdated, poorly worded or rarely enforced, but they still provide a pivotal point for raising awareness and redefining abuse. Many states are strengthening their laws and elevating the penalties to reflect the change in societal attitudes toward companion animals. Certain forms of animal cruelty are now a felony in over 41 states. Dog fighting is illegal in all states and cock fighting is illegal in all states except Louisiana and New Mexico. Penalties may go as high as \$150,000, and may include imprisonment, relinquishment of current animals, loss of all pet ownership rights, counseling, community service, etc. Pressure is mounting to enforce these

laws, particularly when they are felonies. It is not unusual for a local prosecutor's office to be flooded with letters from animal advocates from all over the country supporting strict penalties when a case of animal cruelty is made public.

4. The inclusion of dogs and cats in the family unit has rendered society increasingly protective of them. Animal rights law has become a specialty area at some law colleges, and animal stories increasingly make the headlines. Animal Cops and Animal Precinct are very popular programs on the Animal Planet cable television channel, creating public care and sympathy for abused animals and awareness that animal abuse should be considered a serious crime.

According to a Legal Brief that appeared in JAVMA in 1997 (Vol. 211, No 1, July 1, 1997) on the statutory offense of cruelty to animals, there were at least four reasons why veterinarians should be concerned about animal cruelty laws. They include:

1. *A veterinarian may be asked to testify as an expert witness in a prosecution case to establish whether there was cruelty within the definition of the law.*

Veterinarians are medical, not legal experts. Cruelty is defined by statute, not the veterinarian. It is important that this legal principle is understood. The definition of cruelty will vary from state to state, and regional practices will influence the decision to prosecute a case. The district or prosecuting attorney will determine if the evidence is sufficient to warrant prosecution under the law, not the veterinarian. Animals who are rescued from abusive and cruel situations are evidence and are often held until trial or disposition of the case. The veterinarian will be expected to examine them as evidence and answer some very challenging questions regarding the nature and specific cause of the injuries or condition (or death), severity and duration of the problem, whether there was (needless) pain or suffering involved and so on. Examination of these animals should be detailed, and all findings must be written down in medical records that must be secured properly to maintain the chain of custody of the evidence.

2. *State laws are likely to require a veterinarian discovering cruel treatment to report it to the state enforcement authorities.*

Veterinarians are currently mandated to report animal cruelty in a few states only, but more states are contemplating enacting this legislation. Some states encourage reporting by providing immunity for good faith reporting in either their state laws or veterinary practice acts. Some states that mandate reporting also penalize veterinarians for failure to report, such as Illinois and Oregon. Some states require direct knowledge to make a report (AL), whereas others require reasonable knowledge (WV) or simply call for reporting known or suspected cases (MN). Reporting may be mandated specifically for "aggravated cruelty" as defined by law, or limited to dog fighting in some states. The language and location of the laws within the legal codes can be confusing. Veterinarians are encouraged to be familiar with their veterinary practice acts and the state laws regarding animal cruelty before they are actually confronted with an abuse case. States that currently

mandate veterinarians to report abuse include Arizona, California, Illinois, Kansas, Minnesota, Oregon, West Virginia and Wisconsin. One advantage of mandated reporting laws is that they provide immunity from liability associated with false reports or breaches of confidentiality. (Oregon's humane laws can be found in the appendix.)

3. *A veterinarian may be accused of cruel treatment and wind up as a defendant in a prosecution action.*

Charges that involve allegations of cruelty to animals are being brought to the courts and state regulatory boards against veterinarians, often as it relates to restraint. Some states take a unique approach to defining cruelty in their regulations. In Kentucky, "a veterinarian shall not physically abuse or engage in unnecessary rough handling of a patient under his care." In Idaho, cruelty to animals is defined as "including, but not limited to the intentional or malicious infliction of pain, physical suffering, injury or death, performance of experimental treatments without the owner's consent, deprivation of necessary sustenance, withholding of appropriate pain medications or levels of pain medications, or the administration of unnecessary procedures and treatments." Some veterinary practices are defined as cruel, including docking the tail of a horse or soring a horse.

4. *Practice acts, either expressly or by implication, make a conviction of cruelty to animals cause for revocation or suspension of a veterinarian's license.*

Veterinarians are encouraged to be familiar with their veterinary practice acts regarding confidentiality of medical records, immunity, mandated reporting status and the state laws defining animals and animal cruelty before they are actually confronted with an abuse case. It is also helpful to know beforehand who to report animal cruelty to and to set up a system of contacts with law enforcement, animal shelters, clinical laboratories, social agencies and other veterinary experts to assist in the investigation of these cases.

### **What is Animal Abuse?**

Veterinarians are often nonplussed when asked to recognize or define animal abuse and cruelty. It should be acknowledged that although the terms abuse and cruelty are often used interchangeably in this paper and in general, the statutory language refers to cruelty and always prevails in legal matters. However, abuse is considered by some experts to be the best language to use because the child abuse model already exists in law enforcement. Vermeulen and Odendaal (1993) proposed a typology of abuse that encompasses passive neglect or ignorance as well as active maltreatment. While beating, strangling, burning and so on are easily recognized as abusive, the typology also includes the lack of food, water, shelter, sanitation, and necessary veterinary care to alleviate suffering, and general neglect. The typology also suggests categories for emotional abuse, a concept that is beginning to be explored in more depth. Another simple definition of abuse is the willful knowledge of failing to provide care, or awareness of doing something harmful (American Humane Association 1998).

Cruelty has also been defined in several ways. It has intuitively and traditionally been considered to be the deliberate infliction of pain on an animal from which the abuser derives enjoyment or amusement (American Humane Association 1998). Intentional cruelty or abuse is defined by the Humane Society of the United States (HSUS) as “knowingly depriving an animal of food, water, shelter, socialization, or veterinary care, or maliciously torturing, maiming, mutilating, or killing an animal. Older statutory language may still define animal cruelty as overloading, over-driving and overworking an animal in reference to their primary role as beasts of burden, as opposed to their current roles as companions. Animal cruelty may be also be broadly defined as “any act that, by intention or by neglect, causes unnecessary pain or suffering to an animal. (Lockwood 2006). Neglect can be defined as the unintentional lack of care that comes from ignorance, or more specifically as a failure to provide sufficient food and water, adequate shelter or sustenance. Some states have added neglect to a laundry list of activities that are defined as cruelty. Owners who neglect their animals are not necessarily immune from prosecution for cruelty because the neglect was unintentional, or because they eventually brought the animals in for care. For example, in Iowa, a person who negligently or intentionally commits the offense of animal neglect is guilty of a simple misdemeanor. Cases of neglect are usually considered misdemeanor offenses, while felony cruelty prosecutions are reserved for intentional, malicious or repeat offenses.

### **Facts About Animal Cruelty**

1. The prevailing standard of cruelty is defined by the court, not the veterinarian, and varies from region to region and country to country.
2. The statutory definition of animal also varies and may be restricted to companion animals, or exclude fish, invertebrates, wildlife, research or farm animals, for example.
3. Exemptions from prosecution for animal cruelty may be numerous. Twenty-six states exempt traditional veterinary practices, ten states exempt rodeo practices and some states exempt hunting, research, mercy killing, etc.

It is easy to understand why the various terminologies and statutes may confuse veterinarians. However, veterinarians are only one part of a legal process that includes prosecutors, investigators, judges and juries. In assisting investigators, the veterinarian's primary responsibility is to serve as a medical, not a legal or ethics expert, and to determine how an injury, condition or death occurred, if the animal suffered and for how long, and if the care was below standard. The role of the veterinarian is not to ascertain the intent of the owner or to make decisions that are reserved for the entire legal system.

### **Filing a Report**

Good faith reporting of animal abuse does not require that the veterinarian know for a fact that the animal has been abused, but only that a reasonable suspicion exists based on the historical findings and physical examination of the patient. The veterinarian will often find that it is impossible to ascertain the

actual cause of an animal's injury or death from an office visit or physical examination. The veterinarian's report of suspected animal abuse is not an indictment, but the activation of a legal process that involves many other professionals. It is intended to initiate an investigation into the situation. Once a report of a *suspicion* of animal abuse is filed with the proper authorities, they will determine the next appropriate legal step. Investigators can either decide there is not enough information to warrant an investigation, or they may visit the home to inspect the environment the animal is kept in, gather evidence, interview family members, neighbors and other witnesses to get a more complete picture.

Veterinarians fear that they may harm their relationship with a client if they file a report of abuse that is not substantiated by the investigation. This is a risk. However, animal abuse may be the first clue to serious spousal, elder and child abuse, or other violent behavior and should be taken seriously. As already stated, in most cases, interventions and education in the office are appropriate and successful strategies for handling minor cases of neglect and abuse. The cases that should be reported are the ones where education is not successful or appropriate. Gary Patronek, VMD, who has written extensively on animal cruelty and is involved in researching animal hoarding, has suggested using the number, duration and severity of problems as a reasonable guide to help determine whether to file a report. One office visit for a minor problem warrants client education, whereas repeated visits for several serious, chronic problems may warrant reporting. It is the responsibility of the prosecutor and investigators to evaluate the medical records and all of the other information to determine if there is sufficient evidence to warrant prosecution and a judge and jury will eventually determine the final outcome, not the veterinarian. This should be borne in mind if clients try to dissuade the veterinarian from filing a report. Furthermore, the fact that an investigation does not lead to prosecution does not mean the report was filed in error. Some prosecutors will not pursue cases that arise in the veterinarian's office because they do not feel the case is strong enough. This may be due to insufficient physical evidence or because the owners appear remorseful and securing a conviction would be difficult even though the animal has been severely neglected and maltreated. The inability of the owner to afford the cost of care is frequently offered as a defense, but courts are increasingly rejecting the notion that animals can be permitted to suffer for this reason.

### **Recognizing Animal Abuse**

Animal abuse victims come to the attention of the veterinarian in a variety of ways. It is a misconception by many veterinarians that clients who abuse their pets will not seek veterinary care for them. A study by Landau (1999) found that 87% of veterinarians who responded to a survey had treated abused patients, with 50% seeing 1-3 cases per year. In addition, 60% suspected treated animals who had been deliberately abused, and 20% thought they had clients that were being abused. A survey of Michigan veterinarians by Stolt (1997) revealed that 88% felt they had seen non-accidental trauma in

their patients, but only 27% had ever filed a report. DeViney (1983) found that “in pet owning households with a history of child abuse, patterns of pet ownership, attitudes towards pets and the quality of veterinary care did not differ greatly from comparable data from the general public.” In 60% of households with child abuse, pets were abused and dog bites were 11 times more likely to occur. Just as with child abuse, animal abuse crosses all socio-economic and cultural lines. It should not be assumed that animal abuse does not occur amongst middle class or wealthy clientele. It may just be that they are better able to afford veterinary care and thus avoid closer scrutiny.

### *Warning Signs of Abuse*

Some examples of how cases may be presented to veterinarians include: 1) the owner or caregiver may present the patient for treatment and misrepresent the circumstances surrounding a non-accidental injury (NAI) or medical condition, 2) the victim may have been rescued by animal control authorities or law enforcement and brought to the veterinary hospital for care and an opinion as to how the condition occurred, 3) a client may tell the veterinarian about animal cruelty or neglect that they have seen in the hopes that the veterinarian will advise them of the appropriate action to take, 4) the veterinarian may be a first hand witness to cruelty. Further investigation may be warranted if these warning signs of abuse appear: 1) injuries that could not logically have occurred in the manner that the owner has described, 2) discrepancies in the description of how injuries occurred from various family members, 3) lack of concern about the disposition of previous pets, 4) lack of concern about their (in)ability to care for their animals, or refusal to acknowledge the seriousness of a condition, 5) indifference to or lack of awareness or concern about how the animal was injured, 6) refusal to treat an animal for a clearly painful condition such as a fracture, 7) repeated failure to follow-up on the treatment of serious medical conditions that cause suffering, 8) constant parade of new animals, and 9) use of several veterinarians.

### *Physical Signs of Neglect and Abuse*

In addition to the warning signs of abuse, there are several indicators of neglect that veterinarians can easily identify upon physical examination. A combination of these signs or the presence of these signs in several animals may create cause for concern. They may include:

- ▶ Emaciation. In these cases, the ribs and other bony protuberances are highly visible and there is no fat over the ribs. Tufts University developed a score called the TACC (Tufts Animal Care and Condition) scale, which should be used to standardize descriptions of the body score in abuse cases.
- ▶ Severely matted hair. The resultant tension on the skin is very painful, and in addition to predisposing to and hiding other skin problems, it also prevents self-grooming, piloerection and thermoregulation.
- ▶ Overgrown, avulsed and ingrown nails
- ▶ Chronic, infected, untreated or unhealed wounds and skin lesions

- ▶ Severe flea, tick or other ectoparasite infestations
- ▶ Wounds that are infested with maggots or in various stages of healing
- ▶ Collars that are embedded in the neck
- ▶ Overall filth: feces caked on feet, around anus, urine scald, etc.

### *Behaviors That Put Animals at Risk for Abuse*

Animals that present with problem behaviors may be at greater risk of being abused. Although some behaviors may have underlying medical causes or be the direct result of a medical condition, the animals may still be physically punished. Some of these behaviors include:

- ▶ The need for constant supervision
- ▶ Urination and defecation in the house
- ▶ Chronic illnesses that result in diarrhea and/or vomiting or significant financial burdens
- ▶ Resistant, disobedient, noisy or destructive behavior
- ▶ Aggressive behavior
- ▶ Young, male animals and dominant breeds such as pit bulls and Rottweilers are also at greater risk for abuse.

### *Animal Hoarding*

Most veterinarians will eventually encounter animal hoarders. Animal hoarding presents a complex societal dilemma. The Hoarding of Animals Research Consortium (HARC) was formed in 1997 to take a multidisciplinary approach to study the problem. The various agencies making up the consortium changed the name of the problem from animal collecting to hoarding to reflect that it is not a benign activity. The Consortium defines an animal hoarder as someone who accumulates a large number of animals; fails to provide minimal standards of nutrition, sanitation, and veterinary care; and fails to act on the deteriorating condition of the animals (including disease, starvation and even death) or the environment (severe overcrowding, extremely unsanitary conditions) or the negative effect of the collection on their own health and well-being and on that of other household members. Animal hoarding is not about good intentions gone awry, but constitutes a form of animal cruelty. In 80% of the cases studied, dead and severely ill animals were found. Although no general clinical diagnosis has been formed about hoarders, some experts believe that many hoarders suffer from an obsessive-compulsive disorder or other psychological control problem. The animals appear to be essential to the identity of many hoarders. Some of the research that has been uncovered by the consortium suggests that they come from unstable family backgrounds where the pet may have been the only stabilizing factor in their lives. Animal suffering is very real, regardless of the intent or state of mind of the hoarder.

Hoarders are not just the stereotypical, well-meaning “cat lady.” It is true that nearly three quarters of them are women who live alone, but they are represented in every socioeconomic level and many professions, including shelter rescue workers, physicians, veterinarians and technicians. Some do have minors living with them. Almost half are over 60 years of age and cats

are hoarded slightly more frequently than dogs, although it can include other species as well, including farm animals. They can be very clever and use several veterinarians to escape detection. The Consortium has made progress in categorizing hoarders and identifying strategies that are most likely to be effective for each situation, but there is still a need for much more research.

Hoarders are frequently well known in the community. Authorities are most likely to encounter them as a result of complaints from neighbors about filthy, abysmal sanitation, strong odors or a stench coming from the house or excessive noise (barking dogs for example). In severe cases the ammonia levels from urine accumulation may approach toxic levels, leading to a condemnation of the property and removal of both the animals and hoarder from the premises. There may be anywhere from a few dozen to hundreds of live animals with conditions ranging from normal to near death. There are often dead animals as well, and evidence of cannibalism may be found. Many of the animals' health problems are due to starvation and/or chronic infectious disease, such as respiratory infections. Skin problems include urine scald, ear mites, fleas, ringworm, ingrown nails, bite wound abscesses, ingrown collars, etc. They may also have developmental abnormalities. The absence of puppies or kittens in populations of intact animals may indicate cannibalism of newborns. The caregivers themselves may be suffering from neglect and other medical and psychiatric problems.

Veterinarians who suspect their clients may be hoarders should resist the temptation to simply offer discounted and pro bono services because that only serves to enable their behavior and prolong animal suffering. Some warning signs that clients may be hoarders include perfuming or bathing the pet to conceal odors, using a surrogate pet to get medications for other unseen animals, showing an unwillingness or inability to say how many pets are owned, claiming to have just found an animal in deplorable condition, having a constantly changing parade of pets, office visits for problems related to poor preventive health, filth, overcrowding and stress (fleas, ear mites, intestinal parasites, upper respiratory infections) rather than chronic diseases, rarely bringing in the same animal again, traveling great distances for care at odd hours, demonstrating an interest in acquiring even more animals, seeking heroic and futile care for animals just acquired, or providing a description of the source of the animal that doesn't match the animal's condition. The hoarder may also be disheveled or show signs of neglect.

Veterinarians cannot handle hoarding cases alone, as treatment or simple removal of the animals from true hoarders never solves the problem. They will obtain more animals in almost all cases unless there is constant follow-up, monitoring and counseling. A community inter-agency approach involving the departments of health and social services, psychiatrists, law enforcement, animal shelters and veterinarians is necessary to find a resolution to the problem of animal hoarding. Animal shelters are on the front lines with these challenging cases and

are frequently caught unprepared to handle the large number of animals that may be rescued and brought to their facility in urgent need of veterinary care. It is particularly frustrating for shelters because although the animals are often unadoptable, they must be treated and held for prolonged periods of time until the case has been resolved. This often results in huge unrecoverable costs for their care and displaces the adoptable animals in the shelter. If the court grants permission for euthanasia for medical or behavioral reasons, the resultant negative publicity from the media can be quite challenging to handle. The hoarder is often portrayed in a sympathetic light unless the conditions are completely intolerable or dead animals can be found on the premises. The preferable way to handle these cases involves a great deal of advance planning and cooperation amongst various agencies to ensure the proper care can be obtained for both the animals and the hoarder. Prosecution of these cases for animal cruelty, removal of some (or all) of the animals, mandatory counseling and follow up monitoring to prevent recidivism are just a few suggested strategies for handling these cases. For a complete description of animal hoarding, refer to the hoarding consortium website at <http://www.tufts.edu/vet/cfa/hoarding/>.

### **Documentation of Abuse**

The documentation and preservation of the physical evidence should begin as soon as animal abuse is suspected. It is important not to wait until it has been confirmed that legal action will be taken, as evidence may be tainted, discarded or destroyed by then. Although there is much less data available in the field of veterinary forensic pathology compared to what is available for human forensics, cases can be successfully prosecuted provided the evidence is properly preserved, documented and interpreted. Veterinarians are increasingly involved in crime scene investigation, but their primary role is to provide a competent medical or necropsy report that documents the actual injuries and/or cause of death. In cases where veterinarians do not possess the level of expertise required to qualify as an expert to testify in court, consultation with appropriate veterinary specialists (pathologists, radiologists, internists, species specialists) and human medical examiners may be necessary to properly manage the case.

### *Evidence*

The animal and everything associated with the animal is evidence that must be saved, documented, tagged and secured. This includes not only the leash and collar, for example, but dirt from the paws or bits of leaves or paint that may cling to the fur. It may seem inconsequential at the time, but odors or traces of grease, oil, turpentine or other chemicals in the animal's hair can yield critical information or clues about the sheltering of the animal, home remedies or treatments the owner may have tried, or supportive evidence that an accelerant may have been used to deliberately set an animal on fire. When in doubt, everything should be labeled and saved in accordance with the rules of evidence provided by the investigators. Guidelines for gathering and preserving the evidence and submitting samples



can be obtained from the laboratory or found in the *Forensic Investigation of Animal Cruelty* text. (See references.)

#### *Chain of Custody of the Evidence*

The veterinarian should work closely with law enforcement officials to make certain to maintain the “chain of custody of the evidence.” This legal concept refers to the ability to verify, with certainty, the identification and location of all evidentiary materials relevant to the case. In other words, all the evidence must be secured and accounted for at all times in writing. The law enforcement agency can provide the appropriate custody forms. The evidence includes the medical records, x-rays or other imaging reports, clinical laboratory reports, medical notes, necropsy reports, etc. The animal is also considered evidence as long as the case is open. Animals being treated in the hospital should be confined, safeguarded and handled by the minimum number of staff possible. Any person who has contact with the evidence can be called as a witness. Foster care for animal victims should have prearranged court approval. At no time should there be any uncertainty as to the whereabouts of any of the evidence. Some cases may take months to resolve, and appropriate medical records must be maintained as long as the patient is hospitalized or being cared for.

#### *The Medical Record and Physical Examination*

A medical record that provides complete documentation of the animal’s condition is a key component of the successful investigation and/or prosecution of an abuse case. It is considered evidence and even if the veterinarian is not called to testify, the medical record is a legal document that should be detailed, accurate and professional. The veterinarian who treats the patient should initial the record, especially if it is a multi-person practice, and document everything legibly. Mistakes should be crossed out with a single line instead of being erased or covered with products like “white out” or “liquid paper.”

The record should include complete information about the owner or caregiver if known: name, address, phone number, day and emergency contact information and name of the animal. The animal must be properly identified. This requires an accurate, complete, and detailed physical description, including the reproductive status of the animal, age, all colors, tattoos, distinctive markings or scars, cropped ears, docked tail, dewclaws, etc. It should be noted in the record if the animal’s age or breed is being estimated and the method used. If the animal is described as a mixed breed, then the description should include the weight, height and in some cases, even the nose to base of tail length. The incorrect description of an animal or injury can undermine the credibility of the veterinarian and seriously damage the case.

The history should be as complete as possible, including whether or not there are other animals present in the household. If there are, a description of their conditions should be obtained from the owner and documented for verification by an investigator. If these other animals have been seen at the same hospital, their medical records should be reviewed for evidence suggestive of abuse. The history should also include information

about previously owned animals and their whereabouts, and the names of other veterinarians who may have treated them.

A complete physical examination of all body systems should be conducted. A cap, gown, mask, gloves, etc. should be worn to avoid contamination of the evidence. Specificity and accuracy are critical in abuse cases. If the animal is emaciated or dehydrated, accurate determinations should be made of the body score or degree of dehydration. The Tufts Animal Care and Condition (TACC) scale would be a very good tool to use in abuse cases to assign a body condition score to dogs. (The TACC scale was developed for dogs but some hospitals have adapted it for use with cats.) All the physical findings should be documented, not just the abnormalities. The initial weight should be noted and subsequent weights should be recorded on a weekly basis. Daily updates should be included even if there are no changes in the animal’s condition. Changes in the condition should be carefully described no matter how minor they may appear.

The animal’s behavior or mental status should be evaluated and continually monitored. Appropriate notations should be made in the medical record. Despite the lack of data describing the behavior of abused animals, changes in the behavior of the animal away from the deprivation or abusive environment may prove helpful to the case. Animals who are depressed and/or minimally responsive initially often exhibit dramatic behavior changes as their physical and emotional health improves.

Clinical laboratory tests, including fecals, urinalyses and complete blood work should be conducted to rule out underlying factors or concurrent conditions that may contribute to or predispose the animal to the condition being investigated. DNA testing should be utilized whenever possible to link a perpetrator to a crime. All diagnostic and clinical tests are considered to be evidence. Samples that are sent to a commercial laboratory must be properly sealed and labeled as evidence and the laboratory should be advised in writing to safeguard the samples for a court case. This will prevent accusations of mishandling or tampering with the evidence in a criminal investigation.

Whole body radiographs should be taken in all suspected abuse cases to look for fractures in different stages of healing, or other types of injuries. This has been identified as a critical component of the Battered Pet Syndrome described by Dr. Helen Munro. Key areas to examine are the head, ribs and extremities. Evidence that past abuse has occurred will help strengthen the case.

Every attempt should be made to determine the exact cause of death, as this may vary from the apparent cause. Necropsies should be complete and not restricted to the apparent lesions. The skin of abused animals should be reflected away from the body to check for bruising and trauma that is not evident from a visual examination. Emaciated animals may have underlying diseases that create mitigating circumstances that affect the disposition of the case. Since many cruelty laws provide an exemption for killing an animal to prevent or end suffering, it is important to determine this as a possibility as soon as possible.

A preliminary and final written report should be made. The preliminary report should not include conclusions, as this may contradict the findings in the final report. The final report should classify the injury or death as accidental, non accidental, natural or undetermined and be written in language that is understandable by the court. The final report will include the medical records and all the clinical data, and imaging reports.

### *Photography*

Good quality 35 mm or digital photographs and videotapes should be taken to identify the victim and document their physical condition. If digital photography is used, the card should be saved and marked as evidence. The investigator can verify that digital photographs are admissible in court by checking with the state's rules of evidence if there is any doubt. The photographer will be asked to testify that the photographs accurately depict the scene at the time they were taken. A significant amount of time may pass before a case comes to trial, and photographs will be the only way to show the severity of the initial injuries. The best photographs are in color, with sufficient lighting and close enough to identify the animal and the lesions. Close-up photographs of lesions both before and after treatment should be taken. A ruler should be included in the photograph to demonstrate the size of the wounds. In addition, pictures should be taken both from a distance, and from all angles. All photographs should include a label marker with the name of the owner or number of the case, the date and any other pertinent information. Additional information including the photographer's initials, place where the photographs were taken, etc. can be included in the record and on the back of the photos. If the animal is hospitalized, photographs should be taken throughout the recovery period to document the stages of healing. Videotapes can be helpful if there are musculoskeletal injuries or neurological deficits that can best be appreciated via a moving image. Comments during the video should be professional and confined to remarks about the animal's medical condition. People in the background and extraneous conversation should be avoided.

### **Summary of Abuse Conditions**

It is beyond the scope of this paper to present any in depth information about the various forensics findings in abuse cases, but a few basic points will be made about some of the most commonly encountered problems.

### *Burns*

Burns are typically classified as chemical or thermal in origin, and may be accidental or deliberate. They may be further classified by the depth of injury, total body surface area covered or the burn pattern. There are many cases of cruelty where animals are deliberately set on fire, but it cannot be proven without an eyewitness account or a confession. Fur samples should be submitted to the laboratory for analysis and confirmation of the presence of chemical accelerants. Unusual odors should be noted even if they are unidentifiable at the time. The interpretation of carboxyhemoglobin levels in the

blood (greater than 50%) can help distinguish between an animal who inhaled smoke in a fire and one that was set on fire. Low levels of carbon monoxide (10-30%) found in post mortem blood samples indicate that the animal was alive when exposed to the fire. Splatter patterns can be examined to determine whether the burns may be accidental or the result of deliberate action. The initial injuries often do not provide a clue as to how extensive the damage may ultimately be. Photography is very important in these cases, as recovery from severe burn wounds can be prolonged, resulting in additional long term pain and suffering. The veterinarian's role in burn cases often consists of providing a complete description of the injuries sustained, treatment rendered, degree of suffering and prognosis for recovery.

### *Orthopedic Injuries*

Orthopedic injuries that are suggestive of abuse include fractures or other bone abnormalities which are suspicious because of their location and appearance and because the explanation of their origin is implausible. As stated earlier, multiple fractures in various stages of healing are strongly suggestive of abuse and are part of the Battered Pet Syndrome. Unsuspected or unreported fractures discovered on routine physical examination and fractures with other injuries, such as burns or contusions, also give rise to suspicions of non-accidental blunt force trauma and abuse. Common sites where fractures are found in abuse cases are the extremities, ribs and skull. Prosecutors normally ask how and when the injuries were sustained. Good quality, properly labeled radiographs from all positions and views are essential for evaluation by veterinary radiologists whenever possible to answer these and other related questions.

### *Sharp Force Injuries*

Sharp force injuries include stab, chop, puncture, incised, dicing and bite wounds. They present interesting forensic challenges. The determination of the type of weapon used to inflict a sharp wound may be beyond the expertise of most veterinarians, but the location, number, depth and angle of the wounds, description of the tissues and wounds, number of sutures required to treat and so on should be documented, and the exact cause of death determined in fatal cases. The pattern of injury may help determine whether the animal was attacking or running away. It often requires experts to differentiate stab wounds from ritual sacrifice, mutilations or animal predation. Even if definitive conclusions cannot be reached, close-up photographs of the victim's wounds before and after the hair has been shaved away and treatment rendered are essential. Before the area is cleaned, swabbings of the site and samples of blood from around the wound should be taken. DNA analysis of samples may link a careless suspect to the crime.

### *Gunshot Wounds*

Veterinarians will be asked to perform several functions when confronted with gunshot or projectile wounds. While most veterinarians can handle the request to retrieve bullets for

ballistics testing by following guidelines from the police department, forensic challenges are presented when documenting the number of bullets, the entry and exit wounds, angle of penetration and final cause of death. Whole body radiographs should be taken to locate all bullets and document additional injuries or problems not related to the bullet wound. A complete necropsy should be performed to determine the cause of death before retrieving the bullet(s). It is important to know if a shooting was performed as a mercy euthanasia for an incurable condition (as some states permit animals to be killed to end suffering), or if the animal was already dead before the shooting. The most common cause of death from gunshot wounds is hemorrhage, but an animal that does not die quickly from hemorrhage may suffer before succumbing later to peritonitis. This can be critical information in a criminal investigation. Gunshot wounds may also be an incidental finding that did not play a role in the dog's death at all. Gunshot wounds were found during the routine physical examination of pit bulls who appeared normal and healthy when presented to the ASPCA. If these dogs had been presented dead on arrival, without a necropsy, it would probably have been assumed that the gunshot was the cause of death.

#### *Collars Embedded in the Neck*

Unfortunately, many careless owners place collars or chains on the necks of puppies and kittens and neglect to check them again as the animal grows until the collars are deeply embedded in the neck. These painful, infected wounds often require extensive surgical treatment and months of healing. In all these cases, the collars should be saved as evidence. Close-up photographs should be taken of the wounds before and after collar removal and measurements made comparing the difference in the length of the collar and the circumference of the dog's neck. This evidence can be very powerful in court if a decision is made to prosecute for cruelty.

#### *Dog Fighting*

Dog fighting is associated with gambling, drug abuse, illegal weapons and other violent criminal activity. The most common dog used for fighting in the United States is the American Staffordshire Terrier, more commonly known as the pit bull. Dog fighting is illegal in all states and a felony in many. Although prosecution sometimes requires catching the dogs in the act of fighting, in some states it can be prosecuted successfully by examining the animal and documenting multiple bite wounds in various stages of healing that follow a pattern consistent with dog fighting wounds. It is helpful if dog fighting paraphernalia such as treadmills, spring poles or dead (bait) animals used for training can be found at the scene. Similarly, it is also helpful to find large amounts of medical equipment such as needles, syringes, electrolytes, IV tubing and drugs such as methamphetamines, antibiotics, vitamins, steroids, painkillers, epinephrine, bandages, protein supplements, etc. at the scene. Clients may be evasive when questioned about the nature of the injuries, request extra drugs and bandages for prolonged home therapy or unseen animals, and often pay cash for large veterinary bills.

Bite wounds may be classified as partial thickness laceration, full thickness laceration, full thickness puncture wound or full thickness puncture or laceration with avulsion. The bite wounds seen on fighting dogs and their victims are usually found on the head, legs, abdomen and chest. Multiple bite wounds will also be found on the face, muzzle and throat. Photography is very important in these cases. When dogs engage in a typical scuffle, these are not the type or location of injuries that are normally seen, and this information can strengthen the prosecution's case. Although tedious, the number of bite wounds as well as their exact location, size, stage of healing and appearance should be documented. The course of treatment should note whether or not antibiotic resistance was encountered. This problem has been seen in animals that have been indiscriminately and randomly treated with antibiotics by their trainers.

An accurate and detailed physical description of the animal itself can provide additional information that is very helpful to the case. Pit bulls commonly used for professional fighting may have their ears cropped very short and close to their heads so they will not be bitten during the fight. Amateur ear cropping may leave the ears with an irregular cut and extensive scarring. They may have been declawed and debarked if they are used as sentries in situations where silent attacks are desired. They are often very well conditioned, as they undergo extensive training to get them ready for the fight. They do not have special jaws as often reported, but they are extremely strong due to that conditioning. They may even have broken teeth or limb fractures as a result of the fighting. In addition to photographs and videotapes, the animal's temperament and behavior are important components of a complete, detailed physical examination and medical record. Dogs used for fighting are often friendly to people, yet extremely dog aggressive. They are also bred to be "game," meaning they will continue to fight despite serious injuries and extreme pain.

#### *Blunt Force Trauma*

External contusions do not always provide sufficient evidence of the extent of the damage from beatings that cause internal injuries. External evidence of injury may be minimal or absent even if there is massive internal injury. The animal should be examined for pain in the chest and abdominal region, looking for injuries to the ribs, liver, spleen, kidneys, bladder, and uterus. There may be a distended abdomen, or chest trauma with injuries to the heart and lungs. Labored breathing may also be a sign of traumatic chest injury. Eye injuries such as a dislocated lens, hyphema, or retinal, episcleral or subconjunctival hemorrhage may be evidence of head trauma. As mentioned earlier, whole body radiographs should be considered a standard part of the medical protocol for an abuse investigation.

Soft tissue wounds should be described accurately, typically being classified as lacerations, contusions, punctures or abrasions. Careless descriptive language should be avoided.

### *Neglect, Disease Conditions and Pain Assessment*

When animals are presented with disease conditions or signs of starvation or severe neglect, the questions commonly asked include the cause of the condition, estimates of the length of time the condition(s) was present, cost, duration and ease of diagnosis and treatment, if there are underlying or contributing factors, if the condition is painful and if it breaches the standard of care. Starvation is determined by the amount of and nutritive value of the food, and the weight, body condition and composition of the animal. There will be a loss of body and organ fat, with bone marrow fat being the last reserve to be used by starving animals. The remaining fat may appear watery or translucent. There is a loss of lean muscle mass that can be especially dramatic over the temporal region. Rocks and other objects may be found in the stomach. In all cases, whether the animal is alive or deceased, appropriate tests should be conducted to determine if the condition was caused by lack of food or some other underlying disease process. Concomitant disease is a defense against cruelty charges only if the animal was under veterinary care. In cases where the animal has survived, in addition to photographs and the medical record, convincing evidence is often provided by documenting the length of time required for the animal to regain his or her normal weight and health through adequate nutrition alone.

Determining whether the animal suffered or not is one of the most critical questions to be answered in cruelty cases because cruelty definitions often require a determination that pain and suffering occurred. The veterinary profession is still struggling to define, assess and treat pain in animals. Pain is a sensory and emotional response to a noxious stimulus that is unique to the individual animal. It may vary with breed, species, sex, age, health status, etc. Accurate pain assessment in animals can be difficult because animals do not always communicate what they are feeling in ways we can clearly understand. Pain assessment often involves observing a change in behavior, increased or decreased activity, anorexia, depression, cessation of grooming, increased vocalization, change in posture, increased heart and respiratory rate, and so on. Sometimes it is possible to get this information from a client with a history, but for many abused animals, it is impossible to determine that there has been a change because a baseline value was never established. The American College of Veterinary Anesthesiologists and National Research Council have stated that if unsure, assume that if a procedure is painful to humans, it will also be painful to animals. This may be the standard that should be applied in the absence of any other information or indicators. In cases where the owner has made a deliberate decision to let a sick animal die at home rather than perform euthanasia, the animal should not be permitted to suffer, and must receive appropriate veterinary care and pain relief.

### *Poisonings*

Poisonings can be either accidental, due to negligence, or deliberate. They are not uncommon. The investigation of poisoning cases can be complicated by the fact that many toxins exist in the environment or are utilized for pest control.

According to the ASPCA's Animal Poison Control Center, the blind submission of blood and tissue samples seldom leads to a successful resolution of the case. In addition to the fact that these cases are inherently difficult, owners often mistakenly believe their dogs have been poisoned when, in fact, they have cases of parvovirus or other infectious disease or may have ingested a substance the owner did not realize was toxic, such as acetaminophen, chocolate or ibuprofen. Inexperienced investigators may spend time looking into false claims.

The ASPCA's Animal Poison Control Center advises that a complete physical examination should be performed, including a neurological assessment. It considers the following information essential for diagnosis: 1) a thorough, detailed history, including the presence of any known toxins or poisonous plants in the immediate and surrounding environment, 2) a determination of the use of pesticides, fertilizers or chemicals by either the owner, neighbors, or the authorities, 3) a list of both veterinary and human medications that the animal might have either been given or had access to and, 4) a history of the animal's normal diet, including snacks and treats. Investigators should bring in any food that may still be in the animal's environment for analysis, as well as samples of vomit and diarrhea. Investigators should interview friends, other family members and neighbors to gather additional information. Once the results of the history, clinical and physical examinations have been evaluated, samples should be submitted to the diagnostic laboratory for analysis. (A list of samples can be found in either the Miller or Lockwood texts.) The chances for a successful diagnosis are greatest when the clinician has narrowed the list of possible toxins down to a few.

### **Conclusion**

The link between animal abuse and human violence is well established and has been known for many years. As efforts intensify to reduce the incidence of violence in our society, veterinarians must understand and accept the unique and vital roles they play in educating the public about appropriate pet care, and recognizing, reporting and documenting animal abuse. Veterinary medicine is seen as a caring profession that is highly regarded by the public. The rising importance of the human animal bond and the growing acceptance of animals as family members, or at least as sentient creatures that feel pain and other emotions, is leading society to be less tolerant of practices that were acceptable just a few years ago. Society expects the veterinary profession to take a leadership role in animal welfare issues by setting the highest standard for animal care. Taking a stand on behalf of abused animals will not only elevate the status of the profession, but it will help build bridges to community groups, improve the well-being of animals and save the lives of animals and humans. A multidisciplinary effort involving veterinarians, law enforcement and animal welfare groups is necessary if the end result, to protect animals and people from violence, is to ever be achieved. It may seem simplistic, but it is the right thing to do, and its time has definitely come.

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# Appendix

## Oregon's Humane Laws (2007)

**Note:** Please check Oregon's Revised Statutes ([www.leg.state.or.us/ors/](http://www.leg.state.or.us/ors/)) for any updates or changes to these laws.

### **Offenses Against Animals**

#### **167.310 Definitions for ORS 167.310 to 167.351.**

As used in ORS 167.310 to 167.351:

(1) "Animal" means any nonhuman mammal, bird, reptile, amphibian or fish.

(2) "Domestic animal" means an animal, other than livestock, that is owned or possessed by a person.

(3) "Good animal husbandry" includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, according to accepted practices of veterinary medicine or animal husbandry.

(4) "Law enforcement animal" means a dog or horse used in law enforcement work under the control of a corrections officer, parole and probation officer, police officer or youth correction officer, as those terms are defined in ORS 181.610, who has successfully completed at least 360 hours of training in the care and use of a law enforcement animal, or who has passed the demonstration of minimum standards established by the Oregon Police Canine Association or other accredited and recognized animal handling organization.

(5) "Livestock" has the meaning provided in ORS 609.125.

(6) "Minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Access to snow or ice is not adequate access to potable water.

(c) For a domestic animal other than a dog engaged in herding or protecting livestock, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and that has adequate bedding to protect against cold and dampness.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) For a domestic animal, continuous access to an area:

(A) With adequate space for exercise necessary for the health of the animal;

(B) With air temperature suitable for the animal; and

(C) Kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health.

(f) For a livestock animal that cannot walk or stand without assistance:

(A) Humane euthanasia; or

(B) The provision of immediate and ongoing care to restore the animal to an ambulatory state.

(7) "Physical injury" means physical trauma, impairment of physical condition or substantial pain.

(8) "Physical trauma" means fractures, cuts, punctures, bruises, burns or other wounds.

(9) "Possess" has the meaning provided in ORS 161.015.

(10) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health or protracted loss or impairment of the

function of a limb or bodily organ. [1985 c.662 §1; 1995 c.663 §3; 1999 c.756 §13; 2001 c.926 §7; 2003 c.543 §6; 2003 c.549 §1; 2005 c.264 §18]

#### **167.312 Research and animal interference.**

(1) A person commits the crime of research and animal interference if the person:

(a) With the intent to interfere with research, releases, steals or otherwise causes the death, injury or loss of any animal at or from an animal research facility.

(b) With the intent to interfere with research, damages, vandalizes or steals any property in or on an animal research facility.

(c) With the intent to interfere with research, obtains access to an animal research facility to perform acts not authorized by that facility.

(d) Obtains or exerts unauthorized control over records, data, materials, equipment or animals of any animal research facility with the intent to interfere with research by concealing, abandoning or destroying such records, data, materials, equipment or animals.

(e) With the intent to interfere with research, possesses or uses equipment or animals that the person reasonably believes have been obtained by theft or deception from an animal research facility or without the authorization of an animal research facility.

(2) For the purposes of this section, "animal research facility" means any facility engaging in legal scientific research or teaching involving the use of animals.

(3) Research and animal interference is a:

(a) Class C felony if damage to the animal research facility is \$2,500 or more; or

(b) Class A misdemeanor if there is no damage to the facility or if damage to the animal research facility is less than \$2,500.

(4) Determination of damages to an animal research facility shall be made by the court. In making its determination, the court shall consider the reasonable costs of:

(a) Replacing lost, injured or destroyed animals;

(b) Restoring the animal research facility to the approximate condition of the facility before the damage occurred; and

(c) Replacing damaged or missing records, data, material or equipment.

(5) In addition to any other penalty imposed for violation of this section, a person convicted of such violation is liable:

(a) To the owner of the animal for damages, including the costs of restoring the animal to confinement and to its health condition prior to commission of the acts constituting the violation;

(b) For damages to real and personal property caused by acts constituting the violation; and

(c) For the costs of repeating an experiment, including the replacement of the animals, labor and materials, if acts constituting the violation cause the failure of an experiment. [1991 c.843 §2; 2001 c.147 §2; 2001 c.554 §1]

#### **167.315 Animal abuse in the second degree.**

(1) A person commits the crime of animal abuse in the second degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly causes physical injury to an animal.

(2) Any practice of good animal husbandry is not a violation of

this section.

(3) Animal abuse in the second degree is a Class B misdemeanor. [1985 c.662 §2]

#### **167.320 Animal abuse in the first degree.**

(1) A person commits the crime of animal abuse in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly:

- (a) Causes serious physical injury to an animal; or
- (b) Cruelly causes the death of an animal.

(2) Any practice of good animal husbandry is not a violation of this section.

(3) Animal abuse in the first degree is a Class A misdemeanor.

(4) Notwithstanding subsection (3) of this section, animal abuse in the first degree is a Class C felony if:

(a) The person committing the animal abuse has previously been convicted of two or more of the following offenses:

(A) Any offense under ORS 163.160, 163.165, 163.175, 163.185 or 163.187 or the equivalent laws of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 or the offense was committed against a minor child; or

(B) Any offense under this section or ORS 167.322, or the equivalent laws of another jurisdiction; or

(b) The person knowingly commits the animal abuse in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the abuse is seen or directly perceived in any other manner by the minor child. [1985 c.662 §3; 2001 c.926 §8; 2003 c.577 §8]

#### **167.322 Aggravated animal abuse in the first degree.**

(1) A person commits the crime of aggravated animal abuse in the first degree if the person:

- (a) Maliciously kills an animal; or
- (b) Intentionally or knowingly tortures an animal.

(2) Aggravated animal abuse in the first degree is a Class C felony.

(3) As used in this section:

(a) "Maliciously" means intentionally acting with a depravity of mind and reckless and wanton disregard of life.

(b) "Torture" means an action taken for the primary purpose of inflicting pain. [1995 c.663 §2; 2001 c.926 §9]

#### **167.325 Animal neglect in the second degree.**

(1) A person commits the crime of animal neglect in the second degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care for an animal in such person's custody or control.

(2) Animal neglect in the second degree is a Class B misdemeanor. [1985 c.662 §4]

#### **167.330 Animal neglect in the first degree.**

(1) A person commits the crime of animal neglect in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care for an animal in the person's custody or control and the failure to provide care results in serious physical injury or death to the animal.

(2) Animal neglect in the first degree is a Class A misdemeanor. [1985 c.662 §5; 2001 c.926 §10]

#### **167.332 Prohibition against possession of domestic animal.**

(1) In addition to any other penalty imposed by law, a person convicted of violating ORS 167.315, 167.325, 167.330 or 167.340 or of a misdemeanor under ORS 167.320, may not possess a domestic animal for a period of five years following entry of the conviction. An offense under this subsection is an unclassified misdemeanor punishable by a fine not exceeding \$1,000 and forfeiture of the animal as provided in ORS 167.350.

(2) In addition to any other penalty imposed by law, a person convicted of violating ORS 167.322 or of a felony under ORS 167.320, may not possess a domestic animal for a period of 15 years following entry of the conviction. An offense under this subsection is an unclassified misdemeanor punishable by a fine not exceeding \$5,000 and forfeiture of the animal as provided under ORS 167.350. [2001 c.926 §3]

#### **167.333 Sexual assault of animal.**

(1) A person commits the crime of sexual assault of an animal if the person:

(a) Touches or contacts, or causes an object or another person to touch or contact, the mouth, anus or sex organs of an animal or animal carcass for the purpose of arousing or gratifying the sexual desire of a person; or

(b) Causes an animal or animal carcass to touch or contact the mouth, anus or sex organs of a person for the purpose of arousing or gratifying the sexual desire of a person.

(2) Subsection (1) of this section does not apply to the use of products derived from animals.

(3) Sexual assault of an animal is a Class A misdemeanor. [2001 c.926 §5b; 2003 c.428 §1]

#### **167.334 Evaluation of person convicted of violating ORS 167.333.**

Upon the conviction of a defendant for violation of ORS 167.333, the court may order a psychiatric or psychological evaluation of the defendant for inclusion in the presentence report as described in ORS 137.077. [2001 c.926 §5c]

#### **167.335 Exemption from ORS 167.315 to 167.333.**

Unless gross negligence can be shown, the provisions of ORS 167.315 to 167.333 do not apply to:

(1) The treatment of livestock being transported by owner or common carrier;

(2) Animals involved in rodeos or similar exhibitions;

(3) Commercially grown poultry;

(4) Animals subject to good animal husbandry practices;

(5) The killing of livestock according to the provisions of ORS 603.065;

(6) Animals subject to good veterinary practices as described in ORS 686.030;

(7) Lawful fishing, hunting and trapping activities;

(8) Wildlife management practices under color of law;

(9) Lawful scientific or agricultural research or teaching that involves the use of animals;

(10) Reasonable activities undertaken in connection with the control of vermin or pests; and

(11) Reasonable handling and training techniques. [1985 c.662 §6; 1995 c.663 §4; 2001 c.926 §10a]

### **167.337 Interfering with law enforcement animal.**

(1) A person commits the crime of interfering with a law enforcement animal if the person intentionally or knowingly injures or attempts to injure an animal the person knows or reasonably should know is a law enforcement animal while the law enforcement animal is being used in the lawful discharge of its duty.

(2) Interfering with a law enforcement animal is a Class A misdemeanor. [Formerly 164.369]

### **167.339 Assaulting law enforcement animal.**

(1) A person commits the crime of assaulting a law enforcement animal if:

(a) The person knowingly causes serious physical injury to or the death of a law enforcement animal, knowing that the animal is a law enforcement animal; and

(b) The injury or death occurs while the law enforcement animal is being used in the lawful discharge of the animal's duties.

(2) Assaulting a law enforcement animal is a Class C felony. [2003 c.543 §3]

### **167.340 Animal abandonment.**

(1) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves a domestic animal at a location without providing for the animal's continued care.

(2) It is no defense to the crime defined in subsection (1) of this section that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(3) Animal abandonment is a Class B misdemeanor. [1985 c.662 §8; 2001 c.926 §11]

### **167.345 Authority to enter premises; search warrant; notice of impoundment of animal; damage resulting from entry.**

(1) As used in this section, "peace officer" has the meaning given that term in ORS 161.015.

(2) If there is probable cause to believe that any animal is being subjected to treatment in violation of ORS 167.315 to 167.333 or 167.340, a peace officer, after obtaining a search warrant or in any other manner authorized by law, may enter the premises where the animal is located to provide the animal with food, water and emergency medical treatment and may impound the animal. If after reasonable effort the owner or person having custody of the animal cannot be found and notified of the impoundment, the notice shall be conspicuously posted on the premises and within 72 hours after the impoundment the notice shall be sent by certified mail to the address, if any, where the animal was impounded.

(3) A peace officer is not liable for any damages for an entry under subsection (2) of this section, unless the damages were caused by the unnecessary actions of the peace officer that were intentional or reckless.

(4) A court may order an animal impounded under subsection (2) of this section to be held at any animal care facility in the state. A facility receiving the animal shall provide adequate food and water and may provide veterinary care. [Formerly 167.860; 1993 c.519 §1; 1995 c.663 §5; 2001 c.926 §12]

### **167.347 Forfeiture of animal to animal care agency prior to disposition of criminal charge.**

(1) If any animal is impounded pursuant to ORS 167.345 and is

being held by a county animal shelter or other animal care agency pending outcome of criminal action charging a violation of ORS 167.315 to 167.333 or 167.340, prior to final disposition of the criminal charge, the county or other animal care agency may file a petition in the criminal action requesting that the court issue an order forfeiting the animal to the county or other animal care agency prior to final disposition of the criminal charge. The petitioner shall serve a true copy of the petition upon the defendant and the district attorney.

(2) Upon receipt of a petition pursuant to subsection (1) of this section, the court shall set a hearing on the petition. The hearing shall be conducted within 14 days after the filing of the petition, or as soon as practicable.

(3)(a) At a hearing conducted pursuant to subsection (2) of this section, the petitioner shall have the burden of establishing probable cause to believe that the animal was subjected to a violation of ORS 167.315 to 167.333 or 167.340. If the court finds that probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner, unless the defendant, within 72 hours of the hearing, posts a security deposit or bond with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the petitioner in caring for the animal from the date of initial impoundment to the date of trial.

(b) Notwithstanding paragraph (a) of this subsection, a court may waive for good cause shown the requirement that the defendant post a security deposit or bond.

(4) If a security deposit or bond has been posted in accordance with subsection (3) of this section, and the trial in the action is continued at a later date, any order of continuance shall require the defendant to post an additional security deposit or bond in an amount determined by the court that shall be sufficient to repay all additional reasonable costs anticipated to be incurred by the petitioner in caring for the animal until the new date of trial.

(5) If a security deposit or bond has been posted in accordance with subsection (4) of this section, the petitioner may draw from that security deposit or bond the actual reasonable costs incurred by the petitioner in caring for the impounded animal from the date of initial impoundment to the date of final disposition of the animal in the criminal action.

(6) The provisions of this section are in addition to, and not in lieu of, the provisions of ORS 167.350. [1995 c.369 §2; 2001 c.926 §13]

### **167.348 Placement of forfeited animal; preference.**

If an animal is forfeited according to the provisions of ORS 167.347 or 167.350, in placing the animal with a new owner, the agency to which the animal was forfeited shall give placement preference to any person or persons who had prior contact with the animal, including but not limited to family members and friends of the former owner whom the agency determines are capable of providing necessary, adequate and appropriate levels of care for the animal. [1995 c.369 §3]

### **167.350 Forfeiture of rights in mistreated animal; costs; disposition of animal.**

(1) In addition to and not in lieu of any other sentence it may impose, a court may require a defendant convicted under ORS 167.315 to 167.333 or 167.340 to forfeit any rights of the defendant in the animal subjected to the violation, and to repay the reasonable costs incurred by any person or agency prior to judgment in



caring for each animal subjected to the violation.

(2) When the court orders the defendant's rights in the animal to be forfeited, the court may further order that those rights be given over to an appropriate person or agency demonstrating a willingness to accept and care for the animal or to the county or an appropriate animal care agency for further disposition in accordance with accepted practices for humane treatment of animals. This subsection does not limit the right of the person or agency to whom rights are granted to resell or otherwise make disposition of the animal. A transfer of rights under this subsection constitutes a transfer of ownership.

(3) In addition to and not in lieu of any other sentence it may impose, a court may order the owner or person having custody of an animal to repay the reasonable costs incurred by any person or agency in providing minimum care to the animal.

(4) A court may order a person convicted under ORS 167.315 to 167.333 or 167.340 to participate in available animal cruelty prevention programs or education programs, or both, or to obtain psychological counseling for treatment of mental health disorders that, in the court's judgment, contributed to the commission of the crime. The person shall bear any costs incurred by the person for participation in counseling or treatment programs under this subsection.

(5) ORS 131.550 to 131.600 do not apply to the forfeiture of an animal subjected to a violation of ORS 167.315 to 167.333 or 167.340. Any such animal is subject to forfeiture as provided in subsections (1) to (3) of this section. [Formerly 167.862; 1993 c.519 §2; 1995 c.663 §6; 2001 c.666 §29; 2001 c.926 §§14a,14b; 2005 c.830 §28]

#### **167.351 Trading in nonambulatory livestock.**

(1) As used in this section:

(a) "Nonambulatory" means unable to stand or walk unassisted.

(b) "Livestock auction market" has the meaning given that term in ORS 599.205.

(2) A person commits the crime of trading in nonambulatory livestock if the person knowingly delivers or accepts delivery of a nonambulatory livestock animal at a livestock auction market. This subsection does not apply to the delivery to, or acceptance by, a licensed veterinarian at a livestock auction market for the purpose of humanely euthanizing or providing appropriate medical care to the animal.

(3) The crime of trading in nonambulatory livestock is a Class A misdemeanor. [2003 c.287 §2]

#### **167.352 Interfering with assistance, search and rescue or therapy animal.**

(1) A person commits the crime of interfering with an assistance, a search and rescue or a therapy animal if the person intentionally or knowingly:

(a) Injures or attempts to injure an animal the person knows or reasonably should know is an assistance animal, a search and rescue animal or a therapy animal;

(b) Interferes with an assistance animal while the assistance animal is being used to provide assistance to a person with a physical impairment; or

(c) Interferes with a search and rescue animal or a therapy animal while the animal is being used for search and rescue or therapy purposes.

(2) As used in this section, "assistance animal" and "person with a physical impairment" have the meanings given those terms in ORS 346.680.

(3) As used in this section and ORS 30.822:

(a) "Search and rescue animal" means that the animal has been professionally trained for, and is actively used for, search and rescue purposes.

(b) "Therapy animal" means that the animal has been professionally trained for, and is actively used for, therapy purposes.

(4) Interfering with an assistance, a search and rescue or a therapy animal is a Class A misdemeanor. [1993 c.312 §3; 2007 c.70 §37]

#### **167.355 Involvement in animal fighting.**

(1) A person commits the crime of involvement in animal fighting if the person:

(a) Owns or trains an animal with the intention that the animal engage in an exhibition of fighting;

(b) Promotes, conducts, participates in or is present as a spectator at an exhibition of fighting or preparations thereto;

(c) Keeps or uses, or in any way is connected with or interested in the management of, or receives money for the admission of any person to any place kept or used for the purpose of an exhibition of fighting; or

(d) Knowingly suffers or permits any place over which the person has possession or control to be occupied, kept or used for the purpose of an exhibition of fighting.

(2) For purposes of this section:

(a) "Animal" means any bird, reptile, amphibian, fish or nonhuman mammal, other than a dog or a fighting bird as defined in ORS 167.426.

(b) "Exhibition of fighting" means a public or private display of combat between two or more animals in which the fighting, killing, maiming or injuring of animals is a significant feature. "Exhibition of fighting" does not include demonstrations of the hunting or tracking skills of an animal or the lawful use of animals for hunting, tracking or self-protection.

(3) Involvement in animal fighting is a Class A misdemeanor. [Formerly 167.865; 1987 c.249 §6; 2003 c.484 §9]

#### **167.360 Definitions for ORS 167.360 to 167.375.**

As used in ORS 167.360 to 167.375:

(1) "Breaking stick" means a device designed for insertion behind the molars of a dog for the purpose of breaking the dog's grip on another animal or object.

(2) "Cat mill" means a device that rotates around a central support with one arm designed to secure a dog and one arm designed to secure a cat, rabbit or other small animal beyond the grasp of the dog.

(3) "Dogfight" means a fight, arranged by any person, between two or more dogs the purpose or probable result of which fight is the infliction of injury by one dog upon another.

(4) "Dogfighting paraphernalia" means a breaking stick, cat mill, springpole, weighted or unweighted chain collar weighing 10 pounds or more, leather or mesh collar with a strap more than two inches in width, fighting pit or unprescribed veterinary medicine that is a prescription drug as defined in ORS 689.005.

(5) "Fighting dog" means a dog that is intentionally bred or trained to be used in, or that is actually used in, a dogfight. A dog does not constitute a fighting dog solely on account of its breed.

(6) "Fighting pit" means a walled area designed to contain a dogfight.

(7) "Springpole" means a biting surface attached to a stretchable device, suspended at a height sufficient to prevent a dog from reaching the biting surface while touching the ground. [1987 c.249 §1; 2005 c.467 §1]

### **167.365 Dogfighting.**

(1) A person commits the crime of dogfighting if the person knowingly does any of the following:

(a) Owns, possesses, keeps, breeds, trains, buys, sells or offers to sell a fighting dog, including but not limited to any advertisement by the person to sell such a dog.

(b) Promotes, conducts or participates in, or performs any service in the furtherance of, an exhibition of dogfighting, including but not limited to refereeing of a dogfight, handling of dogs at a dogfight, transportation of spectators to a dogfight, organizing a dogfight, advertising a dogfight, providing or serving as a stakes holder for any money wagered on a fight.

(c) Keeps, uses or manages, or accepts payment of admission to, any place kept or used for the purpose of dogfighting.

(d) Suffers or permits any place over which the person has possession or control to be occupied, kept or used for the purpose of an exhibition of dogfighting.

(2) Dogfighting is a Class C felony. [1987 c.249 §2]

### **167.370 Participation in dogfighting.**

(1) A person commits the crime of participation in dogfighting if the person knowingly:

(a) Attends or has paid admission at any place for the purpose of viewing or betting upon a dogfight.

(b) Advertises or otherwise offers to sell equipment for the training and handling of a fighting dog.

(2) Participation in dogfighting is a Class A misdemeanor. [1987 c.249 §3]

### **167.372 Possessing dogfighting paraphernalia.**

(1) A person commits the crime of possessing dogfighting paraphernalia if the person owns or possesses dogfighting paraphernalia with the intent that the paraphernalia be used to train a dog as a fighting dog or be used in the furtherance of a dogfight.

(2) Possessing dogfighting paraphernalia is a Class A misdemeanor. [2005 c.467 §3]

### **167.375 Seizure of fighting dogs; procedure.**

(1) Pursuant to ORS 133.525 to 133.703, a judge may order the seizure of alleged fighting dogs owned, possessed or kept by any person.

(2) The judge issuing an order for the seizure of a dog as provided in subsection (1) of this section may require the dog to be impounded at an animal shelter if the judge believes it to be in the best interest of the animal and the public to so order. The governmental unit, the agency of which executes the seizure of the dog, shall be responsible for the costs of impoundment at the animal shelter, but the governmental unit is entitled to receive reimbursement of those costs from the owner, possessor or keeper of the impounded dog. If the owner, possessor or keeper of the dog is subsequently convicted of dogfighting under ORS 167.365, the court may order the defendant to pay the costs of animal shelter as restitution in the case.

(3) In lieu of ordering such dogs seized under subsection (1) of this section to be impounded at an animal shelter, the court may order the dogs impounded on the property of their owner, possessor or keeper. If dogs are ordered impounded on the property of their owner, possessor or keeper, the court shall order such person to provide all necessary care for the dogs and to allow regular and continuing inspection of the dogs by any persons designated by the court, or the agents of such persons. The court shall further order the person not to sell or otherwise dispose of any of the dogs unless the court

authorizes such sale or disposition, or until the seized dogs are released as evidence by the law enforcement agency that seized them, or restored to the person by the court pursuant to an order under ORS 133.643. [1987 c.249 §4]

### **167.385 Unauthorized use of livestock animal.**

(1) A person commits the crime of unauthorized use of a livestock animal when the person knowingly:

(a) Takes, appropriates, obtains or withholds a livestock animal from the owner thereof or derives benefit from a livestock animal without the consent of the owner of the animal; or

(b) Takes or holds a livestock animal and thereby obtains the use of the animal to breed, bear or raise offspring without the consent of the owner of the animal.

(2) Except as otherwise provided by law, offspring born to a female livestock animal or hatched from the egg of a female livestock animal belong to the owner of the female livestock animal until the owner transfers ownership of the offspring.

(3) As used in this section, "livestock animal" has the same meaning given that term in ORS 164.055.

(4) Unauthorized use of a livestock animal is a Class A misdemeanor.

(5) In addition to any criminal sanctions, if a defendant is convicted of the crime of unauthorized use of a livestock animal under this section, the court shall order the defendant to pay restitution to the owner of the animal. [1993 c.252 §1]

### **167.387 Definitions for ORS 167.387 and 167.388.**

As used in this section and ORS 167.388:

(1) "Livestock" has the meaning given in ORS 609.125.

(2) "Livestock production facility" means:

(a) Any facility or organization engaged in animal breeding, production or processing; or

(b) Any facility or institution whose primary purpose is to impound stray animals, as that term is defined in ORS 607.007. [1993 c.252 §4; 1999 c.756 §14]

### **167.388 Interference with livestock production.**

(1) A person commits the crime of interference with livestock production when the person, with the intent to interfere with livestock production:

(a) Takes, appropriates, obtains or withholds livestock from the owner thereof, or causes the loss, death or injury of any livestock maintained at a livestock production facility;

(b) Damages, vandalizes or steals any property located on a livestock production facility; or

(c) Obtains access to a livestock production facility to perform any act contained in this subsection or any other act not authorized by the livestock production facility.

(2) The crime of interference with livestock production is:

(a) A Class C felony if damage to the livestock production facility is \$2,500 or more; or

(b) A Class A misdemeanor if there is no damage to the livestock production facility or if damage to the facility is less than \$2,500.

(3) Determination of damages to a livestock production facility shall be made by the court. In making its determination, the court shall consider the reasonable costs of:

(a) Replacing lost, injured or destroyed livestock;

(b) Restoring the livestock production facility to the approximate condition of the facility before the damage occurred; and

(c) Replacing damaged or missing records, data, material, equip-

ment or substances used in the breeding and production of livestock.

(4) In addition to any criminal sanctions, if a defendant is convicted of the crime of interference with livestock production under subsection (1) of this section, the court shall order the defendant to pay restitution to the owner of the animal or the owner of the livestock production facility. [1993 c.252 §§2,3; 2001 c.554 §2]

#### **167.390 Commerce in fur of domestic cats and dogs prohibited; exception.**

(1) A person may not take, buy, sell, barter or otherwise exchange for commerce in fur purposes the raw fur or products that include the fur of a domestic cat or dog if the fur is obtained through a process that kills or maims the cat or dog. As used in this section, “domestic cat or dog” does not include coyote, fox, lynx, bobcat or any other wild or commercially raised wild feline or wild canine species or a hybrid thereof that is not recognized as an endangered species by the United States Fish and Wildlife Service.

(2) Violation of subsection (1) of this section, or any rule promulgated pursuant thereto, is a Class A misdemeanor when the offense is committed with a culpable mental state as defined in ORS 161.085. [1999 c.995 §1,2]

#### **Duty to Report**

##### **686.442 Legislative findings.**

The Legislative Assembly finds that there is a direct link between the problems of animal abuse and human abuse and further finds that for the purposes of identifying and prosecuting individuals who have committed crimes against animals, preventing further abuse of animals and preventing animal abuse from escalating to abuse against humans, it is necessary and in the public interest to require mandatory reporting of aggravated animal abuse by veterinarians. [2003 c.275 §1]

##### **686.445 Reporting of abandoned, neglected or abused animals; immunity from liability for report; reporting animals injured by trapping device.**

(1) Except as provided in ORS 686.455, licensed veterinarians and veterinary technicians may report to peace officers, animal control officers or officers of private organizations devoted to humane treatment of animals any animal that the veterinarian or veterinary technician knows or reasonably believes to be abandoned, neglected or abused. Any veterinarian or veterinary technician making a report under this section is immune from any civil or criminal liability by reason of making the report.

(2) Veterinarians licensed and practicing in Oregon shall report to the Dean of the College of Veterinary Medicine, Oregon State University, in a form established by the dean, incidences of treating animals purported to have been injured by a trapping device. [1997 c.243 §3; 2001 c.562 §4; 2003 c.275 §7]

##### **686.450 Definitions.**

As used in ORS 686.450 to 686.465 and 686.990 (3):

(1)(a) “Aggravated animal abuse” means any animal abuse as described in ORS 167.322.

(b) “Aggravated animal abuse” does not include:

- (A) Good animal husbandry, as defined in ORS 167.310; or
- (B) Any exemption listed in ORS 167.335.

(2) “Law enforcement agency” means:

- (a) Any city or municipal police department.
- (b) Any county sheriff’s office.
- (c) The Oregon State Police.

(d) A law enforcement division of a humane society in Oregon that employs special agents authorized under ORS 131.805.

(e) A law enforcement division of a county or municipal animal control agency that employs sworn officers.

(3) “Veterinarian” means a person licensed to practice veterinary medicine under ORS chapter 686. [2003 c.275 §2]

##### **686.455 Duty to report aggravated animal abuse.**

(1) A veterinarian who has reasonable cause to believe that an animal with which the veterinarian has come in contact has suffered aggravated animal abuse, or that any person with whom the veterinarian has come in contact has committed aggravated animal abuse, shall immediately report the suspected aggravated animal abuse in the manner prescribed in subsection (2) of this section.

(2) A report of suspected aggravated animal abuse required under subsection (1) of this section shall be made to a law enforcement agency, either orally or in writing, and shall include, if known:

(a) The name and description of each animal involved;

(b) The address and telephone number of the owner or other person responsible for the care of the animal;

(c) The nature and extent of the suspected aggravated animal abuse;

(d) Any evidence of previous aggravated animal abuse;

(e) Any explanation given for the suspected aggravated animal abuse; and

(f) Any other information that the person making the report believes may be helpful in establishing the cause of the suspected aggravated animal abuse or the identity of the person causing the aggravated animal abuse. [2003 c.275 §3]

##### **686.460 Duty of law enforcement agency after receiving report of aggravated animal abuse.**

(1) A law enforcement agency receiving a report of suspected aggravated animal abuse pursuant to ORS 609.654 or 686.455 shall investigate the nature and cause of the suspected aggravated animal abuse.

(2) If the law enforcement agency finds reasonable cause to believe that aggravated animal abuse has occurred, the law enforcement agency shall process the case in the same manner as any other criminal investigation. [2003 c.275 §4; 2007 c.731 §5]

##### **686.465 Immunity for reporting in good faith.**

A veterinarian who acts in good faith and has reasonable grounds for making a report of suspected aggravated animal abuse under ORS 686.455 is not liable in any civil or criminal proceeding brought as a result of making the report. [2003 c.275 §5]

#### **Penalties**

##### **686.990 Penalties.**

(1) Violation of ORS 686.020 (1)(a) is a Class A misdemeanor.

(2) In addition to any other sanction imposed by law, the Oregon State Veterinary Medical Examining Board may impose a civil penalty not to exceed \$5,000 for each violation of ORS 686.020 (1).

(3) Failure to file a report of suspected aggravated animal abuse as required by ORS 686.455 is punishable by a fine of not more than \$1,000. [Amended by 1963 c.59 §1; 2003 c.178 §8; subsection (2) of 2003 Edition enacted as 2003 c.178 §10; subsection (3) of 2003 Edition enacted as 2003 c.275 §6; 2005 c.196 §3]



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